



AGENDA

Greenwood City Council Meeting

Wednesday, October 5, 2016
20225 Cottagewood Road, Deephaven, MN 55331

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

- 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: 09-07-16 City Council Meeting Minutes
 - B. Approve: August Cash Summary Report
 - C. Approve: August Certificates of Deposit Report
 - D. Approve: September Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: October Payroll Register
- 7:02pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. Comments are limited to 3 minutes. Typically, the council will not take action on items presented at this time, but will refer items to staff for review, action, and / or recommendation for future council action.
- 7:05pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
 - A. County Commissioner Jan Callison: Hennepin County Update
 - B. Planning Commission Applicant: David Steingas and Res 39-16, Updating City Appointments
 - C. Dave Martini: City Engineer Update
 - D. Announcement: Fall Sales Ratio Meeting with Assessors, 6pm 11/6 (before city council meeting)
- 7:45pm 5. PUBLIC HEARING
 - A. Greenwood Park Drainage Improvement Project – PUBLIC HEARING CANCELLED
 - B. Delinquent Sewer, Stormwater, and Recycling Charges
- 7:50pm 6. ACTION RELATED TO PUBLIC HEARING
 - A. Consider: Res 40-16 Assessment Roll of Delinquent Sewer, Stormwater, and Recycling Accounts
- 7:55pm 7. PLANNING & ZONING ITEMS
 - A. Res 34-16, Signage Conditional Use Permit Findings, Brahmani, Inc, 21380 State Highway 7
 - B. Discuss: Maintenance Concerns at Minnoco (formerly Greenwood Market)
 - C. 2nd Reading: Ord 262, Mandatory Floodplain Ordinance Update and Res 36-16 Summary of Ord 262
- 8:25pm 8. UNFINISHED BUSINESS
 - A. None
- 8:25pm 9. NEW BUSINESS
 - A. Discuss: Excelsior Fire District's Proposed Replacement Aerial Truck Recommendations
- 8:35pm 10. OTHER BUSINESS
 - A. None
- 8:35pm 11. COUNCIL REPORTS
 - A. Cook: Planning Commission, Public Works Committee
 - B. Fletcher: Lake Mtn Comm Commission, Fire, Administrative Committee
 - C. Kind: Police, Administrative Committee, Mayors' Meetings, Website
 - D. Quam: Public Works Committee, Minnetonka Community Education
 - E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District
- 8:55pm 12. ADJOURNMENT



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, September 7, 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 Engineer Dave Martini

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

2. CONSENT AGENDA

A. Approve: 08-03-16 City Council Meeting Minutes

B. Approve: July Cash Summary Report

C. Approve: July Certificates of Deposit Report

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

E. Approve: September Payroll Register

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

3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. County Commissioner Jan Callison: Hennepin County Update

Jan Callison was mistakenly included on the September council agenda. She will attend the October city council meeting to present her update.

B. Planning Commission Applicants: David Steingas and Jennifer Gallagher
Res 32-16, Updating City Appointments

Motion by Cook to approve resolution 32-16 updating the city's appointments and assignments as amended to appoint Jennifer Gallagher to the alternate 1 seat on the planning commission and directs that the oath of office be administered to Jennifer Gallagher at the next planning commission meeting. Second by Roy. Motion passed 5-0.

C. Dave Martini: City Engineer Update

Motion by Fletcher that the city council awards the sewer improvements project to Pember in the amount of \$59,300 to be paid from the Sewer Improvement Fund. Second by Cook. Motion passed 5-0.

Motion by Cook that the city council authorizes the city engineer to move forward with the St. Alban's Bay Road drainage project in an amount not to exceed \$20,000 for curb and pipeline system to be paid from the Stormwater Fund, contingent on a signed agreement with the property owner for access to work on the property and for the property owner to maintain the system in the future. Second by Quam. Motion passed 4-1 with Fletcher voting nay.

Motion by Kind that city council authorizes the city treasurer to transfer \$20,000 from the Sewer Fund to the Stormwater Fund. Second by Quam. Motion passed 4-1 with Fletcher voting nay.

D. Announcement: Truth in Taxation / Budget Comment Opportunity, 7pm 12-07-16, Deephaven Council Chambers (during regular city council meeting)

5. PUBLIC HEARING

A. None

6. ACTION RELATED TO PUBLIC HEARING

A. None

7. PLANNING & ZONING ITEMS

A. Res 33-16, Variance Findings, Duane & Leonora Thurow, 5125 West Street

Motion by Fletcher that the city council adopts resolution 33-16 denying the application of Duane and Leonora Thurow for a variance of Greenwood Ordinance Section 1120.15 to encroach 8 feet, 10 inches into the minimum required side yard setback for the proposed home addition at 5125 West Street with revisions as discussed by the city council and based on the recommendation and findings of the planning commission. Second by Roy. Motion passed 5-0.

B. Res 34-16, Signage Conditional Use Permit Findings, Brahmani, Inc, 21380 State Highway 7

Motion by Fletcher that the city council directs staff to exercise the city's right to take up to 60 additional days as provided by MN statute 15.99 to process the application of Brahmani, Inc., extending the deadline to November 30, 2016, for the following reason: To give time for the city zoning administrator to make sure that all signs on the property are included in the application. Second by Cook. Motion passed 4-1 with Quam voting nay.

C. 2nd Reading: Ord 257, Amending Noxious Tree List in City Code Section 1140.80

Motion by Fletcher that the city council (1) approves ordinance 257 amending the Noxious Tree List in Greenwood Ordinance Code Section 1140.80, as written; and (2) directs staff to publish the ordinance in the city's official newspaper. Second by Quam. Motion passed 4-1 with Roy voting nay.

D. 1st Reading: Ord 261, Grading Ordinance and Res 35-16 Summary of Ord 261

Motion by Fletcher that the city council (1) approves the 1st reading of ordinance 261 amending the grading ordinance code section 1140.19 as written; (2) waives the 2nd reading; (3) approves resolution 35-16 a summary of ordinance 261; and (4) directs staff to publish resolution 35-16 in the city's official newspaper. Second by Roy. Motion passed 5-0.

E. 1st Reading: Ord 262, Mandatory Floodplain Ordinance Update and Res 36-16 Summary of Ord 262

Motion by Fletcher that the city council (1) approves the 1st reading of ordinance 262 amending the floodplain ordinance code section 1174 as written; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading. Second by Quam. Motion passed 5-0.

8. UNFINISHED BUSINESS

A. Consider: Coyote Management Plan and Coyote Alert Sheet

Motion by Roy that the city council accepts the recommendations of the Coyote Management Plan Advisory Committee and (1) approves the Greenwood Coyote Management Plan; (2) approves the Coyote Alert sheet; (3) approves posting the Coyote Management Plan and Coyote Alert sheet on the city website; (4) approves printing the Coyote Alert sheet; and (5) approves a separate mailing for the Coyote Alert sheet. Second by Cook. Motion passed 5-0.

9. NEW BUSINESS

A. 1st Reading: Ord 263, Amending City Code Chapter 9 Regarding Weapons and Res 37-16 Summary of Ord 263

Motion by Fletcher that the city council (1) approves the 1st reading of ordinance 263 amending the weapons ordinance code section 900.20 as written / as amended; (2) waives the 2nd reading; (3) approves resolution 37-16 a summary of ordinance 263; and (4) directs staff to publish resolution 37-16 in the city's official newspaper. Second by Cook. Motion passed 5-0.

B. Consider: City Docks Trash & Recycling Service / Enclosure

No council action taken.

- C. Consider: Res 38-16 Preliminary 2017 Tax Levy and Budget

I move the council approves resolution 38-16 approving \$639,894 as the preliminary tax levy for taxes collectible in 2017.

- D. 1st Reading: Ord 264, Chapter 5 Fees

Motion by Fletcher that the city council (1) approves the 1st reading of ordinance 264 amending chapter 5 fees as amended; (2) waives the 2nd reading; and (3) directs staff to publish a clean version of ordinance 264 in the city's official newspaper. Second by Cook. Motion passed 5-0.

- E. Consider: 2017 LMCC Budget

Motion by Quam that the city council approves the 2017 Lake Minnetonka Communications Commission budget as presented and directs the city clerk to forward a copy of this motion to the LMCC operations manager for LMCC records. Second by Roy. Motion passed 5-0.

10. OTHER BUSINESS

- A. None

11. COUNCIL REPORTS

- A. Cook: Planning Commission, Public Works Committee, Coyote Committee

No council action taken. View report at LMCC-TV.org.

- B. Fletcher: Lake Mtkka Comm Commission, Fire, Administrative Committee

No council action taken. View report at LMCC-TV.org.

- C. Kind: Police, Administrative Committee, Mayors' Meetings, Website, Coyote Committee

Council consensus was to authorize additional payments to Life's a Beach to clean up loose weeds along the shore by the city docks for the remainder of the boating season.

Council consensus was for the Public Works Committee (Quam and Cook) to review no-parking signs along Sleepy Hollow Rd and Fairview Street and make a recommendation at the November city council meeting.

Council consensus was for the Public Works Committee to meet with Jeannie Bowers-Stead to view her stormwater management concerns at the narrow strip of land she owns between her main property and the property to the east.

- D. Quam: Public Works Committee, Minnetonka Community Education

No council action taken. View report at LMCC-TV.org.

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

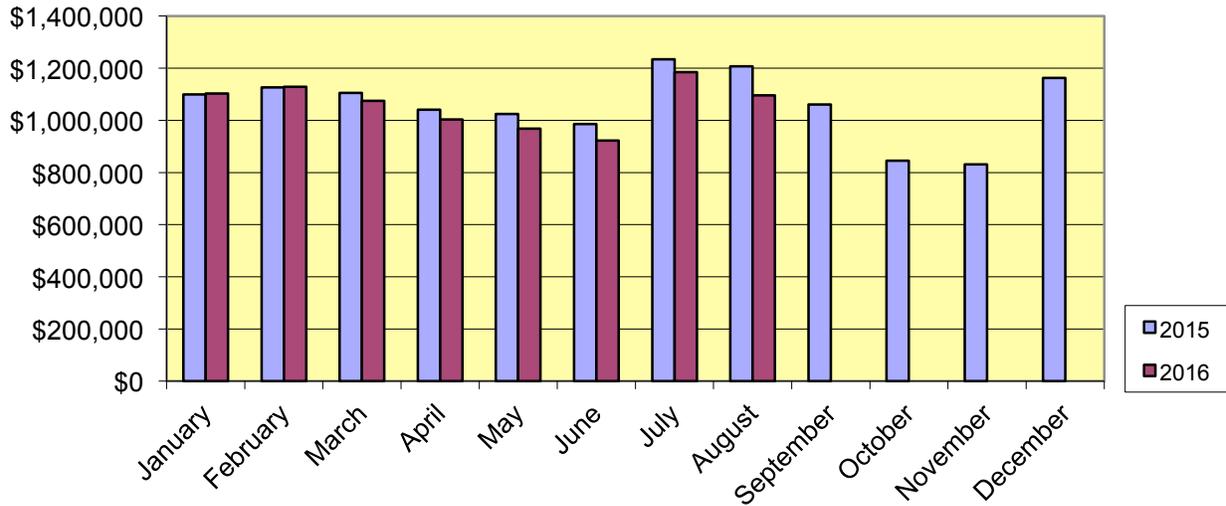
Council consensus was for the city council to consider clean-up amendments to the St. Alban's Bay Lake Improvement District Cooperative Agreement at the November city council meeting.

12. ADJOURNMENT

Motion by Roy to adjourn the meeting at 9:17pm. Second by Quam. 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).

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	\$1,003,064	-\$71,662	-\$38,232
May	\$1,025,022	\$968,814	-\$34,250	-\$56,208
June	\$986,189	\$922,082	-\$46,732	-\$64,107
July	\$1,234,400	\$1,184,900	\$262,818	-\$49,500
August	\$1,207,294	\$1,095,742	-\$89,158	-\$111,552
September	\$1,061,011	\$0	-\$1,095,742	-\$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	\$234,751
Bridgewater Bank Checking	\$32,498
Bridgewater Bank CD'S	\$202,681
Alerus Bank CD'S	\$266,674
Alerus Bank Money Market	\$345,473
Alerus Bank Checking	\$13,665
<hr/>	
	\$1,095,742

ALLOCATION BY FUND

General Fund	\$255,109
Special Project Fund	(\$2,886)
General Fund Designated for Parks	\$16,989
Bridge Capital Project Fund	\$147,098
Road Improvement Fund	\$216,806
Stormwater Fund	\$3,466
Sewer Enterprise Fund	\$381,068
Marina Enterprise Fund	\$78,092
<hr/>	
	\$1,095,742

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 8/31/16

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10409	Alerus Bank	08/05/15	13 month	09/05/16	0.60%	\$ 61,729.74
101-10412	Alerus Bank	10/22/15	13 month	11/22/16	0.60%	\$ 80,971.94
101-10410	Alerus Bank	12/06/15	13 month	01/06/17	0.60%	\$ 61,757.61
101-10407	Alerus Bank	02/04/16	13 month	03/04/17	0.60%	\$ 62,214.76
101-10413	Bridgewater Bank	05/11/16	13 month	06/11/17	1.00%	\$ 61,857.69
10110408	Bridgewater Bank	07/11/16	13 month	08/11/17	1.00%	\$ 60,000.00
101-10411	Bridgewater Bank	07/25/16	13 month	08/25/17	1.00%	\$ 80,823.22
TOTAL						\$ 469,354.96

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
10/01/16	PC	10/01/16	10011601	COOK, WILLIAM B.	37		001-10100	184.70
10/01/16	PC	10/01/16	10011602	Fletcher, Thomas M	33		001-10100	84.70
10/01/16	PC	10/01/16	10011603	Kind, Debra J.	34		001-10100	277.05
10/01/16	PC	10/01/16	10011604	Quam, Robert	32		001-10100	184.70
10/01/16	PC	10/01/16	10011605	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>

Check Issue Date(s): 09/01/2016 - 09/30/2016

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
09/16	09/08/2016	12608	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	54.25
09/16	09/08/2016	12609	9	CITY OF DEEPHAVEN	101-20100	7,660.41
09/16	09/08/2016	12610	871	CONRAD ANDERSON	101-20100	541.66
09/16	09/08/2016	12611	68	GOPHER STATE ONE CALL	602-20100	79.65
09/16	09/08/2016	12612	789	HENNEPIN COUNTY TREASURER	101-20100	50.00
09/16	09/08/2016	12613	861	HOFF, BARRY & KOZAR, P.A.	101-20100	70.70
09/16	09/08/2016	12614	753	J.P. Cooke Co	101-20100	52.40
09/16	09/08/2016	12615	3	KELLY LAW OFFICES	101-20100	412.50
09/16	09/08/2016	12616	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,502.25
09/16	09/08/2016	12617	26	LEAGUE OF MN CITIES	101-20100	872.00
09/16	09/08/2016	12618	105	METRO COUNCIL ENVIRO SERVICES	602-20100	3,203.41
09/16	09/08/2016	12619	874	MIKE VANDERLINDEN	101-20100	541.66
09/16	09/08/2016	12620	867	RANDY'S ENVIRONMENTAL SERVICES	101-20100	1,628.25
09/16	09/08/2016	12621	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	16,140.70
09/16	09/08/2016	12622	145	XCEL ENERGY	101-20100	243.63
09/16	09/27/2016	12623	51	VOID - BOLTON & MENK, INC.	403-20100	.00
09/16	09/27/2016	12624	762	CATALYST GRAPHICS INC	101-20100	295.50
09/16	09/27/2016	12625	822	VOID - ECM PUBLISHERS INC	101-20100	.00
09/16	09/27/2016	12626	789	HENNEPIN COUNTY TREASURER	101-20100	242.75
09/16	09/27/2016	12627	861	HOFF, BARRY & KOZAR, P.A.	101-20100	841.20
09/16	09/27/2016	12628	873	LIFE'S A BEACH SHORELINE SVCS	605-20100	1,565.00
09/16	09/27/2016	12629	867	RANDY'S ENVIRONMENTAL SERVICES	101-20100	1,628.25
09/16	09/27/2016	12630	145	XCEL ENERGY	101-20100	531.29
09/16	09/27/2016	12631	51	BOLTON & MENK, INC.	404-20100	15,776.50
09/16	09/27/2016	12632	822	ECM PUBLISHERS INC	101-20100	713.00
Totals:						<u>54,646.96</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
ADVANTAGE SIGNS & GRAPHICS INC					
808	ADVANTAGE SIGNS & GRAPHIC	00028299	SIGNS	08/16/2016	54.25
Total ADVANTAGE SIGNS & GRAPHICS INC					54.25
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	00194272	2016 DEVELOPMENT REVIEW	08/31/2016	448.00
		00194273	2016 MISC ENGINEERING	08/31/2016	344.00
		00194281	2016 SEWER IMPROVEMENTS	08/31/2016	7,182.00
		00194283	2016 STREET IMPROVEMENTS	08/31/2016	7,802.50
		0194272	2016 DEVELOPMENT REVIEW	08/31/2016	448.00
			2016 DEVELOPMENT REVIEW		448.00 -
		0194273	2016 MISC ENGINEERING	08/31/2016	344.00
			2016 MISC ENGINEERING		344.00 -
		0194281	2016 SEWER IMPROVEMENTS	08/31/2016	7,182.00
			2016 SEWER IMPROVEMENTS		7,182.00 -
		0194283	2016 STREET IMPROVEMENTS	08/31/2016	7,802.50
			2016 STREET IMPROVEMENTS		7,802.50 -
Total BOLTON & MENK, INC.					15,776.50
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	16041	350 COYOTE ALERT FLYERS	09/13/2016	215.00
		16085	CITY NEWSLETTER	09/20/2016	80.50
Total CATALYST GRAPHICS INC					295.50
CITY OF DEEPAVEN					
9	CITY OF DEEPAVEN	AUG 2016	RENT & EQUIPMENT	08/31/2016	487.45
			Postage		51.37
			COPIES		134.10
			SEWER		417.24
			STREETS		756.40
			WEED/TREE/MOWING		1,323.70
			PARK MAINTENANCE		378.20
			STORM SEWERS		661.85
			Clerk Services		2,829.60
			ZONING		620.50
Total CITY OF DEEPAVEN					7,660.41
CONRAD ANDERSON					
871	CONRAD ANDERSON	0004	1/2 MO CONTRACT AMT	08/31/2016	541.66
Total CONRAD ANDERSON					541.66
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	0407238	LEGAL NOTICE	09/15/2016	86.25
		0407239	LEGAL NOTICE	09/15/2016	92.00
		0407240	LEGAL NOTICE	09/15/2016	51.75
		0409516	LEGAL NOTICE	09/22/2016	126.50
		0409517	LEGAL NOTICE	09/22/2016	57.50
		0409518	LEGAL NOTICE	09/22/2016	299.00
		407238	LEGAL NOTICE	09/15/2016	86.25
			LEGAL NOTICE		86.25 -
		407239	LEGAL NOTICE	09/15/2016	92.00
			LEGAL NOTICE		92.00 -
		407240	LEGAL NOTICE	09/15/2016	51.75
			LEGAL NOTICE		51.75 -

