

# AGENDA

## Greenwood City Council Meeting

Wednesday, November 7, 2012  
20225 Cottagewood Road, Deephaven, MN 55331



*The public is invited to address the council regarding any item on the regular agenda. If your topic is not on the agenda, you may speak during Matters from the Floor. Comments are limited to 3 minutes. Agenda times are approximate. Please turn off cell phones. Thank you!*

- 7:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 7:00pm 2. CONSENT AGENDA  
*Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.*
- A. Approve: 10-03-12 Worksession Minutes
  - B. Approve: 10-03-12 Regular Meeting Minutes
  - C. Approve: September Cash Summary Report
  - D. Approve: October Verifieds, Check Register, Electronic Fund Transfers
  - E. Approve: November Payroll Register
- 7:05pm 3. MATTERS FROM THE FLOOR  
*This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to 3 minutes.*
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS
- A. South Lake Minnetonka Police Department Quarterly Update
  - B. City Engineer Dave Martini: Update on Excelsior Blvd. Watermain and Sidewalk Projects
    - a. Consider: Support of Concept for Excelsior/Shorewood Watermain Interconnection Through Greenwood
    - b. Consider: Sidewalk Plan Options
  - C. Mayor Kind and Councilman Fletcher: Assessor Sales Ratio Meeting Update
  - D. Announcement: Election Canvassing Meeting, 6pm, Tuesday, 11-13-12 (date change)
- 8:10pm 5. PUBLIC HEARINGS
- A. None
- 8:10pm 6. UNFINISHED BUSINESS
- A. Discuss: Sanitary Sewer Discharge Program Report and Next Steps
- 8:25pm 7. NEW BUSINESS
- A. Consider: Variance Extension, Bob Schmitt Property (License Center)
  - B. Consider: Variance Requests, Chip and Kathy Fischer, 5185 Greenwood Circle (setback, hardcover, and structure volume variances to remove and rebuild an existing legal nonconforming home and existing legal nonconforming lakeside accessory structure)
  - C. 1st Reading: Ordinance 213 Amending Code Chapters 5 & 7 to Update Fees
  - D. Discuss: Draft Ordinance Regarding Impervious Surface Requirements (trading landscaping hardcover for structural hardcover)
- 9:00pm 8. OTHER BUSINESS
- A. None
- 9:00pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission
  - B. Fletcher: Lake Minnetonka Communications Commission, Xcel Project, Excelsior Fire District
  - C. Kind: Police, Administration, Mayors' Meetings, Website
  - D. Page: Lake Minnetonka Conservation District
  - E. Quam: Roads & Sewer, Minnetonka Community Education
- 9:15pm 10. ADJOURNMENT



**Agenda Item:** Consent Agenda

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

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

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

## **Greenwood City Council Worksession Minutes**

6:00 pm, Wednesday, October 3, 2012

Deephaven City Hall ~ 20225 Cottagewood Avenue ~ Deephaven, MN 55331

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

Mayor Kind called the meeting to order at 6:00 pm.

Council members present: Bill Cook (6:28), Tom Fletcher, Kelsey Page (6:55) and Bob Quam  
Others present: City Attorney Mark Kelly, City Engineer Dave Martini and City Clerk Karpas

Quam moved to approve the agenda. Second by Fletcher. Motion carried 3-0.

### 2. Discuss Potential Excelsior Boulevard Watermain Project

Mayor Kind discussed the feasibility study submitted by the city engineer Dave Martini and asked Mr. Martini to explain it more in depth. Mr. Martini referenced the map included in the study saying it shows a number of color coded properties including orange properties which are currently served with water, but have oddly shaped services and yellow properties which includes those properties that have petitioned to extend the city of Excelsior's water line as part of the upcoming Met Council sanitary sewer upgrades along Excelsior Boulevard. He noted that included in this group are a few properties who did not express interest in being included in the initial hook up of water, but would have to be assessed as part of the project. He said the orange properties would have their current services made more conventional during the project and will only be charged for a new stub rather than for the cost of extending the watermain.

Councilmember Fletcher asked if the project could be done as proposed without the orange properties without having a negative impact on the cost to Greenwood residents. City Engineer Martini said it could.

Zoning Coordinator Karpas stated he thought the project was to include a twelve-inch line and not an eight-inch line as shown in the feasibility study. City Engineer Martini said the cities of Excelsior and Shorewood are in discussions about tying their water systems together and either end of Excelsior Boulevard. If they did this, the line size would be increased to a twelve-inch line. He said the good part about that is that Greenwood residents along Excelsior Boulevard would only be assessed for an eight-inch line and the cities of Excelsior and Shorewood would pay the difference in cost.

Tom Dye and Dan Fick, Consultants for the Metropolitan Council, introduced themselves. Mr. Dye said it's still not clear what the cities of Excelsior and Shorewood are intending to do, though the City of Shorewood has passed a resolution to move forward with the project. Councilmember Fletcher clarified that Shorewood passed a resolution to pay half the cost of the project. Mr. Dye explained how agreements between the Met Council and cities work on joint projects like this. He said the terms are drawn up which include all costs and then cities are given a certain time period to determine what parts of the project they agree to fund.

City Engineer Martini asked about the schedule and what the next step would be. He said he could take the feasibility study to the Planning Commission to verify consistency with the Comprehensive Plan. Mayor Kind said though the Planning Commission review would not be a public hearing, the public can comment at that meeting. Mr. Martini said what he's looking

for at this time is any comments or changes the Council would like to see before it goes before the Planning Commission.

City Engineer Martini discussed the projected assessments for the project. He said the estimated assessment for a residential property would be \$9,700 and \$14,600 for a commercial property. Councilmember Fletcher asked if the commercial assessment was high considering the commercial properties were not in favor of connecting. Mr. Martini said the estimation was based on the assumption that their demand could be greater in the future. Fletcher said one of the properties contains a small office on a small lot, which has little chance of getting any larger. Mr. Martini said the cost has to be divided equally. Mayor Kind noted that commercial users have people using the site all day. Mr. Martini also noted that commercial properties also have fire protection needs. He said there is a public hearing portion of the process and if the Council feels the commercial assessment is too high, it can be reduced, but remember the additional cost would have to be spread across the residential properties since the cost of the project remains the same. Councilmember Quam feels the commercial properties should pay more since their future use is not known. Mr. Martini said some of the research for the estimated assessment for commercial properties included looking at the existing sewer charges. He said the city currently charges commercial properties two to three times more for sewer than they do for residential properties. He said he's willing to bring this feasibility study to the Planning Commission if that is the desire of the Council.

Mayor Kind asked if now would be a good time to discuss other improvements such as widening the path. Mr. Fick said the existing path ranges in width from five to ten feet. Councilmember Quam said the width is deceiving due to overgrowth of the lilacs and dirt. Mr. Fick said the existing path will be removed and reconstructed at a seven foot width as part of the project. He said if the city wanted to look at the option of widening the path they would lose some of the existing shrubbery and would have to move some power pole and street signs. Councilmember Fletcher asked if there is an option to create a boulevard between the road and the sidewalk. City Engineer Martini said it may be difficult and if it were done, some resident may lose their existing off-street parking sites on the other side of the street. Fletcher noted a boulevard would create some separation from the traffic and those using the sidewalk and this would be the time to do it. Mr. Martini said if it was only a couple feet, the boulevard would have to be some kind of hard surface, like a stamped concrete, since any type of grass or plantings would be difficult to maintain. He said if the city is looking at creating some type of eight-foot trail system there would need to be some give and take. Kind felt it was worth taking a look at. Fletcher agreed.

City Attorney Kelly verified that curb and gutter was included as part of the project and would be placed on both sides of the streets. Mr. Fick said it would. Kelly said that gives some latitude where that can be located, thus where the edge of the road can be located. Kelly asked if the drainage issue by the license bureau is being addressed. City Engineer Martini said they are looking at that and a number of other drainage issues.

Mayor Kind said she wish she could get a handle on whether the cities of Excelsior and Shorewood were going to do the interconnection. Councilmember Fletcher asked the Council if the city would be amenable to a resident digging into the road and connecting to the system after it has been installed. Councilmember Cook said you typically wouldn't want people digging into a new street. He said the city could install the service stubs when the system is put in and charge residents a fee to cover the cost when they connect. City Attorney Kelly said city could force connections, but at the same time, could not deny a connection if the service is available.

City Engineer Martini suggested a joint meeting with representatives of Greenwood, Excelsior and Shorewood to discuss the issues of interconnection. Mayor Kind agreed.

Mayor Kind floated the idea that the cities of Excelsior and Shorewood pay for the whole system and charge Greenwood residents individually when they hook up to the system. That way the

city is out of the project all together. City Attorney Kelly felt the city would want to maintain control over that portion of the project that runs through the City of Greenwood. Mayor Kind noted that those residents currently using Excelsior water pay a higher fee than Excelsior residents. City Engineer Martini said the city can use our willingness to pay for this portion of the pipe as a means for Excelsior to remove the non-resident fee they currently charge. Kelly commented that the city is the only entity that has the authority to assess its residents.

Mayor Kind asked if city permission was required to permit the watermain pipe to run through the City of Greenwood. Mr. Fick said he did not believe so.

Councilmember Quam said the Council needs to decide whether or not it wants to put in additional stubs at this time. Mayor Kind asked if that would require a new study. City Engineer Martini said if the city intends to assess people outside the designated area in this feasibility study, a new feasibility study would be needed. Kind noted so much of this project hinges on what the cities of Excelsior and Shorewood decide to do.

Mr. Fick said the city needs to consider the timing involved with this project since the bid process will begin soon so construction can commence this spring. Mayor Kind noted that she does not support expanding to the non-petition zone if the cities of Excelsior and Shorewood aren't connecting.

The Council agreed that Councilmembers Cook and Fletcher would make contact with the cities of Excelsior and Shorewood to set up joint discussions to determine their future plans so the city of Greenwood can continue the planning process.

### 3. Discuss Potential Fee Schedule Changes

Mayor Kind said the current fee schedule was included in the council packet and asked if the council desired to make any changes.

Councilmember Fletcher noted the Municipal Watercraft Space Permit fee needs to be increased from \$1,050 to \$1,150 based on the budget discussions.

Mayor Kind discussed an issue that involved overweight permits where a contractor did not pay a fee because he claimed all his vehicles would comply with the weight standards. He was later found that they did not. She proposed that an additional line be added to clarify the difference between regular load limit fees and spring load limit fees. The Council agreed.

The worksession was recessed as 7:00 p.m. for the regularly schedule Council meeting. The worksession was reconvened at 8:39.

Mayor Kind discussed the Sewer/Recycling/Stormwater: Delinquent Accounts fee. She said there was an additional ordinance reference required to address recycling. She also discussed some fee discrepancies which were confusing since it appears the public notice did not match the ordinance and it is unclear whether the penalty fees listed in the public notice were kept by the county or sent back to the city. Councilmember Quam felt the facts should be determined before we made any changes to the ordinance. Mayor Kind offered to contact the utility clerk to determine how the fees were handled by the county and draft the ordinance accordingly. The Council agreed.

Councilmember Cook noted the reference to Metro Waste Fee and Metro Waste Control were incorrect and should be amended to read Sewer Access Fee and Metropolitan Council accordingly.

### 4. Adjournment

Cook moved to adjourn the worksession. Second by Page. The worksession adjourned at 8:47pm.

Respectfully submitted  
Gus Karpas  
City Clerk

**GREENWOOD CITY COUNCIL MEETING**  
**Wednesday, October 3, 2012, 7:00 P.M.**  
**Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331**

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

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

Members Present: Mayor Kind; Councilmembers Cook, Fletcher, Page, and Quam

Others Present: City Attorney Kelly, City Zoning Administrator/City Clerk Karpas and City Engineer Martini (departed the meeting at 7:16 P.M.)

Members Absent: None

**Fletcher moved, Quam seconded, approving the agenda as amended. Motion passed 5/0.**

**1.A WILLIAM COOK, AFFIRMATION OF OATH OF OFFICE**

Mayor Kind welcomed Councilmember William Cook, the newest member of the Council. She noted that Cook will affirm the oath of office in a public ceremony at this time.

Attorney Kelly re-administered the oath of office to recently appointed Councilmember Cook.

**2. CONSENT AGENDA**

Mayor Kind reviewed the items on the Consent Agenda.

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

- A. September 5, 2012, City Council Work Session Minutes**
- B. September 5, 2012, City Council Meeting Minutes**
- C. August 2012 Cash Summary Report**
- D. September 2012 Verifieds, Check Register, Electronic Fund Transfers**
- E. October 2012 Payroll Register**

**Motion passed 5/0.**

**3. MATTERS FROM THE FLOOR**

There were no matters from the floor presented this evening.

**4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS**

**A. City Engineer Martini – Phosphorus Report and Resolution No. 27-12 Authorizing Inflow / Infiltration Grant Applications**

Engineer Martini explained the City has a goal of removing five pounds of phosphorous annually from its stormwater runoff. A couple of options for achieving that goal were considered. It was decided that a lot of phosphorous is being removed by sweeping the streets. The last few years the City has sent samples of the sweepings in to find out how much phosphorous is contained in what is being removed from the streets. This year's results based on 52.5 tons of sweepings indicate that 25 pounds of phosphorus were removed. What the City has established over the last several years is that the City is removing more than enough phosphorous to meet its goal assigned to the City by the Minnehaha Creek Watershed District (MCWD). Staff had its annual meeting with MCWD representatives a few weeks ago and there seems to be acceptance that the City is meeting its phosphorous removal goal. The intent is to inform the MCWD that the City does not think there is a need to continue to test the sweepings annually for levels of phosphorous.

Martini then explained that two years ago the City applied for and received grant money through Metropolitan Council Environmental Services 2012 Municipal Infiltration / Inflow Grant Program to help fund the City's inflow / infiltration projects. Met Council has again offered the opportunity to apply for grants. The maximum amount of grant a municipality can be awarded is \$50,000 or 50 percent of the eligible costs, whichever is less. There are still a handful of improvements that should be done. When improvements were last made Council decided to do only trenchless improvements because of cost. Excavation, point repairs and site restoration for the point repair areas are what remain. The total estimated construction cost for the remaining improvements is \$65,110.50 (all eligible) and that would result in a possible grant amount of \$32,555.25. Eligible projects have to occur between May 12, 2012, and June 30, 2014. The street project completed earlier this year included work on some sanitary sewer manholes and some chimney seals were put on manholes. Those actual costs are included in the estimate.

Martini stated the meeting packet contains a copy of a resolution authorizing Staff to submit a grant application. Staff recommends Council adopt the resolution authorizing Staff to submit the grant application and directing Mayor Kind and Councilmember Quam to work with Staff on the application. He noted the application must be submitted by the end of the month.

Councilmember Fletcher asked if this project includes everything that remains to be done with regard to inflow / infiltration improvements. Engineer Martini responded it does.

Engineer Martini stated that with this project things will have come full cycle. It started with televising the sanitary sewer system and starting that process over again will be discussed again next year. It is a never ending cycle of evaluating and improving the system.

Councilmember Fletcher asked if the cost estimate reflects today's costs. Engineer Martini responded a concerted effort was made to do that. Martini noted that a couple of excavations that have to be done will be along Excelsior Boulevard. The plan is to make the sewer repairs when Excelsior Boulevard is torn up for other purposes. That will help control the costs. Martini stated Staff, Mayor Kind and Councilmember Quam will do their best to ensure the application reflects what it will cost the City.

**Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 27-12, "A Resolution Authorizing Application to the Metropolitan Council for a Grant from the Municipal Infiltration / Inflow Grant Program for the City of Greenwood's 2013 Sewer Rehabilitation Project" subject to adjusting the cost estimate to be more inclusive where possible.**

Mayor Kind stated she heard Engineer Martini ask Council to authorize her and Councilmember Quam to work with him on the project.

**Without objection from the maker or seconder, the motion was amended to authorize Mayor Kind and Councilmember Quam to work with the City Engineer on the application and authorizing Kind to sign the application.**

Mayor Kind noted that the grant application cover letter has an incorrect date on it of 20012. Engineer Martini noted the form is from Met Council and that Staff will verify it has the correct form and it will address the date if it needs to be changed.

Councilmember Cook explained that the way the Met Council figures its surcharges is a relationship between the average flow and peak flow. Therefore, it is in the City's best interest to attack the peak flow elements and not the average flow elements. He stated it is believed that the peak flow in Greenwood is due to sump pumps. He explained there is a risk of driving the average flow down and the peak flow up which will result in a higher surcharge and make it more difficult to get off Met Council's list. He stated it is prudent to go after the peak flows.

Mayor Kind noted Council will be discussing the City's new sump pump program later on the agenda.

Kind asked Councilmember Cook if he is advocating not doing infiltration projects. Cook clarified he thinks infiltration issues need to be fixed but the improvements need to be timely.

Councilmember Cook stated he thought the City should be getting grant funds for the City's sump pump work as well because that is an inflow element. Engineer Martini stated he will look into what elements are eligible.

**Motion passed 5/0.**

Engineer Martini departed the meeting at 7:16 P.M.

#### **B. City Prosecutor Greg Keller: Annual Prosecution Update**

Mayor Kind stated City Prosecutor Greg Keller is present to give his annual update on prosecution services he provides to the City.

Prosecutor Keller stated the past year has been unremarkable. There has been nothing unusual as to the types or mix of cases. The largest segment continues to be DWIs. He then stated that eCharging / eComplaint system has been implemented. He noted he had mixed feelings about the benefits of that. He stated Greenwood does not have a large volume of cases. To date the new system has taken more time and effort on his part than the time savings achieved.

Mr. Keller explained there is going to be a new virtual criminal file and when that is implemented there will not be any paper documents when a person shows up for court. Attorneys have been advised that they will need to bring a laptop computer with them. In the last year there have rumors about wanting to close one or two of the suburban court houses and consolidate things downtown. Sometimes that is done for cost savings reasons. More recently court room security has been somewhat of an impetus. Prosecutors often interpret a decision to close court rooms as the first step in moving away from city prosecuting attorneys and toward a district attorney system. Doing that would take a lot of control away from local entities. If Greenwood cases would move downtown Minneapolis from the Ridgedale Government Center

Greenwood's prosecuting costs would increase 10-20 percent because of the additional drive time and parking costs.

Mr. Keller stated the issue about the reliability of breath testing has been resolved. During the time that was up on appeal police agencies were moving away from breath testing and toward urine and blood testing. Often it took a few weeks for the results for those types of tests to be available and it was only after that when a person could be charged. Agencies have now gone back to breath testing and therefore results are available more readily. He noted the State of Minnesota is switching over to a new breath testing device. He stated it is highly possible a new list of challenges will be presented for that new device.

Mr. Keller then stated he has read the social host ordinance. In the short time that he been doing prosecutions for Greenwood he can only recollect one case when that may have applied. But, he does not think having the ordinance in effect would have made any difference in terms of charging and prosecution.

Councilmember Fletcher asked Mr. Keller if he is stating that he cannot think of an example where having that ordinance in place would have helped in prosecuting a case.

Mr. Keller stated every tool in the tool kit is helpful. He noted that he is not familiar with the background or drafting of the ordinance. He stated his biggest concern is if it is something that has been tested and that Greenwood would not have to go up on appeal for it.

Councilmember Fletcher stated he does not hear Mr. Keller saying he needs the ordinance in his tool kit.

Councilmember Fletechr then commented about courtroom security. He asked Mr. Keller if he has a security concern at the various Hennepin County courtrooms. Mr. Keller stated he had not been worried about it. He noted that he has been a prosecutor since 1977. He commented that if someone wants to get someone, anyone can be got.

Mr. Keller stated security started in downtown Minneapolis for Hennepin County in family court. It has been expanded to criminal courts. He then stated the only time he had someone come to his home and try and do harm was about an \$850 conciliation court judgment. It is hard to predict what is going to set someone off.

Councilmember Quam asked Mr. Keller if there are any statistics on the number of cases won by prosecutors of DWIs. Mr. Keller responded he has no idea. He noted that less than 5 percent of any cases go to trial in Hennepin County. He stated the only case that he can think of in recent history in either Greenwood or Spring Park that he had to dismiss without prejudice was because he was not able to subpoena two essential witnesses who were not law enforcement officers.

Councilmember Fletcher asked Mr. Keller if there is anything that the City needs to be doing differently. Mr. Keller responded that he cannot think of anything. Mr. Keller stated he is happy with the way things are going.

Attorney Kelly stated that from his perspective one of the things that is driving sending cases downtown Minneapolis from the court house near Southdale is it is poorly designed to handled security. It is on the upper level of a library and there is no room. The Ridgedale court house is not much better.

Councilmember Fletcher suggested letting Hennepin County Commissioner Callison know that Greenwood does not want to have its cases heard downtown.

## **5. PUBLIC HEARING**

### **A. Delinquent Sewer, Stormwater and Recycling Charges**

Mayor Kind stated the notice for this public hearing on delinquent sewer, stormwater and recycling charges was published in the Sun-Sailor Newspaper on September 13, 2012, and September 20, 2012. A list of the delinquent accounts is included in the meeting packet. Members of the public may address Council during this meeting. She noted Council will take action on the resolution for the assessment under Item 7.C on the agenda.

**Page moved, Cook seconded, opening the Public Hearing at 7:30 P.M. Motion passed 5/0.**

No one spoke during the public hearing.

**Quam moved, Page seconded, closing the Public Hearing at 7:30 P.M. Motion passed 5/0.**

## **6. UNFINISHED BUSINESS**

### **A. Variance Findings of Fact, Frank Precopio, 5520 Maple Heights Road (setback variances and hardcover variance for a deck and accessory structure)**

Mayor Kind explained that during Council's September 5, 2012, meeting Council approved Frank Precopio's requests for setback and hardcover variances to permit the relocation and rebuilding of an existing accessory structure and deck for his property located at 5520 Maple Heights Road. During that meeting Council directed the City Attorney to draft Findings of Fact for approval during this meeting. She noted that a copy of the Findings of Fact prepared by the City Attorney is included in the meeting packet.

**Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 22-12, "A Resolution of the City Council of the City of Greenwood, Minnesota Acting as the Board of Appeals and Adjustments, for real property located at 5520 Maple Heights Road setting out the findings of fact and conclusions of law regarding the Frank Precopio variances to side yard setbacks, accessory structures and impervious surface to permit reconstruction of an existing accessory deck and the relocation of an accessory shed."**

Zoning Administrator/Clerk Karpas asked if Councilmember Cook can vote on this resolution being he was not a member of the Council when it approved the requests. Attorney Kelly responded he can. Mayor Kind stated he can also abstain if he chooses.

**Motion passed 5/0.**

### **B. Variance Findings of Fact, Justin and Jen Zygmunt, 5370 Manor Road (setback variance for a home addition)**

Mayor Kind explained that during Council's September 5, 2012, meeting Council approved Justin and Jen Zygmunt's requests for setback variances for a home addition. During that meeting Council directed the City Attorney to draft Findings of Fact for approval during this meeting. She noted that a copy of the Findings of Fact prepared by the City Attorney is included in the meeting packet.

**Kind moved, Quam seconded, Adopting RESOLUTION NO. 23-12, “A Resolution of the City Council of the City of Greenwood, Minnesota Acting as the Board of Appeals and Adjustments, for real property located at 5370 Manor Road setting out the findings of fact and conclusions of law regarding the Justin and Jen Zygmunt variances” subject to changing “The Application of Justin and Jen Zygmunt for Variances to Section 1120:15 (side yard setbacks), 1140:10 (accessory structures), and 1176:04 (impervious surface) to permit reconstruction of an existing deck and relocation of an accessory shed.” to “The Application of Justin and Jen Zygmunt for Variances to Section 1120:15 (rear and exterior side yard setbacks) to permit remodeling of an existing house.” Motion passed 5/0.**

## **7. NEW BUSINESS**

### **A. Potential Buckthorn and Brush Removal Projects**

Mayor Kind explained that during its September 5, 2012, meeting Greenwood resident Val Muceniaks spoke during Matters from the Floor to request that the City remove the buckthorn and brush growing in the right-of-way between his property and the Georgetown apartments as well as along the shore by the City-owned docks. A similar request was received from another resident earlier in the year to remove buckthorn and brush along the Minnetonka Boulevard shoreline of St. Alban’s Bay. During the September 5<sup>th</sup> meeting Council authorized a team of volunteers to remove buckthorn growing in the lilacs along Excelsior Boulevard. The City contributed \$290 for the project (\$46 for chemicals and applicators, \$244 for public works to haul and dispose of the brush). The trees / weeds / mowing budget for 2012 is \$13,000. As of August 31, 2012, the City has spent \$12,441 of that budget. In 2011 the year-end total was \$21,575 for this category. Council has budgeted \$20,000 for this category in 2013.

Councilmember Quam asked if the City has any legal liability when volunteers do this type of work on public land.

Attorney Kelly responded potentially, noting the City is not establishing a hazard. He explained it is just the natural lay of the land. If the City supplies the tools and chemical applicators and someone harms themselves the City is exposed to a potential claim. But, the City is capped by its sovereign immunity and insurance. Council should consider if this is inherently dangerous work. If Council decides it is not then that will guide Council’s decision.

Councilmember Page recommended Public Works personnel do the work. They know what they are doing and they can haul the brush away.

Mayor Kind asked if that means that if it becomes too expensive to remove all of the brush on public property then it will just stay there. Councilmember Page stated that is the way it has been.