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
		409516	LEGAL NOTICE	09/22/2016	126.50
			LEGAL NOTICE		126.50 -
		409517	LEGAL NOTICE	09/22/2016	57.50
			LEGAL NOTICE		57.50 -
		409518	LEGAL NOTICE	09/22/2016	299.00
			LEGAL NOTICE		299.00 -
	Total ECM PUBLISHERS INC				<u>713.00</u>
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	60804096	Gopher State calls	08/31/2016	79.65
	Total GOPHER STATE ONE CALL				<u>79.65</u>
HENNEPIN COUNTY TREASURER					
789	HENNEPIN COUNTY TREASURE	1000080760	PINS PROGRAM	09/01/2016	50.00
		1000081679	BOOKING	09/19/2016	242.75
	Total HENNEPIN COUNTY TREASURER				<u>292.75</u>
HOFF, BARRY & KOZAR, P.A.					
861	HOFF, BARRY & KOZAR, P.A.	13160	SO SHORE COMM CNTR	08/22/2016	70.70
		13209	SO SHORE COMM CNTR	09/21/2016	841.20
	Total HOFF, BARRY & KOZAR, P.A.				<u>911.90</u>
J.P. Cooke Co					
753	J.P. Cooke Co	411361	City Dog Tags	09/01/2016	52.40
	Total J.P. Cooke Co				<u>52.40</u>
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	X463	GENERAL LEGAL	09/01/2016	412.50
	Total KELLY LAW OFFICES				<u>412.50</u>
LAKE MTKA CONSERVATION DISTRIC					
99	LAKE MTKA CONSERVATION DI	063016	3rd QTR LEVY PMT	06/30/2016	1,502.25
	Total LAKE MTKA CONSERVATION DISTRIC				<u>1,502.25</u>
LEAGUE OF MN CITIES					
26	LEAGUE OF MN CITIES	2016-2017	Membership Dues 2016-2017	09/01/2016	872.00
	Total LEAGUE OF MN CITIES				<u>872.00</u>
LIFE'S A BEACH SHORELINE SVCS					
873	LIFE'S A BEACH SHORELINE SV	1277	SHORELINE MNTNCE	09/09/2016	1,565.00
	Total LIFE'S A BEACH SHORELINE SVCS				<u>1,565.00</u>
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001059185	Monthly wastewater Charge	09/07/2016	3,203.41
	Total METRO COUNCIL ENVIRO SERVICES				<u>3,203.41</u>
MIKE VANDERLINDEN					
874	MIKE VANDERLINDEN	0003	1/2 MO CONTRACT AMT	08/31/2016	541.66

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total MIKE VANDERLINDEN					541.66
RANDY'S ENVIRONMENTAL SERVICES					
867	RANDY'S ENVIRONMENTAL SEF	AUGUST	RECYCLING SERVICES	08/19/2016	1,628.25
		SEPT 2016	RECYCLING SERVICES	09/19/2016	1,628.25
Total RANDY'S ENVIRONMENTAL SERVICES					3,256.50
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE	081016	Hennepin Co. Processing Fees	08/10/2016	66.12
		SEPT 2016	OPERATING BUDGET	09/01/2016	16,074.58
Total SO LAKE MINNETONKA POLICE DEPT					16,140.70
XCEL ENERGY					
145	XCEL ENERGY	082316	SIREN	08/23/2016	3.89
			4925 MEADVILLE STREET *		8.48
			LIFT STATION #1		33.86
			LIFT STATION #2		39.71
			LIFT STATION #3		26.81
			LIFT STATION #4		39.99
			LIFT STATION #6		82.39
			Sleepy Hollow Road *		8.50
		09 06 16	Street Lights *	09/06/2016	381.46
		09 22 16	LIFT STATION #1	09/22/2016	35.99
			LIFT STATION #2		41.73
			LIFT STATION #3		29.51
			LIFT STATION #4		42.60
Total XCEL ENERGY					774.92

Total Paid: 54,646.96

Total Unpaid: -

Grand Total: 54,646.96



Agenda Number: 4A

Agenda Date: 10-05-16

Prepared by Deb Kind

Agenda Item: Commissioner Jan Callison, Annual Hennepin County Update

Summary: Hennepin County Commissioner Jan Callison will attend the council meeting to give her annual update. This also will be an opportunity for the council to ask questions.

Council Action: None required.



Agenda Number: 4B

Agenda Date: 10-05-16

Prepared by Deb Kind

Agenda Item: Planning Commission Applicants and Res 39-16 Updating City Appointments

Summary: The planning commission holds public hearings and makes recommendations to the city council regarding zoning issues including variances and conditional use permits. The planning commission is comprised of 5 voting members and 3 alternate members. Per ordinance section 220.05(7), the city council liaison to the planning commission serves as the Alt-3 seat and only votes when needed to complete a quorum. Terms are for 2 years, and the city does not limit the number of terms a planning commissioner may serve. Anyone who is interested in serving on the planning commission can stop by city hall to complete an application or visit www.greenwoodmn.com to download the form.

Currently the Alt-2 seat on the planning commission is vacant. Greenwood resident David Steingas submitted the attached planning commission application. David will attend the 10-05-16 city council meeting for an informal interview.

If the city council desires to move forward with appointing David to the planning commission, a resolution is attached for the council's consideration.

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

1. I move the council approves resolution 39-16 updating the city's appointments and assignments and directs that the oath of office be administered to David Stienegas at the next planning commission meeting.
2. Do nothing or motion ???

Resolution 39-16 – City of Greenwood Appointments & Assignments for 2016

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments for 09-07-16 through 01-04-17.

OFFICE & DESIGNATIONS	2015 HOLDER	2016 HOLDER
Mayor Pro-Tem	Bob Quam	Bob Quam
Administrative Committee	Deb Kind, Tom Fletcher	Deb Kind, Tom Fletcher
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Mark Kelly	Mark Kelly, Bob Vose (alternate)
Attorney - Conduit Financing Projects		Jennifer Hanson
Attorney - Prosecutor	Greg Keller	Greg Keller
Auditor	CliftonLarsonAllen	CliftonLarsonAllen
Bank Signatures	Kind, Quam, Courtney	Kind, Quam, Courtney
Building Official	Bob Manor	Bob Manor
Clerk	Dana Young	Dana Young
Depositories	Bridgewater Bank, Beacon Bank	Bridgewater Bank, Beacon Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wed (Jan, Mar, May, Jul, Sep, Nov)	Tom Fletcher, Bob Quam (alt.), Bill Cook (2nd alt.)	Tom Fletcher, Bob Quam (alt.), Bill Cook (2nd alt.)
Forester / Certified Tree Inspector	Manuel Jordan	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representative 2 reps (1 elected official), meets 2nd Thurs (Feb, Apr, May, Jul, Aug, Oct, Dec)	Tom Fletcher, Deb Kind, Rob Roy (alternate)	Tom Fletcher, Deb Kind, Rob Roy (alternate)
Lake Minnetonka Conservation District (LMCD) Rep – 2nd and 4th Wed	Rob Roy (1/31/17)	Rob Roy (1/31/17)
Marina Clerk	Dana Young	Dana Young
Minnetonka Community Education (MCE) Representative – 4th Mon	Bob Quam	Bob Quam
Newspapers	Sun-Sailor, Star Tribune (alternate)	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)
Planning Commissioners – 3rd Wed	A-1 Douglas Reeder (8/11-3/16)	A-1 Douglas Reeder (8/11-3/18)
	A-2 Lake Bechtell (5/14-3/16)	A-2 Lake Bechtell (5/14-3/18)
	A-3 Dave Paeper (3/07-3/16)	A-3 Fiona Sayer (8/14-3/18)
	B-1 Pat Lucking (2/01-3/17)	B-1 Pat Lucking (2/01-3/17)
	B-2 Kristi Conrad (10/11-3/17)	B-2 Kristi Conrad (10/11-3/17)
	Alt-1 Rick Sundberg (7/14-3/16)	Alt-1 Jennifer Gallagher (9/16-3/18)
	Alt-2 Fiona Sayer (8/14-3/17)	Alt-2 David Steingas (10/16-3/17)
	Alt-3 Bill Cook (city council liaison)	Alt-3 Bill Cook (city council liaison)
Planning Commission Liaison – 3rd Wed	Bill Cook	Bill Cook
Public Safety City Administrator Representative (police and fire)	Dana Young	Dana Young
Public Works Committee (roads, sewer, stormwater, etc.)	Bob Quam, Bill Cook	Bob Quam, Bill Cook
Responsible Authority (Govt. Data Practices Act)	Dana Young	Dana Young
St. Alban's Bay Lake Improvement District Ex-Officio Director		Rob Roy
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (must be mayor, meets quarterly)	Deb Kind, Bob Quam (alternate)	Deb Kind, Bob Quam (alternate)
Treasurer	Mary Courtney	Mary Courtney
Utility Billing Clerk	Deborah Hicks	Deborah Hicks
Weed Inspector (must be mayor), Assistant Weed Inspector	Deb Kind, Assistant John Menzel	Deb Kind, Assistant John Menzel
Zoning Administrator	Dale Cooney	Dale Cooney

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

ADOPTED by the city council of the city of Greenwood, Minnesota this 5th day of October, 2016.

There were ___ AYES and ___ NAYS

By: _____
Debra J. Kind, Mayor, City of Greenwood

Attest: _____
Dana H. Young, City Clerk, City of Greenwood

Planning Commission Application



Please complete the below form and return to 20225 Cottagewood Road, Deephaven, MN 55331. You also may submit the application by email to administrator@greenwoodmn.com, or by fax to 952.474.1274. The submission of this application does not obligate you to volunteer for any city service. New applicants will be invited to a city council meeting for an informal interview. We enjoy meeting you.

Name	DAVID STEINWAS	
Address	21500 FAIRVIEW ST	
Phone	612-414-5124	
Email	DAVID@STEINERKOPPELMAN.COM	
Job Title	OWNER	
How many years have you lived in the Lake Minnetonka area?	50	
How many years have you lived in Greenwood?	2 1/2	
Are you able to attend meetings on the 3rd Wednesday of each month?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Would you be willing to attend a city-paid training class?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Why do you want to serve on the planning commission?	I'VE LIVED IN DEEPAVEN FOR THE PAST 40 YEARS AND WANT TO BE A PART OF A GREAT NEIGHBORHOOD	
Do you have any special qualifications or capabilities that would serve Greenwood well on the planning commission?	BUILDER, CABINETMAKER IN DEEPAVEN AND MINNETONKA FOR THE LAST 40 YEARS	
What would be your main goal as a member of the planning commission?	TO LISTEN AND BE INVOLVED THE FUTURE QUALITY OF OUR CITY	
Office Use Only	Date Received: 8/15/16	



Agenda Number: 4C

Agenda Date: 10-05-16

Prepared by Deb Kind

Agenda Item: City Engineer Update

Summary: City Engineer Dave Martini will attend the city council meeting to discuss past, present, and potential engineering-related projects.

For the city council's reference, below are funds as of **08-31-16** that may be used for any city purpose.

\$131,068	Sewer Enterprise Fund (\$381,068 – minus \$250,000 goal balance)
\$3,666	Stormwater Special Revenue Fund
\$86,806	Road Improvement Fund (\$216,806 – minus \$130,000 earmarked for 2016 road projects)
\$13,500	2016 Contingency Budget
\$146,488	General Fund Reserves (12-31-15 audited balance of \$536,488 – minus \$390,000 goal balance)

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

1. I move the city council (1) directs the city engineer to secure bids for _____ project; and (2) directs the bids be included on the next council agenda for consideration by the city council.
2. I move the city council authorizes the city engineer to move forward with the _____ project in an amount not to exceed \$ _____ to be paid from the _____ Fund.
3. I move the city council authorizes the city treasurer to transfer \$ _____ from the _____ Fund to the _____ Fund.
4. Do nothing or other motion ???



Agenda Number: 5B

Agenda Date: 10-05-16

Prepared by Deb Kind

Agenda Item: Public Hearing – Delinquent Sewer, Stormwater, and Recycling Charges

Summary: A list of delinquent accounts and charges is attached. Letters were sent to affected property owners and notices regarding the public hearing were published in the Sun-Sailor. The public hearing will be held at the October city council meeting.

Council Action: Council action is needed to open and close the public hearing. The council will take action on the resolution for the assessment roll next on the agenda. Suggested motions for the public hearing:

1. I move the council **opens** the public hearing regarding delinquent sewer, stormwater, and recycling charges.
2. I move the council **closes** the public hearing regarding delinquent sewer, stormwater, and recycling charges.

GREENWOOD 2016 TAX CERTIFICATION

Levy #	Delinquent Utilities	PID #	PROPERTY OWNER	House Number	Street Name	Total Due
19432	Sewer/Storm/Recycling	26-117-23-42-0054	Althausser, Andrew	5200	Greenwood Circle	\$100.94
19432	Sewer/Storm/Recycling	26-117-23-13-0066	Brandel, Joseph & E. Devney Brandel	4763	Lyman Court	\$100.94
19432	Sewer/Storm/Recycling	26-117-23-31-0018	Brost, M L & S R Brost	5110	Curve St	\$422.30
19432	Sewer/Storm/Recycling	26-117-23-12-0015	Felt, Dawn Marie Lecuyer	4800	Lodge Ln	\$100.94
19432	Sewer/Storm/Recycling	26-117-23-13-0017	Garber, David	21200	Minnetonka Blvd.	\$350.11
19432	Sewer/Storm/Recycling	35-117-23-11-0037	Johnson, Jason & Molly	5600	Maple Heights Road	\$312.00
19432	Sewer/Storm/Recycling	35-117-23-11-0024	Lent, Morton / Johnson, Jason & Molly	21080	Excelsior Blvd	\$422.30
19432	Sewer/Storm/Recycling	35-117-23-11-0038	Quackenboss, Michael E	21030	Excelsior Blvd	\$422.30
19432	Sewer/Storm/Recycling	35-117-23-12-0033	Sacia, Travis H. & KM Sacia	21450	Excelsior Blvd	\$200.66

\$2,432.49

CITY OF GREENWOOD

NOTICE OF PUBLIC HEARING ON THE ASSESSMENT OF DELINQUENT SEWER, STORM WATER, AND RECYCLING CHARGES

NOTICE IS HEREBY GIVEN that the City Council of the City of Greenwood will hold a public hearing at City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on Wednesday, October 5, 2016 at 7:00 p.m. or as soon thereafter as practical to hear, consider and pass upon proposed assessments with respect to delinquent sewer, storm water, and recycling charges. The assessment roll is available for public inspection in the office of the City Clerk, Monday through Friday, between 8:00 a.m. and 4:30 p.m.

Any assessment not paid by November 18, 2016 will be certified on the 2017 tax rolls and shall be payable in the same year as the taxes contained therein. Certified assessments of sewer, storm water, and recycling charges are subject to a 12.0% interest rate per annum. Amounts owed are presently due and payable and can draw interest from December 1, 2016 as determined by the City Council.

All interested persons will be given the opportunity to be heard and written and oral objections will be accepted regarding any assessment for delinquent sewer, storm water, and recycling charges.

Dana H. Young
City Clerk

Published in the Sun Sailor this 15th and 22nd day of September, 2016.



Agenda Number: 6A

Agenda Date: 10-05-16

Prepared by Deb Kind

Agenda Item: Resolution 40-16, Delinquent Sewer, Stormwater, and Recycling Charges

Summary: As a follow up to the public hearing held earlier in the council meeting, the council needs to take action to certify assessments for delinquent sewer, stormwater, and recycling accounts to the county to be collected with property taxes. A copy of a proposed resolution is attached.

Council Action: Required. Suggested motions ...

1. I move the council approves resolution 40-16 and the assessment roll for delinquent sewer, stormwater, and recycling charges.
2. Other motion ???

**CITY OF GREENWOOD
RESOLUTION NO. 40-16**

**A RESOLUTION APPROVING THE ASSESSMENT ROLL
FOR DELINQUENT SEWER, STORMWATER, AND RECYCLING ACCOUNTS**

WHEREAS, the city council of the city of Greenwood has caused a notice to be published fixing the time and place of the council meeting to pass upon the proposed assessment roll for delinquent sewer, stormwater, and recycling charges, more specifically described in the "Notice of Public Hearing" published September 15, 2016 and September 22, 2016 in the Sun-Sailor publication; and

WHEREAS, notice of said meeting has been given to all property owners whose property is to be assessed therefore, by publication thereof in the manner required by law; and

WHEREAS, all persons have had an opportunity to be heard in connection with said manner.

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

1. That the assessment roll, as prepared by the city clerk, is hereby approved, and the assessments therein contained are hereby determined to be the special assessments for the services herein included.
2. That said assessments are found to be properly assessed upon the properties so served.
3. That each of such unpaid assessments shall bear interest at the rate of 12% per annum accruing on the full amount from December 1, 2016.
4. Prior to certification of the assessment to the county auditor, the owner of any lot, piece or parcel of land assessed hereby may at any time pay the whole of such assessment inclusive of the penalties, to the city treasurer, prior to 4:30pm on November 18, 2016.
5. That the city utility clerk is hereby directed to certify such assessment to the county auditor for collection and remittance to the city treasurer in the same manner as assessments for local improvements.

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

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: **7A**

Agenda Date: **10-05-16**

Prepared by Dale Cooney, Zoning Administrator

Agenda Item: Consider the conditional use permit request of Brahmani, Inc., 21380 State Highway 7, to replace and install new signage.

Summary: Brahmani, Inc. is requesting a conditional use permit to replace and install new signage at 21380 State Highway 7 in order to rebrand Greenwood Market as a Minnoco. The City Council reviewed the application at their September 7 meeting, and voted to take up to an additional 60 days to make a decision in order to further evaluate existing conditions at the property.

The sign ordinance does not regulate the number of signs that can be placed on a property; rather it limits the amount of sign square footage permitted to be on the property.

Section 1140.40(3)(2) of the Zoning Ordinance requires a Conditional Use Permit to erect, alter, reconstruct, maintain or move signage.

Section 1140.40(3)(3)(c) of the Zoning Ordinance requires that illuminated signs be shielded to prevent lights from being directed at oncoming traffic. Signs cannot interfere with or obscure an official traffic sign or signal. This includes indoor signs that are visible from public streets.

Section 1140.40(8)(a) of the Zoning Ordinance requires that a sign may not exceed 15% of the wall area of the front façade of the structure in which it is located and in no case exceed 75 square feet for all types of signs.

Background:

The property has gone through several iterations as a gas station/convenience store. The station has been known as Food and Fuel, Oasis Market, Lakeshore Market, and currently Greenwood Market. The original Food and Fuel was issued a Conditional Use Permit in 1982. Signage was authorized as a conditional use with that permit, but no square footage total was given in the resolution. Since that time, the signage has evolved. However, staff was unable to locate an updated conditional use permit beyond the original 1982 CUP. The assumption has been that the market signage on the property continues to be allowed under that permit, even though the signage on the property has fluctuated.

While the property operates under the 1982 CUP, the gas station use is prohibited, and is considered a legal non-conformity. The total sight signage for the property exceeds current zoning regulations, and could also be considered a legal non-conformity. However, as mentioned above, records of the total signage permitted for the property have not been well documented.

Existing and Proposed Conditions:

Staff has included several photos of existing conditions for the site. Staff will address only those signs that are proposed to be altered. There are a number of other window signs on the property that the city may want to address via the authorization of this conditional use permit.

Pylon sign: The existing pylon sign contains 79 square feet of illuminated signage on each sign face. It should be noted that this existing sign alone exceeds current city regulations. The updated pylon sign is proposed to be capped by an 11' x 3' (33 sf) illuminated Minnoco logo sign. A 6' x 6'1" price display, and a 1'6" x 6'1" bait sign would total an additional 45.6225 square feet. The total signage for the pylon sign would equal 78.6225, which is almost exactly the same size as the current signage. Applicant is also proposing a green LED "halo" light around the sign. Staff would recommend that the pylon sign square footage not exceed 79 square feet, and that the halo light include a dimmer when installed.

Canopy Signage: Existing canopy signage has non-illuminated lettering on three sides. Staff estimates the total signage for the canopy to be 126 square feet (32.4 square feet for each narrow side of the canopy lettering, and 61.2 square feet for the front canopy lettering). Again, the existing signage is well above what would be allowed under current city code.

Applicant proposes to install 19.25 square feet of signage on 3 of the 4 canopy faces. (The north facing canopy would remain blank.) Total proposed signage for the canopy is 57.75 square feet, which is approximately 49% of the existing signage area for the canopy. On two of the three faces, applicant proposes to install illuminated channel letters, which would represent 38.5 square footage of new *illuminated* signage. Applicant is also proposing a green LED halo at the top of the canopy. Non-signage under-canopy lighting is also proposed to be upgraded as part of the overall improvements to the property.

Staff has received complaints from neighbors across the highway about the brightness of the existing canopy lighting. Staff would recommend that any increase in signage lighting be offset by reductions to the glare from the non-signage canopy lighting. This would include shades on the newly installed canopy lights in order to direct the lighting downward. Staff would recommend that the applicant install a dimmer for the “halo” at the top of the canopy.

Gas Pumps: Greenwood Market gas pumps will be replaced with Minnoco gas pumps. Staff recommends approval of this changeover without conditions.

Nearby Minnoco Station: The easiest way to see the real-world impact of the new signage and branding would be to visit a Minnoco station. The closest Minnoco station in the area is Glenn's 1 Stop, at 12908 Minnetonka Blvd, near Shady Oak Road. Note that the property does not have the “halo” light on the canopy.

Hunt Brothers Pizza and Signage: As a part of the makeover, the applicant is offering the Hunt Brothers Pizza brand at the Greenwood Market location. The city council should determine if they believe that offering this type of food constitutes the expansion of the business into a restaurant operation, or if the food falls within the standard hot food fare that might typically be found within gas station convenience stores (such as hot dogs, hot sandwiches, breakfast sandwiches, etc.).

As part of the franchise agreement, applicant is installing a 3 x 4 foot sign, totaling 12 square feet. In order to keep overall signage on the property from expanding, the removal of the painted posterboard window signs is recommended. The sign has the capability to be illuminated. The council should determine if they will allow the sign to be illuminated.

Other Zoning Issues: Staff has been in contact with the current property owner regarding a number of zoning code complaints including complaints related to signage, trash screening, and used vehicles. The applicant has complied with these issues, but often grudgingly. Public Works was asked to remove a right of way sign after the owner failed to comply with staff's initial request. Staff was required to issue a citation for the property in order to have additional signage removed. Staff believes that the proposed signage will create an overall positive impact on the property and the community, but the relationship between the city and the property owner has been adversarial at times.

September 13 Site Visit: Mayor Kind, Councilmember Fletcher and staff visited with the applicant on site to discuss existing conditions. At the site visit, applicant discussed the franchise requirement of the Hunt Brothers sign. Mayor Kind and Councilmember Fletcher recommended removal of existing posterboard signs in the window to offset the new Hunt Brothers signage. Mayor Kind and Councilmember Fletcher also recommended replacing grass in the area in the NW corner of the property where vehicles are often parked. Concrete curbs were also proposed for this area to help prevent future vehicle parking.

Staff Recommendation:

Staff recommends **approval with conditions** of the application of Brahmani, Inc for the Conditional Use Permit to install new signage at the property located at 21380 State Highway 7. The proposal meets the requirements outlined in Section 1140.40 Regulation of Signs, and the criteria for Section 1150.20 of the ordinance in that:

- a) the proposed use complies with the specified regulations of the district in which it is located;
- b) the use is a permitted accessory use in the C-1 zoning district;
- c) the use would not be detrimental to or endanger the general welfare of the neighborhood or city;
- d) the use is harmonious with the objective of the comprehensive plan in that it maintains (or in this case improves) the aesthetic standards for commercial signage;
- e) the use will not be hazardous or disturbing to existing or future neighboring uses;
- f) the use will be adequately served by essential public facilities and services;
- g) there will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community;
- h) the proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors;
- i) the use will not create traffic congestion;
- j) there will be no loss or damage of any natural, scenic or historic features; and
- k) the use will not depreciate surrounding property values.

And subject to the following conditions:

- a) The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
- b) Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
- c) The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
- d) The green LED "halo" lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
- e) Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
- f) Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.

Planning Commission Action: The planning commission held a public hearing at their August 17th meeting. Motion by Sayer to recommend that the city council approve the conditional use permit request, as presented, based on the findings of staff.

And subject to the following conditions:

- a) The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
- b) Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
- c) The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
- d) The green LED "halo" lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
- e) Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
- f) Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
- g) The pylon sign height shall not exceed 20 feet.

Motion was seconded by Bechtell. Motion carried 3-0.

Key Dates:

Application complete: _____ August 2, 2016
Notice of Public Hearing published: _____ August 4, 2016
Planning Commission Public Hearing: _____ August 17, 2016
City Council Consideration: _____ September 7, 2016
60-Day Deadline: _____ October 1, 2016 *(additional 60 days requested)*
120-Day Deadline: _____ November 30, 2016

City Council Action: Action required by November 30, 2016. Potential motions ...

1. **Approval Motion:** I move that the city council **approve** the application of Brahmani, Inc. for a conditional use permit to replace and install signage at 21380 State Highway 7, as presented, based on the recommendation, findings and conditions of the planning commission, and with the following additional conditions:
 - a. **Hunt Brothers illuminated sign area shall not exceed 12 square feet.**
 - b. **Applicant will remove existing poster board widow signage.**
2. **Denial Motion:** I move that the city council **deny** the application of Brahmani, Inc. for a conditional use permit to replace and install signage at 21380 State Highway 7, as presented, based on the following findings: _____

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).

Greenwood Market: Existing Conditions





Greenwood Minnoco Re-imaging Project

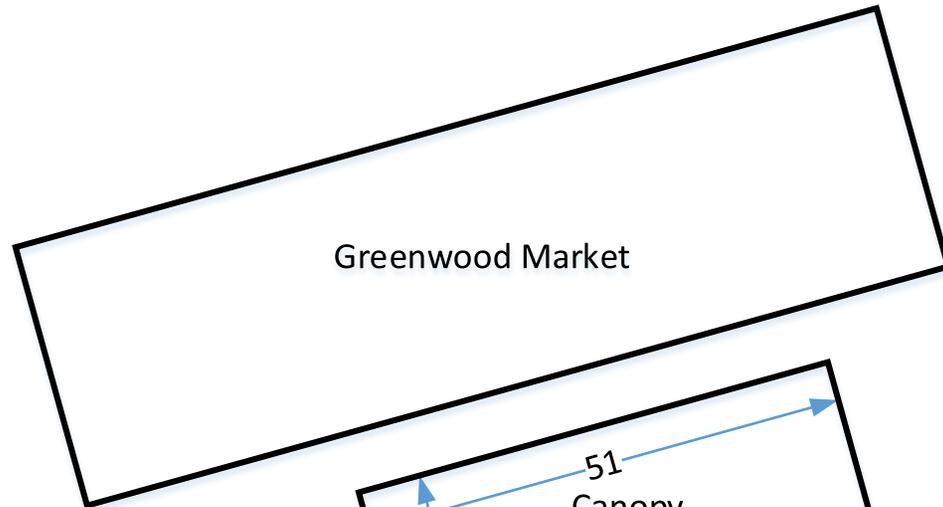
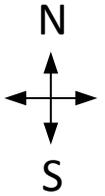
Canopy Supporting Documents

August – 2016

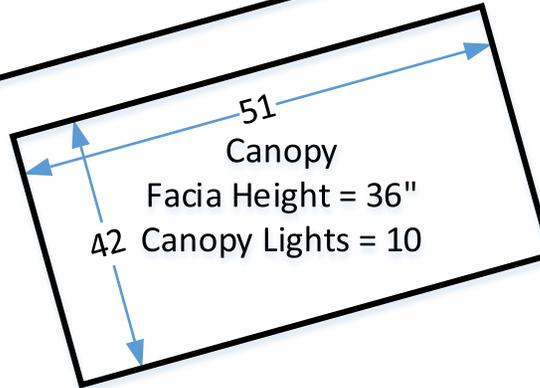
Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331



Greenwood Market



51

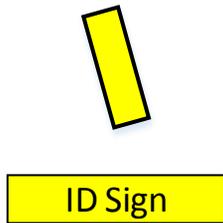
Canopy

Facia Height = 36"

42 Canopy Lights = 10



Christman Lake Rd

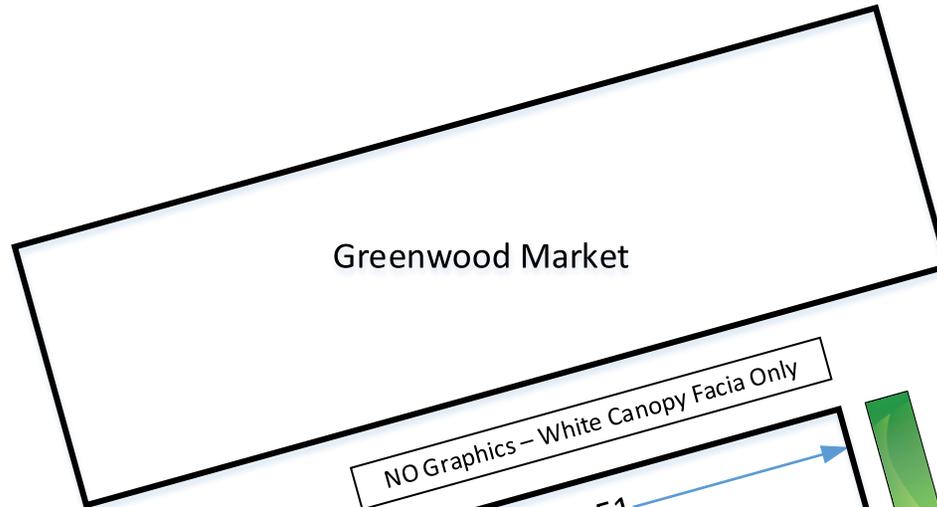
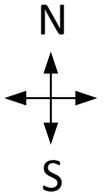


ID Sign



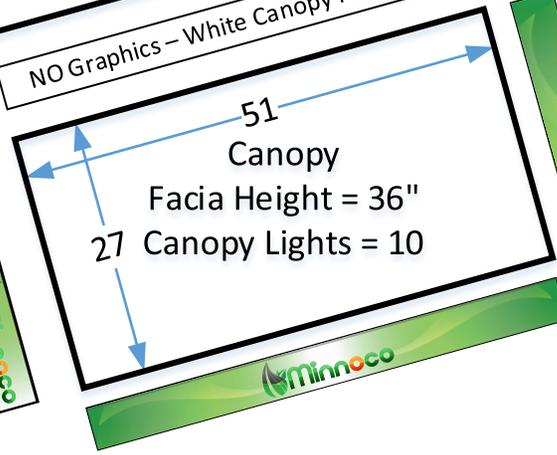
MN Highway 7

Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331



Greenwood Market

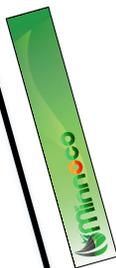
NO Graphics – White Canopy Facia Only



51
Canopy

Facia Height = 36"

27 Canopy Lights = 10



Christinas Lake Rd

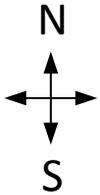


ID Sign



MN Highway 7

Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331



2D Non-Illuminated Vinyl Graphics

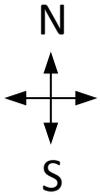
3D Illuminated Channel Letters

ID Sign

Christians Lake Rd

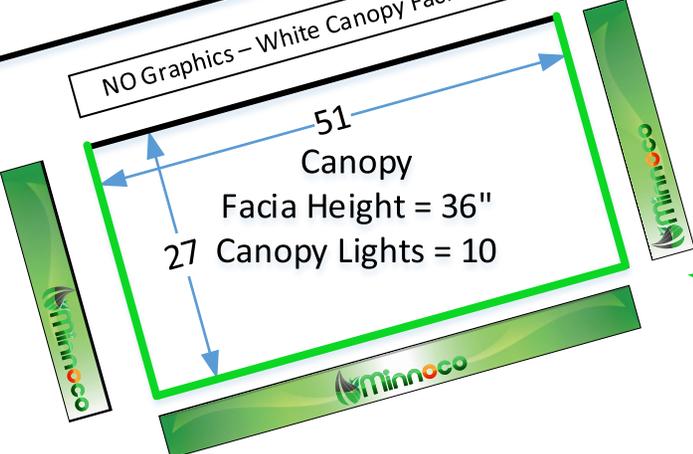
MN Highway 7

Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331



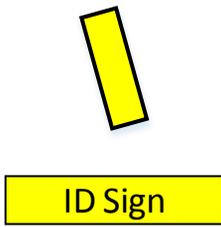
Greenwood Market

NO Graphics – White Canopy Facia Only

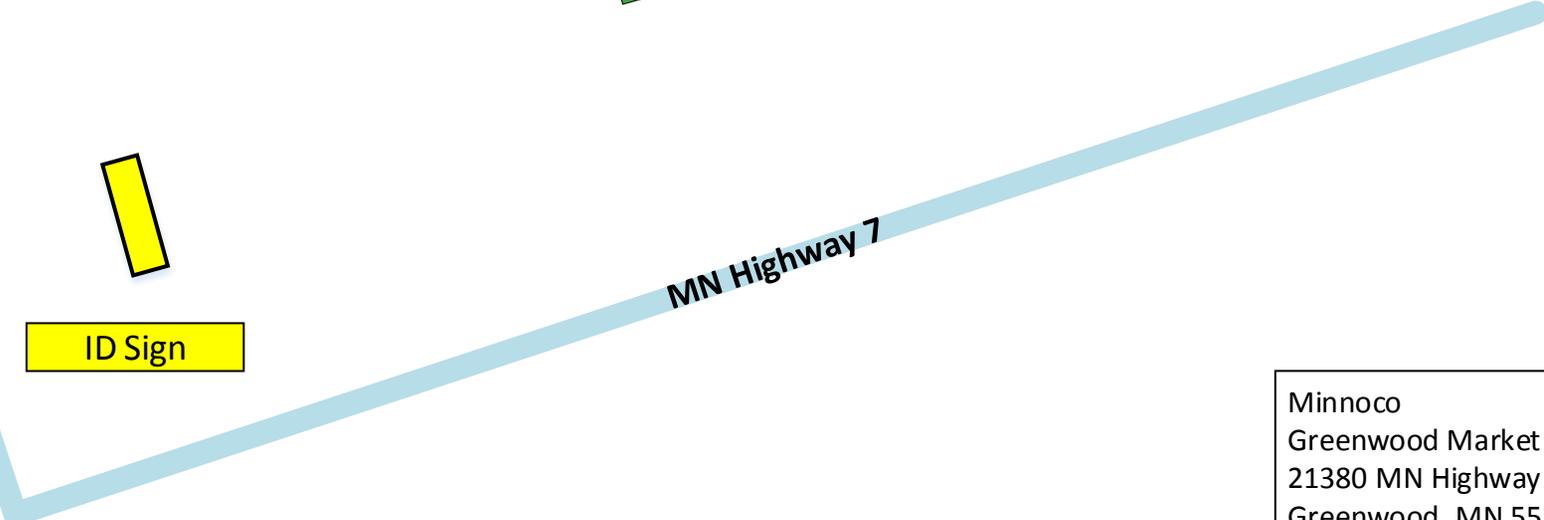


51
Canopy
Facia Height = 36"
27 Canopy Lights = 10

Sloan Green
LED Border Tubing
Front (3) Sides



ID Sign



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Canopy Graphics

← 36" x 51' Front (South Facing) **3D Illuminated** Channel Letters →



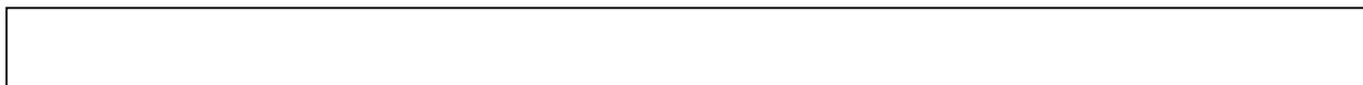
← 36" x 27' Side (East Facing)
2D Non-Illuminated Vinyl Graphics →