Councilmember Fletcher stated he would change the recommendation to say a plan should be submitted to the Council and therefore no resolution is needed. He then stated the area between Mr. Muceniaks’ property and the Georgetown apartments could be a lot of work. He does agree with having Public Works do the work along the shoreline.

Mayor Kind stated she boated by that shoreline area the past weekend and she decided she somewhat likes the brush there. To some extent it hides the garages.

Councilmember Quam stated the brush along the shoreline could be trimmed but he does not support taking it all out.

Councilmember Cook stated he thought it should either be maintained in a nice visual way or be removed. He then stated there is nothing that can be done to block the view of all of the garages. He would like the shoreline to be maintained. He noted he would prefer it be removed because it would be a cleaner look.

Mayor Kind stated Council could authorize Zoning Administrator/Clerk Karpas to get quotes to remove the brush along the shoreline and authorize expenditures up to a certain amount. She noted in the past the city has used two resources for trimming trees. One is Cornerstone Industries and the other is Public Works. Public Works requires two men and a truck; Cornerstone does not. She recommended using Cornerstone.

Councilmembers Fletcher and Quam stated they could support using Cornerstone.

Zoning Administrator/Clerk Karpas asked if the City has to contact the Minnehaha Creek Watershed District about removing brush along the shoreline. Mayor Kind stated she did not think that has to be done for cutting. Buckthorn can be removed at will as long as the soil is not disturbed.

**Fletcher moved, Cook seconded, authorizing Mayor Kind to approve an amount she deems reasonable but not to exceed \$1,000 to remove the brush down by the City-owned docks.**

Mayor Kind asked what account the funds should be taken from to pay for this. Councilmember Fletcher suggested using the trees / weeds / mowing budget.

**Motion passed 5/0.**

#### **B. Updating Appointments and Assignments**

Mayor Kind noted the meeting packet contains an update of the resolution Council adopted in January 2012 regarding appointments and assignments. She explained the representative to the Excelsior Fire District (EFD) Board needs to be filled due to the resignation of former Councilmember Rose. Councilmember Fletcher is the alternate representative to the Board and he has agreed to be the primary representative. Councilmember Quam has agreed to be the alternate. The B-2 Planning Commission seat needs to be filled due to former Planning Commissioner Bill Cook's appointment to the City Council. Past practice has been to appoint the most senior alternate to vacant voting position on the Commission. This means: Kristi Conrad would move from Alternate 1 to the B-2 position; Lisa Christian would move up from the Alternate 2 to the Alternate 1 position; and, the Alternate 2 position would become vacant. Because Fletcher has agreed to be the EFD representative he wants to give up being the liaison to the Planning Commission. Cook has agreed to be the Liaison.

**Quam moved, Fletcher seconded, Adopting RESOLUTION NO. 26-12, "A Resolution Appointing Councilmember Fletcher to the Primary Representative to the Excelsior Fire District (EFD) Board, Councilmember Quam as the Alternate to the EFD Board, Moving Kristi Conrad to the Planning Commission B-2 position, Moving Lisa Christian to the Planning Commission Alternate 1 Position and Vacating the Planning Commission Alternate 2 Position." Motion passed 5/0.**

#### **C. Resolution 24-12, Assessment Roll for Delinquent Sewer, Stormwater and Recycling Charges**

Mayor Kind stated the meeting packet contains a list of properties with past due utility accounts with the City as well as a draft resolution that authorizes the amount of the accounts be assessed to the properties. She noted a public hearing was held earlier on the agenda.

**Quam moved, Cook seconded, Adopting RESOLUTION NO. 24-12, “A Resolution Directing Delinquent Sewer Charges and Recycling Charges be Placed on the 2013 Property Tax Rolls.” Motion passed 5/0.**

**D. Sewer Discharge Certification Report and Next Steps**

Mayor Kind explained that during it August 1, 2012, meeting Council approved the implementation of a “sump pump program” and directed the City Clerk to mail the cover letter and certification form to all property owners in the City. The meeting packet contains a copy of the letter and form that were mailed on August 8, 2012. Property owners were given until August 22, 2012, to return the form. A few residents complained that the deadline was too short. Therefore, Council decided the City would not be strict about the date that the forms were returned. The meeting packet contains a copy of a report showing the properties for which forms were and were not returned as well as some information filled in on the forms.

Kind highlighted the summarized information. There were 348 forms mailed out. Of those 253 (or 72.7 percent) were sent back with 231 certifying they had no connection. Of the 93 that were not sent back 3 were because the mailing was not deliverable to the property and for 5 it was impossible to determine which property they were for because the forms were not filled out completely. Seventeen of the people completing the form requested an inspection to help fill out the form. Five forms indicated the properties had a connection – 4 of the 5 indicated the property owner would remove the connection within 90 days and the fifth noted they have a “grey water” sump pump connection which is required by Metropolitan Council Environmental Services (MCES).

Zoning Administrator/Clerk Karpas explained the property owner with the “grey water” sump pump submitted information about it the last time the City conducted a similar certification. That individual was going to share additional information with the City but had to have surgery and has not been able to provide that before this meeting. He noted that based on the information provided it seems that the connection needs to remain. His household waste water runs through his sump pump and then into the sanitary sewer system.

Councilmember Cook explained that “grey water” is sewage. For that property it flows into a sump in the basement and that is connected to the sanitary sewer. If it also includes ground water that seeps into the basement then the property owner should separate the sewage from the stormwater that seeps into the basement. He noted he has a little pump station in his house that pumps into the sanitary sewer system and it conveys his sewage and water but his ground water goes outside. He recommended that the classification of sump pump for this be changed to either a foundation drain or ground water pump or stormwater pump to make it clearer.

Mayor Kind stated in 2006 that property owner checked the box on that form that states there was no foundation drain system.

There was Council consensus to have the property with the “grey water” sump pump inspected to ensure ground water is not flowing through it.

Mayor Kind reviewed the possible next steps in this process.

1. A decision needs to be made about what to do about the 93 people who did not respond. Should Council direct that the penalty (\$300 for a residential property and \$750 for a commercial property) be added to the utility bill for each property? If so, should a letter and certification form be enclosed with the bill stating that the penalty will be forgiven, or reduced by some percent, if the certification form is returned with the utility payment? Should Council give the utility clerk discretion to waive the fee for someone who claims to have returned the form and completes a new form? There were 5 people who sent in forms that were not fully completed and were not legible.
2. A decision needs to be made about what to do about properties in transition. There are some that are in the process of being sold. Should Council give the utility clerk discretion to waive the fee for a new homeowner who completes a certification form?
3. A decision needs to be made about what to do about the 3 properties where the mailing was not deliverable?
4. A contractor needs to be selected to schedule inspections for the 17 properties that requested help completing the form and for the 4 properties that said they would remove a connection within 90 days (by November 20, 2012). Bolton & Menk would charge \$25 per inspection, and Kieran Hannigan (a Greenwood resident) would charge \$30 per hour. Jack MacKinnon (a Chaska inspector) was contacted and has gracefully declined the opportunity. Mr. MacKinnon related that he has inspected 4,000 properties in Chaska and about 10 percent of them had improper connections.
5. A decision needs to be made about what to do about the property that has a "grey water" sump pump connection.
6. Consideration could be given to mailing out a second cover letter and the same certification form to the 95 properties that did not respond.

Kind distributed a draft copy of a second cover letter. A new paragraph was added to the first letter. Comments were added that this same certification process was conducted in 2006 and at that time the City chose to focus on sewer repairs in hopes of reducing the City's excess flow into the storm sewer system. Many repairs and improvements have been made to the system yet the City continues to have excess flow into the sanitary sewer system during rain events. Therefore, the current Council approved the implementation of a new certification program with a goal to eliminate all improper connections of roof drains, foundation drains and sump pump connections that are connected to the sanitary sewer system. There is a great common benefit to the City if the City solves its inflow problems. It notes that even if a certification form was sent in in 2006 another form must be returned now, and that the form must be fully completed. The time to return the form will be longer than 14 days.

Kind recommended an inspector be hired to conduct the inspections for those 17 respondents who requested inspections to help them complete the form.

There was Council consensus to hire Bolton & Menk to conduct the inspections.

Councilmember Quam stated he heard comments from some property owners who explained they did not send the certification form back because they did so the last time. He asked what to do about property owners who said they did not receive the letter. Mayor Kind stated the surcharge should get their attention. Quam stated if forms aren't returned this second time he suggested contacting those who don't respond by phone.

Zoning Administrator/Clerk Karpas stated he will include a postage paid return envelope for this next mailing to the 95 people. Councilmember Fletcher expressed confidence that it will help the return rate.

**Kind moved, Fletcher seconded, authorizing the following regarding the City's "sewer pump program": 1) the City Clerk to determine the correct addresses for the 3 undeliverable properties; 2) the City Clerk to send a new cover letter and certification form to the properties that did not respond to the original mailing; and, 3) the City Clerk to include a pre-addressed stamped envelope in the new mailing. And, hiring Bolton & Menk as the inspection contractor at a rate \$25 per inspection to perform the following services: a) schedule and inspect the 17 properties where the property owner requested help completing the certification form; 2) schedule and inspect the 4 properties where the property owner said they would remove a connection by November 20, 2012; c) schedule and inspect the property that has a "grey water" sewer pump connection to determine if it is a legal connection and provide a written report to the City Council and property file; d) schedule and inspect all future requests from the City Clerk; and, e) provide written documentation of all inspection results to the City Clerk.**

Councilmember Cook recommended changing the title of the program to make it clear that it is about sanitary sewer connections.

There was ensuing Council discussion about which aspects of the new cover letter and certification form that should be changed to make things clearer.

**Without objection from the maker or seconded, the motion was amended to also authorize Mayor Kind and Councilmember Cook to determine the title of the program and make the necessary revisions to the new cover letter and the certification form to be consistent with the new title. Motion passed 4/1 with Page dissenting.**

Mayor Kind asked Councilmember Page if he wants to explain his dissenting vote, to which Page responded no.

#### **E. Cornerstone Path Snowplowing Proposal**

Mayor Kind explained that for the 2011-2012 snow season the City contracted with Cornerstone Industries to provide snowplowing services for the City paths. Cornerstone is interested in providing services again for the 2012-2013 season. A copy of Cornerstone's proposal is included in the meeting packet. The City of Deephaven's hourly rates and vehicle for its Public Works Department are also included in the packet.

Councilmember Fletcher stated that last year the paths were well plowed. He expressed concern that if there is a lot more snowfall this season that the City budget for this activity would be a budget buster. Mayor Kind agreed based on 2011 actual snowfall events.

Councilmember Quam asked if Deephaven's Public Works Department wants to plow the paths. Mayor Kind stated it's her understanding that Public Works is fine with not plowing the paths. Zoning Administrator/Clerk Karpas noted that Cornerstone would be able to plow the paths faster. Kind agreed.

Quam asked Councilmember Page what his perspective is on how quickly the paths should be plowed. Page responded as soon as feasible because people want to get out and get some exercise quickly after a snowfall. Page explained the sidewalk near Minnetonka Boulevard would be treacherous if left unplowed for a couple of days.

Mayor Kind suggested changing the minimum snow fall amount to 2 inches from 1 inch. Councilmember Page expressed his agreement.

**Quam moved, Fletcher seconded, authorizing Staff to sign the 2012 – 2013 Snow-Blowing and Plowing contract with Cornerstone Industries subject to changing the one inch minimum to two inches. Motion passed 5/0.**

**F. Three Rivers Park District Permit for Winter Trail Activities**

Mayor Kind explained that annually the Three Rivers Park District requests cities that use its regional trail system during the winter submit a winter use permit application asking for the authorization to do so. By renewing the permit the City is agreeing to maintain the portion of the trail that is located in the City from November 15, 2012, to March 31, 2013. The agreement lists Tim Lovett from Cornerstone Industries as the contact person. The permit application states the City will hold harmless the Park District from any liability related to winter use of the trail. The application also requires the City to submit a certificate of insurance valid through March 31, 2013. The permit was supposed to be submitted by 09-07-12. She noted that this item was inadvertently left off of the September 7, 2012 Council meeting agenda. Three Rivers has been notified of the delay.

**Page moved, Quam seconded, directing Staff to complete the Three Rivers Park District Regional Trail System 2012-2013 Winter Use Permit application expressing the City's desire to use the trail for cross-country skiing and walking; mail the completed application and a proof of insurance through March 31, 2013, and an excerpt of the October 3, 2012, meeting minutes showing Council's action; and, inform Cornerstone Industries of its responsibilities to maintain that portion of the Regional Trail System located within the City. Motion passed 5/0.**

**G. Resolution 25-12, Supporting Deephaven Youth Sports Program Grant Application**

Mayor Kind explained the City of Deephaven is looking for support for its application for a Hennepin Youth Sports Grant to install additional platform tennis courts and an adjacent warming hut. Deephaven's current platform tennis court is one of the few public courts in the area. Platform tennis is a growing sport that primarily is played in the winter. Greenwood residents use the current court. She noted the meeting packet contains a copy of a proposed resolution supporting Deephaven's grant application.

**Quam moved, Fletcher seconded, ADOPTING RESOLUTION NO. 25-12, "A Resolution Supporting the City of Deephaven's Hennepin Youth Sports Program Grant Application" and directing the City Clerk to send a copy of the signed resolution to the Deephaven City Administrator. Motion passed 5/0.**

**8. OTHER BUSINESS**

**A. None**

**9. COUNCIL REPORTS**

**A. Cook: Welcome**

Mayor Kind again welcomed Councilmember Cook and noted that he will be giving the Planning Commission report in the future.

**B. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Xcel Transmission Line Upgrade Project, Excelsior Fire District**

With regard to the Planning Commission, Councilmember Fletcher stated during its last meeting the Commission did consider a variance request for a property located on Greenwood Circle. Based on the strong concerns expressed by the Commission the applicant decided to come back to the next Commission meeting for further discussion.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated the Department of Commerce is in the process of conducting its review.

With regard to the Excelsior Fire District (EFD) activities, Fletcher stated he attended the September 26, 2012, EFD Board meeting. He explained the 2013 EFD's Budget was formally approved by the EFD Board; it had been approved by all five member cities. The Excelsior Firefighters Relief Association's (EFRA) fund for pension is about 98 percent funded. During the meeting there was mention of more active management of the EFRA's pension fund. He expressed concern that often times there is a tendency for people to invest in more aggressive investments when there is a low interest rate environment. He was not sure that would be the best time to get more aggressive with investments. He stated that is something the EFRA should watch and be aware of.

Councilmember Quam noted that there is almost zero risk in the types of funds the EFRA invests in (they are managed by the State).

Councilmember Fletcher stated he thought it prudent to pay close attention next year to EFD budget increases and so forth. He clarified he is in support of public safety. He noted EFD Chief Gerber has to have a formal 360 performance review. Gerber has not had a formal review since 2009. He explained that up to \$1,500 was approved by the Board to hire an outside resource to help with the questionnaire and compile the results if that is what the EFD Operating Committee decides is necessary.

Councilmember Quam expressed concern that Gerber had not had a review since 2009.

Mayor Kind expressed discomfort with the cost of \$1,500. She noted that the South Lake Minnetonka Police Department (SLMPD) Coordinating Committee handles the SLMPD Chief of Police's review annually.

Councilmember Quam stated he can understand the desire to hire someone to compile the feedback.

Councilmember Fletcher stated the EFRA President presented a request from the EFRA Board to pay the \$300 paid to the few EFRA individuals who manage the EFRA fund for pension out of the EFRA's special fund (the fund for pensions) rather than out of the EFRA's general fund which is funded out of donations and fundraising activities. He noted that he made the motion to allow that and it passed on a 3/2 vote. If the fundraising dance went away that money would still have to be paid.

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Fletcher stated the franchise renewal process with Mediacom has started. He noted Mediacom has approached some of the larger LMCC member cities and asked them if they would like to contract with Mediacom directly.

Fletcher explained that the LMCC is a \$700,000 a year organization. It is funded through franchise fees (5 percent of a subscriber's cable television costs) plus a soon to be \$1.20 per subscriber PEG (public, education and government) fee. For the City of Orono the total amount of franchise fees subscribers pay is about \$90,000 annually. Mediacom is telling cities they could instead use those fees to build out the network. He noted the total amount paid by residents living in Greenwood is about \$10,000. He thought

that about \$200,000-\$250,000 of the LMCC's \$700,000 budget is government meetings such as this Council meeting. About \$100,000 is to deal with the franchise should subscribers have issues with Mediacom. Then there is an educational component for things such as member cities' school events. LMCC also provides services for people to produce their own programs.

Mayor Kind stated if a larger LMCC member city pulls out there will be a smaller pool of funding, if the LMCC even survives. She asked Councilmember Fletcher is he is concerned that if that happens then the LMCC may not survive.

Councilmember Fletcher noted that the joint powers agreement between the LMCC member cities stipulates that a member city cannot pull out unless there is a very good reason. He stated the LMCC members cities have indicated they get good service; therefore, there would not be good cause. Mayor Kind commented that cause could be lack of coverage area.

Mayor Kind asked if it would behoove the LMCC to reinvent itself to possibly rebate some of the franchise fees or PEG fees back to the member cities so they stay part of the consortium.

Councilmember Fletcher stated each LMCC member city needs to decide what services are important to them. He then stated the LMCC provides a great level of service; better than many larger communications commission organizations. He encouraged the Councilmembers to give some thought to that because he was confident it is going to come up in the future.

Mayor Kind stated from her perspective she thinks it is important to keep the LMCC because she cannot envision Greenwood being able to have council meetings televised for \$10,000 annually. That is the primary service that needs to be provided. Councilmember Fletcher asked Kind how important she thought election coverage is. Kind responded that is not as important to her in reference to having the candidate statements.

Councilmember Quam agreed that it is important to televise council meetings.

In response to a number of queries by Councilmember Fletcher Mayor Kind responded as follows. Kind stated she did think televising election forums for contested City council races is important. She did not think it was important to televise forums for state races. She thought allowing the studio to be used by people to create their own programs is okay provided the user pays for it. There was not any disagreement with Kind's perspectives.

**C. Kind: Police, Administration, Mayor Meetings, Website**

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated she is attending the SLMPD Citizens Police Academy. Rob Roy, who is running unopposed for an open council seat, is also attending. She finds the Academy to be very informative. She went on a 4-hour ride along. She then stated she is attending a course on October 4 at the Bloomington city Hall hosted by the League of Minnesota Cities titled Police Leadership and the New Normal. She said SLMPD Chief Litsey Litsey and a few SLMPD officers will attend the course when it is held in White Bear Lake.

With regard to administration, Kind explained the Fall Sales Ratio meeting with the assessors is scheduled for 4:00 P.M. on October 25. The date should already be on Council's calendar. Kind and Councilmember Fletcher are planning on attending.

With regard to mayor meetings, Kind stated there have not been any since the last Council meeting.

With regard to the city website, Kind stated it continues to have strong use with over 2,500 hits in the last month.

**D. Page: Lake Minnetonka Conservation District**

Councilmember Page reported on significant Lake Minnetonka Conservation District (LMCD) activities. He stated the subcommittee of the LMCD Aquatic Invasive Species (AIS) Task Force has completed its proposed Lake Minnetonka Lake-Wide Vegetation Management Plan. It will be presented to the full AIS Task Force on October 12 at 8:30 A.M. and then to the full LMCD Board in late October.

Page noted that when Mayor Kind wrote a letter on behalf of the Council dated September 7, 2012, to the LMCD expressing Council's support for the proposed plan for the reconstruction and reconfiguration of the docks at Bean's Greenwood Marina an application had not been submitted to the LMCD. An application still has not been submitted. He stated that he has learned a lot about that situation that was not presented by Aaron Bean when he came before Council during its September 5 meeting to ask Council for its support. He suggested that in the future Council only comment on applications submitted to the LMCD. Kind stated she could contact Mr. Bean and tell him that if there are any substantial changes to the plans he reviewed with Council then Council would like to be informed of what they are. Page suggested waiting until an application has been submitted to the LMCD.

With regard to bow fishing, Page explained there had been discussion by the LMCD Board about whether or not to exempt certain municipalities from the start with regard to the proposed ordinance. A decision was made to send it to all LMCD member cities as a uniform ordinance. He then explained there was discussion about the lighting on bow fishing boats. The lights are set up to light up a lot of water. There was some concern that the lighting is not restricted by the State Statute. The Board's preference is have some restrictions about lighting and it discussed that in in length. The proposed ordinance had a timeframe which he thought was two hours after sunset and one hour before sunrise where there were certain restrictions. He noted that bow fishing occurs in shallow waters. He also noted that bow fisherpersons do not want restrictions that are stricter than the State of Minnesota's. He stated Council had indicated it did not want tighter restrictions than State Statute. He clarified that he did not articulate that during the Board discussion.

Page stated that during the LMCD Board meeting he learned that the Minnehaha Creek Watershed District (MCWD) is stepping up its plans for invasive species control involving Lake Minnetonka and some of the surrounding lakes. The MCWD is talking about having an interim plan and allocating some funding to it. The MCWD's policy to date has been to take a couple of years to develop a MCWD-wide invasive species management plan and had not intended to contribute on a smaller level to Lake Minnetonka and the surrounding lakes. The MCWD representatives talked about \$250,000 being allocated from the MCWD budget but only if a plan comes together.

Mayor Kind noted that the MCWD has a grant program for invasive species for watercraft inspections. Zoning Administrator/Clerk Karpas stated it was for at launches and the grant is a matching grant.

Councilmember Page stated the MCWD provided \$6,000-7,000 last year as educational funds. At that time the MCWD did not have the authority to contribute funding to inspections. He then stated there is some talk afloat about the possibility of the MCWD providing funding again. He noted there is an MCWD representative on the LMCD AIS Task Force subcommittee.

Councilmember Fletcher stated it is his recollection that former Councilmember Rose (who is a bow fisherperson) thought some of the changes proposed by the LMCD were reasonable. He noted that he was okay with the changes the LMCD was considering.

Mayor Kind noted that she does not want to be a lot more restrictive than State Statute because she thinks there is a value in reducing the amount of rough fish in Lake Minnetonka.

Councilmember Page stated he does not think there is enough appreciation for the number of rough fish bow fisherpersons will harvest out of Lake Minnetonka. One boat can fill up the back of a pickup truck full of carp in one fishing session. He noted there is a cost to net and remove the rough fish in the winter.

Mayor Kind noted she sees bow fisherpersons on Lake Minnetonka during the day as well as the evening.

**E. Quam: Roads & Sewer, Minnetonka Community Education**

Councilmember Quam stated Council already discussed sewers. The roadway project is complete. The project came in over the bid amount because of enhancements and changes that had to be done but still under budget.

With regard to Minnetonka Community Education, Quam stated there is nothing new to report.

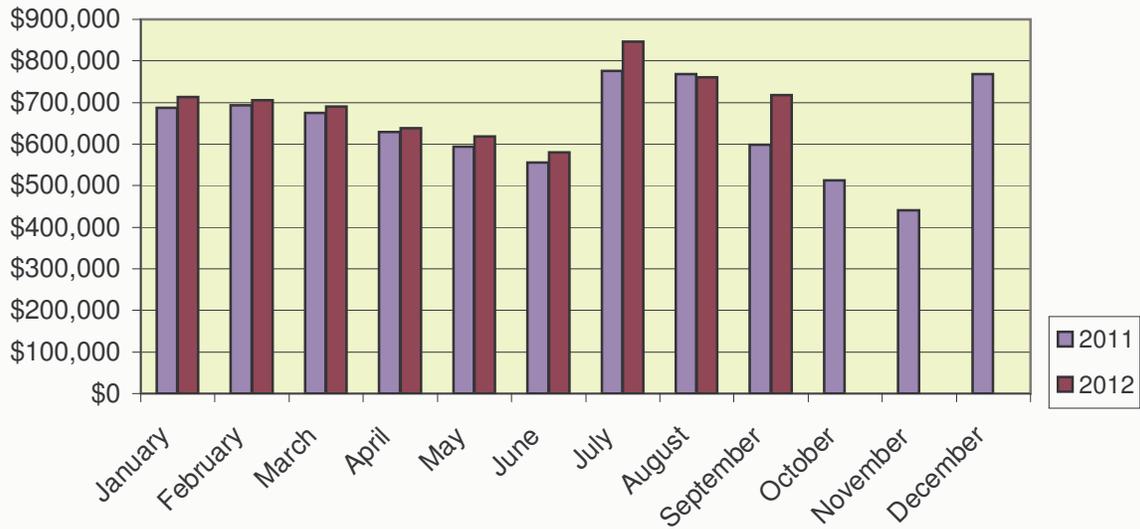
Mayor Kind noted that Council is going to continue its work session held just prior to this meeting.