← 36" x 27' Side (West Facing)
3D Illuminated Channel Letters →

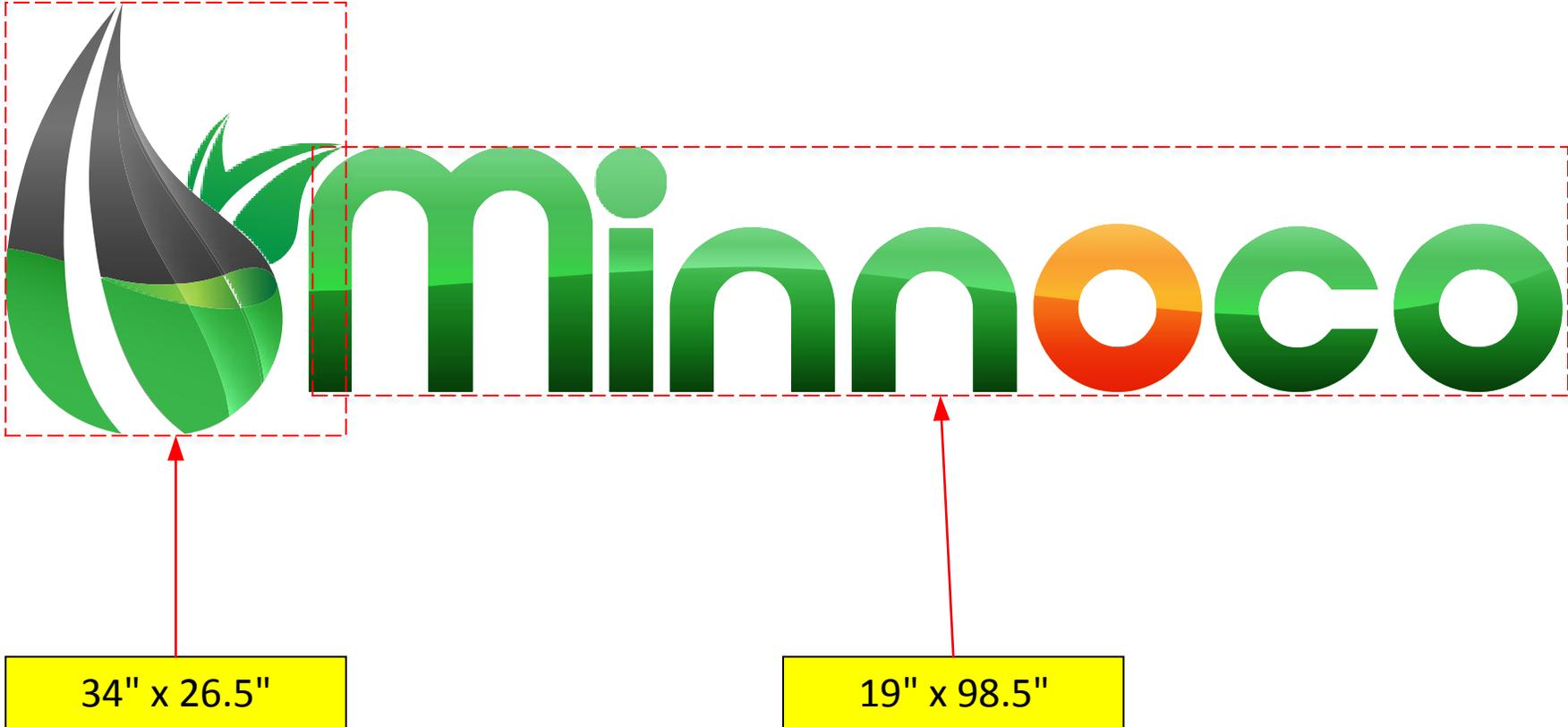


← 36" x 51' Back (North Facing) NO Graphics. White Canopy Facia ONLY →



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

3D Illuminated Channel Letters
2D Non-Illuminated Vinyl Graphics



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

East Facing Canopy

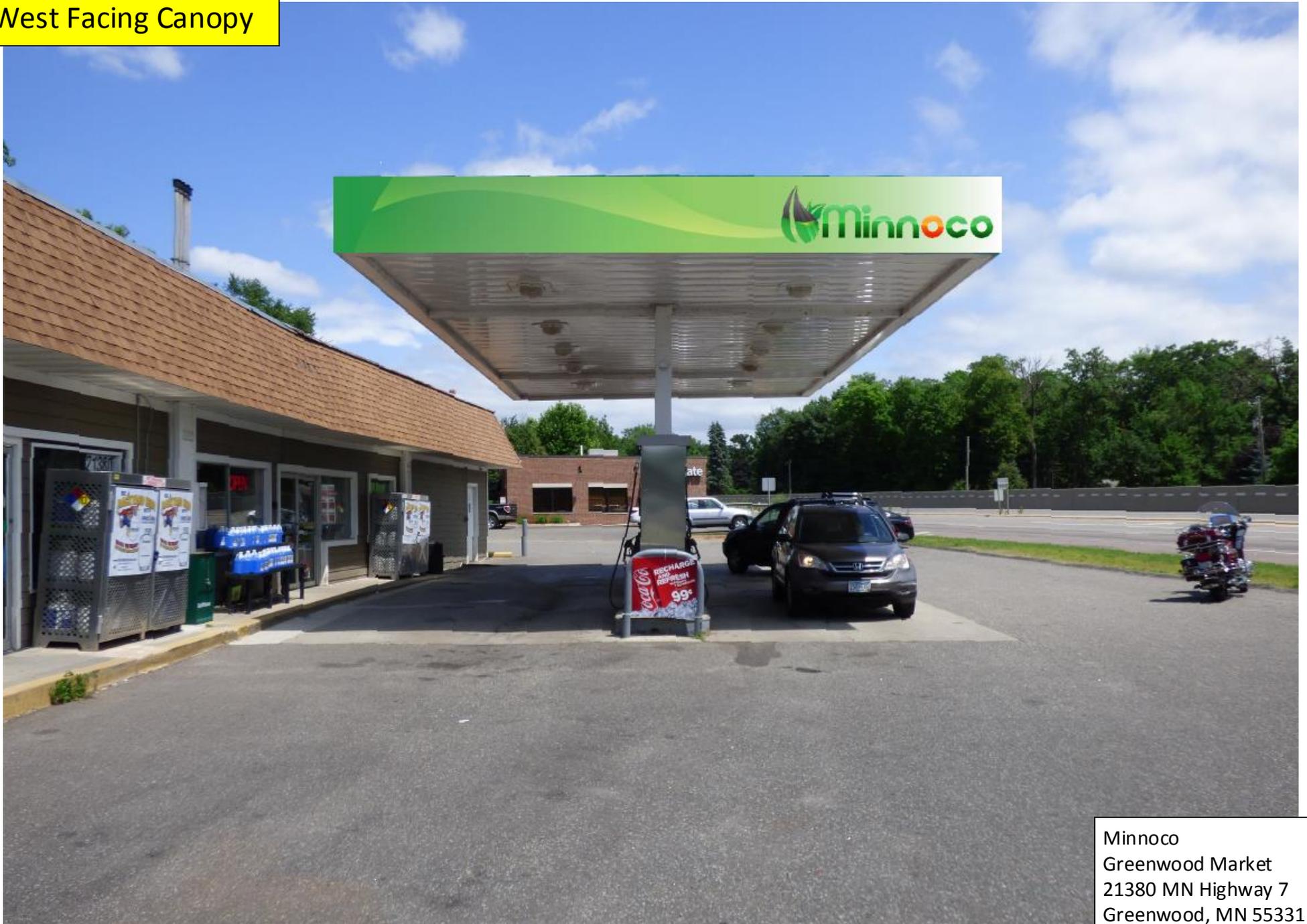


Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

612-669-6700

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West Facing Canopy

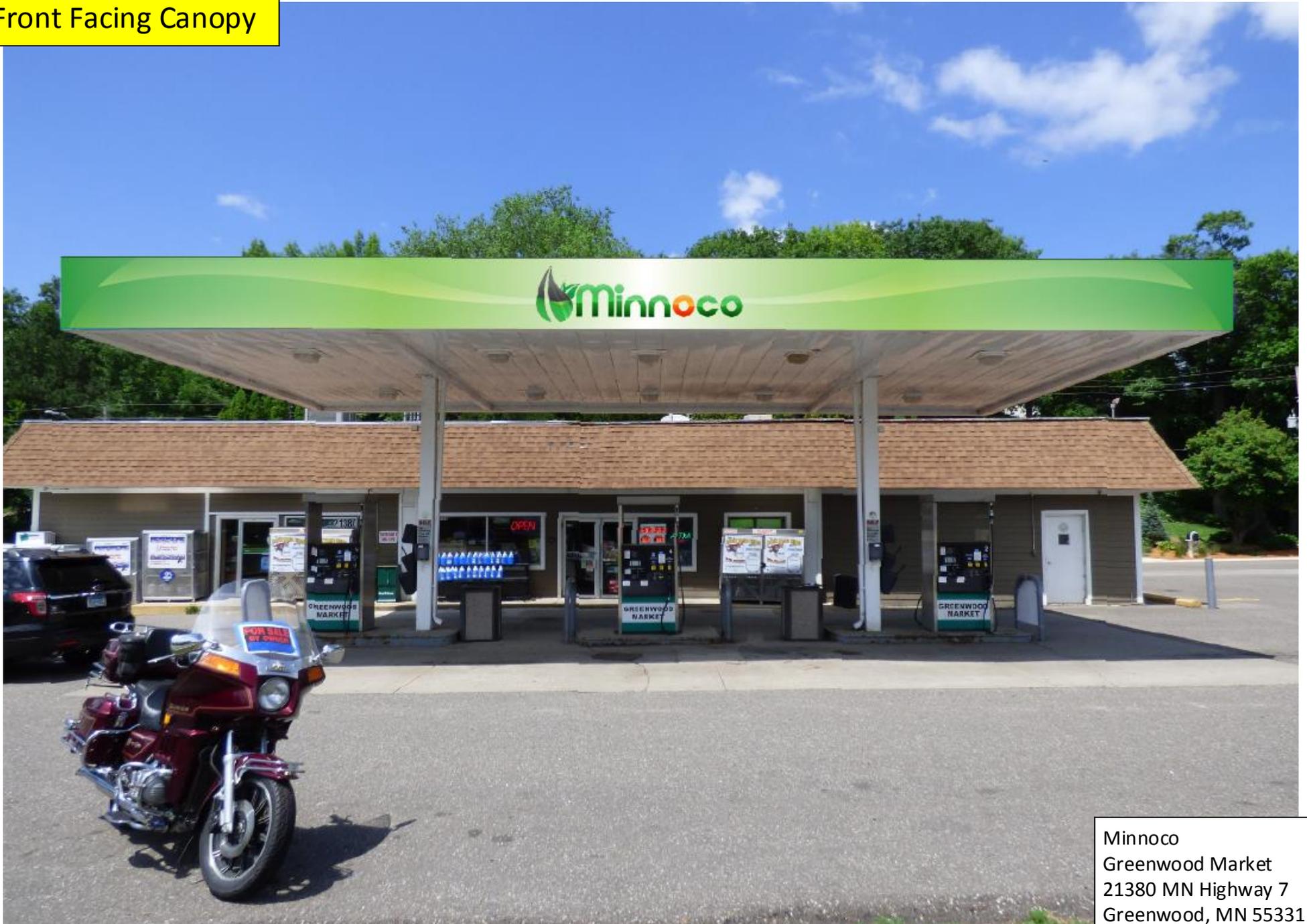


Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

612-669-6700

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Front Facing Canopy



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

612-669-6700

THINKDIGITALSIGNS.COM

We BRIGHTEN Your BRANDS



ColorLINE Neon-inspired tubing

- Slim profile similar to standard neon
- Neutral frosted white color when non-illuminated
- High impact acrylic: UV stable, hydrocarbon insensitive, and non-fading
- Can be factory bent to minimum 9.75 inch radius
- Three lit mitered corner configurations
- Convenient, weatherproof connectors between sections
- Can be cut in the field

SPECIFICATIONS

Part number	2-ft Tube.....701800-Color-2
	4-ft Tube.....701800-Color-4
	6-ft Tube.....701800-Color-6
	8-ft Tube.....701800-Color-8
Dimensions	Width.....0.44 in
	Base width.....0.59 in
	Height.....1.00 in
	Lengths.....2 ft; 4 ft; 6 ft; 8 ft
Factory bends	9.75 in radius (radial and flat bend)
In-field bends	Radial bend.....19 ft
	Flat bend.....6 ft
Operating temperature	-40° C to +70° C
Protection class	IP66
Power per foot	2.28 W
Power capacity	24 ft per SloanLED 60 W 12 VDC power supply

Colors	Red, Orange, Yellow, Green, Blue, White, Warm White
Mounting	Dual-position mounting clips (400381-25) orient in two directions
Accessories	Snap-on, frosted joint covers (701807) for clean finish Illuminated, mitered corners: Inside corner.....701800-IC-Color Outside corner.....701800-OC-Color Step corner.....701800-SC-Color

Item description	Part number	Approx. cut increments	Actual length
2-ft Tube	701800-color-2	2.4 in	24.66 in
4-ft Tube	701800-color-4	2.4 in	48.66 in
6-ft Tube	701800-color-6	2.4 in	72.66 in
8-ft Tube	701800-color-8	2.4 in	96.66 in



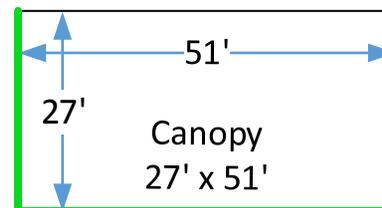
ColorLINE is covered by US and foreign patents pending and covered by the following US patents issued: 6,776,504, 6,960,170, and 7,192,157

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+31 88 12 44900 • Europe@sloanLED.com

SloanLED.com

© 2016 SloanLED Rev A 2016-03-22



Sloan ColorLine
Green LED Border Tubing
3 Sides (27' x 51' x 27')
105 total feet

Includes:

- > LED Tubing
- > Power Supplies
- > Connectors/Etc.
- > All Required Components
- > All Labor to Install
- > All Required Electrical

Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

612-669-6700

THINKDIGITALSIGNS.COM

8/2



Conditional Use Permit Application

Person completing form: Property Owner Builder / Architect
If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Date application submitted	8-2-16
Date application complete (office use only)	
Property address	21380 HWY 7, Greenwood MN 55331
Property identification number (PID)	
Property owner's current mailing address	21380 HWY 7, Greenwood, MN 55331
Names of all property owners	
Cell phone and email of property owner(s)	612-323-0274 patelakshay12@gmail.com
Name of builder / architect (if any)	
Company name of builder / architect	Brahmani INC
Cell phone and email of builder / architect	612-323-0274
Company address	" "
Present use of property	
Property acreage	
Existing variances or conditional use permits	<input type="checkbox"/> No <input type="checkbox"/> Yes – please attach a copy
Request is for	<input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Addition <input checked="" type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	

Making your case for the grant of a conditional use permit: The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1150 (view at city hall or at www.greenwoodmn.com). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

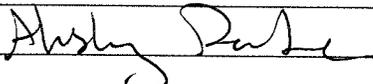
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use be harmonious with the objectives of the comp plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

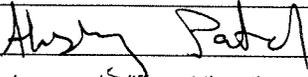
The applicant(s) contacted the following regulatory bodies and will seek approvals if required:

(1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

Applicant's acknowledgement and signature(s): The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: 	Date: 8-2-16
--	--------------

Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	Date: 8-2-16
--	--------------

Note: If the property owner is different than the applicant, signatures from both the applicant and the property owner are required.

Variance Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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June 15, 2004



Schulte Roth & Zable LLP
Chicago Title Insurance Company
C/o Eric S. Anderson
Fredrikson & Byron, P.A.
200 South Sixth Street – Suite 4000
Minneapolis, MN 55402-1425

Re: Zoning Compliance Letter
21380 State Highway 7, Greenwood Minnesota
Legally described on Exhibit A attached hereto (the "Project")

Ladies and Gentlemen:

We are the authority responsible for the enforcement of building codes, zoning ordinances and similar codes or ordinances related to commercial development, and the issuance of certificates of occupancy, in the City of Greenwood (the "City"). In response to your request concerning the Project's compliance with applicable codes, regulations and ordinances, please be advised as follows:

1. A certificate of occupancy has been issued without condition or variance and is in effect for the improvements located at the Project. We were unable to locate a copy of the certificate of occupancy. We are not aware of any circumstances which would render the certificate of occupancy invalid or cause it to be revoked.
2. The Project is zoned C-1, Commercial under the applicable zoning laws and ordinances. This zoning classification permits the existing use as a conditional use requiring the issuance of a new conditional use permit should the use deviate from the existing and approved use.
3. Attached hereto are true copies of the resolution approving the conditional use relating to the zoning and use of the Project. A conditional use may be reconstructed only with the permission of the City Council and the issuance of a new conditional use permit.
4. As far as we are aware, the Project is in compliance with all applicable building codes, fire codes, other health and safety rules and regulations, parking density and height requirements and other building and zoning laws.

Sincerely,
CITY OF GREENWOOD

A handwritten signature in black ink, appearing to read "Gus Karpas".

Gus Karpas
Zoning Coordinator

RESOLUTION NO. 4-82

WHEREAS, Northern Oil Co. and Food-N-Fuel, Inc. have requested a conditional use permit from the City of Greenwood to convert Payless Tire Station to a retail food and gas outlet, and

WHEREAS, said request covers property zoned commercial described as the westerly 1/2 of Lot 20, Patridge Heights, and

WHEREAS, a public hearing on such request has been held before the Greenwood Planning Commission as duly published, posted and mailed notice, and

WHEREAS, the Greenwood City Council is in receipt of the recommendation of the City Planning Commission and after full consideration adopts this conditional use resolution subject to its terms and conditions;

NOW, THEREFORE, be it resolved:

1. A conditional use permit for the operation of a gasoline station at the Christmas Lake intersection on property described generally as the westerly 1/2 of Lot 20, Patridge Heights, as a retail convenience store which also offers gasoline for sale as hereby granted subject to the following restrictions:

- (1) A landscaping plan shall be filed forthwith with the City Clerk which plan shall be subject to the approval of this Council and include the following:

- a. Full landscape treatment for the northwest corner; no parting to be permitted in this area.
- b. North side of property to be screened by twelve 3' high Techny arborvitae or equivalent.
- c. All trash containers to be fully screened.
- d. Building and signs to be repainted in earth tone colors.
- e. Damage to asphalt curbs to be repaired.
- f. Cedar fence on north side to be extended to east line of property.

- (2) A performance bond for the amount of the building permit issued for remodelling should be filed with the City Clerk

(3) Annual maintenance bond of \$2,000.00 to be filed with the City which shall guarantee maintenance of the exterior building, fences and landscaping.

(4) No electronic games shall be permitted on the premises.

(5) Failure to comply with any of the restrictions or requirements of this permit shall be basis for the right of the City of Greenwood to withdraw the conditional use permit.

Adopted by the City Council of the City of Greenwood this
2 day of February, 1982.

Vote: 5 yeas.

0 nays.

A handwritten signature in cursive script, appearing to read "J. B. [unclear]", written over a horizontal line.



July 30, 2015

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

Mr. Patel:

You received a formal Civil Citation warning on June 29, which was sent via certified mail and which you signed for. You were cited for violation of the City of Greenwood's signage ordinance. Specifically, you were cited for having signs not in compliance with your Conditional Use Permit. The signs for which you were sighted included the ATM sign and the Monster drink sign attached to your main monument sign, as well as the large bait sign in the public right of way.

The bait sign was removed only the after public works department threatened to take the sign. Then, you replaced the sign, only to have public works ask you to remove it a second time. In short, you did not willingly remove this sign.

The two remaining signs for which you were cited (*ATM sign and the Monster drink sign attached to your main monument sign*) remain in place. If you do not remove these signs by **August 10**, you will be issued a Civil Citation and **fined \$300.00**.

The only condition under which the above signs could remain in place after August 10 would be if you wanted to keep them as temporary signs for up to 30 days with the appropriate temporary sign permit. Section 1040.40, Subdivision 6 of the Greenwood City Code specifies the requirements for temporary signs and temporary sign permits:

***Subd. 6. Temporary Sign Permit. 1. Issuing Authority.** The zoning administrator will have the authority to issue permits for temporary signs upon payment of the temporary sign permit fee specified in chapter 5 if the sign is: (a) in keeping with the character and development of the property on which it is located; (b) is reasonably necessary for the proposed use of the property on which it is located; and (c) not likely to have a detrimental effect on values of property in the surrounding area. No individual property, leased space or business may obtain more than 6 temporary sign permits in a calendar year. Each temporary sign permit shall be valid for a period of 30 days.*

If you submit a temporary sign permit prior to August 10 for each of these two signs, at a cost of \$25 each, you may keep the signs in place for 30 days from the date of the permit. Failure to act by **August 10** will result in a Civil Citation and a **fine of \$300.00**

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,


Dale Cooney
Zoning Administrator

Cc: File



From: Peter and Marie Lehman
21265 Radisson Road
Shorewood, MN 55331
Date: August 17, 2016

To:
Brahmani Inc. and the City of Greenwood Planning Commission

Subject: Wednesday August 17, 2016, Greenwood MN Planning Commission Meeting item 3b. Public Hearing to consider the conditional use permit request of Brahmani Inc to replace and install new signage at 21380 State Highway 7.

Dear Business Owners, Planning Commission and City Council

We reside directly south of subject property across Highway 7 at 21285 and 21265 Radisson Road. As 30 year residents of the City of Shorewood at this property, we are very familiar with light emanating from the subject parcel.

We understand and respect the fact that the subject property is commercial in nature and the business owners and city have a right to improve or otherwise make changes to their benefit. That said, we respectfully request the following items be given serious consideration with the understanding that the use and enjoyment of our property can and is impacted by light from the subject property:

- 1) We request that any new signage minimize, to the extent possible, intense direct light (e.g. spot lighting) that might be directed at our property,
- 2) We request that flashing or other 'attention getting' light also be minimized and
- 3) We request that the 'Canopy Lights', currently installed, be shielded or otherwise deflected so as to not project above the retaining wall located on the south side of Highway 7, that wall being the wall separating Highway 7 from Radisson Road.

The 3rd request is of particular interest as it is our belief that the current condition presents a safety concern for those walking, driving or otherwise traveling north on Merry Lane between the Public Access to Christmas Lake and the retaining wall to Highway 7. As seen in the following pages, the canopy lights project intense light over the wall at eye level while a shadow is created on the roadway at waste level and lower. The net effect is a significant amount of glare from these lights blinding the individual at night (i.e. you can't see the road or other obstacles in front of you).

The impact of these lights and this glare is best experienced in person, if possible, simply walk north from the public access towards the wall after dusk when it is dark outside.

Thank-you for the opportunity to share our concerns and requests.

Respectfully



Peter Lehman



Marie Lehman

View North on Merry Lane

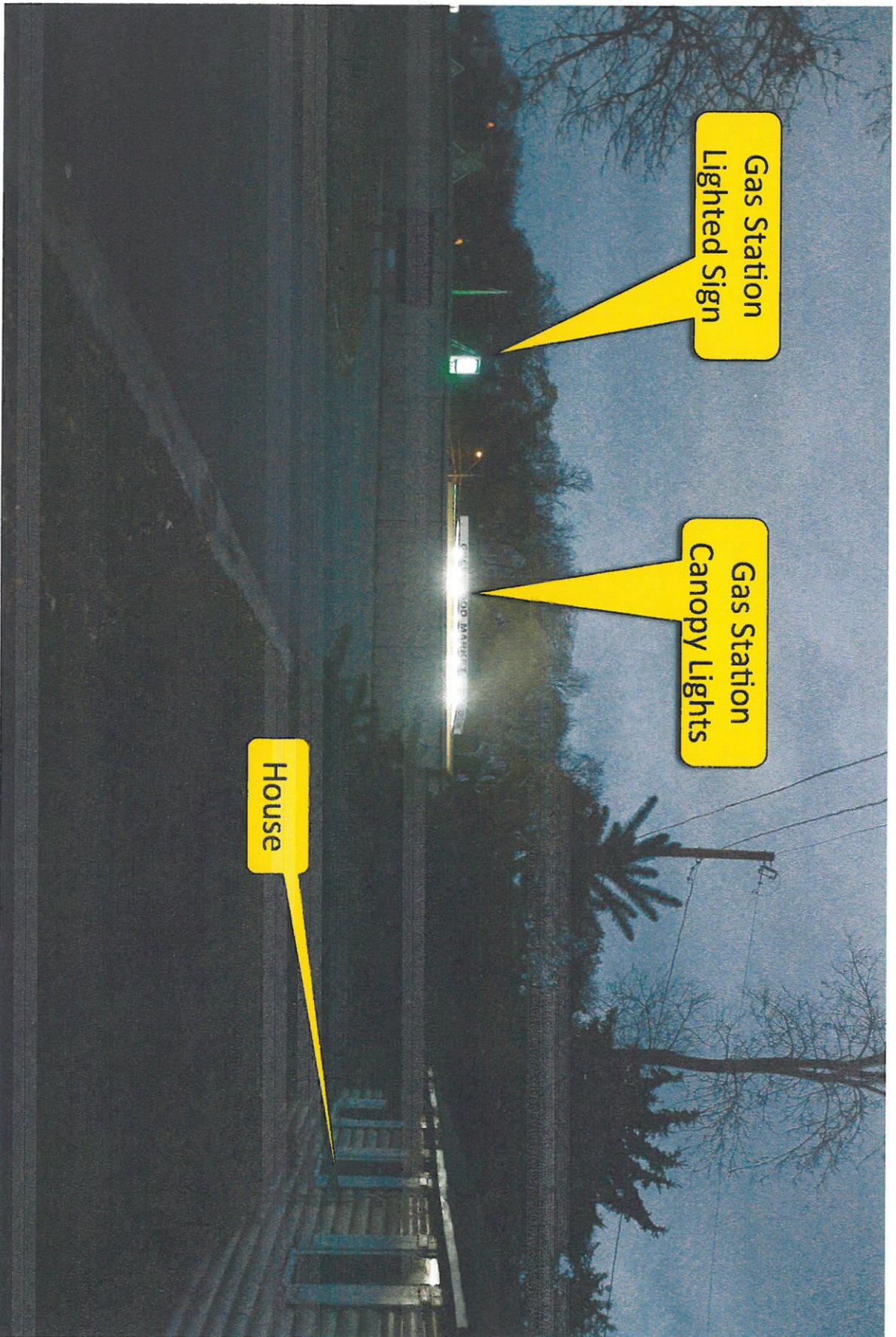
Looking North on Merry Lane from subject property midway between Radisson Road and Public Access

House 21285 Radisson Road

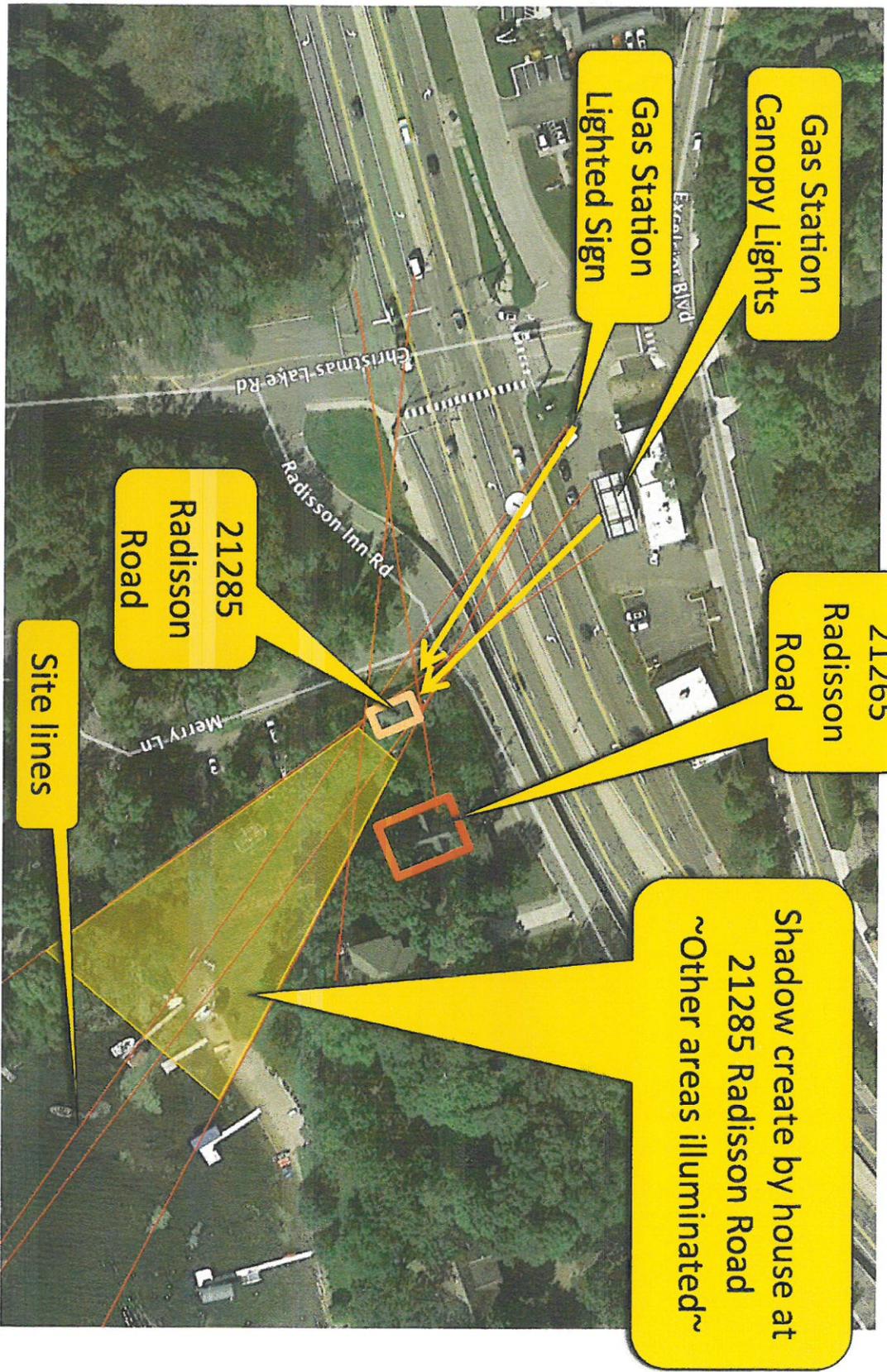
Gas Station Canopy Lights



View North on Merry Lane (Dusk)



Elevated view of Subject Property and impact on 21285/21265 Radisson Road residences.





Greenwood Minnoco Re-imaging Project

ID Sign Supporting Documents

August – 2016

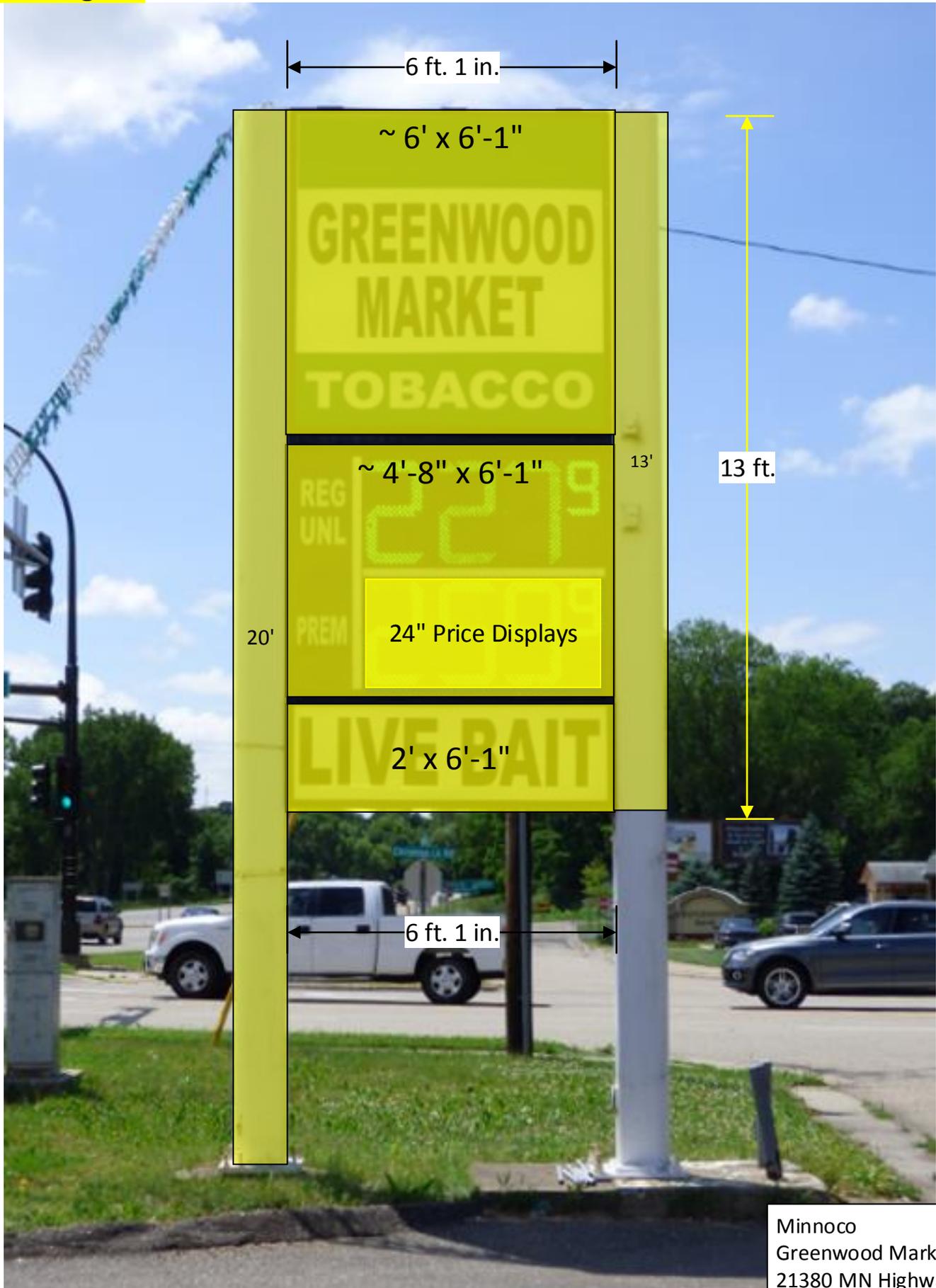
Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Current Sign



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Current Sign



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Current Sign



6 ft. 1 in.

13 ft.