**10. ADJOURNMENT**

**Quam moved, Cook seconded, Adjourning the City Council Regular Meeting of October 3, 2012, at 8:40 P.M. Motion passed 5/0.**

**RESPECTFULLY SUBMITTED,**  
**Christine Freeman, Recorder**

**City of Greenwood  
Monthly Cash Summary**



Month	2011	2012	Variance with Prior Month	Variance with Prior Year
January	\$686,781	\$712,814	-\$56,305	\$26,033
February	\$693,859	\$704,873	-\$7,941	\$11,014
March	\$675,719	\$690,422	-\$14,451	\$14,703
April	\$629,569	\$637,990	-\$52,432	\$8,421
May	\$593,928	\$618,262	-\$19,728	\$24,334
June	\$555,064	\$580,578	-\$37,684	\$25,514
July	\$776,650	\$846,897	\$266,319	\$70,247
August	\$768,223	\$760,682	-\$86,215	-\$7,541
September	\$599,139	\$717,852	-\$42,830	\$118,713
October	\$512,188	\$0	-\$717,852	-\$512,188
November	\$440,946	\$0	\$0	-\$440,946
December	\$769,119	\$0	\$0	-\$769,119

Bridgewater Bank Money Market	\$449,363
Bridgewater Bank Checking	\$5,187
Beacon Bank CD	\$240,000
Beacon Bank Money Market	\$23,202
Beacon Bank Checking	\$100
	<u>\$717,852</u>

**ALLOCATION BY FUND**

General Fund	\$177,963
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$58,613
Stormwater Special Revenue Fund	\$9,764
Sewer Enterprise Fund	\$401,841
Marina Enterprise Fund	\$42,616
	<u>\$717,852</u>

Check Issue Date(s): 10/01/2012 - 10/31/2012

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/12	10/10/2012	10670	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	203.06
10/12	10/10/2012	10671	810	CHARLES HENGEL	602-20100	125.39
10/12	10/10/2012	10672	9	CITY OF DEEPHAVEN	101-20100	8,880.75
10/12	10/10/2012	10673	594	CITY OF EXCELSIOR	602-20100	2,204.42
10/12	10/10/2012	10674	761	DEBRA KIND	101-20100	60.52
10/12	10/10/2012	10675	52	EXCELSIOR FIRE DISTRICT	101-20100	31,610.94
10/12	10/10/2012	10676	68	GOPHER STATE ONE CALL	602-20100	47.85
10/12	10/10/2012	10677	811	JOHN BEAL	101-20100	21.81
10/12	10/10/2012	10678	3	KELLY LAW OFFICES	101-20100	1,046.50
10/12	10/10/2012	10679	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,598.16
10/12	10/10/2012	10680	764	OMANN BROTHERS PAVING	101-20100	55,861.28
10/12	10/10/2012	10681	216	QUALITY FLOW SYSTEMS INC	602-20100	447.90
10/12	10/10/2012	10682	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	25,743.58
10/12	10/10/2012	10683	136	Sun Newspapers	602-20100	80.91
10/12	10/10/2012	10684	745	Vintage Waste Systems	101-20100	1,628.25
10/12	10/10/2012	10685	145	XCEL	602-20100	118.25
10/12	10/24/2012	10686	51	BOLTON & MENK, INC.	101-20100	3,614.50
10/12	10/24/2012	10687	68	GOPHER STATE ONE CALL	602-20100	50.75
10/12	10/24/2012	10688	811	JOHN BEAL	101-20100	24.02
10/12	10/24/2012	10689	99	LAKE MTKA CONSERVATION DISTRIC	605-20100	342.50
10/12	10/24/2012	10690	742	Marco, Inc.	101-20100	332.84
10/12	10/24/2012	10691	136	Sun Newspapers	101-20100	23.98
10/12	10/24/2012	10692	145	XCEL	101-20100	194.20
Totals:						<u>135,262.36</u>

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>ADVANTAGE SIGNS &amp; GRAPHICS INC</b>					
808	ADVANTAGE SIGNS & GRAPHICS I	00018967	DECALS	09/27/2012	203.06
Total ADVANTAGE SIGNS & GRAPHICS INC					203.06
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0151086	2012 MISC ENGINEERING FEES	09/30/2012	291.50
			2012 MISC ENGINEERING FEES		60.00
		0151087	2012 STREET IMPROVEMENT	09/30/2012	611.50
		0151089	EXC BLVD DRAINAGE IMPROV	09/30/2012	419.00
		0151090	WATERMAIN FEASIBILITY REPORT	09/30/2012	2,232.50
Total BOLTON & MENK, INC.					3,614.50
<b>CHARLES HENGEL</b>					
810	CHARLES HENGEL	100212	UB REFUND	10/02/2012	113.16
			UB REFUND		12.23
Total CHARLES HENGEL					125.39
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	OCT 2012	RENT & EQUIPMENT	10/01/2012	542.95
			Postage		88.90
			COPIES		9.40
			SEWER		731.34
			WEED/TREE/MOWING		812.60
			Clerk Services		2,514.40
			ZONING - AUGUST		287.60
			ZONING - SEPT		339.89
			3RD QTR BLDG PERMITS		3,506.27
			ELECTION JUDGE MEALS		47.40
Total CITY OF DEEPHAVEN					8,880.75
<b>CITY OF EXCELSIOR</b>					
594	CITY OF EXCELSIOR	100112	3rd qtr joint sanitary sewer use	10/01/2012	2,204.42
Total CITY OF EXCELSIOR					2,204.42
<b>DEBRA KIND</b>					
761	DEBRA KIND	092312	NEW RESIDENT GUIDE	09/23/2012	60.52
Total DEBRA KIND					60.52
<b>EXCELSIOR FIRE DISTRICT</b>					
52	EXCELSIOR FIRE DISTRICT	12-012	4th Qtr. Operations	10/10/2012	16,609.74
			4th Qtr. Facilities		15,001.20
Total EXCELSIOR FIRE DISTRICT					31,610.94
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	43379	Gopher State calls	08/01/2012	50.75
		47220	Gopher State calls	10/01/2012	47.85
Total GOPHER STATE ONE CALL					98.60
<b>JOHN BEAL</b>					
811	JOHN BEAL	101212	BUCKTHORN MNTNCE	10/12/2012	24.02
		1206	BUCKTHORN MNTNCE	09/10/2012	21.81

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total JOHN BEAL				45.83
<b>KELLY LAW OFFICES</b>					
3	KELLY LAW OFFICES	6022	GENERAL LEGAL	10/09/2012	759.00
		6023	LAW ENFORCE PROSECUTION	10/09/2012	287.50
	Total KELLY LAW OFFICES				1,046.50
<b>LAKE MTKA CONSERVATION DISTRIC</b>					
99	LAKE MTKA CONSERVATION DIST	YEAR 2013	2013 Multiple Dock License Fee	10/24/2012	342.50
	Total LAKE MTKA CONSERVATION DISTRIC				342.50
<b>Marco, Inc.</b>					
742	Marco, Inc.	213961030	Copier lease	10/14/2012	332.84
	Total Marco, Inc.				332.84
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERVIC	1000362	Monthly wastewater Charge	10/05/2012	2,598.16
	Total METRO COUNCIL ENVIRO SERVICES				2,598.16
<b>OMANN BROTHERS PAVING</b>					
764	OMANN BROTHERS PAVING	092612	ROAD PAVING	09/26/2012	55,861.28
	Total OMANN BROTHERS PAVING				55,861.28
<b>QUALITY FLOW SYSTEMS INC</b>					
216	QUALITY FLOW SYSTEMS INC	25591	PUMP REPAIR	09/27/2012	447.90
	Total QUALITY FLOW SYSTEMS INC				447.90
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE DE	100112	4th Quarter Lease	10/01/2012	11,367.00
		OCT 2012	OPERATING BUDGET EXPENSE	10/01/2012	14,376.58
	Total SO LAKE MINNETONKA POLICE DEPT				25,743.58
<b>Sun Newspapers</b>					
136	Sun Newspapers	1125765	ASSESSMENT	09/23/2012	80.91
		1131495	PUBLIC Accuracy Test	10/21/2012	23.98
	Total Sun Newspapers				104.89
<b>Vintage Waste Systems</b>					
745	Vintage Waste Systems	092612	City Recycling Contract	09/26/2012	1,628.25
	Total Vintage Waste Systems				1,628.25
<b>XCEL</b>					
145	XCEL	092512	Sleepy Hollow Road *	09/25/2012	4.42
			SIREN		1.50
			4925 MEADVILLE STREET *		4.46
			LIFT STATION #1		16.82
			LIFT STATION #2		19.91
			LIFT STATION #3		12.47
			LIFT STATION #4		19.21

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<u>Vendor</u>	<u>Vendor Name</u>	<u>Invoice No</u>	<u>Description</u>	<u>Inv Date</u>	<u>Net Inv Amt</u>
			LIFT STATION #6		39.46
		100312	Street Lights *	10/03/2012	194.20
	Total XCEL				<u>312.45</u>

Total Paid: 135,262.36  
Total Unpaid: -  
Grand Total: 135,262.36

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Amount
11/01/12	PC	11/01/12	11011201	COOK, WILLIAM B.	37	188.70
11/01/12	PC	11/01/12	11011202	Debra J. Kind	34	283.05
11/01/12	PC	11/01/12	11011203	Fletcher, Thomas M	33	88.70
11/01/12	PC	11/01/12	11011204	H. Kelsey Page	35	188.70
11/01/12	PC	11/01/12	11011205	Quam, Robert	32	188.70
Grand Totals:						<u>937.85</u>



Agenda Number: **4A**

Agenda Date: 11-07-12

**Agenda Item:** Quarterly Police Update

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

**Council Action:** None required.



**Agenda Item:** City Engineer Dave Martini - Update on Excelsior Blvd. Watermain and Sidewalk Projects

- Consider: Support of Concept for Excelsior/Shorewood Watermain Interconnection Through Greenwood
- Consider: Sidewalk Plan Options

**Summary:** At the 10-03-12 city council worksession the council met with city engineer Dave Martini and representatives from the Met Council to discuss the draft of the feasibility report for the potential watermain project along Excelsior Blvd. The report included extending the existing Excelsior watermain along Excelsior Blvd. to upgrade existing unconventional connections and add new connections for properties located in the petition zone. The group also discussed an alternative option of adding stubs for all of the properties along Excelsior Blvd. should the cities of Excelsior and Shorewood decide to proceed with an interconnection project. The council expressed interest in the alternative option if Excelsior and Shorewood pay for the watermain and Greenwood and/or the adjacent property owners pay for the stubs. The council asked Dave Martini, Councilmember Bill Cook, and Councilmember Tom Fletcher to set up a meeting with representatives from Excelsior and Shorewood to determine their plans, so that the Greenwood council can determine how to proceed.

**Planning Commission Summary:** To keep the timeline moving forward, the city engineer presented the draft feasibility report to the planning commission at their 10-17-12 meeting. City attorney Mark Kelly explained the planning commission's role in the process in terms reviewing the project for compliance with the city's comprehensive plan. City clerk Gus Karpas reviewed the comprehensive plan and included the relevant text in the planning commission's packet for discussion. No one was present to make any public comments at the planning commission meeting.

**Planning Commission Action:** Commissioner Conrad moved that the planning commission inform the city council it has reviewed the feasibility study for the potential Excelsior Blvd. watermain project and found that it is not in conflict with the city's comprehensive plan. Commissioner Reeder seconded the motion. Motion carried 4-0.

**Update on Meeting with Excelsior and Shorewood:** The Greenwood "committee" (Martini, Cook, and Fletcher) met with representatives from Excelsior and Shorewood. The attached copy of a 10-18-12 email from Martini outlines the committee's recommendation as a result of the meeting. The committee would like the council to review the email and discuss.

**Council Action:** Council action is recommended if the council desires to have the watermain project included as part of the MCES sanitary sewer project slated to begin in May 2013. See the attached spreadsheet for a timeline showing the steps in the process. The timeline includes steps recommended by the city attorney / League of MN Cities as well as steps / dates provided by the Met Council Environmental Services (MCES). Potential motions ...

1. I move the council supports the concept of allowing the cities of Excelsior and Shorewood to connect their water supply systems along Excelsior Boulevard through the city of Greenwood using the general framework laid out in the email dated 10-18-12 by city engineer Dave Martini with the following conditions:
  - a. The council determines that the potential special assessments are justified and there is sufficient time to complete the special assessment process using due process.
  - b. The city of Greenwood is reimbursed for it's legal and engineering costs from the special assessments or connection fees.
2. I move the council supports the following option if Excelsior and Shorewood proceed with the interconnection project and there is either not time to complete the special assessment process or special assessments are not determined to be desirable: Property owners that wish to connect to the Excelsior/Shorewood interconnection line at the time of it's construction may pay a one-time connection fee of approximately \$11,700 for residential properties and \$16,600 for commercial properties that would be apportioned to the cities of Greenwood, Excelsior, and Shorewood, based on their respective engineering, legal, and construction costs for the project. Under this scenario the policy of the city of Greenwood would be that no new connections would be allowed for 15 years after the reconstruction of Excelsior Boulevard in order to preserve the new roadway.
3. I move the council approves the sidewalk plan presented and directs the city engineer to take the next steps to ensure the plan is included in the cooperative agreement with the Metropolitan Council.
4. Other motions ???

**From:** David Martini [mailto:[davidma@bolton-menk.com](mailto:davidma@bolton-menk.com)]

**Sent:** Thursday, October 18, 2012 4:43 PM **To:** 'Morgan Dawley'; 'Fick, Daniel'; 'Davison, Chad'; 'James Landini'; '[lbrown@ci.shorewood.mn.us](mailto:lbrown@ci.shorewood.mn.us)'; '[tfletcher@aexcom.com](mailto:tfletcher@aexcom.com)'; 'WILLIAM COOK'

**Subject:** FW: Excelsior Boulevard Watermain Extension

All,

A committee consisting of two Greenwood Council Members and Bolton & Menk, has met to review options related to the extension of watermain from the City of Excelsior into the City of Greenwood. To date, the work of this committee have not been reviewed or approved by the whole Council. The following is a summary of the options that the committee has considered:

Option 1:

Watermain would be extended to 21170 Excelsior Boulevard to serve 12 properties as requested in a resident petition. With this option, it is assumed that the Met Council will pay to reconnect the five Greenwood residents who have existing services west of Christmas Lake Road. The remainder of the costs associated with the watermain extension including fire hydrants and service stubs to all properties would be assessed to the benefiting properties. The estimated costs of this option is \$126,165, which equates to \$9,705 per unit. Commercial properties are proposed to be assessed at a rate of 1.5 ERU's.

Option 2:

Watermain would be extended through Greenwood to provide a connection between Excelsior and Shorewood. Based on past inquiries, the Greenwood residents east of 21170 Excelsior Boulevard have little to no interest in being provided water service. However, the Greenwood City Council recognizes that once watermain is adjacent to those properties, it is likely that there will be requests to hook up to the system in the future. This raises the concern that the cost to connect will be significantly higher after Met Council's project is completed and future connections will require the new road to be excavated if services stubs are not provide with the project. Therefore, to address these concerns, the City of Greenwood sees the benefit in constructing water service stubs to all of the properties along Excelsior Boulevard between Christmas Lake Road and Manor Road. The costs associated with this option are proposed to be apportioned as follows:

1. Each property on Excelsior Boulevard between Christmas Lake Road and Manor Road will be assessed for the cost of the water service stub. The total estimated cost of the service stubs is \$57,461 (approximate \$2,612 per unit).
2. Each property on Excelsior Boulevard between Christmas Lake Road and Manor Road will be assessed for a prorated share of the fire hydrants located in Greenwood. The amount per unit will need to be negotiated between Excelsior and Greenwood but should not exceed 50% of the cost. The total estimated cost of six fire hydrants is \$46,760.
3. At the time of connection, it is anticipated that Excelsior will charge a trunk fee to recuperate a portion of the cost of the watermain. The amount of the trunk fee will need to be negotiated between Excelsior, Shorewood and Greenwood so that the costs are fairly apportioned to all of the benefiting parties. The total estimated cost of the 12" watermain extension between the existing system and Manor Road is \$206,770.

Regardless of the option that is selected, the City of Greenwood believes that the water system should be owned and operated by the City of Excelsior. An agreement between the City of Greenwood and Excelsior will need to be developed to better define the responsibilities of each party. The City of Greenwood is willing to pass an ordinance, which defines the terms of the agreement for Excelsior to provide optional water service to Greenwood residents.

Please share this information with others as you see appropriate and let me know if you have questions or comments.

Thanks.

**David P. Martini, P.E.**

Principal Engineer

**Bolton & Menk, Inc.**

**Consulting Engineers & Surveyors**

2638 Shadow Lane, Suite 200

Chaska, MN 55318-1172

P: (952) 448-8838 ext. 2458

M: (612) 756-4315

F: (952) 448-8805

email: [davidma@bolton-menk.com](mailto:davidma@bolton-menk.com)

[www.bolton-menk.com](http://www.bolton-menk.com)

# Excelsior Blvd. Watermain Project Timeline

Updated 10-30-12

		Goal Date	Completion Date
1	Petition received from GW Excelsior Blvd. residents		6/13/12
2	GW resolution declaring adequacy of petition and ordering preparation of feasibility report		7/5/12
3	GW preliminary feasibility report completed for Option 1 (see footnote)		10/3/12
4	Feasibility report reviewed by GW planning commission for compliance with comp plan	10/17/12	10/17/12
5	GW consideration of support for <b>Option 2 Concept</b> for a EX/SW watermain interconnection project (including pricing concept)	11/7/12	
6	Deadline for EX and SW to approve motion supporting <b>Option 2 Concept</b> for a watermain interconnection project (including pricing concept)	11/28/12	
7	GW deadline for final feasibility report for Option 1 OR Option 2 (not both). GW will move forward with Option 2 only if EX and SW approve the Option 2 Concept.	12/5/12	
8	GW resolution accepting feasibility report and calling for hearing (Form 5)	12/5/12	
9	GW affidavit of publication of notice of hearing (Form 6). Deadline is the Thursday before publication for the public hearing notice in the Sun-Sailor. Per statute, the city clerk must cause notice thereof to be given by TWO publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications must be a week apart, and the hearing must be at least three days after the second publication. NOTE: Typically, cities assess all properties abutting or bordering on the improvement, but the council may wish to levy assessments against adjacent, non-abutting properties if the properties benefit from the improvement. In that event the Notice of Hearing must include the following statement: "The area proposed to be assessed for such improvement is ...."	12/13/12	
10	GW affidavit of mailing notice to affected property owners. Not less than ten days before the hearing, notice of the hearing must also be mailed to the owner of each parcel within the area proposed to be assessed and must contain a statement that a reasonable estimate of the impact of the assessment will be available at the hearing, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings.	12/21/12	
11	Deadline for draft of cooperative agreement for the watermain interconnection project (including pricing) between the cities of Greenwood, Excelsior, and Shorewood. Draft created by GW, EX, SW city attorneys and city engineers - led by Mark Kelly and Dave Martini ???	12/26/12	
12	GW public hearing. Minutes of public hearing showing testimony and findings. NOTE: Council action is required within 6 months of the public hearing date.	1/2/13	
14	GW considers approval of interconnection cooperative agreement.	1/2/13	
15	Deadline for GW, EX, and SW to approve interconnection cooperative agreement.	1/15/13	
16	GW Special Meeting: Resolution ordering improvement and preparation of plans (Forms 7, 7A, 8)	1/16/13	
17	GW Special Meeting: Resolution approving plans. NOTE: MCES will be advertising for bids.	2/6/13	
18	GW Special Meeting: Approval of cooperative agreement with MCES to include the Excelsior Blvd. watermain project and sidewalk improvements to their sanitary sewer project.	2/6/13	
19	MCES advertizes for bids.	Feb.	
20	MCES opens bids.	Wed. Early Mar.	
21	GW, EX, SW go/no-go decision (per co-op agreements with MCES)	Fri. or Mon. after bid opening	
22	MCES contracts and approvals.	Mar. & Apr.	
23	MCES starts construction.	May	
24	GW preparation of assessment roll. (Forms 12, 13)	TBD	
25	GW resolution for hearing on proposed assessment. (Form 14)	TBD	
26	GW affidavit of publication of notice of hearing. (Form 15)	TBD	
27	GW affidavit of mailing notice to affected property owners. (Form 15A)	TBD	
28	GW minutes of public hearing showing testimony and findings.	TBD	
29	GW resolution adopting assessment. (Form 16)	TBD	
30	GW notice of final assessment. NOTE: This may be an optional step. (See Form 17A)	TBD	
31	GW certification of assessment to county auditor. (Form 18, 18A) NOTE: If annual certification plan is followed, the clerk may wish to include a separate sub-step for each year.	TBD	

GW = Greenwood, EX = Excelsior, SW = Shorewood

Option 1: EX watermain extension to petition area only

Option 2: EX/SW watermain interconnection project with stubs for GW properties along Excelsior Blvd.



Agenda Number: **4C**

Agenda Date: 11-07-12

**Agenda Item:** Assessor Sales Ratio Meeting Update

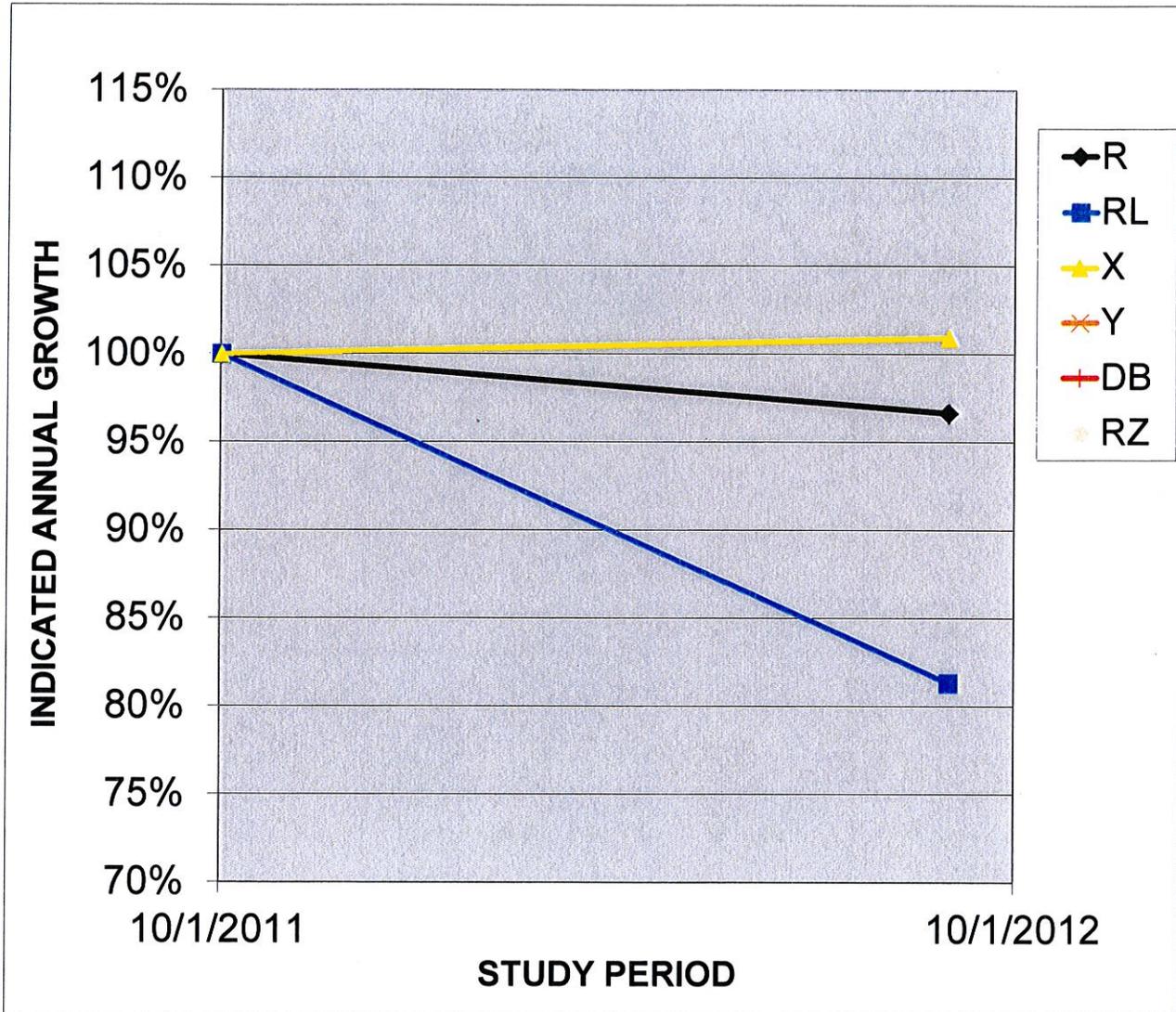
**Summary:** Mayor Kind and Councilman Fletcher attended the annual sales ratio meeting with the assessors on Thursday 10-25-12. Attached are documents for the council's reference. Kind and Fletcher will give an update at the 11-07-12 council meeting.