20'

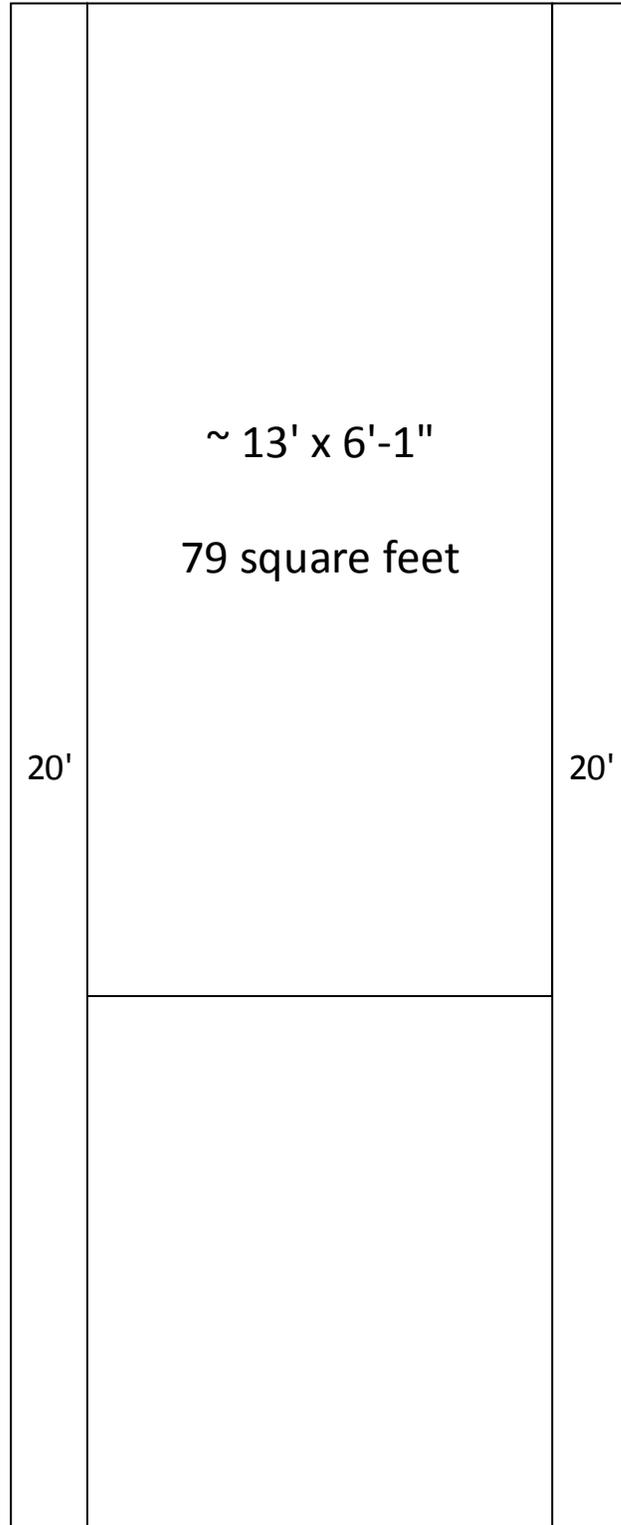
Overall Sign Cabinet
~13' x 6'-1"

13'

6 ft. 1 in.

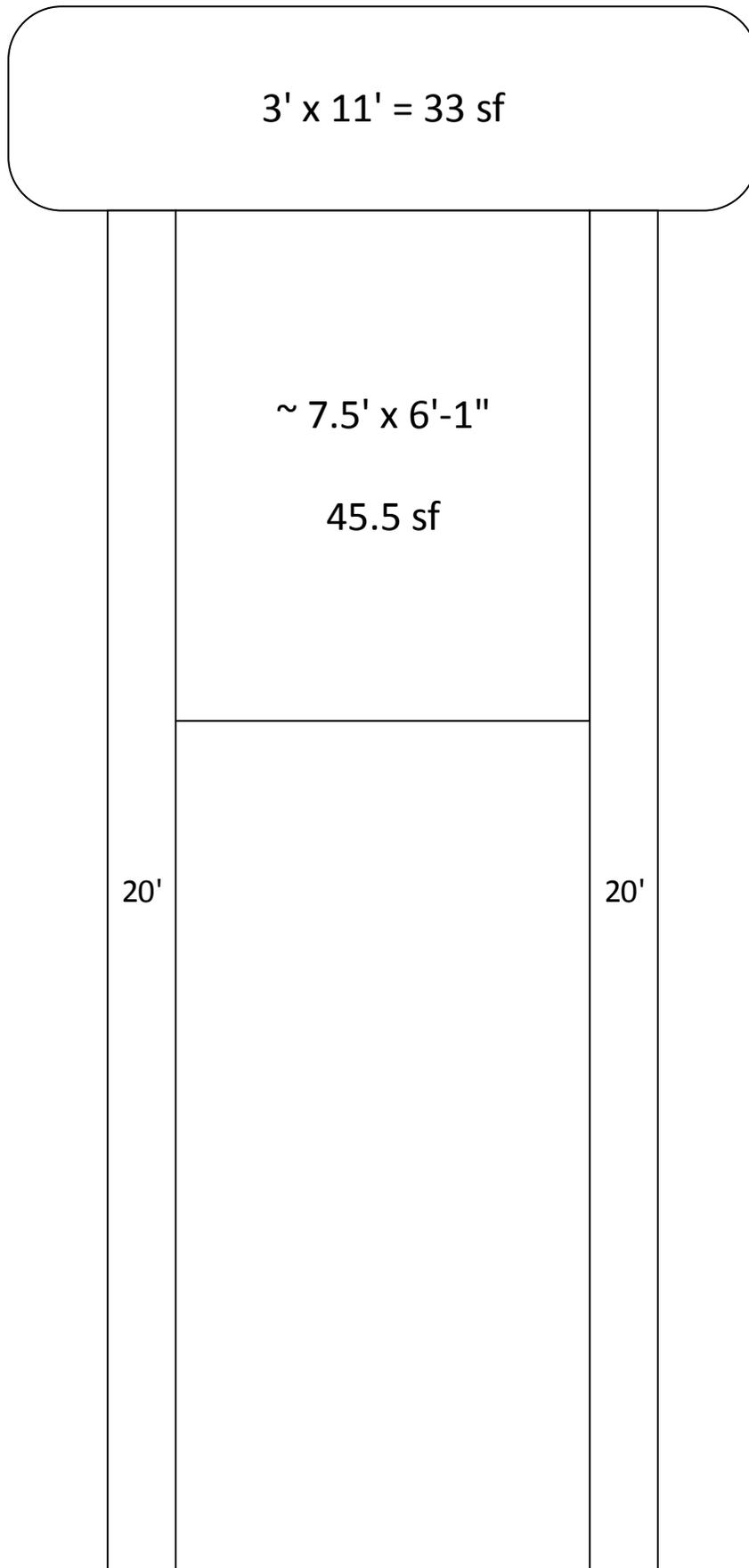
Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Current Sign



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Proposed Sign



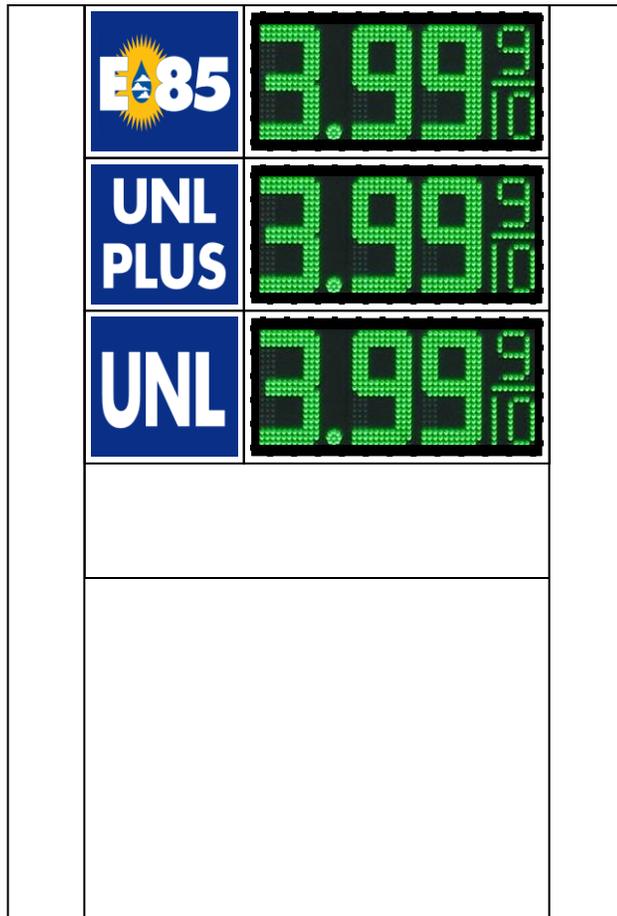
Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Proposed Sign - 18" Displays

Price ID 24" x 25"	18" Price Display Cabinet 24" x 48"
Price ID 24" x 25"	18" Price Display Cabinet 24" x 48"
Price ID 24" x 25"	18" Price Display Cabinet 24" x 48"

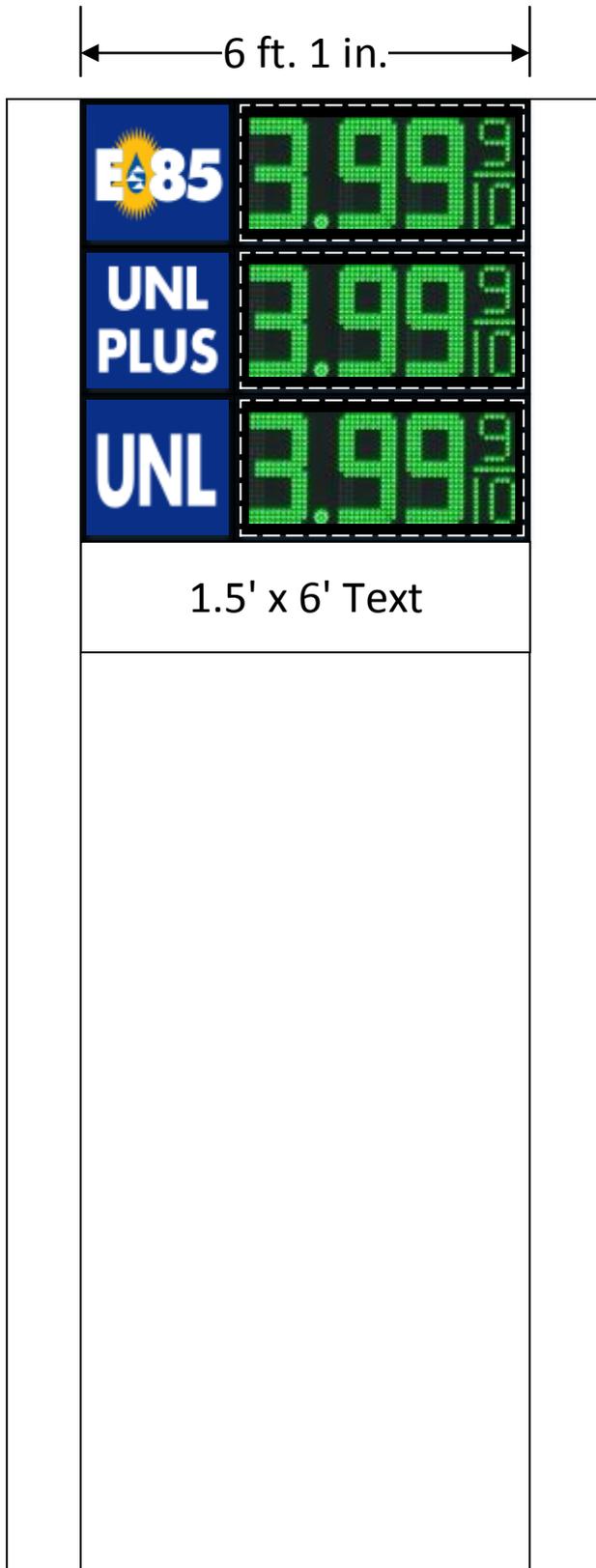


6 ft. 1 in.



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Proposed Sign - 18" Displays



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Proposed Sign
18" Displays

11 ft.



3 ft.

Sloan Green LED Tubing
Around Minnoco Cabinet

E85	3.99
UNL PLUS	3.99
UNL	3.99
LIVE BAIT	

7 ft. 6 in.

6 ft. 1 in.

Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Minnoco Cabinet

3' x 11'

Sloan FlexiBRITE Green LED Tubing



White Polycarbonate Flat Faces
First surface digital print
Blockout applied to face with 1/4" translucent border around logo.

Nighttime View



Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

Proposed Sign
18" Displays



E85	3.99
UNL PLUS	3.99
UNL	3.99
LIVE BAIT	

Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331



 E85	3.99
UNL PLUS	3.99
UNL	3.99
LIVE BAIT	

Minnoco
Greenwood Market
21380 MN Highway 7
Greenwood, MN 55331

We BRIGHTEN Your BRANDS



FlexiBRITE

Flexible LED tubing

- Extremely flexible LED tubing
- Daytime color for red and neutral for other colors
- Optically modified silicone extrusion: UV stable, hydrocarbon insensitive, and non-fading
- Convenient mounting clips and mounting tracks
- Can be cut in the field

SPECIFICATIONS

Part number Red Kit701499-R-Size
 Orange Kit.....701499-O-Size
 Yellow Kit.....701499-Y-Size
 Green Kit.....701499-G-Size
 Blue Kit701499-B-Size

Dimensions Width.....0.6 in
 Base width.....0.5 in
 Height.....1.0 in
 Lengths.....2 ft; 10 ft

In-field bends Radial bend.....12 in
 Flat bend.....1 in

Operating temperature.....-40° C to +70° C

Protection class IP66

Power per foot 2.8 W

Power capacity 20 ft per SloanLED 60 W 12 VDC power supply

Colors Red, Orange, Yellow, Green, Blue

Mounting Mounting Clips ...701572-25
 Mounting Track ...701456-10

Packaging 2-ft or 10-ft kit with end caps and mounting clips

Item description	Part number	Cut increments
Red Kit	701499-R-Size	2 in
Orange Kit	701499-O-Size	2 in
Yellow Kit	701499-Y-Size	2 in
Green Kit	701499-G-Size	1 in
Blue Kit	701499-B-Size	1 in



FlexiBRITE is covered by US and foreign patents pending and covered by the following US patents issued: 6,776,504 and 7,213,941 and European Patent No. 1756471

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Mininoco



RESOLUTION NO 34-16

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

APPROVING

In Re: Application of Brahmani, Inc., 21380 State Highway 7 for a conditional use permit under Greenwood ordinance code section 1140.40 and 1150.20 to replace and install new signage at the property.

WHEREAS, Brahmani, Inc., the owner of property commonly known as 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017) being real property in Hennepin County Minnesota and legally described as follows:

That part of Lot 20, "Partridge Heights" lying and being Westerly of a line described as follows: Commencing at the most Easterly corner of said Lot 20; thence Westerly along the Northerly line thereof a distance of 275.00 feet to the actual point of beginning; thence deflect to the left 89 degrees 01 minutes 35 seconds a distance of 68.58 feet more or less to the Southerly line of said Lot 20 and there terminating; together with the vacated portion of street; all according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

; and

WHEREAS, application was made for a conditional use permit (CUP) in conformance with Greenwood ordinance code sections 1140.19(2) and 1150.20; and

WHEREAS, the applicant proposes replace and install new signage at the property; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

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

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

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017), is a commercial lot of record located within the C-1 district.
2. Pursuant to Greenwood ordinance code section 1140.40, Subd. 3, erecting, altering, reconstructing, maintaining or moving signs in the city requires the property owner to apply for a CUP.
3. Pursuant to Greenwood ordinance code section 1150.20, Subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, subd 1 states:
"Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:
 - (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
 - (b) That the use is one of the conditional uses permitted for the district in which it is to be located.

- (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
 - (d) The use will be harmonious with the objectives of the comp plan.
 - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
 - (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
 - (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, subd 1.
7. The planning commission discussed the CUP request and on a 3-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- a. The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
 - b. Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
 - c. The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
 - d. The green LED “halo” lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
 - e. Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
 - f. Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
 - g. The pylon sign height shall not exceed 20 feet.
8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- (a) The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
 - (b) Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
 - (c) The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
 - (d) The green LED “halo” lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
 - (e) Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
 - (f) Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
 - (g) The pylon sign height shall not exceed 20 feet.
 - (h) Hunt Brothers illuminated sign area shall not exceed 12 square feet
 - (i) Applicant will remove existing poster board widow signage.
 - (j) The project must be completed according to the specifications and design requirements in the approved plans.
 - (k) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the

following conclusions of law:

1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.40 and 1150.20 necessary for the grant of a CUP.
2. The CUP requested is reasonable and should be granted on the following conditions:
 - (a) The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
 - (b) Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
 - (c) The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
 - (d) The green LED "halo" lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
 - (e) Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
 - (f) Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
 - (g) The pylon sign height shall not exceed 20 feet.
 - (h) Hunt Brothers illuminated sign area shall not exceed 12 square feet
 - (i) Applicant will remove existing poster board widow signage.
 - (j) The project must be completed according to the specifications and design requirements in the approved plans.
 - (k) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to the applicant for the subject property to install commercial signage at the property with the following conditions:

- (a) The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
- (b) Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
- (c) The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
- (d) The green LED "halo" lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
- (e) Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
- (f) Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
- (g) The pylon sign height shall not exceed 20 feet.
- (h) Hunt Brothers illuminated sign area shall not exceed 12 square feet
- (i) Applicant will remove existing poster board widow signage.
- (j) The project must be completed according to the specifications and design requirements in the approved plans.
- (k) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this 5th day of October, 2016 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: 7B

Agenda Date: 10-05-16

Prepared by Deb Kind

Agenda Item: Discuss Maintenance Concerns at Minnoco (formerly Greenwood Market)

Summary: Councilman Tom Fletcher requested this topic be included on the October agenda for discussion. Councilman Fletcher will give a verbal presentation at the council meeting.

Council Action: None required.



Agenda Number: **7C**

Agenda Date: **10-05-16**

Prepared by Dale Cooney

Agenda Item: 2nd Reading Ord 262 Mandatory Floodplain Ordinance Update and Res 36-16 Summary of Ord 262

Background: FEMA had updated their Flood Insurance Rate Maps for Hennepin County. As a part of this update, FEMA is requiring that cities update their Floodplain Ordinance to be in compliance with new federal language. The new ordinance is required to be updated by November 4, 2016. FEMA has stated that “without exception” any community that has not adopted new language will be suspended from the National Flood Insurance Program.

Draft Ordinance Review by City Council: The Minnesota DNR is the state agency in charge of administering the National Flood Insurance Program at the state level and has created a model ordinance for cities to adopt. The DNR requested that cities submit a draft ordinance to them by August 4, 2016. Staff prepared a draft ordinance for the city council, which was reviewed at the July 6 meeting, and the draft ordinance was then submitted to the DNR for their review and comments. Those comments are enclosed and have been incorporated into this most recent version of the ordinance.

As recommended by the city council, and approved by the DNR, the ordinance contains only the mandatory floodplain language, with all optional language removed. To review the optional language and 21-page DNR commentary, please contact City Zoning Administrator Dale Cooney 952.358.9938 dalec@mediacommb.net.