**Council Action:** None required.

**Direct Sales Ratio**  
**RESIDENTIAL GROWTH CHART**  
**Preliminary Indicated Market Value Change**  
**for the 2013 Assessment for taxes payable 2014**

PRINTED DATE: 10/19/2012  
 SALES AS OF RUN DATE: 10/3/2012

**GREENWOOD**



	<u>R</u> Residential	<u>RL</u> Residential Lakeshore	<u>X</u> Condos	<u>Y</u> Townhomes	<u>DB</u> Double Bungalows	<u>RZ</u> Zero-Lot Lines (DB 1/2's)
# OF SALES :	4	8	1	0	0	0
PARCEL COUNT:	122	167	20	0	0	0
% SALES:	3.28%	4.79%	5.00%	0.00%	0.00%	0.00%
MEDIAN :	98.30%	116.80%	94.10%	0.00%	0.00%	0.00%
MEAN :	95.50%	112.00%	94.10%	0.00%	0.00%	0.00%
COD :	3.7	15.3	0	0	0	0
% CHANGE :	-3.36%	-18.66%	0.96%	0.00%	0.00%	0.00%

# 2012 FALL RESIDENTIAL (R & RL)\* DIRECT RATIO\*\* STUDY

Date Printed: 10/25/2012

Date of Report: 10/3/2012

MUNIC	# of Sales	% Sold	Median	Mean	COD	MUNIC	# of Sales	% Sold	Median	Mean	COD
BLOOMINGTON	341	1.61%	98.8%	101.3%	11.2	MEDINA	42	2.71%	95.2%	96.2%	12.2
BROOKLYN CENTER	120	1.66%	<u>100.5%</u>	102.9%	10.3	MINNEAPOLIS	1,939		98.2%	100.2%	12.8
BROOKLYN PARK	275	1.66%	<u>95.5%</u>	98.1%	10.4	MINNETONKA	314	2.42%	97.5%	98.0%	10.5
CHAMPLIN	108	1.65%	97.8%	101.6%	11.9	MINNETONKA BEACH	7	3.07%	115.9%	118.3%	10.4
CORCORAN	15	0.91%	111.2%	107.2%	10.7	MINNETRISTA	52	2.34%	98.3%	97.9%	9.7
CRYSTAL	144	1.99%	95.9%	103.2%	19.8	MOUND	101	3.04%	97.8%	98.8%	13.3
DAYTON	29	2.07%	96.0%	102.2%	16.6	NEW HOPE	71	1.57%	94.2%	97.3%	14.3
<i>Dan D</i> DEEPHAVEN	39	2.80%	<u>95.7%</u>	95.4%	9.0	ORONO	67	2.29%	97.8%	99.4%	14.8
EDEN PRAIRIE	363	2.81%	96.3%	96.8%	8.0	OSSEO	12	2.03%	92.3%	92.6%	10.6
EDINA	386	3.10%	95.3%	95.6%	10.1	PLYMOUTH	398	2.50%	96.3%	97.9%	10.1
<i>Robt Ericson</i> EXCELSIOR	15	3.23%	<u>91.3%</u>	96.4%	13.1	RICHFIELD	223	2.31%	100.0%	104.2%	13.8
GOLDEN VALLEY	149	2.37%	98.8%	100.2%	12.0	ROBBINSDALE	76	1.78%	<u>105.6%</u>	109.4%	12.9
GREENFIELD	13	1.52%	101.3%	104.6%	12.1	ROCKFORD	0	0.00%	0.0%	0.0%	0.0
<i>mel city</i> GREENWOOD	12	4.15%	<u>99.1%</u>	106.5%	15.9	ROGERS	67	2.28%	98.8%	98.8%	10.6
HANOVER	4	2.09%	104.5%	106.2%	8.4	SHOREWOOD	65	2.81%	<u>98.0%</u>	100.2%	13.1
HOPKINS	75	3.20%	97.9%	98.5%	9.2	SPRING PARK	6	3.13%	98.1%	93.3%	11.0
INDEPENDENCE	20	1.65%	96.0%	101.6%	12.5	ST ANTHONY	37	2.16%	97.2%	97.8%	12.0
LONG LAKE	17	3.23%	102.0%	102.1%	13.4	ST BONIFACIUS	15	2.21%	93.6%	94.6%	8.9
LORETTO	3	1.65%	75.1%	76.8%	2.4	ST LOUIS PARK	376	3.28%	98.9%	99.9%	12.3
MAPLE GROVE	356	2.28%	94.4%	95.4%	7.4	TONKA BAY	25	4.17%	<u>98.8%</u>	100.2%	9.1
MAPLE PLAIN	13	2.58%	88.1%	89.7%	12.7	WAYZATA	10	1.14%	100.3%	103.9%	8.7
MEDICINE LAKE	1	0.82%	91.1%	91.1%	0.0	WOODLAND	5	2.69%	97.7%	94.5%	6.5
						SUBURBAN HENNEPIN***	4467	2.28%	<u>97.3%</u>	99.0%	11.0

*Tom Kunik City*

*Bill Davey*

*CITY GOAL*

*95% 5-10*

\*PROPERTY TYPES: B, BJ, D, DJ, P, R, RL

\*\*EMV DIV BY 10/2011 THRU 9/2012 SALES

\*\*\*SUBURBAN HENNEPIN TOTAL FIGURES (EXCEPT SALES) ARE WEIGHTED MUNIC AVERAGES

*All assessments go through Rob Winge*

# 2012 FALL RESIDENTIAL (R) DIRECT RATIO\*\* STUDY

Date Printed: 10/25/2012

Date of Report: 10/3/2012

MUNIC	# of Sales	% Sold	Median	Mean	COD	MUNIC	# of Sales	% Sold	Median	Mean	COD
BLOOMINGTON	341	1.62%	98.8%	101.3%	11.2	MEDINA	41	2.77%	95.5%	96.3%	12.3
BROOKLYN CENTER	118	1.66%	100.8%	103.1%	10.3	MINNEAPOLIS	1,939		98.2%	100.2%	12.8
BROOKLYN PARK	273	1.66%	95.5%	98.2%	10.4	MINNETONKA	308	2.40%	97.5%	98.1%	10.5
CHAMPLIN	104	1.65%	98.2%	101.9%	12.1	MINNETONKA BEACH	3	2.68%	126.9%	124.9%	12.1
CORCORAN	15	0.91%	111.2%	107.2%	10.7	MINNETRISTA	42	2.56%	97.9%	98.5%	10.4
CRYSTAL	143	1.99%	95.9%	103.0%	19.7	MOUND	54	2.30%	94.8%	96.0%	15.5
DAYTON	26	2.05%	95.3%	99.8%	15.4	NEW HOPE	71	1.57%	94.2%	97.3%	14.3
DEEPHAVEN	31	2.73%	95.3%	94.5%	9.2	ORONO	34	1.79%	97.2%	100.3%	15.7
EDEN PRAIRIE	353	2.79%	96.1%	96.6%	7.8	OSSEO	12	2.03%	92.3%	92.6%	10.6
EDINA	351	3.07%	95.6%	95.8%	10.1	PLYMOUTH	388	2.51%	96.2%	97.8%	10.1
EXCELSIOR	13	3.23%	95.5%	97.4%	13.9	RICHFIELD	223	2.31%	100.0%	104.2%	13.8
GOLDEN VALLEY	146	2.35%	98.9%	100.4%	12.1	ROBBINSDALE	75	1.80%	105.7%	109.6%	12.9
GREENFIELD	12	1.59%	104.9%	105.9%	11.7	ROCKFORD	0	0.00%	0.0%	0.0%	0.0
GREENWOOD	4	3.28%	98.3%	95.5%	3.7	ROGERS	67	2.35%	98.8%	98.8%	10.6
HANOVER	3	1.65%	97.6%	104.5%	7.2	SHOREWOOD	43	2.32%	97.3%	100.5%	12.5
HOPKINS	75	3.20%	97.9%	98.5%	9.2	SPRING PARK	1	1.12%	107.1%	107.1%	0.0
INDEPENDENCE	20	1.65%	96.0%	101.6%	12.5	ST ANTHONY	37	2.16%	97.2%	97.8%	12.0
LONG LAKE	17	3.23%	102.0%	102.1%	13.4	ST BONIFACIUS	15	2.21%	93.6%	94.6%	8.9
LORETTO	3	1.65%	75.1%	76.8%	2.4	ST LOUIS PARK	371	3.29%	98.9%	99.9%	12.3
MAPLE GROVE	356	2.28%	94.4%	95.4%	7.4	TONKA BAY	8	2.87%	98.4%	100.8%	14.8
MAPLE PLAIN	13	2.58%	88.1%	89.7%	12.7	WAYZATA	8	1.04%	100.3%	104.9%	10.0
MEDICINE LAKE	1	0.82%	91.1%	91.1%	0.0	WOODLAND	2	2.41%	85.7%	85.7%	10.3
						SUBURBAN HENNEPIN***	4,198	2.23%	97.77%	99.5%	11.1

\*\*EMV DIV BY 10/2011 THRU 9/2012 SALES

\*\*\*SUBURBAN HENNEPIN TOTAL FIGURES (EXCEPT SALES) ARE WEIGHTED MUNIC AVERAGES

# 2012 FALL RESIDENTIAL (RL) DIRECT RATIO\*\* STUDY

Date Printed: 10/25/2012

Date of Report: 10/3/2012

MUNIC	# of Sales	% Sold	Median	Mean	COD	MUNIC	# of Sales	% Sold	Median	Mean	COD
BLOOMINGTON	0	0.00%	0.0%	0.0%	0.0	MEDINA	1	1.47%	92.2%	92.2%	0.0
BROOKLYN CENTER	2	1.85%	91.7%	91.7%	6.4	MINNEAPOLIS	0	0.00%	0.0%	0.0%	0.0
BROOKLYN PARK	2	1.65%	97.2%	97.2%	5.9	MINNETONKA	6	3.92%	96.9%	93.2%	11.7
CHAMPLIN	4	1.73%	93.6%	93.7%	5.9	MINNETONKA BEACH	4	3.45%	114.4%	113.4%	5.9
CORCORAN	0	0.00%	0.0%	0.0%	0.0	MINNETRISTA	10	1.74%	99.4%	95.3%	6.8
CRYSTAL	1	1.56%	130.6%	130.6%	0.0	MOUND	46	4.73%	100.6%	102.1%	10.4
DAYTON	3	2.27%	117.5%	122.6%	16.9	NEW HOPE	0	0.00%	0.0%	0.0%	0.0
DEEPHAVEN	8	3.11%	98.8%	98.9%	8.0	ORONO	32	3.13%	98.2%	98.3%	14.0
EDEN PRAIRIE	10	3.47%	102.5%	101.7%	13.7	OSSEO	0	0.00%	0.0%	0.0%	0.0
EDINA	35	3.39%	94.0%	93.6%	9.5	PLYMOUTH	10	2.34%	102.1%	101.7%	11.4
EXCELSIOR	2	3.28%	89.9%	89.9%	1.5	RICHFIELD	0	0.00%	0.0%	0.0%	0.0
GOLDEN VALLEY	3	4.41%	89.7%	91.1%	6.0	ROBBINSDALE	1	0.92%	89.9%	89.9%	0.0
GREENFIELD	1	0.98%	89.4%	89.4%	0.0	ROCKFORD	0	0.00%	0.0%	0.0%	0.0
GREENWOOD	8	4.79%	116.8%	112.0%	15.3	ROGERS	0	0.00%	0.0%	0.0%	0.0
HANOVER	1	11.11%	111.4%	111.4%	0.0	SHOREWOOD	22	4.79%	98.0%	99.5%	14.5
HOPKINS	0	0.00%	0.0%	0.0%	0.0	SPRING PARK	5	4.85%	94.8%	90.5%	11.1
INDEPENDENCE	5	2.75%	97.9%	101.4%	5.8	ST ANTHONY	0	0.00%	0.0%	0.0%	0.0
LONG LAKE	1	5.88%	102.0%	102.0%	0.0	ST BONIFACIUS	0	0.00%	0.0%	0.0%	0.0
LORETTO	0	0.00%	0.0%	0.0%	0.0	ST LOUIS PARK	5	2.79%	101.2%	99.8%	4.9
MAPLE GROVE	15	2.14%	95.6%	98.1%	8.8	TONKA BAY	17	5.30%	98.8%	99.9%	6.4
MAPLE PLAIN	0	0.00%	0.0%	0.0%	0.0	WAYZATA	2	1.89%	99.8%	99.8%	3.2
MEDICINE LAKE	1	0.90%	91.1%	91.1%	0.0	WOODLAND	3	2.91%	99.6%	100.3%	2.0
						SUBURBAN HENNEPIN***	266	3.13%	99.1%	99.3%	10.0

\*\*EMV DIV BY 10/2011 THRU 9/2012 SALES

\*\*\*SUBURBAN HENNEPIN TOTAL FIGURES (EXCEPT SALES) ARE WEIGHTED MUNIC AVERAGES

# 2012 FALL RESIDENTIAL (X)\* DIRECT RATIO\*\* STUDY

Date Printed: 10/25/2012  
Date of Report: 10/3/2012

MUNIC	# of Sales	% Sold	Median	Mean	COD	MUNIC	# of Sales	% Sold	Median	Mean	COD
BLOOMINGTON	97	3.12%	105.4%	108.9%	14.4	MEDINA	0	0.00%	0.0%	0.0%	0.0
BROOKLYN CENTER	4	2.48%	133.3%	130.5%	13.6	MINNEAPOLIS	685		94.3%	95.2%	11.1
BROOKLYN PARK	20	1.61%	98.9%	105.9%	16.4	MINNETONKA	57	2.46%	101.0%	106.4%	14.7
CHAMPLIN	20	2.94%	92.2%	94.7%	9.0	MINNETONKA BEACH	0	0.00%	0.0%	0.0%	0.0
CORCORAN	0	0.00%	0.0%	0.0%	0.0	MINNETRISTA	0	0.00%	0.0%	0.0%	0.0
CRYSTAL	6	5.17%	121.9%	126.6%	19.3	MOUND	10	2.38%	108.0%	108.6%	18.1
DAYTON	0	0.00%	0.0%	0.0%	0.0	NEW HOPE	10	2.49%	78.7%	86.1%	19.7
DEEPHAVEN	0	0.00%	0.0%	0.0%	0.0	ORONO	0	0.00%	0.0%	0.0%	0.0
EDEN PRAIRIE	81	2.58%	103.9%	105.7%	11.3	OSSEO	0	0.00%	0.0%	0.0%	0.0
EDINA	141	3.66%	98.7%	101.5%	14.5	PLYMOUTH	73	2.55%	104.2%	105.4%	11.0
EXCELSIOR	2	2.17%	100.1%	100.1%	3.9	RICHFIELD	24	3.20%	107.6%	108.2%	12.5
GOLDEN VALLEY	14	2.69%	97.2%	99.2%	9.3	ROBBINSDALE	0	0.00%	0.0%	0.0%	0.0
GREENFIELD	0	0.00%	0.0%	0.0%	0.0	ROCKFORD	0	0.00%	0.0%	0.0%	0.0
GREENWOOD	1	5.00%	94.1%	94.1%	0.0	ROGERS	1	1.49%	93.6%	93.6%	0.0
HANOVER	0	0.00%	0.0%	0.0%	0.0	SHOREWOOD	0	0.00%	0.0%	0.0%	0.0
HOPKINS	19	1.59%	96.7%	99.6%	13.9	SPRING PARK	5	2.89%	82.5%	83.7%	7.0
INDEPENDENCE	0	0.00%	0.0%	0.0%	0.0	ST ANTHONY	11	7.53%	125.0%	142.8%	23.0
LONG LAKE	0	0.00%	0.0%	0.0%	0.0	ST BONIFACIUS	0	0.00%	0.0%	0.0%	0.0
LORETTO	0	0.00%	0.0%	0.0%	0.0	ST LOUIS PARK	61	2.29%	106.2%	116.2%	18.7
MAPLE GROVE	63	2.30%	99.0%	98.0%	7.6	TONKA BAY	0	0.00%	0.0%	0.0%	0.0
MAPLE PLAIN	0	0.00%	0.0%	0.0%	0.0	WAYZATA	15	6.52%	95.1%	93.8%	7.9
MEDICINE LAKE	0	0.00%	0.0%	0.0%	0.0	WOODLAND	0	0.00%	0.0%	0.0%	0.0
						SUBURBAN HENNEPIN***	735	2.69%	102.0%	105.3%	13.3

\*PROPERTY TYPES: AX, X, XC, XM

\*\*EMV DIV BY 10/2011 THRU 9/2012 SALES

\*\*\*SUBURBAN HENNEPIN TOTAL FIGURES (EXCEPT SALES) ARE WEIGHTED MUNIC AVERAGES

# ASSESSMENT GROWTH REPORT

## RESIDENTIAL LAKESHORE PROPERTIES

JAN-JAN	01-02 Growth		02-03 Growth		03-04 Growth		04-05 Growth		05-06 Growth		06-07 Growth		07-08 Growth		08-09 Growth		09-10 Growth		10-11 Growth		11-12 Growth		TOTAL Growth
GREENWOOD	22.2%	3	15.5%	6	4.4%	6	23.2%	3	15.5%	5	10.2%	3	1.1%	5	-3.3%	8	-7.9%	3	-6.2%	2	-2.9%	8	71.8%
EXCELSIOR	16.6%	3	17.4%	1	1.4%	3	7.3%	2	30.5%	0	4.0%	2	0.7%	1	-6.3%	0	-6.3%	2	-0.6%	1	-2.0%	4	62.7%
TONKA BAY	24.3%	11	9.0%	14	1.2%	17	17.2%	11	16.2%	18	13.3%	12	1.3%	6	-3.1%	9	-6.7%	6	-4.9%	4	-7.0%	12	60.8%
MTKA BEACH	20.0%	5	9.1%	2	8.6%	5	14.2%	7	12.6%	5	10.5%	5	-0.1%	5	-7.4%	1	-6.4%	5	-2.0%	3	-9.9%	6	49.2%
MINNETONKA	22.5%	6	11.0%	6	2.9%	7	17.8%	2	22.0%	2	10.5%	5	-0.4%	2	-7.5%	6	-14.5%	1	0.0%	2	-4.6%	4	59.7%
SPRING PARK	10.4%	1	16.5%	6	5.8%	4	25.3%	5	8.6%	3	13.3%	2	2.8%	0	-10.5%	0	-6.0%	1	-8.2%	1	-12.7%	2	45.3%
ORONO	13.9%	36	17.7%	38	10.6%	40	11.8%	47	9.5%	49	9.8%	26	0.8%	27	-1.8%	19	-7.0%	16	-8.2%	18	-8.6%	25	48.5%
MOUND	18.1%	32	10.7%	30	8.3%	41	15.4%	46	15.8%	47	16.2%	34	3.1%	29	-10.3%	11	-11.7%	29	-11.2%	25	-3.3%	21	51.1%
MINNETRISTA	17.2%	8	11.7%	24	8.1%	16	13.9%	27	19.4%	28	8.4%	25	-3.9%	18	-3.9%	15	-8.7%	8	-4.8%	14	-6.3%	9	51.1%
SHOREWOOD	11.3%	11	15.0%	12	5.2%	18	11.9%	23	8.3%	18	5.3%	8	1.6%	5	-1.5%	10	-6.9%	8	-4.3%	10	-6.5%	10	39.4%
DEEPHAVEN	7.5%	2	10.3%	5	1.3%	7	6.7%	4	16.0%	1	12.8%	3	-0.3%	4	-5.8%	5	-8.0%	3	-5.5%	5	-4.3%	8	30.7%
WAYZATA	12.7%	3	16.7%	4	2.0%	1	22.3%	7	18.1%	4	5.6%	3	0.1%	3	-9.0%	2	-5.7%	1	-0.3%	3	-11.8%	1	50.7%
WOODLAND	18.2%	0	8.6%	2	1.1%	1	12.0%	0	7.1%	1	5.7%	3	-0.2%	1	-3.7%	1	-2.8%	0	-6.4%	2	-6.7%	1	32.9%
<b>Average</b>	<b>16.5%</b>		<b>13.0%</b>		<b>4.7%</b>		<b>15.3%</b>		<b>15.4%</b>		<b>9.7%</b>		<b>0.5%</b>		<b>-5.7%</b>		<b>-7.6%</b>		<b>-4.8%</b>		<b>-6.7%</b>		<b>50.3%</b>

### OTHER SOUTH LAKE MINNETONKA CITIES

EXCELSIOR	16.6%	3	17.4%	1	1.4%	3	7.3%	2	30.5%	0	4.0%	2	0.7%	1	-6.3%	0	-6.3%	2	-0.6%	1	-2.0%	4	62.7%
TONKA BAY	24.3%	11	9.0%	14	1.2%	17	17.2%	11	16.2%	18	13.3%	12	1.3%	6	-3.1%	9	-6.7%	6	-4.9%	4	-7.0%	12	60.8%
SHOREWOOD	11.3%	11	15.0%	12	5.2%	18	11.9%	23	8.3%	18	5.3%	8	1.6%	5	-1.5%	10	-6.9%	8	-4.3%	10	-6.5%	10	39.4%
DEEPHAVEN	7.5%	2	10.3%	5	1.3%	7	6.7%	4	16.0%	1	12.8%	3	-0.3%	4	-5.8%	5	-8.0%	3	-5.5%	5	-4.3%	8	30.7%
<b>Average</b>	<b>14.9%</b>		<b>12.9%</b>		<b>2.3%</b>		<b>10.8%</b>		<b>17.8%</b>		<b>8.9%</b>		<b>0.8%</b>		<b>-4.2%</b>		<b>-7.0%</b>		<b>-3.8%</b>		<b>-5.0%</b>		<b>48.4%</b>

Difference between Greenwood and average of other South Lake Mtka cities	7.3%	3	2.6%	6	2.1%	6	12.4%	3	-2.3%	5	1.4%	3	0.3%	5	0.9%	8	-0.9%	3	-2.4%	2	2.1%	8	23.4%
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Difference based on 5 or fewer sales	7.3%	3					12.4%	3	-2.3%	5	1.4%	3	0.3%	5			-0.9%	3	-2.4%	2			15.8%
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**Agenda Item:** Discuss: Sanitary Sewer Discharge Program Report and Next Steps

**Summary:** At the October council meeting the council reviewed a report regarding the sanitary sewer discharge program. According to the October report, no response was received from 95 properties. After discussion at the October council meeting, the council decided to send a second notice to the non-responsive properties and make revisions to the letter and form to make it clear that the program is different than the one that was conducted in 2006 and to make it clear that sewage pumps are allowed. The council authorized Councilman Cook and Mayor Kind to make updates to the letter and form (see attached). City Clerk Gus Karpas researched the 95 no-response addresses and determined that many of the properties were vacant land, duplicates, late responders, etc. So the 2nd notice was mailed to 54 properties on 10-08-12. As a result of the 2nd mailing, 42 more certification forms were sent back to the city. See the updated report attached. Note: Gus also contacted the Met Council and confirmed that the 1 “grey water” pump connection is authorized.

Highlights from the updated report:

327	Total mailed.
307	Certification forms have been sent back to the city.
282	Have certified they have <b>NO connection</b> .
20	Have <b>requested city assistance to complete the form and/or are unsure whether they have a connection</b> . Note: The council authorized Bolton & Menk to conduct inspections of these properties.
5	Stated that they <b>HAVE a connection</b> . Of these, 4 said that they would remove the connection by 11-20-12 and agreed to an inspection. 1 has been confirmed to be an authorized grey water connection. Note: The council authorized Bolton & Menk to conduct inspections of these properties.
20	<b>Did not return a certification form</b> .

**Council Action:** Required. The council needs to determine next steps. Potential motions ...

1. I move the city council authorizes the following regarding the city’s sanitary sewer discharge program:
  - a. The city clerk is authorized to call each of the owners of the properties that have not returned a certification form to inform them of the financial consequences for not returning the form. If there is no answer, then the clerk shall leave a message. If no phone number is available, then steps b-d below shall be implemented.
  - b. The city utility billing clerk is authorized to add the “Sanitary Sewer Non-Compliance Surcharge” (\$300 residential, \$750 commercial) to the next utility bill for the properties that did not return the sewer certification form, and to include copies of the certification letter and form in the bills with an additional letter stating that the surcharge fee will be removed from future bills once the property owner certifies that there is no existing connection.
  - c. The city utility billing clerk is authorized to have discretion to waive the surcharge fee for new homeowners who return the completed certification form with their utility bill payment.
  - d. The city utility billing clerk is authorized to have discretion to waive the surcharge fee for someone who claims to have returned the certification form and returns a newly-completed certification form with their utility bill payment.
2. I move the city council authorizes the following regarding the city’s sanitary sewer discharge program:
  - a. The city utility billing clerk is authorized to add the “Sanitary Sewer Non-Compliance Surcharge” (\$300 residential, \$750 commercial) to the next utility bill for the properties that did not return the sewer certification form, and to include copies of the certification letter and form in the bills with an additional letter stating that the surcharge fee will be removed from future bills once the property owner certifies that there is no existing connection.
  - b. The city utility billing clerk is authorized to have discretion to waive the surcharge fee for new homeowners who return the completed certification form with their utility bill payment.
  - c. The city utility billing clerk is authorized to have discretion to waive the surcharge fee for someone who claims to have returned the certification form and returns a newly-completed certification form with their utility bill payment.
3. Other motion ???