Update: At the 09-07-16 city council meeting, the council approved the 1st reading of the ordinance and directed that the 2nd reading be included on the 10-05-16 agenda to give time to revise the ordinance to move definitions to the definitions section of the code and to possibly make further revisions. Attached is the updated ordinance with the revision regarding definitions. Further revisions may be made at the 10-05-16 council meeting.

Timeline:

~~08-04-16 Notice of public hearing published.~~

~~08-17-16 Planning Commission Public Hearing.~~

09-07-16 City council considers 1st reading of new Floodplain ordinance (may make revisions)

09-08-16 If 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.

09-15-16 If 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).

10-05-16 City council considers 2nd reading of the ordinance (may make revisions).

10-06-16 The ordinance is submitted to the Sun-Sailor for publication.

10-13-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

Planning Commission Action: The planning commission held a public hearing for Ordinance No. 262 at their August 17 meeting and recommended adoption of the ordinance, as written. Motion carried 3-0

City Council Action: Action required. Potential motions ...

1. I move the city council (1) approves the 1st reading of ordinance 262 amending the floodplain ordinance code section 1174 as written / as amended; (2) waives the 2nd reading; (3) approves resolution 36-16 a summary of ordinance 262; and (4) directs staff to publish resolution 36-16 in the city's official newspaper.
2. I move the city council (1) approves the 1st reading of ordinance 262 amending the floodplain ordinance code section 1174 as written / as amended; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading.

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.



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL OFFICE
500 LAFAYETTE ROAD, BOX 25
SAINT PAUL, MN 55155
651-296-6157
888-646-6367

August 4, 2016

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

CONDITIONAL STATE APPROVAL OF FLOODPLAIN ORDINANCE & REQUIRED NEXT STEPS

Dear Honorable Mayor Kind,

The Department of Natural Resources (DNR) received via email on August 2, 2016, a draft floodplain management ordinance for the City of Greenwood from Zoning Coordinator Dale Cooney. This ordinance is being adopted in order to incorporate the *Flood Insurance Study, Hennepin County, Minnesota and Incorporated Areas* and the accompanying Flood Insurance Rate Map panels with an effective date of November 4, 2016.

Prior to adoption, the City should incorporate a few minor amendments to ensure conformance with state and FEMA standards:

- I've noticed that the "model with commentary" that I sent on June 1, 2016 incorrectly identifies Sections 7.25 and 7.3 as optional provisions, when in fact they are required under 44 CFR 60.3(a)(3 & 4). As such, the city needs to incorporate these items. To do this, we recommend the city amend Section 1360.07 of the ordinance to better mirror Section 7.0 of the model.
- Consider adding definition for "Flood Insurance Rate Map" consistent with 44 CFR §59.1. While this definition was not in the model, adding this definition will add clarity when cross referencing the Flood Insurance Study.
- Please insert language from Section 9.12 of the floodplain model into Section 1360.09, Subd. 1 of the city's draft ordinance. Provisions within this section are required per 44 CFR §60.3(b)(8) and 44 CFR §60.3(c)(12).

We apologize for the inconvenience and are planning to correct the model accordingly.

Apart from the above items, the draft floodplain management ordinance is in compliance with the state floodplain management rules (MR 6120.5000 to 6120.6200) and, to the best of my knowledge, with the floodplain management standards of the Federal Emergency Management Agency. Therefore, in accordance with Minnesota Statutes, Chapter 103F, I hereby give conditional state approval of the draft floodplain management ordinance, provided the above - mentioned revisions are made.



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AN EQUAL OPPORTUNITY EMPLOYER

This approval is valid upon adoption of the draft ordinance by the city and receipt by this office of **one (1) copy each of the adopted ordinance (signed and stamped with the community seal), the affidavit of publication, and the completed "Ordinance Certification Checklist"** that I have enclosed. Please forward these documents to Ceil Strauss, the DNR's State NFIP Coordinator in St. Paul at the address above in the header. Upon receipt and verification, Ms. Strauss will transmit one copy of these materials to Mr. John Devine at FEMA's Chicago Regional Office.

Please remember, FEMA must receive a signed, certified, and in-effect ordinance no later than November 4, 2016. To allow sufficient time for processing and transmittal, we request that you submit the requested materials to the DNR no later than November 1, 2016. ***If FEMA has not received the documentation by the map effective date, FEMA will suspend the City from the National Flood Insurance Program.***

Please be advised that any future amendments of this ordinance or change in the designation of flood prone areas require prior approval of the Commissioner. In addition, you are required to send copies of hearing notices and final decisions pertaining to variance, conditional uses, and ordinance amendments to this agency. Please send those to State NFIP Coordinator Ceil Strauss at the above address. Should you have any questions on this ordinance or related matters, please contact Ms. Strauss at (651) 259-5713 or ceil.strauss@state.mn.us.

While our office in St. Paul will continue to be the main contact for the ordinance update, your DNR Area Hydrologist will continue to be your main contact for day to day assistance with administering your floodplain management ordinance and questions about other DNR water-related programs and permits. Your Area Hydrologist is Kate Drewry, who can be contacted at 651-259-5753 or kate.drewry@state.mn.us.

The DNR greatly appreciates your community's cooperation and initiative in providing for the reduction of flood damages through the adoption and administration of this ordinance.

Sincerely,



Jennifer Shillcox
Land Use Section Supervisor

Enclosures: Ordinance Certification Checklist

ec: Dale Cooney, Zoning Coordinator
Terri Yearwood, DNR Eco-Waters' Regional Manager
Jeanne Daniels, DNR Eco-Waters' District Manager
Kate Drewry, Area Hydrologist

ORDINANCE CERTIFICATION CHECKLIST

Please sign and return the checklist and all required documents to the DNR Floodplain Program office when completed.

1. _____ **Date(s) of published hearing notice.**

2. _____ **Date(s) of public hearing.**

3. _____ **Date of ordinance adoption. Include 1 certified copy of the adopted ordinance text in its entirety including the signature of the chief elected official and the stamped seal of the community.**
4. _____ **Date of newspaper publication of adopted ordinance. Include 1 copy of affidavit of publication of the adopted ordinance. Publication of an ordinance summary is acceptable by statute.**
5. _____ **Date of official filing of adopted ordinance with County Recorder (_____ record book number and _____ page number). If filing of an adopted ordinance with the county auditor is not a standard practice, please indicate "N/A."**
6. _____ **Board of Adjustment/Appeals has been established (yes or no).**

Note: Cities under charter must also submit a list of any additional requirements for hearings, notices, etc. stated in their charter and not required by statute. Please specify:

Signature of Clerk/Auditor

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1174 FLOODPLAIN ORDINANCE**

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

SECTION 1.

Greenwood ordinance code chapter 11, section 1102 Definitions is hereby amended to delete all definitions related to the previous section 1174 Floodplain Ordinance and is hereby amended to add all of the below definitions related to the new section 1174 Floodplain Ordinance:

"Accessory Use or Structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Development means any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Equal Degree of Encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Flood Fringe means the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Hennepin County, Minnesota.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Prone Area means any land susceptible to being inundated by water from any source (see "Flood").

Floodplain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Floodproofing means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

New Construction means structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

One Hundred Year Floodplain means lands inundated by the "Regional Flood" (see definition).

Recreational Vehicle means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

Regional Flood means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

Regulatory Flood Protection Elevation (RFPE) means an elevation not less than one foot above the elevation of the regional flood.

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Special Flood Hazard Area means a term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

Start of Construction includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 1774.09(2)(b) of this ordinance and other similar items.

Substantial Damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1."

SECTION 2.

Greenwood ordinance code chapter 11, section 1174 is hereby deleted and replaced with the following:

"1174. FLOODPLAIN ORDINANCE.

Section 1174.01. Statutory Authorization, Findings of Fact, and Purpose.

Subd. 1. Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the city council of Greenwood, Minnesota, does ordain as follows.

(a) **Purpose:**

- (1) This ordinance regulates development in the flood hazard areas of the city of Greenwood. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards,

disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

- (2) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

Section 1174.02. General Provisions.

Subd. 1. How to Use This Ordinance: This ordinance adopts the floodplain maps applicable to the city of Greenwood and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

- (a) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 1174.04 or 1174.05 will apply, depending on the location of a property.
- (b) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 1174.04 apply unless the floodway boundary is determined, according to the process outlined in Section 6. Once the floodway boundary is determined, the Flood Fringe District standards in Section 1174.05 may apply outside the floodway.

Subd. 2. Lands to Which Ordinance Applies: This ordinance applies to all lands within the jurisdiction of Greenwood shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

Subd. 3. Incorporation of Maps by Reference: The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the city clerk's office.

Effective Flood Insurance Rate Map panels:

27053C0316F
27053C0318F

Subd. 4. Regulatory Flood Protection Elevation: The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood.

Subd. 5. Interpretation: The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

- (a) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The zoning administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
- (b) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

Subd. 6. Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Subd. 7. Warning and Disclaimer of Liability: This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the city of Greenwood or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Subd. 8. Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Subd. 9. Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 1174.02(3) above may include floodplain areas that lie outside of the corporate boundaries of the city of Greenwood at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the city of Greenwood after the date of adoption of this

ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

Section 1174.03. Establishment of Zoning Districts.

Subd. 1. Districts:

- (a) Floodway District. The Floodway District includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Section 1774.02(3), as well as portions of other lakes, wetlands, and basins within Zones AE (that do not have a floodway delineated) that are located at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (b) Flood Fringe District. The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in Section 1774.02(3), but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (c) General Floodplain District. RESERVED FOR GENERAL FLOODPLAIN DISTRICT (GF)

Subd. 2. Applicability: Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses in Sections 1774.04, 1774.05 and 1774.06 are prohibited.

Section 1174.04. Floodway District (FW).

Subd. 1. Permitted Uses: The following uses, subject to the standards set forth in Subd. 2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- (a) Open space uses, including but not limited to picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, hunting and fishing areas.
- (b) Residential lawns.
- (c) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

Subd. 2. Standards for Floodway Permitted Uses:

- (a) The use must have a low flood damage potential.
- (b) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.

Section 1174.05. Flood Fringe District (FF).

Subd. 1. Permitted Uses: Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 1774.05(2). If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

Subd. 2. Standards for Flood Fringe Permitted Uses:

- (a) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
- (b) Accessory Structures. As an alternative to the fill requirements of section 1774.05(2)(a), structures accessory to the uses identified in Section 1774.05(1) may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
 - (1) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
 - (2) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation

- (3) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (ii) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- (c) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
- (d) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- (e) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (f) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
- (g) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the city council.
- (h) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (i) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
- (j) Manufactured homes and recreational vehicles must meet the standards of Section 1774.09 of this ordinance.

Section 1174.06. Reserved for General Floodplain District (GF).

Section 1174.07. Land Development Standards.

Subd. 1 Subdivisions: No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

- (a) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- (b) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the city council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- (c) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- (d) In the General Floodplain District, applicants must provide the information required in Section 1774.06(2) of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- (e) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (3) Adequate drainage is provided to reduce exposure of flood hazard.

Subd. 2. Building Sites: If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

- (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Constructed with materials and utility equipment resistant to flood damage;
- (c) Constructed by methods and practices that minimize flood damage; and

- (d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Section 1174.08. Public Utilities, Railroads, Roads, and Bridges.

Subd. 1. Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

Subd. 2. Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 1774.04 and 1774.05 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

Subd. 3. On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

Section 1174.09. Manufactured Homes, Manufactured Home Parks, and Recreational Vehicles.

Subd. 1. Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 1174.05 of this ordinance and the following standards.

- (a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 1174.07(1)(b)

Subd. 2. Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

- (a) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 1774.09(2)(b):
- (1) Individual lots or parcels of record.
 - (2) Existing commercial recreational vehicle parks or campgrounds.
 - (3) Existing condominium-type associations.
- (b) Criteria for Exempt Recreational Vehicles:
- (1) The vehicle must have a current license required for highway use.
 - (2) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 - (3) No permanent structural type additions may be attached to the vehicle.
 - (4) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

Section 1174.10. Administration.

Subd. 1. Zoning Administrator: A zoning administrator or other official designated by the city council must administer and enforce this ordinance.

Subd. 2. Permit Requirements:

- (a) *Permit Required.* A permit must be obtained from the zoning administrator prior to conducting the following activities:
- (1) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
 - (2) The use or change of use of a building, structure, or land.
 - (3) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
 - (4) The change or extension of a nonconforming use.
 - (5) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - (6) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 - (7) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
 - (8) Any other type of "development" as defined in this ordinance.
- (b) *Application for Permit.* Permit applications must be submitted to the zoning administrator on forms provided by the zoning administrator. The permit application must include the following as applicable:
- (1) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 - (2) Location of fill or storage of materials in relation to the stream channel.
 - (3) Copies of any required municipal, county, state or federal permits or approvals.
 - (4) Other relevant information requested by the zoning administrator as necessary to properly evaluate the permit application.
- (c) *Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.* No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- (d) *Certification.* The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.
- (e) *Record of First Floor Elevation.* The zoning administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
- (f) *Notifications for Watercourse Alterations.* Before authorizing any alteration or relocation of a river or stream, the Zoning administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- (g) *Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.* As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

Subd. 3. Variances:

- (a) *Variance Applications.* An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 1155 of the zoning ordinance.
- (b) *Adherence to State Floodplain Management Standards.* A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- (c) *Additional Variance Criteria.* The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
- (1) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (2) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (d) *Flood Insurance Notice.* The Zoning administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (e) *Submittal of Hearing Notices to the Department of Natural Resources (DNR).* The Zoning administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least 10 days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (f) *Submittal of Final Decisions to the DNR.* A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (g) *Record-Keeping.* The zoning administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

Subd. 4. Conditional Uses:

- (a) *Administrative Review.* An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section(s) 1150 of the zoning ordinance.
- (b) *Submittal of Hearing Notices to the Department of Natural Resources (DNR).* The zoning administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (c) *Submittal of Final Decisions to the DNR.* A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Section 1174.11. Nonconformities.

Subd. 1. Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 1774.02(9)(w)(2) of this ordinance, are subject to the provisions of Sections 1774.11(1)(a) – 1774.11(1)(e) of this ordinance.

- (a) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 1774.11(b) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- (b) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 1774.11(c) and 1774.11(d) below.
- (c) If any nonconformity is substantially damaged, as defined in Section 1774.02(9)(v) of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 1774.04 or 1774.05 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- (d) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 1774.02(9)(r) of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.
- (e) Any substantial improvement, as defined in Section 1774.02(9)(w) of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 1774.04 or 1774.05 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

Section 1174.12. Penalties and Enforcement.

Subd. 1. Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

Subd. 2. Other Lawful Action: Nothing in this ordinance restricts the city of Greenwood from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

Subd. 3. Enforcement: Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of section 515 of the city ordinance. In responding to a suspected ordinance violation, the zoning administrator and city council may utilize the full array of enforcement actions available to it including but not limited to

prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The city of Greenwood must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

Section 1174.13. Amendments.

Subd. 1. Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

Subd. 2. Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

Subd. 3. Map Revisions Require Ordinance Amendments: The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 1774.02(3) of this ordinance.”

SECTION 3.

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

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

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: September 7, 2016
Second reading: _____, 2016
Publication: _____, 2016

RESOLUTION 36-16

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 262 BY TITLE AND SUMMARY**

WHEREAS, on October 5, 2016 the city council of the city of Greenwood adopted "Ordinance 262 Amending Greenwood Ordinance Code Section 1174 Floodplain Ordinance."

WHEREAS, the city council has prepared a summary of ordinance 262 as follows:

1. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the city council of Greenwood, Minnesota, does ordain as follows.
2. This ordinance regulates development in the flood hazard areas of the city of Greenwood. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
3. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

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

1. The city council finds that the above title and summary of ordinance 262 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 262 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

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

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

CITY OF GREENWOOD

Debra J. Kind, Mayor
Attest: Dana H. Young, City Clerk
First reading: September 7, 2016
Second reading: _____, 2016
Publication: _____, 2016



Agenda Number: 9A

Agenda Date: 10-05-16

Prepared by Deb Kind

Agenda Item: Discuss Excelsior Fire District's Proposed Replacement Aerial Truck Recommendations

Summary: Councilman Tom Fletcher, the city's representative on the Excelsior Fire District Board, requested this topic be included on the October agenda for discussion and input. Attached is a copy of the EFD proposal.

Council Action: None required.



Excelsior Fire District

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Deephaven – Excelsior – Greenwood – Shorewood – Tonka Bay

24100 Smithtown Road

Shorewood, MN. 55331

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Excelsior Fire District Aerial 11 Replacement September, 2016 Aerial 11 / TRUCK #29 TRUCK RECOMMENDATION

Background

As the EFD Board, you are aware that we are in the final stages of recommending a replacement for the existing ladder / aerial truck. During this process we have reviewed several trucks from several manufacturers. The purpose of the reviews of various manufactures was to see the current options and how the changes to the industry have been handled by each manufacture.

We had demos of the manufactures listed below and these where attended by firefighters, Board Member Erickson and Chief Gerber. Although this truck replacement has not had a “formal EFD Truck Committee” assigned for the specification and bidding of this truck, we have utilized member expertise to develop and finalize the specific specifications for this replacement truck.

Apparatus Reviews were performed with the following manufactures:

- Pierce
- Rosenbauer
- E-One
- KME
- Sutphen
- Spartan

I vision the process for the truck replacement to move forward similar to this:

- September 28th Board meeting
 - Discussion of the aerial devices and recommendation provided from staff
 - Preliminary approval from the EFD Board to move forward with the purchase and ordering of a new truck
- October
 - EFD Board member review the process and recommendation with their councils. Obtain approval from all councils
 - Hold Special EFD Board meeting in late October to give Final approval to order a new truck

- November/December
 - Fire Chief and EFD Board Chair sign agreement to purchase a new truck.
 - Financing in place to pay for truck once final agreement signed.
- First Quarter of 2018
 - New aerial / ladder truck arrives at EFD

As a part of our overall review process we have evaluated/considered different options. In July a few EFD staff, EFD Board Member Erickson, and a few other outside individuals spent a day at a number of different locations in our EFD Fire District comparing the various aerial/ladder devices. At these sites we used our current EFD Aerial (65 foot), a Minnetonka Ladder (75 foot mid-mount), and a 107 foot Pierce demo. We went to the following sites:

- Minnewashta Elementary
- Residential home in Shorewood
- Residential home in Tonka Bay
- Multi-family apartment in Excelsior
- Residential home in Deephaven
- Multi-family home in Deephaven

We shot video at each site of the operations of each truck. From setup to reach we looked at how each truck was able to handle the need for that site. That video was sent to you for review on September 13, 2016. The purpose of the video is to help show the various applications of the different aerial/ladder devices.