# City of Greenwood Sanitary Sewer Discharge Program Report

Updated 10-31-12

House #	Street Name	No Connection	Connection	Requested Inspection	Did Not Return Form
21750	Byron Circle	1			
21800	Byron Circle	1			
21820	Byron Circle				1
21825	Byron Circle	1			
21830	Byron Circle	1			
21840	Byron Circle			1	
21845	Byron Circle			1	
21860	Byron Circle	1			
21885	Byron Circle	1			
21892	Byron Circle	1			
21895	Byron Circle	1			
21925	Byron Circle	1			
20840	Channel Drive			1	
20845	Channel Drive			1	
20885	Channel Drive	1			
20890	Channel Drive	1			
20895	Channel Drive	1			
20896	Channel Drive	1			
20965	Channel Drive	1			
20975	Channel Drive	1			
20985	Channel Drive	1			
5025	Covington Street				1
5060	Covington Street	1			
5070	Covington Street	1			
5090	Covington Street	1			
5095	Covington Street	1			
5100	Covington Street	1			
5505	Crestside Ave	1			
5525	Crestside Ave	1			
5100	Curve Street	1			
5110	Curve Street				1
5115	Curve Street	1			
5120	Curve Street	1			
5130	Curve Street	1			
5140	Curve Street	1			
5145	Curve Street	1			
5155	Curve Street	1			
20860	Excelsior Blvd	1			
20880	Excelsior Blvd	1			
21020	Excelsior Blvd	1			
21030	Excelsior Blvd				1
21080	Excelsior Blvd	1			
21100	Excelsior Blvd	1			
21120	Excelsior Blvd	1			
21150	Excelsior Blvd			1	
21170	Excelsior Blvd			1	
21190	Excelsior Blvd	1			
21210	Excelsior Blvd			1	
21230	Excelsior Blvd	1			
21250	Excelsior Blvd	1			
21270	Excelsior Blvd	1			
21290	Excelsior Blvd			1	
21320	Excelsior Blvd			1	
21350	Excelsior Blvd	1			
21380	Excelsior Blvd	1			
21420	Excelsior Blvd	1			
21450	Excelsior Blvd	1			
21470	Excelsior Blvd	1			
21500	Excelsior Blvd	1			
21550	Excelsior Blvd		1		
21490	Fairview Street	1			
21500	Fairview Street	1			
21510	Fairview Street	1			
21520	Fairview Street	1			
21560	Fairview Street				1
21580	Fairview Street	1			
21600	Fairview Street	1			
21630	Fairview Street	1			
21650	Fairview Street		1		
21670	Fairview Street	1			
21690	Fairview Street	1			
21700	Fairview Street	1			
21710	Fairview Street		1		
21720	Fairview Street	1			
21760	Fairview Street	1			
21770	Fairview Street	1			
21775	Fairview Street	1			
21780	Fairview Street	1			
21880	Fairview Street	1			
21885	Fairview Street	1			
21895	Fairview Street	1			
21915	Fairview Street	1			
5030	Greenwood Circle			1	
5040	Greenwood Circle	1			
5050	Greenwood Circle	1			
5060	Greenwood Circle	1			
5070	Greenwood Circle	1			
5085	Greenwood Circle	1			
5090	Greenwood Circle	1			
5100	Greenwood Circle				1

House #	Street Name	No Connection	Connection	Requested Inspection	Did Not Return Form
5105	Greenwood Circle				1
5115	Greenwood Circle	1			
5125	Greenwood Circle	1			
5130	Greenwood Circle	1			
5135	Greenwood Circle	1			
5140	Greenwood Circle	1			
5145	Greenwood Circle	1			
5155	Greenwood Circle	1			
5160	Greenwood Circle				1
5165	Greenwood Circle	1			
5170	Greenwood Circle	1			
5175	Greenwood Circle	1			
5180	Greenwood Circle	1			
5185	Greenwood Circle	1			
5190	Greenwood Circle	1			
5195	Greenwood Circle	1			
5200	Greenwood Circle	1			
5205	Greenwood Circle	1			
5040	Highview Place	1			
5050	Highview Place	1			
5055	Highview Place			1	
5070	Highview Place	1			
5075	Highview Place	1			
5085	Highview Place	1			
5095	Highview Place	1			
5040	Kings Court	1			
5045	Kings Court	1			
5050	Kings Court	1			
5055	Kings Court	1			
4636	Linwood Circle	1			
4640	Linwood Circle	1			
4660	Linwood Circle	1			
4680	Linwood Circle	1			
4690	Linwood Circle				1
4700	Linwood Circle	1			
4720	Lodge Lane	1			
4725	Lodge Lane	1			
4740	Lodge Lane	1			
4760	Lodge Lane			1	
4780	Lodge Lane	1			
4800	Lodge Lane				1
4820	Lodge Lane	1			
4825	Lodge Lane	1			
4840	Lodge Lane	1			
4855	Lodge Lane	1			
4860	Lodge Lane	1			
4880	Lodge Lane	1			
4895	Lodge Lane	1			
4900	Lodge Lane	1			
4920	Lodge Lane			1	
4925	Lodge Lane	1			
4763	Lyman Court				1
4777	Lyman Court				1
4758	Lyman Court	1			
4757	Lyman Court	1			
4755	Lyman Court	1			
6	Mac Lynn Road	1			
8	Mac Lynn Road	1			
10	Mac Lynn Road	1			
12	Mac Lynn Road	1			
14	Mac Lynn Road	1			
5100	Manor Road	1			
5110	Manor Road	1			
5330	Manor Road	1			
5350	Manor Road	1			
5370	Manor Road			1	
5410	Manor Road	1			
5470	Manor Road	1			
5490	Manor Road				1
5435	Maple Heights Rd	1			
5470	Maple Heights Rd	1			
5475	Maple Heights Rd				1
5480	Maple Heights Rd	1			
5490	Maple Heights Rd	1			
5500	Maple Heights Rd	1			
5510	Maple Heights Rd	1			
5520	Maple Heights Rd	1			
5525	Maple Heights Rd				1
5530	Maple Heights Rd	1			
5535	Maple Heights Rd	1			
5540	Maple Heights Rd	1			
5545	Maple Heights Rd	1			
5550	Maple Heights Rd	1			
5560	Maple Heights Rd	1			
5560	Maple Heights Rd	1			
5580	Maple Heights Rd	1			
5590	Maple Heights Rd				1
5600	Maple Heights Rd	1			
4900	Meadville Street	1			
4926	Meadville Street	1			
4930	Meadville Street	1			
4940	Meadville Street				1
4950	Meadville Street	1			
4960	Meadville Street	1			
4970	Meadville Street	1			



House #	Street Name	No Connection	Connection	Requested Inspection	Did Not Return Form
5114	St. Albans Bay Rd	1			
5120	St. Albans Bay Rd	1			
5140	St. Albans Bay Rd	1			
5180	St. Albans Bay Rd	1			
5190	St. Albans Bay Rd	1			
5192	St. Albans Bay Rd	1			
20860	St. Albans Green	1			
20870	St. Albans Green	1			
20880	St. Albans Green	1			
20890	St. Albans Green	1			
20900	St. Albans Green	1			
4900	Sleepy Hollow Rd	1			
4925	Sleepy Hollow Rd	1			
4930	Sleepy Hollow Rd	1			
4935	Sleepy Hollow Rd	1			
4945	Sleepy Hollow Rd	1			
4950	Sleepy Hollow Rd	1			
4960	Sleepy Hollow Rd				1
4965	Sleepy Hollow Rd	1			
4970	Sleepy Hollow Rd			1	
4975	Sleepy Hollow Rd	1			
4980	Sleepy Hollow Rd	1			
4990	Sleepy Hollow Rd	1			
21000	State Hwy # 7			1	
21380	State Hwy # 7	1			
21450	State Hwy # 7	1			
21500	State Hwy # 7	1			
21550	State Hwy # 7	1			
5105	Weeks Road	1			
5110	Weeks Road	1			
5115	Weeks Road	1			
5120	Weeks Road	1			
5125	Weeks Road	1			
5135	Weeks Road	1			
5145	Weeks Road	1			
5155	Weeks Road	1			
5105	West Street	1			
5110	West Street	1			
5115	West Street	1			
5120	West Street	1			
5125	West Street	1			
5135	West Street	1			
4870	Woods Court	1			
4890	Woods Court	1			
4910	Woods Court	1			
4920	Woods Court	1			
4925	Woods Court	1			
<b>TOTALS</b>		<b>282</b>	<b>5</b>	<b>20</b>	<b>20</b>

Total Mailed	327
Total Returned	307
% Returned	93.88%



**Date: October 8, 2012**

**To: Greenwood Property Owners**

**From: Gus Karpas, City Clerk**

**Re: Sanitary Sewer Discharge, 2ND NOTICE – YOUR RESPONSE REQUIRED!**

**PUBLIC INFORMATION STATEMENT: *Why am I receiving this letter?***

As mandated by the Met Council, the city is required to reduce the amount of “inflow” (clean water being discharged into the sanitary sewer system) through roof drains, foundation drains, and sump pumps that are connected to the sewer lines (illegal in MN since 1968 and also prohibited by city code section 310.30, subd. 5). Please go to [www.greenwoodmn.com](http://www.greenwoodmn.com) or stop by city hall to view the complete ordinance.

The benefits of reducing the amount of clean water discharged into the sanitary sewer system include:

- Saves city taxpayers money by reducing the amount of money spent on water treatment and avoiding potential Met Council surcharges to the city.
- Saves the region money by reducing the size of the Met Council infrastructure required. The cost to fix flow problems at the local source is estimated to cost \$150 million, compared with nearly one billion dollars that would be needed to add collection and treatment capacity to handle excessive flow.
- Reduces the chance of sewer backups into homes and businesses.

The last “certification program” was conducted in 2006. At that time, the council decided to focus on sewer repairs in hopes of reducing the city’s excess flow. However, now that most of the sewer repairs have been completed, the city continues to have excess flow into the sanitary sewer system during rain events. Therefore, the current city council approved the implementation of a new “certification program” with the goal to eliminate all improper connections of roof drains, foundation drains, or sumps that are connected to the sanitary sewer system. There is a great common benefit to the entire city if we solve our inflow problems. **Thank you for your help!**

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**NOTICE TO ALL PROPERTY OWNERS: ACTION REQUIRED**

**FAILURE TO ACT WILL CAUSE FINANCIAL PENALTIES TO BE INCURRED AND MAY RESULT IN PROSECUTION. PROPERTY OWNER SANITARY SEWER DISCHARGE CERTIFICATION REQUIRED.**

**EVEN IF YOU SENT IN A FORM IN 2006, YOU STILL MUST RETURN THE ATTACHED FORM.**

**NOTICE IS HEREBY GIVEN TO ALL REAL PROPERTY OWNERS IN THE CITY OF GREENWOOD, MN:**

To ensure compliance with state law and city code, all real property owners must **fully** complete and return the attached form to city hall by **October 29, 2012**. Use the enclosed pre-addressed stamped envelope to return the completed form, or deliver in person, or send by email to [administrator@greenwoodmn.com](mailto:administrator@greenwoodmn.com). **Any property owner that does not return the enclosed form by October 29, 2012 will incur a surcharge fee (\$300 residential, \$750 commercial) on their quarterly sewer utility bill** per Greenwood code section 310.30, subd. 5.

A property owner may request assistance in completing the certification form or a physical inspection of their property to determine whether roof drains, foundation drains, or sump pumps feed into the sanitary sewer system. Such assistance or inspection will be provided at no cost to the property owner.

In the event you (the real property owner) determines that you have roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer system, you have 90 days from the date of this notice to remove all such connections without penalty.

**PLEASE BE ADVISED**, that if you (the real property owner) certify that your property has no roof drains, foundation drains, or sump pumps connected to the sanitary sewer system and it subsequently is discovered that the property is not in compliance with the code or otherwise has unlawful discharges, the property owner shall be back-charged to the date of the completed certification form on file, a surcharge fee, double that listed above, shall be assessed, and prosecution for violation of the code may follow.

# Sanitary Sewer Discharge Certification Form

An electronic copy of this form is available for downloading at [www.greenwoodmn.com](http://www.greenwoodmn.com)



Names of property owners	
Phone and/or email	
Property address	
City, State, Zip	Greenwood, MN 55331
Property PID Number*	

\* See Hennepin County Property Tax statement for Property Identification (PID) number

Please select one of the following two options:

**1. NO EXISTING CONNECTIONS**

I/we, the above named, owners of the above named real property commonly certify that I/we **do not have** any roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer.

ADVISORY NOTE: Foundation drain sump pumps cannot be connected to drains inside the building structure. Only sewage pump stations may be connected to drains inside the building.

**2. EXISTING CONNECTIONS (must also initial both lines below)**

I/we, the above named, owners of the above named real property commonly certify that I/we **do have** roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer.

\_\_\_\_ I/we agree to voluntarily disconnect all roof drains, foundation drains, or sump pumps that are connected to the sanitary sewer system within 90 days of the "date received" at the bottom of this certification form.

\_\_\_\_ I/we agree that a city agent/inspector may conduct a physical inspection of our real property to verify code compliance and that there are no improper sanitary sewer system connections on or after 120 days from the "date received" at the bottom of this certification form.

ADVISORY NOTE: Foundation drain sump pumps cannot be connected to drains inside the building structure. Only sewage pump stations may be connected to drains inside the building.

~~~~~  
**REQUEST FOR CITY ASSISTANCE**

I/we request assistance, at no charge, in completing this certification form.

I/we are not sure whether our roof drains, foundation drains, or sump pumps feed into the sanitary sewer system. I/we hereby request the city inspect my/our property, at the city's sole expense, to determine if there are any such connections to the sanitary sewer system.

ADVISORY NOTE: If on inspection an improper sanitary sewer connection is found, you will have 90 days from the inspection date to remove the connection and there will be no surcharge during the 90-day grace period.

~~~~~  
**VERIFICATION**

The undersigned hereby acknowledge the following: I/we are the property owner(s) above-described property and are the sole fee title owner(s) of the above described property. I/we understand that by signing this certification form, we certify that all information is true and correct to the best of my/our knowledge, and acknowledge that if a property owner certifies that their property is in compliance, and it subsequently is discovered that the property is not in compliance, the UNDERSIGNED as real property owners will be charged a surcharge fee equal to double the surcharge imposed for non-compliance with this certification process back-dated to the "date received" at the bottom of this certification form and that criminal prosecution for violation of city code may follow.

Signature of property owner (required)	Date:
Signature of additional property owner (if any)	Date:
Signature of additional property owner (if any)	Date:

<b>For Office Use Only</b>	Date Received:	Received By:
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Agenda Number: **7A**

Agenda Date: 11-07-12

**Agenda Item:** Consider Extension of Variance Approval for Robert Schmitt Property (License Center)

**Summary:** On December 2, 2008, the city council approved resolution 23-08, approving a variance to develop a commercial parcel of land owned by Robert Schmitt, Jr. at 21550 State Highway 7. Variances expire on year after approved. The reason variances have expiration dates is to prevent a property owner from claiming a that a variance approved decades ago is still valid. Therefore cities typically review and grant variances extensions on a year-to-year basis. The council approved variance extensions for the Schmitt property in 2009, 2010, and 2011. The current extension expires on December 2, 2012. Mr. Schmitt has submitted a letter seeking another one-year extension to expire December 2, 2013. Mr. Schmitt's letter is attached.

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

1. I move the council approves the extension of the Resolution 23-08 deadline to December 2, 2012.
2. I move the council approves the extension of the Resolution 23-08 deadline to December 2, 2012, with the understanding that no further extension with be granted and further development similar to those outlined in Resolution 23-08 will required the property owner to resubmit the necessary applications.
3. I move the council denies the extension request regarding Resolution 23-08.
4. Do nothing or another motion ???

Robert C Schmitt Jr.  
21550 State Highway 7  
Greenwood, Mn. 55331  
PID: 35-117-23-12-0015

October 12, 2012

City of Greenwood  
202250 Cottagewood Road  
Greenwood, Mn. 55331

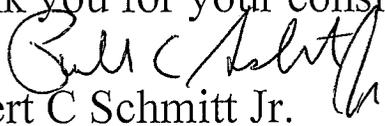
RE: Variance & Conditional Use Permit-Resolution  
No. 23-08

Dear Counsel Members:

I Robert C Schmitt Jr. the owner /applicant of real  
Property located at 21550 Highway 7, Greenwood.Mn.  
55331.

I'm asking the City Counsel for a 1 year extension on my  
variance & conditional use permit, until December 2013.

Thank you for your consideration.

  
Robert C Schmitt Jr.



# CITY COUNCIL MEMO Variance Request

**Agenda Item:** Consider Variance Requests, Chip and Kathy Fischer, 5185 Greenwood Circle

**Summary:** Copies of the application materials and staff report are attached for the council's reference. Notice of the public hearing was published in the Sun-Sailor newspaper on September 6, 2012. The planning commission held the public hearings at their September 19, 2012 and October 17, 2012 meetings (see the FYI section of the council packet for planning commission minutes). City code section 1155.20, subd. 5 lists the practical difficulty standards which are included in the potential council motion below.

**Planning Commission Action:** Motion by Chairman Lucking to recommend the Council approve the variance requests by Chip and Kathy Fischer to encroach 26 ft. into the required 30 ft. front yard setback and 9 ft. into the required 15 ft. east side yard setback. The size and dimensions of the lot create a practical difficulty in the reasonable development of the property and the proposed structure will maintain the essential character of the neighborhood. He recommends the Council approve the variance request to exceed the permitted above grade structure volume by 2,556 cubic feet. A practical difficulty existing in the extreme grade alterations on the property and the low lying nature of the lot placing it at the water table requiring the exposure of the entire lower level which counts more of the structure against the permitted volume. In addition the size of the lot creates a practical difficulty in that it is less than half the minimum lot area required for the zoning district. He recommends the Council approve the variance to exceed the maximum permitted impervious surface area by 6.3%. A practical difficulty exists in the size of the parcel and the proposal would not be out of character with the impervious coverage on other lots in the area. He recommends the Council approve the variance to permit the reconstruction of an accessory structure between the lakeshore and the lake side of the principal structure which would encroach 12 ft. 6 in. into the required 15 ft. west side yard setback and 46 ft. into the required 50 ft. lake yard setback. A practical difficulty exists in the condition of the structure and the need for additional for storage on the property due to the inability to create storage within the principal structure. It is noted the structure is also grandfathered by the Shoreland Management Ordinance and its location and dimension are protected by State Statutes. Conrad seconded the motion. Motion carried 4-0.

**Council Action:** Action required by January 6, 2013. Potential motions ...

1. I move the city council **approves** the variance application of Chip and Kathy Fischer, 5185 Greenwood Circle based on the following findings and conditions and directs the official findings of fact be prepared by the city attorney in resolution form for approval at the \_\_\_\_\_, 2012 council meeting.

**FINDINGS**

- a. The variance(s) if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because: \_\_\_\_\_.
- b. The variance, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because of the character of the proposed use which is consistent with the applicable zoning. OR \_\_\_\_\_.
- c. Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because \_\_\_\_\_.
- d. The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because \_\_\_\_\_.
- e. The variance, if granted, will not alter the essential character of the locality, because \_\_\_\_\_.
- f. The variance, if granted, will not:
  - i. Impair an adequate supply of light and air to adjacent property;
  - ii. Unreasonably increase the congestion in the public street;
  - iii. Increase the danger of fire or endanger the public safety; or
  - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_

*If the council is undecided, it is the council's statutory duty to move for additional time to consider under 15.99.*

*Potential motions ...*

2. I move the city council directs staff to immediately draft written notice to the applicant, stating the council needs to extend the 60-day time limit for action by \_\_\_ days, so official findings of fact **pro and con** can be prepared by the city attorney in resolution form for consideration by the council at the \_\_\_\_\_, 2012 council meeting.
3. I move the city staff exercise the right to take up to 60 additional days to process the variance application of Chip Fischer.

*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).*



***Agenda Item: Consider Variance Requests, Chip Fischer, 5185 Greenwood Circle***

**Summary:** Chip Fischer is requesting variances to remove an existing non-conforming single family home and construct a new single family home which would encroach into minimum required front and east side yard setbacks and exceed the maximum permitted impervious surface and structure volume. The applicant also proposes to remove and reconstruct an existing non-conforming lakeside accessory structure within the required lake and west side yard setback.

The property is non-conforming in that it contains a single family house that encroaches over fourteen feet into the required fifteen foot east side yard setback and eleven feet into the required fifty foot lake yard setback, an existing detached garage encroaches twenty-eight feet into the required thirty foot front yard setback and five feet into the required fifteen feet east side yard setback, an accessory structure that encroaches twelve feet, six inches into the required fifteen foot west side yard setback and forty-six feet into the required fifty foot lake yard setback and contains a shed and A/C unit that cross onto the adjacent property to the east.

The applicant proposes to remove the existing single family home, garage and shed, totaling 1,094 square feet and construct a new single family home with an attached garage totaling 1,401 square feet. The home would have porches located along the west side of the structure and on the lakeside. These porches add an additional 239 square feet to the structure. The proposed single family structure with attached garage and porches would encroach into the required front and east side yard setbacks.

<b>Proposed Home</b>	<b>Front Yard</b>	<b>East Side Yard</b>	<b>West Side Yard</b>	<b>Lake Yard</b>	<b>Structure Height</b>	<b>Impervious Surface</b>	<b>Structure Volume</b>
Required/Permitted	30'	15'	15'	50'	28' - Eaves	30%	32,390 cu. ft.
Existing	2'	1'	2'6"	39'		31.7%	23,673 cu. ft.
Proposed	4'	6'	15'	50'	31' - Overall	36.3%	34,946 cu.ft.

- **Section 1120:15 of the Zoning Ordinance requires a minimum east side yard setback of fifteen feet. The applicant proposes an east side yard setback of six feet for the proposed single family home. The proposal requires a variance of nine feet east side yard setback.**
- **Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of four feet for the proposed single family home. The proposal requires a variance of twenty-six feet of the front yard setback.**

The applicant is proposing to reconstruct an existing non-conforming 8'x20'-7" shed that sits on the lake side of the principal structure. The existing footprint and location of the shed would remain unchanged. The overall height would also remain the same. The existing and proposed shed encroaches into the required west side yard and lake yard setbacks.

- **Section 1140.10 of the Zoning Ordinance does not permit the placement of an accessory building between the lakeshore and the side of the principal building nearest the lake.**
- **Section 1120:15 of the Zoning Ordinance requires a minimum west side yard setback of fifteen feet. The applicant proposes a west side yard setback of two feet, six inches for the proposed accessory structure. The proposal requires a variance of twelve feet, six inches of the required west side yard setback.**
- **Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet. The applicant proposes a lake yard setback of four feet for the proposed accessory structure. The proposal requires a variance of forty-six feet of the required lake yard setback.**

The survey submitted by the applicant indicates the existing impervious surface on the property is approximate 31.7%. The proposal would increase the percent to 36.3%. The minimum lot area for the zoning district in which the lot is located is 15,000 square feet. The applicant has a lot area of 6,478 square feet.

- **Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is seeking a variance to exceed the maximum permitted impervious surface area by 6.3%.**

The applicant is expanding the total volume of structure area on the property and argues that the size of the lot is too restrictive in terms of the permitted volume. He notes in the application that the proposed volume is less than what would be allowed for a lot with an area of 7,500 square feet. Based on the applicant's lot area, the permitted structure volume for the property is 32,390 cubic feet.

- **Section 1140.18(3) regulates the maximum permitted above grade structure volume based on lot area. The applicant proposes a structure volume of 34,946 cubic feet. The applicant is seeking a variance to exceed the maximum permitted structure volume by 2,556 cubic feet.**

#### **Planning Commission Motion:**

Motion by Chairman Lucking to recommend the Council approve the variance requests by Chip Fischer to encroach twenty-six feet into the required thirty foot front yard setback and nine feet into the required fifteen foot east side yard setback. The size and dimensions of the lot create a practical difficulty in the reasonable development of the property and the proposed structure will maintain the essential character of the neighborhood. He recommends the Council approve the variance request to exceed the permitted above grade structure volume by 2,556 cubic feet. A practical difficulty existing in the extreme grade alterations on the property and the low lying nature of the lot placing it at the water table requiring the exposure of the entire lower level which counts more of the structure against the permitted volume. In addition the size of the lot creates a practical difficulty in that it is less than half the minimum lot area required for the zoning district. He recommends the Council approve the variance to exceed the maximum permitted impervious surface area by 6.3%. A practical difficulty exists in the size of the parcel and the proposal would not be out of character with the impervious on other lots in the area. He recommends the Council approve the variance to permit the reconstruction of an accessory structure between the lakeshore and the lake side of the principal structure which would encroach twelve feet, six inches into the required fifteen foot west side yard setback and forty-six feet into the required fifty foot lake yard setback. A practical difficulty exists in the condition of the structure and the need for additional storage on the property due to the inability to create storage within the principal structure. It is noted the structure is also grandfathered by the Shoreland Management Ordinance and its location and dimension are protected by State Statutes. Conrad seconded the motion. Motion carried 4-0.

*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).*

# Conditional Use Permit & Variance Checklist



Submit  Accept  Consult with the zoning administrator to determine which ordinances and procedures apply to your application. Unless waived by the zoning administrator you must provide all of the following items with conditional use permit (CUP) or variance applications. Incomplete applications will be rejected.  
 If you prefer to complete this form electronically, it is available for downloading at [www.greenwoodmn.com](http://www.greenwoodmn.com).

- Complete CUP or variance application form.
- Pay nonrefundable CUP or variance application fee. **Fee: \$400** first item, **\$300** per additional item.
- Pay nonrefundable shoreland compliance review fee. Required for all properties within 1,000 feet of the OHW of Lake Minnetonka. **Fee: \$200** (section 1176.03, subd. 10). The city will send copies of public hearing notices to the DNR at least 10 days before the hearing (section 1176.07, subd. 4).
- One full-size scalable certified survey and one 11 x 17 copy that includes:
  - Legal description and street address.
  - Parcel size in acres and square feet.
  - Topography of the site - for major construction delineate grading and drainage plan with contours at 2-foot intervals.
  - Location and dimensions of all the existing improvements, including: buildings, structures, retaining walls, steps, parking areas, driveways, storage areas, utilities, and wells.
  - Location and dimension of all proposed buildings and structures.
  - Impervious surface calculations – existing and proposed – % and square footage.
  - Outline of "building pad" setbacks according to the ordinance provisions and show the closest distance between the buildings and front, side, lake and rear lot lines.
  - Distance between principal buildings and accessory buildings and structures.
  - Building volume, building height, and structure height calculations (section 1140.18).
  - Delineate all wetland, OHW of lakes, bluffs, easements and driveways.
  - Significant tree conditions and all significant trees proposed to be removed.
- One large-scale drawing, one 11x 17 copy of the proposed structure elevations on all sides. Indicate structure height at the roof peak. Scale must be appropriate for the size of the project (eg: 1 inch = 10 feet or 1 inch = 20 feet).
- One 11 x 17 copy of the floor plan(s) – existing and proposed.
- Stake the location in the field of proposed buildings, structures and lot lines.
- Tree preservation plan if applicable (section 1140.80).
- Lighting plan for sports courts, pools, new home construction, accessory buildings, driveways, and parking if applicable.

### Notices and Reminders

1. The application and related materials are due by the published deadline (available from the zoning administrator or online by clicking on the "meetings" button at [www.greenwoodmn.com](http://www.greenwoodmn.com)).
2. The city has the right to require additional plans or information as necessary.
3. All plans, applications, and written information become public information once filed, and will be used in the planning commission and council staff reports and distributed to the public.
4. Submittal of an application grants the city permission to physically enter, inspect, and photograph the property.
5. The planning commission typically meets on the third Wednesday of each month to hold the public hearing and make a recommendation; the city council typically meets on the first Tuesday of the following month to make the final decision. Applicants and owners are encouraged to attend both the planning commission and city council meetings.
6. Public notices will be published in the designated paper prior to the planning commission meeting and notice will be sent to residents within 350 feet of the subject property.
7. If approval is granted, you may apply for a building permit. Tree removal, land alteration and wetland alteration all require separate permits and approvals from the city.
8. If a variance is granted and not used within one year after the date of the council approval, the variance will expire. If a final inspection (in the case of remodeling), or an occupancy permit (in the case of new construction), is not obtained within one year from the date that the building permit is issued, the variance also will expire unless extended by the city council.
9. By state statute the city has 60 days from the acceptance of an application deemed complete to review and rule on the application. If additional time is needed, the city may elect an additional 60-day review process (MN statute 15.99)
10. Conditional use permits (CUP) and variances, if granted, may be subject to conditions imposed by the city council (board of appeals and adjustments) imposed at the time of approval (section 1150 & 1155).

### Key Dates ~ For Office Use Only:

	Materials received ( <u>complete</u> / incomplete), electronic copy forwarded to planning commission
verbal	Sent either notice of incomplete information or notice that information is complete (within 15 workdays from date materials received), with email copy of notice to mayor and councilmembers
10/12	Date of 60-day deadline
	Notice of 60-day extension (if applicable)
9/19	Planning commission meeting (public hearing)
yes	Applicant given deadlines and meeting schedule

Form Updated 11-14-11

City of Greenwood  
 20225 Cottagewood Road  
 Deephaven, MN 55331  
 952-474-4755  
 www.greenwoodmn.com

Variance Application

REVISED AND RE-SUBMITTED INFO OCTOBER 1, 2012

Applicant is (circle one) Owner Developer Contractor **Architect** Other \_\_\_\_\_

Property address for which variance is requested 5185 Greenwood Circle, Greenwood, MN

Applicant (individual or company name): Rehn Hassell - Yunker Associates, Inc.

Contact for Business: Rehn Hassell Title: Architect

Address: 34 13th Avenue NE, Suite 108 City: Minneapolis State: MN Zip: 55413

Wk Phone: 612-371-9195 Hm Phone: \_\_\_\_\_

Email address: rhassell@yaarch.com Fax: 612-371-9199

Present use of property: Residence

Property acreage: 0.148714 acre (6,478 SF)

Existing Variances: Yes \_\_\_\_\_ No X

If yes, please explain \_\_\_\_\_

Describe Request: Build New \_\_\_\_\_ Add On \_\_\_\_\_ Remodel \_\_\_\_\_ Replace X

What is the Variance being requested for: (2) Setbacks, (1) Hardcover, (1) Building Volume Variances, (1) Boathouse Conditional Use Structure (REPAIR / REBUILD)

Variance for:

	Required	Proposed	Existing
East Yard Side Yard	<u>15</u> feet	<u>6</u> feet	3/4 Feet (9 INCHES)
North Yard Front Yard	<u>30</u> feet	<u>4</u> feet	2 1/2 Feet
Rear Yard	_____ feet	_____ feet	
South Yard Lake setback	<u>50</u> feet	<u>50</u> feet	39 Feet
Withdrawn Building height	_____ feet	_____ feet	
Structure height	_____ Feet	_____ feet	
Wetland	_____ feet	_____ feet	
X Impervious Cover	<u>1943.4</u> sq ft	<u>2,183</u> Sq ft	2,051 Sq. Ft.
		<u>2,351 SF w/ BOATHOUSE</u>	
Min. Lot Vol. Massing Main Residence 5x Area	<u>32,390</u> volume	<u>33,730.3</u> volume	23,673 All Structures
X Other Rebuild Existing Dilapidated Boathouse Conditional Use Structure on the same footprint same height			
If other, please explain Rebuild Exist. Boathouse + Residence	<u>32,390</u> volume	<u>34,945.7</u> volume	

## MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

**STATE LAW:** Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause a practical difficulty because of circumstances unique to the individual property under consideration, and B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Practical Difficulty" as used in connection with the granting of a variance means: 1) the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls; 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and 3) the variance, if granted, will not alter the essential character of the locality.

**NOTICE:** Simple inconvenience of a landowner or occupant, including self-created situations, are not considered a practical difficulty under Minnesota case law.

Economic considerations alone shall not constitute a practical difficulty if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty establishing a practical difficulty, please consider alternatives to your construction plans that may remove the need for a variance.

*The Applicant must respond fully and in detail to each of the following questions and data requests or the Application may be rejected as incomplete.*

### Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code:

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

The proposed structure reflects the low density nature by separating it from the adjacent properties equally while improving upon the existing structures character to more closely reflect the neighboring residences "Semi-estate" qualities in terms of materials, scale, site landscape amenities and increased livability. The Density of the proposed improvements that require these variances is no greater or less than many other existing structures on Greenwood Circle.

1. The landowner's (Applicant's) property cannot be put to a reasonable use if used under conditions allowed by the official controls because: Also See attached supporting Information:

At 6,478 SF, The lot area is 43% of the Ordinance Minimum of 15,000 SF. The PRACTICAL DIFFICULTY of the site being more than a story below (14 1/2 feet) the street level yet just above the water table, produces a particularly restrictive hardship in that the majority of the lower level, normally basement space, is above grade exposed wall and therefore contributes to an abnormally high volume to site area ratio that cannot reasonably satisfy the building volume ordinance restrictions.

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

Due to the unique circumstance of a small lot area more than a story below the street level, the extreme narrowness of the site (47 feet east to west), the complex combination of ordinance setback, volume, building elevation relative to lake and water table constraints create the need for variance and therefore not created by the landowner.

3. The variance, if granted, will not alter the essential character of the locality because:

Great Care has been taken to improve or increase setbacks at all property lines in comparison to the existing structures currently on site. The Structure has been made as low as possible at the street or front yard within the ordinance setback area and yet configured in such a way as to compliment the character of the adjacent properties in terms of size, fenestration and materials. Care was taken to not exceed the density scale and expression that exists to the east and west of this property.

Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:

The main goal of the proposed design and setback variances is to increase Front Side and Lakeside setbacks compared to the existing Structures on site and make more equal the separation between the two adjacent property principle residence structures. The Scale, form, fenestration and materials chosen, with respect to architectural Character, more in keeping with the neighboring properties and they're respective access to light, air and view sight lines to the lake and surrounding environs.

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.

The Proposed Structure has been placed at ordinance set back distance to the west adjacent property and to the Lake Side. The adjacent property to the east, which is the setback variance request, is eastward to the sun and elevated approx. 1 story relative to the property seeking the variance, therefore both adjacent properties are impacted as minimally as possible. This relationship to the neighbors also is beneficial to the prevailing southwest and southeast breezes during summer months.

Describe the effect of the variance, if granted, on traffic congestion in the public street.

The proposed variance follows the established location and patterns of the existing garage and drive access to Greenwood Circle and the proposed variance if granted increases the distance of the garage to the street, lengthens the driveway compared with the existing driveway and therefore potentially decreases congestion in the public street by providing offstreet parking as required by the ordinance.

Describe the effect of the variance, if granted, on the danger of fire.

The proposed variance will help reduce the danger of fire by removing a potentially Fire Prone existing structure and replace it with a new structure that will meet current building codes and fire protections as well as increased building access from all sides of the structure over the existing structure which has limited access. The existing site has one principal residence and 3 accessory buildings, one of which is located partially on the neighbors property.

Describe the effect of the variance, if granted, on the danger to public safety.

By removing potentially dangerous, outdated existing structures and replacing new structures that will be more sound structurally, meet current building codes, fire protections and security features. Access and visibility to the site along with increased separation to existing neighboring structures also has the potential to increase the public safety. The existing structures are under such disrepair and located close to the public street and neighboring properties and therefore pose a potential threat to public safety

Describe the effect of the variance, if granted, on established property values in the surrounding area.

Replacing an existing structure that has outlived its usefulness and livability, improve upon the nonconforming aspects of the existing structure currently located less than 1 foot from the east lot line, greatly enhance the stability and overall character of the neighborhood. The new structure keeps the charm and character of the old cottages while improving the livability, access and greatly lengthening the structure life cycle over the existing structures.

Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare.

The proposed variance will not impair public health, safety or welfare. A dangerous existing structure is replaced by a new structure that will meet current building codes, fire protections and security features. Site Access will also be improved which will not impair these factors, but greatly improve them. Increased light & air access to this property and neighbors will also contribute to the overall health safety and welfare of the neighborhood.

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

  X   LMCD # 952-745-0789

None Required - All Above OHW  
per Judd Harper - LMCD

  X   Watershed District # 952-471-0590

None Required - More than 2 feet Above 100 Flood Plane Elev. of 931.5  
per Brandon @ MCWD

**Applicant's Acknowledgement & Signature(s)**

This is to certify that I am making application for the described action by the City and that I am 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 his/her knowledge.

Establishing Practical Difficulty:

Section 1155.10. Requests for Variances from the Literal Provisions of the Ordinance.

1. The landowner's (Applicant's) property cannot be put to a reasonable use if used under conditions allowed by the official controls because:

The lot is Substandard in every category: 43% of Minimum Lot area, 63% of Minimum lot length and 76% of minimum Lot width. The Practical Difficulty of the site being more than a story below (14 feet) the street level yet near the 100 year flood plane, produces a particularly restrictive hardship in that the majority of the lower level, normally basement space, is above grade exposed wall and therefore contributes to an abnormally high volume to site area ratio that cannot reasonably satisfy the building volume ordinance restrictions.

**1. East Side Yard Setback Variance** The minimum Lot width by ordinance is 75 feet. 5185 Greenwood Circle is only 47 feet between West and East boundaries, which would result in a 17 foot building pad width by applying the ordinance sideyard setbacks of 15 feet. The required minimum primary residential structure is 25 feet. This lot width is 28 feet short of the required Minimum width which equates to 73.3% of the required combined 30 foot yard setbacks. We are requesting a 6'-0" setback which improves the setback from the existing side yard setback to the existing primary residence which is 9 Inches.

**Practical Difficulty:** Our Proposed Structure width will exceed the 25 foot minimum Structure width by 1'-8" in order to have a 2 stall garage and provide entry width along one side to access the front door.

**2. Front Yard Setback Variance** The minimum Lot depth by ordinance is 150'. 5185 Greenwood Circle is only 127 feet on its East boundary, which would govern the minimum building pad depth together with the lake front setback. This lot depth is 23 feet short of the required Minimum which equates to 76% of the required 30 foot front yard setback. We are requesting a 4'-0" setback which improves the setback from the existing front yard setback to the existing accessory structure (Garage) which is 2'-3". **Practical Difficulty:** We request this to provide ample offstreet driveway parking.

**3. Lakeside Yard Setback Variance** Withdrawn - No variance requested

**4. Impervious Surface Variance** The minimum area of a lot per Greenwood Ordinance Code, Section 1120.10, is 15,000 Square feet. 5185 Greenwood Circle lot area is 6,478 Square feet. This equates to a lot that is only 43% of the minimum lot area of 15,000 SF required by the Greenwood Ordinance Code. **PRACTICAL DIFFICULTY:** The proposed primary structure footprint is designed to be as compact as practical in order to minimize exceeding the other constraints set forth by the ordinance such as Building Width, Height and Volume.

Maximum hardcover per Ordinance is 30% or 1,943.4 Square Feet.

The existing impervious surfaces currently @ 5185 Greenwood Circle is 2,051 Square Feet or 31.66% of lot area but has a very substandard sized primary residence structure floor area of only 744 Square Feet, below the required minimum of 800 SF.

If the conditional use is granted to rebuild the existing boathouse, an additional 168 SF of hardcover would be incurred which equates to a total impervious surface of 2,351 Square Feet or 36.29%.

**5. Building Volume Variance** 5185 Greenwood Circle is substantially substandard in terms of Ordinance Code required Minimums in Lot area, lot length and minimum Lot width. Therefore, official controls result in below minimum ordinance standards in structure width and exceed limits in Building Volume.

**PRACTICAL DIFFICULTY #1** The Relationship of the buildable portion of this site as being more than a story below the street level yet just above the water table, produces a particularly restrictive hardship in that the majority of the lower level, normally below grade basement space, is above grade exposed wall and therefore contributes to an abnormally high volume to site area ratio that cannot reasonably satisfy the building volume ordinance restrictions for. The Street elevation which is at 948' and the at the proposed structure lower floor is 935' equating to a 13 foot or a 1 1/2 story drop between the main level, entry, garage level and the lower level, which would normally be below grade, is necessarily exposed and contributes to the above grade building volume.

**PRACTICAL DIFFICULTY #2** The new residences lowest floor or Dwelling openings are required to be placed more than 2 feet Above the 100 Flood Plane Elev. of 931.5 per MCWD (Watershed District) which places the lower floor @ an elevation of 933.5, this places yet another practical difficulty on the above grade volume since more of the house cannot be placed below grade.

**PRACTICAL DIFFICULTY #3** Greenwood ordinance prohibits any alterations to the existing grades more than 1 foot in any 100 SF of area. This also prohibits the reduction of above grade volume and presents a practical difficulty.

**PRACTICAL DIFFICULTY #4** In order to keep the volume as low as practical, the garage floor @ main floor Elevation is set @ Elev. 944.33.' The driveway @ the sloped apron in front of the garage door @ El. 944' or approx. 4 feet below street level which creates a watershed difficulty whereby the paved driveway slopes at a near 5% grade towards the garage doors and will have to be diverted by trench drain or other grading means to prevent garage flooding.

The maximum volume permitted per ordinance is 5 times the lot area which equates to 32,390 Cubic Feet of volume.

The proposed primary residence above grade Enclosed Volume and Open Sided Porch Volume is 33,730.3 Cubic Feet. 4.2% over Ordinance

With the existing boathouse, an additional 1,215.4 Cubic Feet of Building Volume would be incurred which equates to a total of all Structures volume to be 34,945.7 Cubic Feet. 7.9% over Ordinance.

**6. Boathouse Conditional Use** Landowner Requests the ability to rebuild an existing dilapidated structure completely on shore with no slip. The ordinance code prohibits the placement of accessory structure between the lake and the primary residence. The code makes provisions for Boathouses as a conditional use per Ordinance Code 1120.05 - Subd. 3 (b). This existing boathouse structure which is original to the site and according to County Records was built in 1925. The building is in advanced disrepair and the Owner would like to rebuild it on the exact same footprint and location.

\*REVISED WITH REDUCED SQUARE FOOTAGE FLOOR PLANS 10-01-12  
 ORDINANCE VOLUME CALC 32,390 (5 x 6,478 SF Lot Area)



FISHER RESIDENCE MAIN RESIDENCE SQUARE FOOTAGES

927 Sf Ground Floor (GROSS OUTSIDE OF WALL) @ Floor Elevation 933.5  
 894 Sf Main Floor (GROSS OUTSIDE OF SHEATHING) @ Floor Elevation 942.45  
 650 Sf Upper Floor (OUTSIDE OF WALL or PARTITION UNDER ROOF FRAMING)

2,471 Sq. Ft. (GROSS OUTSIDE OF SHEATHING)

482 Sf Storage & Mud area Below Garage and Full Height Open Sided Area Under Front Entry @ Flr. Elev. 935  
 585 Sf ENTRY HALL & Garage (GROSS OUTSIDE OF WALL) @ Floor Elevation 944.33

3,538 Total GROSS Enclosed Sq. Ft.

FISHER RESIDENCE MAIN RESIDENCE CUBIC FOOTAGES (AREAS x FLOOR TO FLOOR HEIGHTS)

927 Sf x 8.5' =	8,343 CU FT	GROUND FLOOR GROSS (ABOVE AVERAGE EXTERIOR GRADE (Varies 8' to 9'))
894 Sf x 9.83' =	8,788 CU FT	MAIN FLOOR - GROSS @ FLOOR ELEVATION 942.45
585 Sf x 8.7' =	5,089.5 CU FT	ENTRY HALL, GARAGE FLOOR & WALLS @ FLOOR ELEVATION 944.33
650 Sf x 7.7' =	5,005 CU FT	UPPER FLOOR

FISHER RESIDENCE MAIN RESIDENCE POLYGONAL ROOF SHAPES AND ABOVE SLOPED GRADE CUBIC FOOTAGES

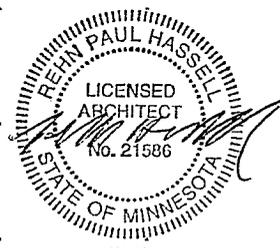
1/2 of 84 Sf SECTION = 42sf SECTION		ABOVE GRADE PORTIONS OF
x 25.5 LF (WIDTH OF GARAGE & PORCH) =	1071 CU FT	FOUNDATIONS BELOW GARAGE & PORCH
	387.5 CU FT	HIP ROOF DORMER @ LAKESIDE
	663 CU FT	HIGHEST DOUBLE HIP ROOF
	184.5 CU FT	WEST SIDE LOW ROOF
	305.6 CU FT	STREET SIDE GABLE DORMER @ UPPER ROOF
	1152 CU FT	FLAT / PITCHED HIP ROOF OVER GARAGE / ADJOINING PORCH GABLE
	64 CU FT	EAST SIDE LOW ROOF OVER ENTRY
	49.6 CU FT	HIP ROOF DORMER OVER STAIR CASE ON WEST SIDE
	<u>31,102.7 CU FT</u>	<u>ABOVE GRADE ENCLOSED VOLUME</u>

74 Sf SECTION AREA x 16.33' LF =	1,209 CU FT	MAIN FLOOR OPEN SIDE PORCH and PORCH GABLE ROOF VOLUME
LAKESIDE PORCH 149.33 Sf x 9.5' =	1,418.6 CU FT	GROUND FLOOR Open SIDE PORCH VOLUME
SUBTOTAL	<u>2,627.6 CU FT</u>	<u>Open SIDE PORCH AND ROOF VOLUME</u>

**TOTAL HOUSE & OPEN PORCHES 33,730.3 CU FT MAIN RESIDENCE TOTAL VOLUME (1,340.3 CU FT OVER ORDINANCE or <4.2% OVER)**

59 Sf SECTION AREA x 20.6' LF = 1,215.4 CU FT BOATHOUSE VOLUME

**GRAND TOTAL BOTH STRUCTURES 34,945.7 CU FT TOTAL VOLUME (2,555.7 CF OVER ORDINANCE or <7.9% OVER)**



34 13th Avenue NE #108  
 Minneapolis, MN 55413  
 tel 612 371 9195  
 fax 612 371 9199  
 www.yaarch.com

The undersigned also acknowledges that she/he understands that before this request can be considered and/or approved, all required information and fees, including any deposits, 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.

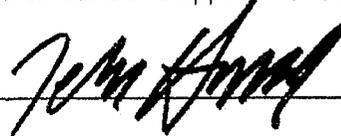
An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 15 business days of application.

I am the authorized person to make this application and the fee owner has also signed this application.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_



7-31-12

Signature: \_\_\_\_\_

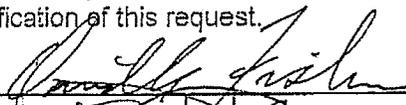
Date: \_\_\_\_\_

**Owner's Acknowledgement & Signature(s)**

I am / we are the fee title owner of the above described property. I / we further 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.

Owner's Signature: \_\_\_\_\_

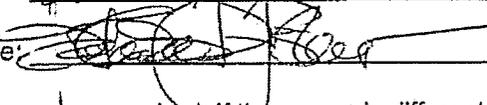
Date: \_\_\_\_\_



8/8/12

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_



8/8/12

Note - Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

X (WE) Bill + Tish Cook of 5195 Greenwood Circle  
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at 5185 Greenwood Circle.

I (we) understand that in executing this acknowledgement, I am (we are) not asked to declare approval or disapproval of the property or use, but merely to confirm for the City Council that I am (we are) aware of the improvement plans and that the proposed neighbor's project or use requires Council approval.

[Signature]  
Property owner's signature  
[Signature]  
Property owner's signature

8.9.12  
Date  
8/9/12  
Date

\*\*\*\*\*

X (we) Hal + Chris Bible of 5175 Greenwood Circle  
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at 5185 Greenwood Circle.

I (we) understand that in executing this acknowledgement, I am (we are) not asked to declare approval or disapproval of the property or use, but merely to confirm for the City Council that I am (we are) aware of the improvement plans and that the proposed neighbor's project or use requires Council approval.

[Signature]  
Property owner's signature  
[Signature]  
Property owner's signature

8/9/12  
Date  
8/9/12  
Date

If you have any information that may assist the City in the review of this application, please submit your comments to the City Clerk's office at least 10 days prior to the scheduled Council meeting.



Agenda Number: **7C**

Agenda Date: 11-07-12

**Agenda Item:** First Reading: Ordinance 213, Amending Code Chapters 5 & 7 to Update Fees

**Summary:** Each fall the council reviews fees for potential updates. The council discussed fees to be changed at the 10-03-12 worksession and the attached ordinance was drafted based on the council discussion.

Also, during the 10-03-12 council discussion a couple questions regarding assessment penalties were raised. The cities of Deephaven, Woodland, and Greenwood charged 8% interest, plus \$20 per account with the recent assessment for delinquent accounts. The city council wanted clarification regarding whether these fees were set by and kept by the county. After the council meeting, the city's utility clerk contacted the county and learned that these amounts are "recommended" by the county, but that the individual cities have the final authority regarding the amounts. Some cities charge more, but the amounts charged by Deephaven, Woodland, and Greenwood are similar to what most cities charge. Also, all of the money (including the assessment penalties) comes back to the city. Based on this information, the city council needs to determine an assessment penalty fee ("none" is an option) and include it on the section 510 fee schedule. The attached ordinance includes the current charge, but may be changed based on the council discussion at the 11-07-12 meeting.

Below is the timetable for the council's reference ...

11-07-12	1st reading of ordinance changing fees
12-05-12	2nd reading of ordinance changing fees
12-13-12	Ordinance published in Sun-Sailor

The above timetable will allow the fees to be in effect for 2013. The council may make revisions at the 1st and 2nd readings of the ordinance.

**Council Action:** Optional. Potential motions ...

1. I move the council approves the 1st reading of ordinance 213 amending code chapters 5 & 7 as written.
2. I move the council approves the 1st reading of ordinance 213 amending code chapters 5 & 7 with the following changes \_\_\_\_\_.
3. Do nothing or other motion ???

ORDINANCE NO. 213

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE CHAPTERS 5 & 7 TO UPDATE FEES**

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

SECTION 1.

Greenwood ordinance code section 500.10 is amended to read as follows:

**“Section 500.10. Collection, Late Payment Charge, Special Assessment.**

Payment in accordance with billings shall be made ~~not no~~ later than the billing date established for the account. In addition to the charges provided, there shall be a late charge ~~as set by the council and as may be set from time to time~~ for payments made after the ~~45th~~ 30th day after the billing date. When a charge is more than ~~45~~ 30 days past due, it shall be considered delinquent. It shall be the duty of the clerk to endeavor to promptly collect delinquent accounts. All delinquent accounts shall be certified ~~to~~ by the clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts, ~~plus interest at the rate of 8% per annum from the date they become delinquent~~, against the respective properties served. ~~The city council may set an additional assessment penalty fee for delinquent accounts that are certified to the county for collection. This~~ The assessment roll shall be delivered to the council for adoption on or before October 10 of each year. Such action may be optional or subsequent to taking legal action to collect delinquent accounts. The delinquent account fee and additional assessment penalty fee shall be determined by the council and set forth in the section 510 fee schedule of this chapter.”