Recommendation

Based on our overall review to date, the EFD Leadership is recommending the EFD Board authorize the Fire Chief to finalize a bid utilizing the HGAC process with Pierce. The truck purchased would be the Pierce 107 Ascendant.

The CIP has allotted \$730,000.00 for the truck, \$35,000.00 for equipment, and \$97,225.00 for financing for a total of \$862,225.00.

Basis for the Recommendation:

- We believe this Pierce Ascendant 107 foot ladder on a single axle truck is the best option for the Excelsior Fire District for short term and long term operations.
 - Water – 500 gallons
 - Foam – 20 gallons
 - Pump – 1500 gpm
 - Ground Ladders – 105 feet total
 - 1 - 35 ft. ground ladder
 - 1 - 24 ft. ground ladder
 - 1 - 16 ft. roof ladder
 - 1 - 20 ft. roof ladder
 - 1 - 10 foot folding attic ladder
 - Set-up – easy set-up and operations
 - Reach – most reach for any of the apparatus
 - Safety – firefighter safety while operating on any roof or conducting any roof operations in today’s construction is critical. This truck allows the most reach and the most opportunity that is needed to work on a roof, the operational functionality is the most of any truck reviewed.

The EFD Leadership believes this truck meets the needs of the Fire District as outlined in the attached documents and does not provide a duplication of services with other fire departments in the area. The EFD Leadership realizes the truck price is \$38,000.00 over the allotted amount of \$730,000.00 for the truck portion in the CIP. However, the overall allocated amount for the purchase of this truck will not exceed the budget amount. The EFD Leadership is confident that we will not exceed the overall budget of \$862,225 allotted in the CIP for the truck, equipment, and financing.

Chief Gerber is handling the finance portion of the truck. We believe that because of the low interest rates currently available, the finance portion of the truck will be much less than the \$97,000.00 allotted in the CIP. The City of Shorewood and the City of Tonka Bay are interested in providing the financing for this truck.

The EFD Leadership is confident that the Pierce 107 Ascendant meets all the truck replacement criteria and specifications which were determined by the District, EFD Leadership, and members during the truck replacement process. The final truck specifications will be negotiated by the Fire Chief not to exceed the overall allocated CIP dollars of \$862, 225.

Equipment bids will also be obtained for this truck. Equipment will be purchased at a later date. EFD Leadership is confident that we can purchase the needed equipment on this truck for the budgeted \$35,000



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Excelsior Fire District and the Use of an Aerial Device

1) What type of Aerial Device does EFD currently use?

- Aerial 11 is a Quint Apparatus
 - A quint aerial apparatus has a pump, water tank, hose, and aerial device.
 - Our current ladder has a 65 foot ladder.

2) So why do we need an Aerial Device in the Excelsior Fire District?

- Firefighter Safety
 - A firefighter working over a fire in today's building construction is much safer working from an aerial device than from a 35 foot ladder and a roof ladder. The reason is that the aerial device provides the necessary elevation without relying on the support of the structure itself which may be compromised.
 - Light at top of ladder can be used to light up scene from the top.
- Fire Suppression
 - Elevated Master Stream – having an elevated master stream device that can work from above a structure to help suppress a fire is important and beneficial. The reason is that you can get at the seat of the fire from above a fire that is “through the roof” that cannot done from the ground level. An example was the 165 Lakeview fire in Tonka Bay where the elevated master stream was able to extinguish the fire when ground operations could not, resulting in saving half the house and belongings.
 - In large apartment or commercial building without stand pipes, Aerial can be raised into a window and used as a stand pipe for internal operations. This was the case at the Hance Hardware fire in Excelsior a number of years ago.
 - Exposure protection – having an aerial device that can provide a “water curtain” to a neighboring home or business to minimize exposure damage as a result of a structure fire in effective and beneficial. With increasing land values, lots are becoming smaller and communities are doing more P.U.D.'s with cluster housing which will increase the potential for greater aerial use for exposure protection.
 - Greater reach from an elevated master stream.

1) .

- Frequency
 - An Aerial Device is not used that often but when it is, it is an invaluable tool that cannot be replicated with other equipment.
- Rescue
 - An aerial device can be used in a rescue operation at a structure fire.
 - An aerial device can be used for rescue of a trapped or injured individual that may be stuck or suspended in a high area such as a water tower.

3) Apparatus Placement

- Aerial 11 is the first out truck at Station 1 in most fire situations because in most cases we have one shot to get an aerial device in place for suppression efforts. Because our roads are narrow and in many cases we operate with a drop tank and hauling water, we need to have an open roadway to get an aerial device in place for effective operations.
- Road structures – narrow roads in many of our communities.
- Geographical setbacks of commercial and residential structures – many of our residential structures have set backs significant from the main roadway. In many cases, this gives us one opportunity to get an aerial device in place before significant suppression operations occur.

4) Training

- Training is needed for all apparatus. An Aerial device will require additional training for apparatus operations.

5) ISO requirement

- Today the Excelsior Fire District and our associated communities is given a specific rating for the insurance in our communities. Without an aerial device, we know this rating would change negatively.
- Ladder Service counts for 6 points out of 100 total for all requirements. According to ISO, EFD is required to have one Ladder truck (Aerial Device) based on the number of buildings 3 stories or more and greater than 35 ft. and it must respond on the first alarm for all structure fires. The addition of the Senior Living Facility will only reinforce the need for an aerial device.

6) Could the EFD area operate without an Aerial Device?

- Yes, however our tactics (and our training) would change. There also would be certain situations when an aerial would be the only apparatus that would get the job done. In those situations, we would have to ask for an aerial from one of our mutual aid partners. That would mean increased response time, difficulty with road access and apparatus placement, and could potentially put lives at risk.
- I do not believe this would be in the best overall interest of the Excelsior Fire District.



Excelsior Fire District

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Excelsior Fire District Aerial 11 Key Questions

1. Water Capacity
 - a. Current Truck – 600 gallons
 - b. Looking for at least 400-500 gallon tank
 - c. Hydrants vs. no hydrants

2. Pump Size and Capacity
 - a. Current Truck 1500 gpm
 - b. Looking for 1500 gpm
 - c. Needed for Master Stream Operations
 - d. Engines 1250 gpm

3. Maneuver in the Streets
 - a. Current Truck Single Axle
 - b. Looking for Single Axle
 - c. Length – turning radius, crimp angle

4. Regional Aerial Device Availability and Use
 - a. Long Lake – No Aerial Device
 - b. Wayzata – 100 Platform Aerial Device
 - c. Mound – 78 foot Stick Aerial Device
 - d. Maple Plain – 100 foot Stick Aerial Device
 - e. Minnetonka – Multiple Aerial Devices and lengths – Platform and Stick
 - f. Chanhassen – 100 foot Platform Aerial Device
 - g. Chaska – 100 foot Platform Aerial Device
 - h. Hopkins – 100 Foot Platform Device
 - i. Eden Prairie – 100 foot Platform Aerial device and 78 foot Aerial stick device
 - j. St. Louis Park – 78 foot Aerial stick device
 - k. St. Boni – No Aerial Device
 - l. Victoria – No Aerial Device

5. Size of the Ladder

- a. Current Ladder – 65 feet
- b. Devices today
 - i. 75 feet
 - ii. 78 feet
 - iii. 79 feet
 - iv. 107 feet
- c. Key Factor – Reach

6. Key usage

- a. Firefighter Safety
 - i. A firefighter working over a fire in today's building construction is much safer working from an aerial device than from a 35 foot ladder and a roof ladder. The reason is that the aerial device provides the necessary elevation without relying on the support of the structure itself which may be compromised.
 - ii. Light at top of ladder can be used to light up scene from the top.
- b. Fire Suppression
 - i. Elevated Master Stream – having an elevated master stream device that can work from above a structure to help suppress a fire is important and beneficial. The reason is that you can get at the seat of the fire from above a fire that is “through the roof” that cannot be done from the ground level. An example was the 165 Lakeview fire in Tonka Bay where the elevated master stream was able to extinguish the fire when ground operations could not, resulting in saving half the house and belongings.
 - ii. In large apartment or commercial building without stand pipes, Aerial can be raised into a window and used as a stand pipe for internal operations. This was the case at the Hans Hardware fire in Excelsior a number of years ago.
 - iii. Exposure protection – having an aerial device that can provide a “water curtain” to a neighboring home or business to minimize exposure damage as a result of a structure fire is effective and beneficial. With increasing land values, lots are becoming smaller and communities are doing more P.U.D.'s with cluster housing which will increase the potential for greater aerial use for exposure protection.
 - iv. Greater reach from an elevated master stream.



Excelsior Fire District

Proudly Serving the Communities of:

Deephaven – Excelsior – Greenwood – Shorewood – Tonka Bay

24100 Smithtown Road

Shorewood, MN. 55331

952-401-8801 Phone

952-960-1690 Fax

Excelsior Fire District and the Usage of Aerial 11

The Use of the Ladder truck (Aerial 11) in our fire protection district and on our regional borders just outside of the Excelsior Fire District has many documented uses. We have documented some critical use events below.

1. Deephaven
 - a. Roof fire at Minnetonka Blvd when the roofing supplies caught on fire.
2. Greenwood
 - a. Excelsior Blvd house fire that was under construction.
3. Orono – Long Lake Fire
 - a. Long lake mutual aid for full engulfed house fire. A11 used to help protect the garage and put out fire in main house as it was fully engulfed.
4. Tonka Bay –
 - a. Lakeview fire – structure fire with exposure protection.
5. Tonka Bay
 - a. Structure Fire
6. Shorewood – Murfield Circle.
 - a. Used it also to ladder the roof on Murfield circle fire.
7. Excelsior
 - a. Fire alarm beacon bank on Water street
 - i. Used it to get to the top of the building to check the roof.
8. Multiple Cities
 - a. Chimney Fires

9. Orono - Long Lake Fire
a. Roof Extension

10. Excelsior
a. Hans Hardware Fire



Photos of usage



Tonka bay – Garage fire – operations, set-back



Structure Fire with Water Curtain (Exposure Protection) in Orono



Night usage - Waterford place – Shorewood



Roof operations – Equipment and Lack of a Turntable



Trucks – usage of Apparatus, Water Supply, driveway access, initial arrival



Trucks – usage of Apparatus, Access to the Roof



Trucks – usage of Apparatus, Access to the Roof – extended to full 65 ft



Water Supply – Hydrants or Tanker operations



Ground Ladders – important use



Roof Operations



Re-loading Hose



Ladder Operations - tip load, flowing water and not flowing water



Defensive fire operations, Exposure protection, Water Curtain



Ladder Operations – Defensive fire operations, Exposure protection, Water Curtain



No Station modifications



Road and Driveway access – Above Ground Power Lines



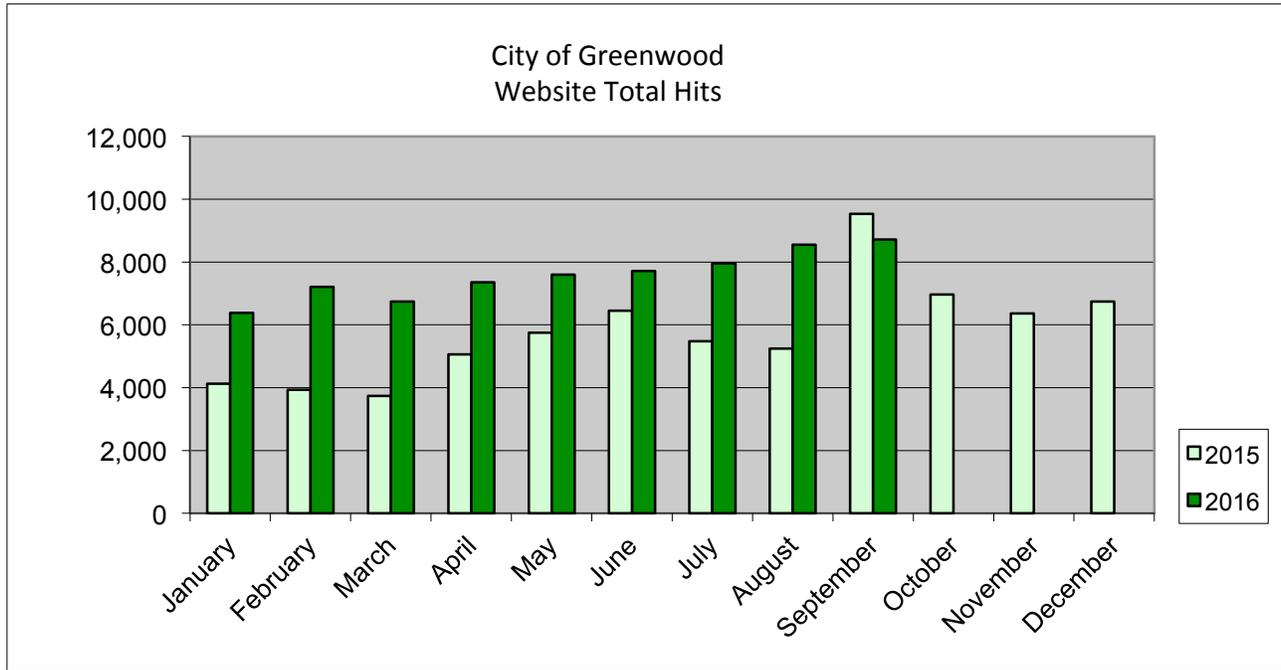
Agenda Number: **11A-E**

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	7,603	252	1,850	158
June	6,448	7,711	108	1,263	158
July	5,481	7,962	251	2,481	156
August	5,249	8,555	593	3,306	159
September	9,532	8,719	164	-813	159
October	6,969		-8,719	-6,969	
November	6,362		0	-6,362	
December	6,742		0	-6,742	
AVERAGE	5,781	7,581			

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

POPULATION: 693
EMAIL ADDRESSES % OF POPULATION: 22.94%

Population source: www.metrocouncil.org, Data & Maps, Download Data, Population and Household Estimates
 Population figure updated: 05-20-16

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	<input type="text" value="8/15/2016"/>
End Date	<input type="text" value="9/15/2016"/>
Report Name	<input type="text" value="Page Views (Default)"/>
<input type="button" value="Get Report"/>	

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	4306	49.39%
Agendas, Minutes, Meeting Packets	582	6.68%
RFPs & Bids	478	5.48%
City Departments	316	3.62%
Planning Commission	245	2.81%
Welcome to Greenwood	244	2.8%
Assessments & Taxes	189	2.17%
Budget & Finances	175	2.01%
Mayor & City Council	153	1.75%
Code Book of Ordinances	152	1.74%
Forms, Permits, Licenses	147	1.69%
Garbage & Recycling	120	1.38%
Photo Gallery	97	1.11%
Spring Clean-Up Day	88	1.01%
St. Alban's Bay Lake Improvement District	77	0.88%
Lake Minnetonka	73	0.84%
Elections, Voting	71	0.81%
Comp Plan & Maps	66	0.76%
Watercraft Spaces	63	0.72%
Meetings on TV	63	0.72%
Public Safety Alerts	61	0.7%
Old Log Events	58	0.67%
Parks, Trails & Watercraft Amenities	56	0.64%
Emergency Preparedness	55	0.63%
Coyotes & Animal Services	55	0.63%

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.

Meetings	53	0.61%
Links	52	0.6%
Agendas, Minutes, Meetings	46	0.53%
Email Sign-Up	45	0.52%
City Newsletters	44	0.5%
Swiffers NOT Flushable	43	0.49%
Tree Contractors	41	0.47%
Smoke Testing	37	0.42%
Community Surveys	37	0.42%
Sewer, Stormwater, Water, Garbage, Recycling	36	0.41%
Southshore Center	36	0.41%
Search Results	34	0.39%
News, Events	32	0.37%
Finances, RFPs, Taxes, Assessments	28	0.32%
Well Water	27	0.31%
Fire Department	26	0.3%
Recreation, Amenities	26	0.3%
Tour de Tonka	26	0.3%
July 4th	23	0.26%
Luck O' the Lake	21	0.24%
Unsubscribe	8	0.09%
---	7	0.08%
Missing Section	1	0.01%
TOTAL	8719	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	1156	34.57%
City Departments	218	6.52%
Agendas, Minutes, Meeting Packets	148	4.43%
Welcome to Greenwood	142	4.25%
Mayor & City Council	94	2.81%
Planning Commission	87	2.6%
Code Book of Ordinances	74	2.21%
Garbage & Recycling	72	2.15%
Forms, Permits, Licenses	70	2.09%
Assessments & Taxes	67	2%
Photo Gallery	60	1.79%
Budget & Finances	60	1.79%
St. Alban's Bay Lake Improvement District	50	1.5%
Lake Minnetonka	50	1.5%
Public Safety Alerts	48	1.44%
Comp Plan & Maps	46	1.38%
Elections, Voting	45	1.35%
Spring Clean-Up Day	44	1.32%
Old Log Events	43	1.29%
Watercraft Spaces	43	1.29%
Coyotes & Animal Services	41	1.23%
Meetings	36	1.08%
Parks, Trails & Watercraft Amenities	36	1.08%
Tree Contractors	35	1.05%
Meetings on TV	35	1.05%
Links	35	1.05%
Emergency Preparedness	34	1.02%
Agendas, Minutes, Meetings	33	0.99%
Email Sign-Up	33	0.99%
Swiffers NOT Flushable	33	0.99%
RFPs & Bids	33	0.99%

Smoke Testing	32	0.96%
Community Surveys	31	0.93%
City Newsletters	30	0.9%
Sewer, Stormwater, Water, Garbage, Recycling	28	0.84%
News, Events	28	0.84%
Southshore Center	25	0.75%
Tour de Tonka	23	0.69%
Recreation, Amenities	23	0.69%
Search Results	21	0.63%
Well Water	20	0.6%
Fire Department	19	0.57%
Luck O' the Lake	18	0.54%
Finances, RFPs, Taxes, Assessments	18	0.54%
July 4th	17	0.51%
---	5	0.15%
Unsubscribe	4	0.12%
Missing Section	1	0.03%
TOTAL	3344	100%

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

Done