SECTION 2.

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

Sewer / Recycling / Stormwater: Delinquent Accounts	500.10, 520.15, 525.15 & 475.30	The greater of \$5 or 5% of the delinquent amount per quarter.	Applied to accounts that are <u>30 days past due. Unpaid balances are certified to county annually.</u>
Delinquent Accounts: Assessment Penalty	500.10	<u>8% of the assessment amount, plus \$20 for each delinquent category (\$20 sewer, \$20 for recycling, \$20 for stormwater, \$20 for other)</u>	<u>Added to the unpaid delinquent balance and certified to the county annually.</u>
Docks: Municipal Watercraft Space <del>St. Alban's Bay Dock Permit</del>	<del>425.40</del> 425.30 (5)	<del>\$1050</del> <u>\$1150</u>	Per slip, per season
Docks: Municipal Sailboat Space Permit	<del>425.40</del> 425.30 (5)	\$300	Per slip, per season
Docks: Municipal Canoe / Kayak Permit	425.30 (5)	\$60	Per space, per season
Load Limit Fee: Per Trip Special Operating Permit ( <u>Jan 1-Feb 29 and May 2-Dec 31</u> )	730.00	\$50 ( <del>\$500 from March 1– May 1</del> )	Per round trip. Not available required for building projects exceeding \$20,000 in value.
Load Limit Fee: Per Trip Special Operating Permit (Mar 1-May 1)	730.00	<u>\$500 per round trip. Or \$450 per round trip with Blanket Special Operating Permit.</u>	
Load Limit Fee: Blanket Special Operating Permit	730.00	20% of the Building Permit or Moving Fee	Required for building projects exceeding \$20,000 in value. <u>Not available March 1– May 1</u> <u>Blanket special operating permit holders must pay the additional March 1-May 1 per round trip fee for operation of vehicles in excess of the stated March 1-May 1 weight restriction.</u>
Sewer: <u>Sewer Access Charge (SAC)</u>		As set by <del>Metro Waste Control</del> <u>the Metropolitan Council</u>	
Stormwater Surcharge Fee for Discharge into Sewer <u>Sanitary Sewer Non-Compliance Surcharge: Residential</u>	310.30 5(f)	\$300	Quarterly
Stormwater Surcharge Fee for Discharge into Sewer <u>Sanitary Sewer Non-Compliance Surcharge: Commercial</u>	310.30 5(f)	\$750	Quarterly
Zoning: Variance Application Fee	<del>1155.20</del> 1155.25	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application

”

SECTION 3.

The Greenwood ordinance code section 730.00 subd. 5 is amended to read as follows:

“Subd 7. Blanket Special Operating Permit. The city council or its designated agent may on application thereto and a finding of undue hardship grant a blanket special operating permit for operation of vehicles in excess of the stated weight restriction for a building project or building moving project for which a permit is being issued. A blanket special operating permit is required for any building project exceeding the value set forth in chapter 5 of this code book. The blanket special operating permit fee is determined by the city council and set forth in chapter 5 of this code book. ~~A blanket special operating permit is not available between March 1 and May 1.~~ Blanket special operating permit holders must pay the additional March 1-May 1 per round trip fee for operation of vehicles in excess of the stated March 1-May 1 weight restriction. The blanket special operating permit does not cover operation of vehicles for landscaping related work as part of a building project.”

SECTION 4.

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

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

There were \_\_\_ AYES and \_\_\_ NAYS as follows:

<b>Greenwood City Council</b>	<b>YEAS</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mayor Debra Kind				
Councilman Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

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

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

First reading: \_\_\_\_\_, 2012  
Second reading: \_\_\_\_\_, 2012  
Publication: \_\_\_\_\_, 2012



Agenda Number: **7D**

Agenda Date: 11-07-12

**Agenda Item:** Draft Ordinance Regarding Impervious Surface Requirements (trading landscaping hardcover for structural hardcover)

**Summary:** At the 05-16-12 city council and planning commission joint worksession, the issue was raised regarding trading landscaping for structural hardcover in the issuance of variances. At that time it was decided that the planning commission would discuss the issue further and make a recommendation to the city council. The topic has been on every planning commission agenda since May, but they have yet to take up the discussion. Does the city council believe this issue is worth pursuing? If so, a better course of action may be to provide a draft of an ordinance for the planning commission to review and revise. Attached is a draft of a possible ordinance. This draft has been vetted by the city attorney and city zoning administrator.

If the council desires to move forward with the ordinance, below is the timetable outlining the steps in the process ...

11-21-12	Planning commission review of ordinance and direction to staff for revisions
12-19-12	Planning commission reviews revised ordinance and makes a recommendation to the city council
01-02-13	City council considers 1st reading of ordinance (further revisions may be made)
02-06-13	City council considers 2nd reading of ordinance
02-14-13	Ordinance published in Sun-Sailor (effective date)

**Council Action:** Optional. Potential motions ...

1. I move the council directs the planning commission to discuss the draft ordinance regarding variances and impervious surfaces at their 11-21-12 meeting with the goal to make revisions and a recommendation in time for the city council to consider the 1st reading of the ordinance at the 01-02-13 city council meeting.
2. I move the council directs the planning commission to drop discussion of the "impervious surfaces" issue.
3. Other motion ???

# DRAFT

ORDINANCE NO. \_\_\_\_

## AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE CODE SECTION 1155 VARIANCES AND SECTION 1176 SHORELAND MANAGEMENT DISTRICT, REGARDING VARIANCE POLICIES, EVALUATION CRITERIA, AND CONDITIONS

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

### SECTION 1.

Greenwood ordinance code section 1155.10 subd. 7 is amended to read as follows:

“Subd. 7. Conditions. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. Conditions required by section 1176.07.5 of the shoreland management district ordinance must also be imposed. Violation of such conditions and/or safeguards shall be a violation of the zoning code and subject to the enforcement provisions thereof.”

### SECTION 2.

Greenwood ordinance code section 1176 is amended to add the following section:

#### “Section 1176.07.05. Variances.

Subd. 1. Review Procedure. Variance allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of variances established in section 1155. The following additional policies, evaluation criteria, and conditions apply within the shoreland management district.

Subd. 2. Evaluation Criteria. A thorough evaluation of the waterbody and topographic, vegetation, and soils conditions on the site must be made to ensure:

1. The prevention of soil erosion or the possible pollution of public waters, both during and after construction.
2. The visibility of structures and other facilities as viewed from public waters is limited.
3. The site is adequate for water supply.

Subd. 3. Conditions. The city council, upon consideration of the criteria listed above and the purpose of this ordinance, shall attach such conditions to the issuance of variances as it deems necessary to fulfill the purpose of this ordinance. Such conditions may include but are not limited to the following:

1. Increased setbacks from the ordinary high water level.
2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
3. Special provisions for the location, design, and use of structures, watercraft and aircraft launching and dock areas, and vehicle parking areas.

Subd. 4. Impervious Surface Policies and Conditions.

1. Variance applicants with existing nonconforming impervious surface coverage (hardcover) shall be required to provide a plan to reduce the amount of hardcover by \_\_\_\_%.
2. Nonstructural hardcover cannot be exchanged for an increase in structural hardcover unless the total amount of hardcover complies with the requirements of the shoreland management district ordinance. To implement this policy, variance applicants shall provide a certified survey showing separate calculations for structural hardcover and nonstructural hardcover.
  - Structural hardcover includes buildings, decks, staircases, etc.
  - Nonstructural hardcover includes driveways, sidewalks, retaining walls, steps, plastic landscaping sheets, patios, etc.
3. Conditions to the issuance of variances may include but are not limited to the following:
  - A. Reduction of decks, patios
  - B. Reduction of plastic landscaping
  - C. Reduction of driveways, turnarounds, parking areas

Subd. 5. State Requirements. Variances may only be granted in accordance with Minnesota statutes chapter 462. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required elsewhere in this section also shall include both the planning

commission's and the city council's summary of the public record/testimony and the findings of fact and conclusions which supported the issuance of the variance."

SECTION 3.

Greenwood ordinance code section 1176.07 subd. 4 is renumbered as follows:

**"Section 1176.07.10. Notifications to the Department of Natural Resources.**

~~Subd. 4. Notifications to the Department of Natural Resources.~~ Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under this section must be sent to the commissioner of the Department of Natural Resources and postmarked at least 10 days before the hearing. Notices of hearing to consider proposed subdivisions/plats must include copies of the subdivisions/plat. Upon final action by the city council, a copy of approved amendments and subdivisions/plats and final decisions granting variances or conditional uses under this section must be sent to the commissioner of the Department of Natural Resources and postmarked within 10 days of final action."

SECTION 4.

Greenwood ordinance code section 1176.07 subd. 5 is deleted (note this paragraph is included in the new section 1176.07.05, subd. 5):

~~"Subd. 5. Variances. Variances may only be granted in accordance with Minnesota statutes chapter 462. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required elsewhere in this section also shall include both the planning commission's and the city council's summary of the public record/testimony and the findings of fact and conclusions which supported the issuance of the variance."~~

SECTION 5.

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

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

There were \_\_\_\_ AYES and \_\_\_\_ NAYS as follows:

<b>Greenwood City Council</b>	<b>YEAS</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mayor Debra Kind				
Councilman Bill Cook				
Councilman Tom Fletcher				
Councilman H. Kelsey Page				
Councilman Bob Quam				

CITY OF GREENWOOD

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

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

First reading: \_\_\_\_\_, 2012  
Second reading: \_\_\_\_\_, 2012  
Publication: \_\_\_\_\_, 2012



Agenda Number: **9A-E**

**Agenda Item:** Council Reports

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

**Council Action:** None required.



Agenda Number: **FYI**

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

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

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

### Traffic Survey Summary

Location: Saint Albans Bay Road  
 Start Date: 08-21-12  
 End Date: 08-31-12

Zone: Residential  
 Start Time: 14:50:01  
 End Time: 12:38:01  
 Travel Direction: W

Speed	1 - 19	20 - 21	22 - 23	24 - 25	26 - 27	28 - 29	30 - 31	32 - 33	34 - 35	36 - 37	38 - 39	40 - 999
Volume	1719	261	462	660	767	694	490	252	83	29	13	13
% of Total	31.58%	4.79%	8.48%	12.12%	14.09%	12.75%	9%	4.62%	1.52%	0.53%	0.23%	0.23%
									Total Vehicles: 5443			

Speed Statistics		10 MPH Pace		Number Exceeding Limit				
Posted	25	Pace Speed	22 to 31	Speed	25+	35+	45+	Total
#At/Under Limit	3102	# in Pace	3073	Number	2286	48	7	2341
# Over Limit	2341	% in Pace	56.45%	Percent	41.99%	0.88%	0.12%	43%
Average Speed	22.08	85% Percentile	30					

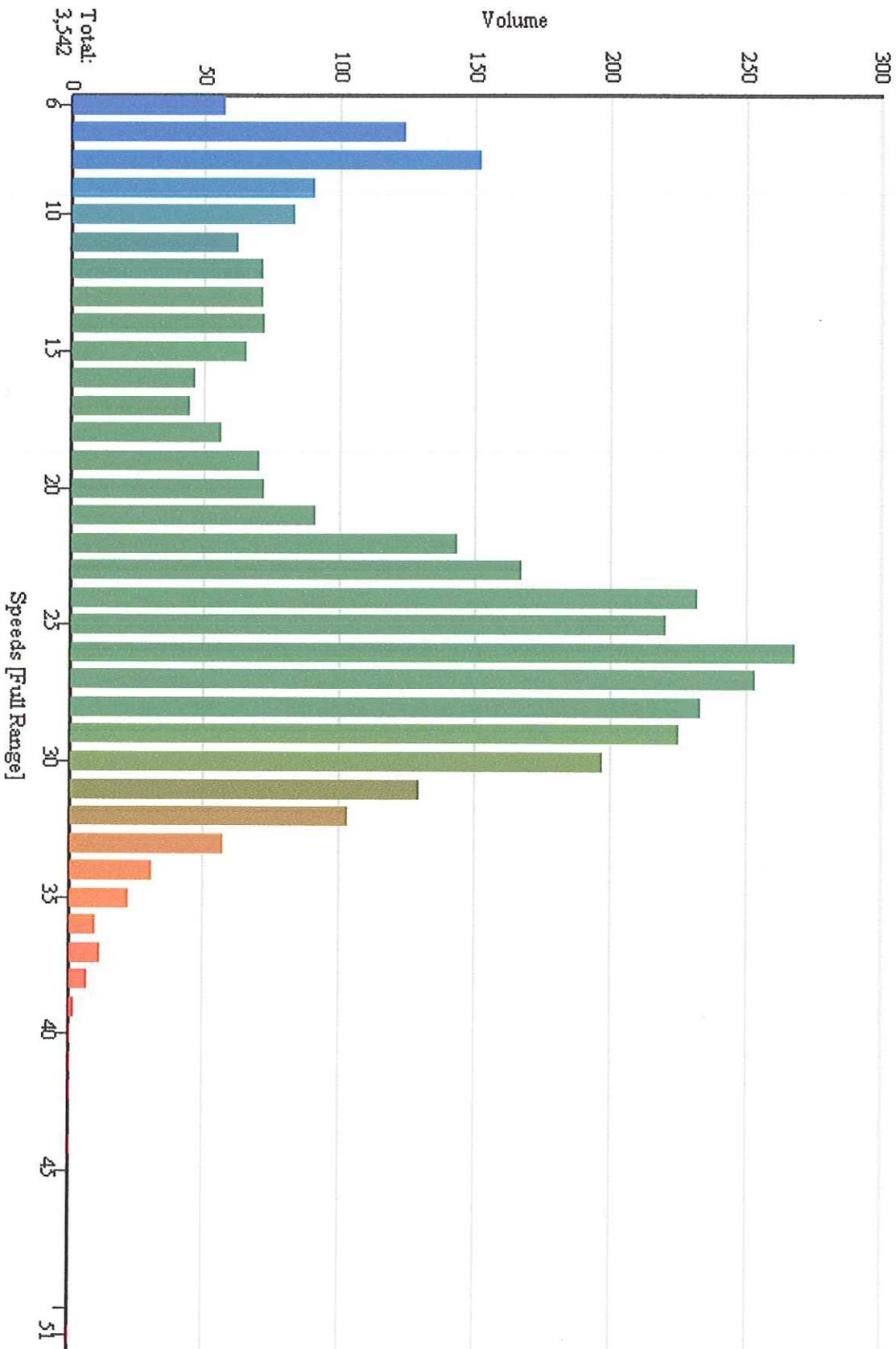
# DISPLAY ON

## Speed/Volume Graph

Location: Saint Albans Bay Road  
Dates: 08-21-2012 to 08-27-2012

Zone: Residential  
Speed Limit: 25 MPH

Travel Direction: W



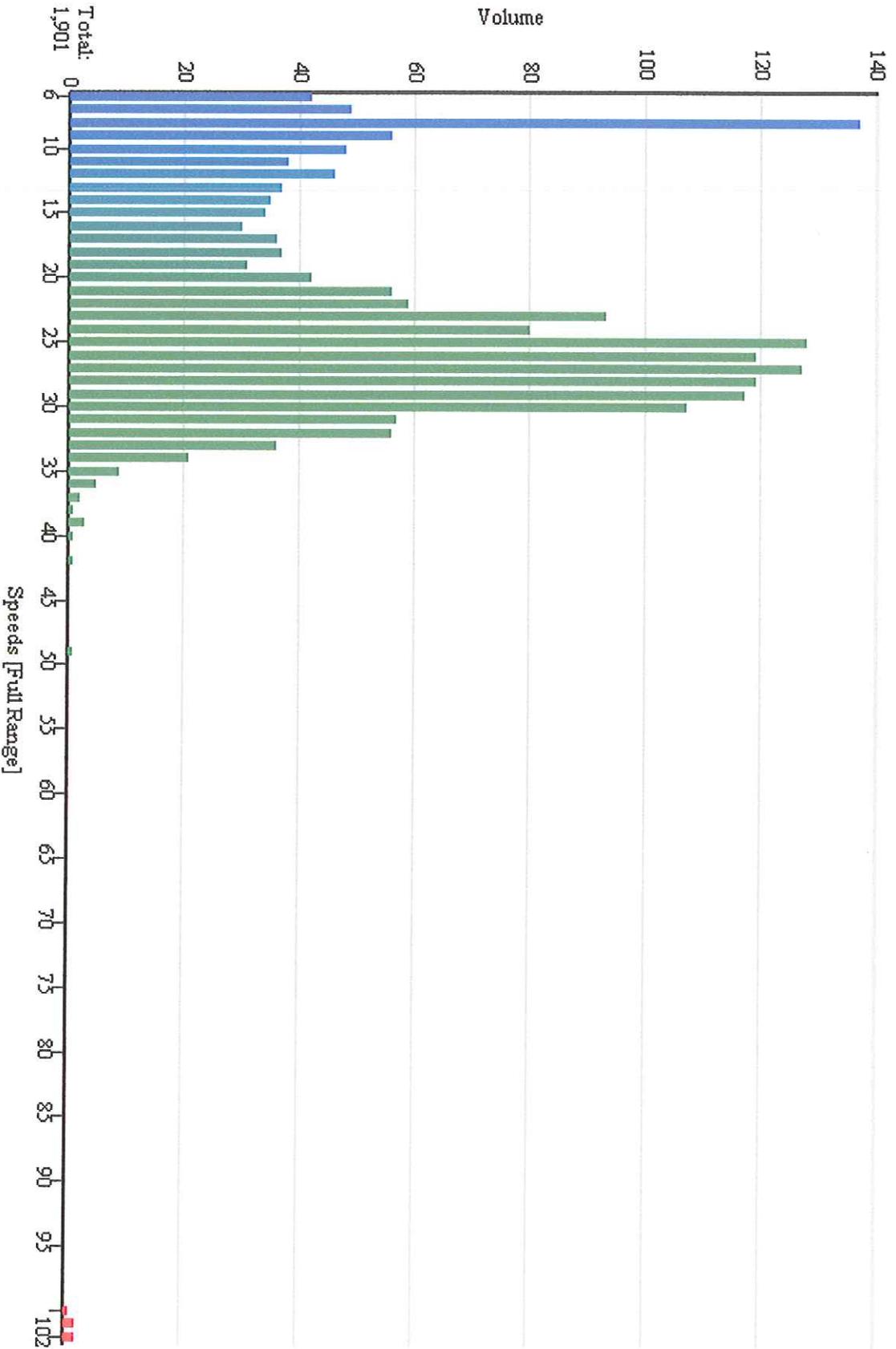
# DISPLAY OFF

## Speed/Volume Graph

Location: Saint Albans Bay Road  
Dates: 08-28-2012 to 08-31-2012

Zone: Residential  
Speed Limit: 25 MPH

Travel Direction: W



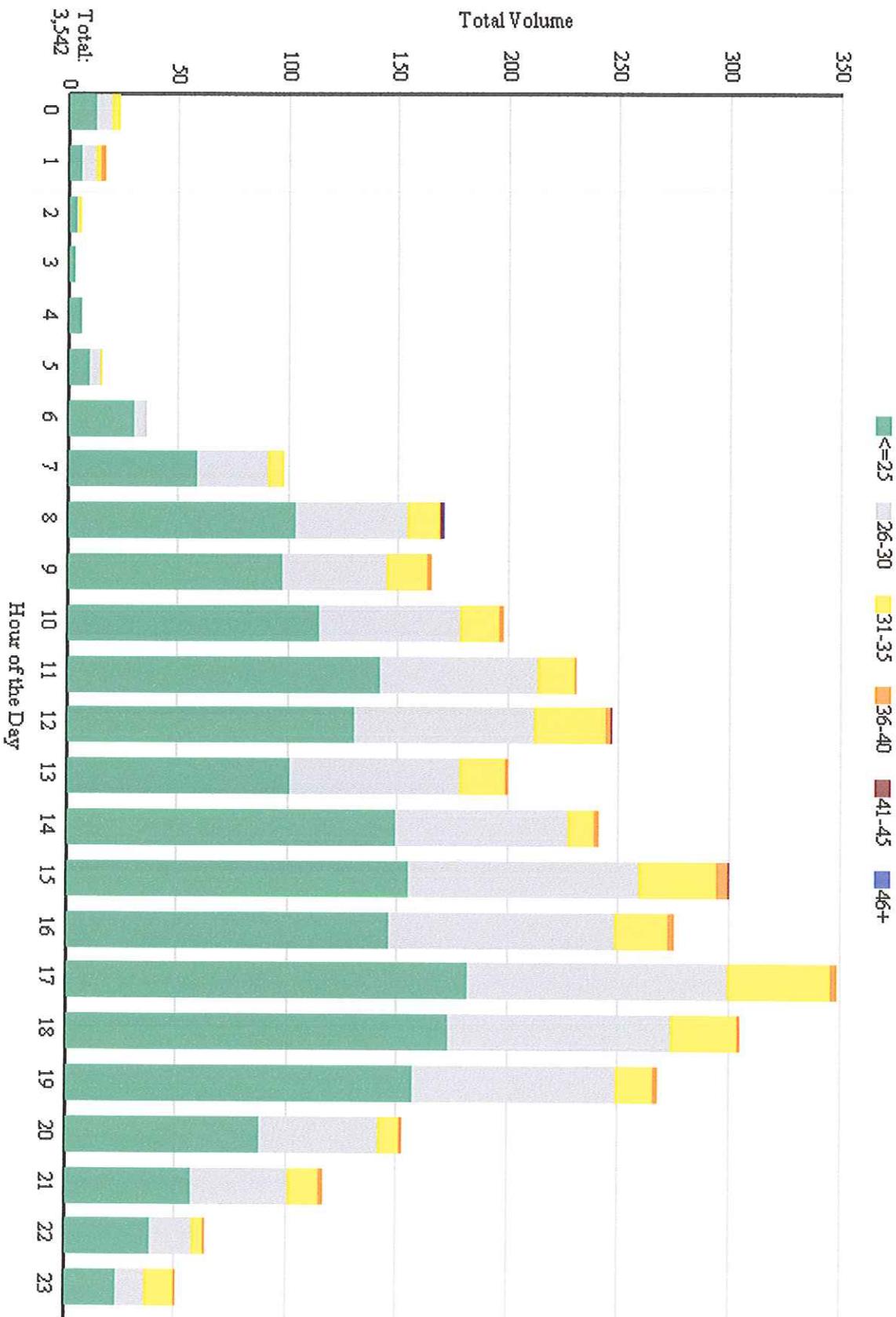
# DISPLAY ON

## Speed/Time/Volume Graph

Location: Saint Albans Bay Road  
Dates: 08-21-2012 to 08-27-2012

Zone: Residential  
Speed Limit: 25 MPH

Travel Direction: W



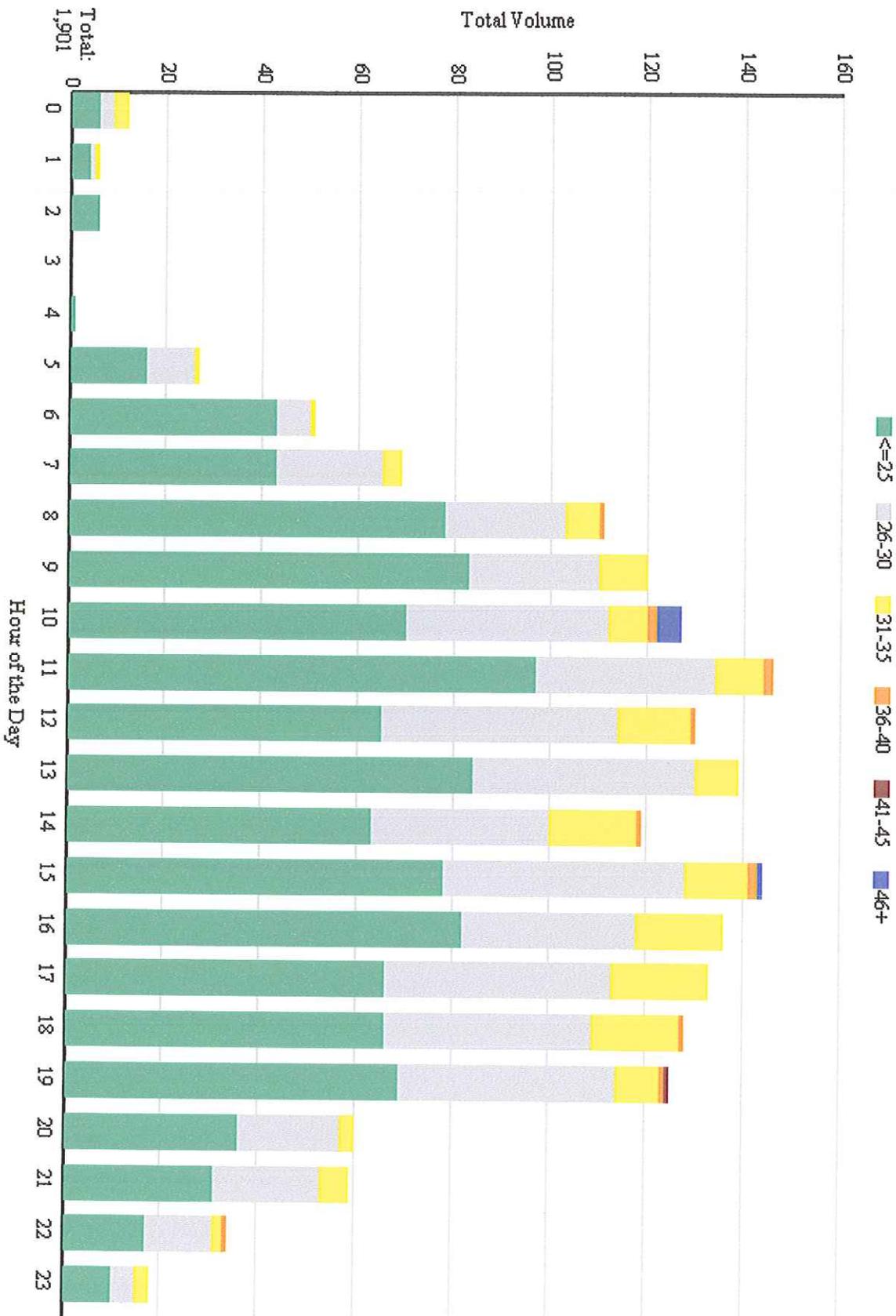
# DISPLAY OFF

## Speed/Time/Volume Graph

Location: Saint Albans Bay Road  
Dates: 08-28-2012 to 08-31-2012

Zone: Residential  
Speed Limit: 25 MPH

Travel Direction: W



## 1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:02 p.m.

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

Absent: Commissioner Lisa Christian

Others Present: Council Liaison Tom Fletcher, City Attorney Kelly and Zoning Administrator Gus Karpas.

Due to the appointment of Commissioner Bill Cook to the City Council, Alternate Conrad will be a voting member of the Commission at tonight's meeting.

## 2. APPROVE AGENDA

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

## 3. MINUTES OF August 15, 2012.

There was not a quorum of attendees of the August 15<sup>th</sup> meeting to act on the minutes so official action on the minutes was continued to the October meeting.

## LIAISON REPORT

Council Liaison Fletcher informed the Commission that Commissioner Bill Cook has been sworn in as a City Councilmember to fill the vacancy of outgoing Councilmember Biff Rose. He said Mr. Cook was chosen over the other candidate who filed because he filed for office first. He said the Council reviewed and recommended their support to the LMCD of the new dock configuration for Bean's Marinas. He said both the Precopio and Zygmunt variance requests were approved, though there were slight modifications to the Precopio requests. He said the City of Greenwood will be hosting a Planning Workshop on January 12<sup>th</sup> at the Southshore Senior Center and encourages Commissioners to attend.

## 4. PUBLIC HEARING

**Chip Fisher, 5185 Greenwood Circle**, variance requests to remove an existing non-conforming single family home and construct a new single family home which would encroach into the minimum required front, lake and east side yard setbacks and exceed the maximum permitted impervious surface and above grade structure volume. The applicant also proposes to remove and reconstruct an existing non-conforming lakeside accessory structure within the required lake and west side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of five feet for the proposed single family home. The proposal requires a variance of twenty-five feet of the front yard setback.

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Section 1120:15 of the Zoning Ordinance requires a minimum east side yard setback of fifteen feet. The applicant proposes an east side yard setback of six feet for the proposed single family home. The proposal requires a variance of nine feet east side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of five feet for the proposed single family home. The proposal requires a variance of twenty-five feet of the front yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet. The applicant proposes a lake yard setback of thirty-nine feet for the proposed single family home. The proposal requires a variance of eleven feet of the lake yard setback.

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

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is seeking a variance to exceed the maximum permitted impervious surface area by 6.5%.

Section 1140.18(3) regulates the maximum permitted above grade structure volume based on lot area. Based on the applicant's lot area, the permitted structure volume for the property is 32,390 cubic feet. The applicant proposed a structure volume of 36,840 cubic feet. The applicant is seeking a variance to exceed the maximum permitted above grade structure volume by 4,459 cubic feet.

Chairman Lucking summarized the request and opened the public hearing.

Chip Fisher said he and his wife feel that Greenwood is a special place and wanted to build something on the lot that would fit into the character of the neighborhood. He said there are a lot of "weird" lots in Greenwood, in terms of their dimensions. He said his lot is no different. He said his lot is difficult to duplicate in that the existing home alone would require six variances. He said the existing home was constructed in the 1920's and is obsolete. He said the lot is under 6,500 square feet and is unusual in that it tapers in width as it moves from the street towards the lake. He said the street level is also a whole story above the low grade of the lot, which he feels creates a uniqueness to the lot which would prevent any type of precedence. He said the existing boathouse needs to be replaced since it is an eyesore and does not fit into the neighborhood. He feels they are proposing a positive improvement for the property and for the city as a whole. He feels the requested variances are reasonable. He said the variance request for the excess volume is necessary to the uniqueness of the lot which creates three exposed sides on the lower level which inflates the volume of the house. He said they have worked closely with the architect to get as small as a building as possible on the lot that meets their needs. He said the home is not a mansion and he doesn't feel the proposal overbuilds the lot or violates the intent of the massing ordinance. He said it is a modern home which would be on the small side of the homes already existing in the neighborhood. He said they have spoken with all the neighbors that have been notified about the request and have heard no negative feedback about their request. He said

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having built on the lake in the past, he understands the concerns associated with protecting that asset.

Commissioner Reeder asked about the volume and if it had been underestimated and if so, how.

Rehn Hassell, YA Architecture, said he spoke with Commissioner Beal about some of his concerns about the volume numbers and agreed there may have been some errors made and recalculated the numbers. He adjusted the numbers and the variance in volume increased from 4,459 cubic feet to 7,819 cubic feet. He said the calculation was difficult because the structure is very complex. He said the entire process in developing the property required aggressively shrinking the structure down to meeting just the basic needs. He said the home was lowered to maintain the existing grade which created the additional exposed foundation impacting the volume calculation. He said the proposed volume is not out of character with other homes located in the neighborhood.

Chairman Lucking asked about the ceiling height of the lower level. Mr. Hassell said eight feet. Commissioner Reeder asked if the volume would be reduced by approximately 10,000 cubic feet if it was a full basement instead of exposed as it is. Lucking said quite possibly it would. Reeder said he was concerned about the reconstruction of the boathouse. City Attorney Kelly said the boathouse is grandfathered. Reeder noted only grandfathered as is, and said it's not really a boathouse per se. He said the city would not allow the construction of a new boathouse in the location.

City Attorney Kelly asked how much of the lower level is dedicated to storage. Mr. Hassell said approximately 400 square feet. Kelly asked where the home utilities would be located. Mr. Hassell said that has not been settled yet.

Commissioner Conrad asked if the previous omitted volume was the storage space. Mr. Hassell a portion of it was. Conrad asked what the volume of the current home was. Mr. Hassell said 22,673 cubic feet. He said the new home was designed to try and follow the same setback pattern for the most and trying to make some of the setbacks better.

City Attorney Kelly asked about the garage dimension and questioned how they were included in the volume calculations. Mr. Hassell said only a portion of the garage was included specifically in the volume calculation as garage, the rest was included as part of the house calculation. Kelly noted the proposed garage is smaller than a standard garage, indicating the applicant is making an effort to tighten up the house.

Commissioner Paeper asked if any attempt has been made to design a house that meets both the volume and impervious surface standards. Mr. Hassell said he has not been able to design one that meets the needs of his clients. He said he could take drastic steps to minimize the volume, but the structure wouldn't fit into the neighborhood. Paeper asked why the house was moved back. Mr. Hassell said to provide driveway space to park vehicles. Commissioner Conrad asked if moving the house closer to the road reduces volume. It was noted the applicant was only about five feet from city property.

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Commissioner Conrad asked about the portico on the lakeside of the house and how much the volume would be reduced if the main floor deck was removed. The Planning Commission discussed volume requirements as they pertained to open porticos and decks.

Commissioner Beal said at some point each property has a volume budget and the Fischers are free to have a portico but they have to recognize that the volume will come from their total volume budget. Mr. Hassell said the Planning Commission's decision is arbitrary beyond the ordinance. He said if there was some guidance they could design to, they would do it, but this is the house they want. Chairman Lucking said the volume needs to be reduced. Commissioner Paeper said that would also help with the impervious surface area.

Council Liaison Fletcher said another consideration is the expansion of the deck area within the required setback and used the recent request on Channel Drive as an example. He said it was determined that the applicant was allowed to work with only that square footage existing in the required setback, but could not add additional area within the setback. He said this request is adding deck in the setback.

Mr. Hassell said they were using the existing marker as a guide when designing the house and did not move beyond the existing home. As for the portico, they intentionally left that open so it would have not visual impact for adjacent properties.

Commissioner Beal discussed volume and said prior to the ordinance the city had to rely of its setbacks, impervious surface and height requirements as a way of limiting massing. The city knew it had to come up with a way to more closely regulate the size of homes on smaller lots. Commissioner Reeder noted that when the ordinance passed, it was clear that the permitted volume was directly tied the a property's square foot area. Beal said yes. Beal discussed the history in the creation of the massing ordinance.

Mr. Hassell said the reason they made such detailed illustrations was to show how the house would fit in neighborhood even being above the allowable volume.

Chairman Lucking commented the lot is unique in that it does have a thirteen foot drop from the street level and unlike the lots around it, which may be similar, it does not have the same opportunity to place its garage at the bottom of the hill.

Chip Fisher said he spoke with neighbors with similar sized lots but double the sized homes than what they are proposing. He reiterated this home would be the smallest in the neighborhood. Mr. Hassell said it has been a challenge developing this lot.

Chairman Lucking asked if more of the second floor could be put under the roof. Mr. Hassell said maybe, but the second story is already has a ceiling height under eight feet. Commissioner Conrad asked if it was reasonable to ask them to build something to fit within the volume. Commission Paeper said his opinion is you could build a marketable home within the volume requirements, but it may not meet the needs of Mr. Hassell's clients.

Mr. Fisher said they always intended on building something that would add value to the neighborhood and not be a burden. He said they would be reluctant to build something undersized for the neighborhood.

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John Bible, 5175 Greenwood Circle, supports the proposal. He has lived next to the property for the last five years. He said it's an extremely difficult property to develop and is an eyesore. The proposal is a huge benefit to the neighborhood. We have been pleased with the thought that has been put into the development of the proposed house. Commissioner Beal asked how wide Mr. Bible's property is. Mr. Bible said about 150 feet. He said some thought needs to be given to the vision and though the proposal doesn't fit into the volume requirement, it clearly fits into the neighborhood.

Keith Stuessi, 5000 Meadville Street, said there are a number of properties on Greenwood Circle that have significant non-conformities. He said the average distance between homes is less than twenty feet. He doesn't believe that people have intentionally abused the ordinances. They just have developed small lots.

Hearing no further public comment, the hearing was closed.

Chairman Lucking feels the big issue in front of the Commission is the proposed volume.

Commissioner Beal said he doesn't feel the permitted volume number is unreasonable. He does agree the character of the lot imposes a difficulty in having a basement. He questions the need for a portico and sees that as a want rather than a need and sees the boathouse as a storage shed.

Commissioner Paeper liked the quality of submission and believes the house is well designed, but he's not supportive of the proposed volume.

Commissioner Reeder doesn't see a case for the boathouse. He feels the applicant should stay within the volume requirement since the city specifically created the ordinance to regulate the size of homes on smaller lots. He has no issue with the proposed front yard setback, but is concerned about the proposed lake yard encroachment.

Commissioner Conrad believes approving a variance for volume would set precedence. She agrees it may be tricky to get down to the required volume she feels the proposed volume is too much.

Chairman Lucking said the amount of volume has been bothering him, though he has never seen such a quality presentation. He said it is easy to see where the applicant is coming from.

Zoning Coordinator Karpas explained to the applicant that it appears the Commission is going to recommend denial to the Council. That being the case, if the Council follows that recommendation, they would not be permitted to submit a new variance for a similar request for one year. Their options are to continue onto the Council with a unanimous recommendation to deny, they could waive their sixty day right for a decision and ask to return to the Planning Commission for consideration on an amended plan or they could withdraw their request and resubmit an application at a later date.

Mr. Fisher summarized the issues he felt the Commission had with the request which include the proposed volume, the lake setback and the enlargement of the boathouse.

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The applicants requested to continue their request to the October 17<sup>th</sup> meeting.

**5. Old Business**

**Discuss** – Impervious Surface Requirements

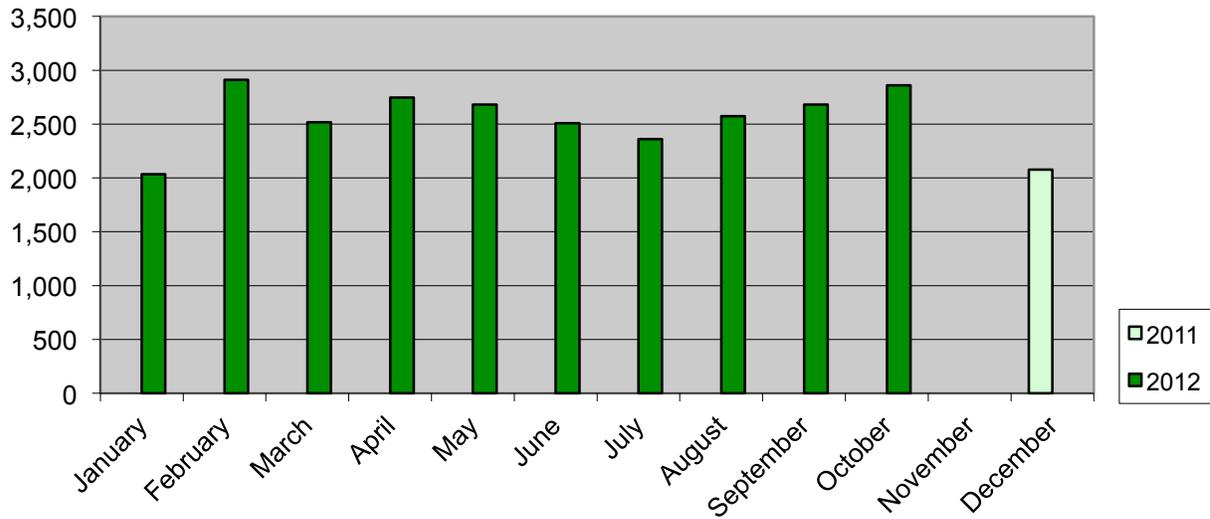
The Commission agreed to continue this discussion to their October 17<sup>th</sup> meeting.

**6. ADJOURN**

Motion by Commissioner Beal to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 8:37 p.m.

Respectively Submitted  
Gus Karpas - Zoning Administrator

**City of Greenwood  
Website Total Hits**



<b>Month</b>	<b>2011</b>	<b>2012</b>	<b>Variance with Prior Month</b>	<b>Variance with Prior Year</b>
January	0	2,034	-43	2,034
February	0	2,911	877	2,911
March	0	2,516	-395	2,516
April	0	2,746	230	2,746
May	0	2,682	-64	2,682
June	0	2,509	-173	2,509
July	0	2,361	-148	2,361
August	0	2,574	213	2,574
September	0	2,682	108	2,682
October	0	2,860	178	2,860
November	0	0	-2,860	0
December	2,077	0	0	-2,077

**AVERAGE**

**2,537**

## 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.

<b>Begin Date</b>	9/15/2012
<b>End Date</b>	10/15/2012
<b>Report Name</b>	Page Views (Default)
<input type="button" value="Get Report"/>	

### Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	1060	37.06%
<a href="#">Agendas, Packets &amp; Minutes</a>	242	8.46%
<a href="#">Planning Commission</a>	109	3.81%
<a href="#">City Departments</a>	104	3.64%
<a href="#">Welcome to Greenwood</a>	88	3.08%
<a href="#">Mayor &amp; City Council</a>	79	2.76%
<a href="#">Budget &amp; Finances</a>	77	2.69%
<a href="#">Code Book</a>	68	2.38%
<a href="#">Forms &amp; Permits</a>	66	2.31%
<a href="#">Assessments &amp; Taxes</a>	62	2.17%
<a href="#">Photo Gallery</a>	61	2.13%
<a href="#">RFPs &amp; Bids</a>	57	1.99%
<a href="#">Comprehensive Plan &amp; Maps</a>	49	1.71%
<a href="#">What's New?</a>	49	1.71%
<a href="#">Events</a>	46	1.61%
<a href="#">Meetings</a>	43	1.5%
<a href="#">Garbage &amp; Recycling</a>	41	1.43%
<a href="#">Lake Minnetonka</a>	39	1.36%
<a href="#">Meetings on TV</a>	37	1.29%
<a href="#">Elections</a>	37	1.29%
<a href="#">Search Results</a>	36	1.26%
<a href="#">Milfoil Project</a>	36	1.26%
<a href="#">Watercraft Spaces</a>	35	1.22%
<a href="#">Swiffers NOT Flushable</a>	33	1.15%
<a href="#">Emergency Preparedness</a>	32	1.12%
<a href="#">Links</a>	32	1.12%
<a href="#">Xcel Project</a>	31	1.08%
<a href="#">Email List</a>	28	0.98%
<a href="#">Old Lee Community Events</a>	26	0.91%

### Quick Tips

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

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

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

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

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

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

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

<a href="#">Old Log Community Events</a>	20	0.71%
<a href="#">Animal Services</a>	24	0.84%
<a href="#">Community Surveys</a>	24	0.84%
<a href="#">Well Water</a>	24	0.84%
<a href="#">Southshore Center</a>	23	0.8%
<a href="#">Health &amp; Safety</a>	22	0.77%
<a href="#">Spring Clean-Up Day</a>	21	0.73%
<a href="#">Crime Alert!</a>	19	0.66%
<b>TOTAL</b>	<b>2860</b>	<b>100%</b>

## Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	379	28.93%
Agendas, Packets & Minutes	100	7.63%
City Departments	60	4.58%
Welcome to Greenwood	56	4.27%
Mayor & City Council	45	3.44%
Planning Commission	43	3.28%
What's New?	32	2.44%
Assessments & Taxes	32	2.44%
Forms & Permits	31	2.37%
Meetings	31	2.37%
Photo Gallery	28	2.14%
Comprehensive Plan & Maps	28	2.14%
Code Book	27	2.06%
Elections	23	1.76%
Milfoil Project	23	1.76%
Swiffers NOT Flushable	23	1.76%
RFPs & Bids	23	1.76%
Watercraft Spaces	22	1.68%
Budget & Finances	21	1.6%
Lake Minnetonka	21	1.6%
Meetings on TV	21	1.6%
Events	20	1.53%
Emergency Preparedness	20	1.53%
Links	20	1.53%
Animal Services	19	1.45%
Old Log Community Events	19	1.45%
Garbage & Recycling	18	1.37%
Well Water	18	1.37%
Spring Clean-Up Day	16	1.22%
Southshore Center	16	1.22%
Email List	15	1.15%
Community Surveys	15	1.15%
Xcel Project	14	1.07%
Crime Alert!	12	0.92%
Health & Safety	12	0.92%
Search Results	7	0.53%
<b>TOTAL</b>	<b>1310</b>	<b>100%</b>

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

**Done**

## 1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Lucking and Commission members Douglas Reeder and Alternates Lisa Christian and Kristi Conrad

Absent: Commissioners John Beal and David Paeper

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

Due to the absence of Commissioners Beal and Paeper, Alternates Christian and Conrad will be voting members of the Commission at tonight's meeting.

## 2. APPROVE AGENDA

Commissioner Reeder moved to accept the agenda for tonight's meeting. Commissioner Christian seconded the motion. Motion carried 4-0.

## 3. MINUTES OF September 19, 2012.

Commissioner Reeder moved to approve the minutes of September 19, 2012 as amended. Commissioner Conrad seconded the motion. Motion carried 3-0-1. Commissioner Christian abstained.

## 4. NEW BUSINESS

### **Discuss Feasibility Study for Potential Excelsior Boulevard Watermain Project**

City Attorney Kelly explained the process for special assessments for public improvements and the role of the Planning Commission and a planning body to determine if the proposed project is compatible with the Comprehensive Plan.

Zoning Coordinator Karpas said he attached the relevant sections of the Comprehensive Plan noting the plan does not specifically address municipal water since the city does not have its own system. He said because fact, the proposal is not inconsistent with the plan.

City Engineer Martini gave an overview of the feasibility study. He said the feasibility study is based on area of those who petitioned the city to have a water line placed in Excelsior Boulevard in conjunction with an upcoming Metropolitan Council sewer project. Mr. Martini said if the city were to install a water line, this would be the time to do it since a majority of the cost would be borne by the Met Council since they would already be opening up the road for their project and would install the pipe. He said the feasibility study looks at the cost of the project to run the pipe from Christmas Lake Road to the furthest property included on the petition. He said those properties that have expressed an interest would be charged an assessment for the installation of the pipe and provided a stub, but would not be charged for the stub until the property actually hooks up to the

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**WEDNESDAY, October 17, 2012**  
**7:00 P.M.**

water system. The thought behind that is since the road is new; you don't want residents damaging the road to connect to the system at a later date.

Mr. Martini said the cities of Excelsior and Shorewood have discussed connecting their services at either end of Excelsior Boulevard. If this is done, the City of Greenwood has thought about adding stubs to all properties along the line for the same reason as mentioned above. He said in any scenario, the pipe would be owned and operated by the City of Excelsior.

Commissioner Conrad clarified the properties shown in orange in the study would already be served by water and would be charged for connections only. Mr. Martini said the existing system terminates to the west of these properties requiring long connections. These properties will have to be reconnected with more traditional stubs and it has been determined that they will not be charged for new stubs. Conrad asked if those opposed to the line have to pay an assessment. Mr. Martini said they will be responsible for the cost of the line, but not for the cost of a connection until they hook up to the system. He said if it extends through the entire city the cities of Excelsior and Shorewood should do some cost sharing. Conrad asked if there are homeowners and businesses opposed to the project. City Attorney Kelly said there hasn't been a public hearing held at this point. Conrad asked what could stop the project at this point. Kelly said the City Council is not obligated to approve the project, he said this project is resident driven and not a city initiative.

Commissioner Christian asked who initiated the process. City Attorney Kelly said a number of residents along Excelsior Boulevard.

Commissioner Reeder asked if an eight inch pipe would be sufficient to serve the system if connected to Shorewood. City Engineer Martini said the pipe would have to be enlarged to a twelve inch pipe. Reeder said the residents could not be assessed for the increased size. Martini agreed, but said the city could assess for the cost of the stubs. He said the assumption in assessing these projects is they reflect the increased value created for the properties receiving the service. The problem with this project is there are only properties on one side of the road which increases the cost per property.

City Attorney Kelly explained the assessment process and said the City Council has six months to act on the petition. Chairman Lucking asked if we'll know if there's an agreement between the cities of Excelsior and Shorewood before the public hearing. Kelly said he's not sure. Council Liaison Cook said they're going to have to make a decision soon because there's going to be a point where the Met Council is going to have to move ahead with the project whether or not there is an agreement between the cities.

Commissioner Conrad moved that Planning Commission inform the City Council it has reviewed the Feasibility Study for Potential Excelsior Boulevard Watermain Project and found that it is not in conflict with the city's Comprehensive Plan. Commissioner Reeder Seconded the motion. Motion carried 4-0.

## **5. PUBLIC HEARING**

**Chip Fischer, 5185 Greenwood Circle**, variance requests to remove an existing non-conforming single family home and construct a new single family home which would

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encroach into the minimum required front and east side yard setbacks and exceed the maximum permitted impervious surface and above grade structure volume. The applicant also proposes to remove and reconstruct an existing non-conforming lakeside accessory structure within the required lake and west side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of four feet for the proposed single family home. The proposal requires a variance of twenty-six feet of the front yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum east side yard setback of fifteen feet. The applicant proposes an east side yard setback of six feet for the proposed single family home. The proposal requires a variance of nine feet east side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of four feet for the proposed single family home. The proposal requires a variance of twenty-six feet of the front yard setback.

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

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is seeking a variance to exceed the maximum permitted impervious surface area by 6.3%.

Section 1140.18(3) regulates the maximum permitted above grade structure volume based on lot area. Based on the applicant's lot area, the permitted structure volume for the property is 32,390 cubic feet. The applicant proposed a structure volume of 34,946 cubic feet. The applicant is seeking a variance to exceed the maximum permitted above grade structure volume by 2,556 cubic feet.

Chairman Lucking summarized the request and opened the public hearing.

Chip Fischer, 5185 Greenwood Circle, said after the last meeting they went back to the drawing board and designed a home with the comments of the Planning Commission in mind. He said they feel they're at the point where the house may be getting too small. He said the size of the house has been reduced to 2,400 square feet and with adjustments in the home cut the excess volume almost in half. He said the structure now complies with the required lake setback. He said they really tried to get something practical on the lot. He said there are a number of practical difficulties associated with the lot including the size of the lot which is less than fifty percent of the minimum required lot area, the fact the lot tapers down in size, the elevation of the lot drops fourteen feet from the street to the buildable area which prevents the structure from having a basement and requires the entire lower level to count as volume. He said there are a lot of practical difficulties on the lot that require variances to build anything on the lot. He said a home any smaller than what is being proposed would be economically unviable. He feels the proposed home is undersized for homes in the community and the smallest in the neighborhood. He said the intent of the ordinances is to maintain the character of the neighborhood, but in this case it forces the opposite by requiring a home

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to be built that is out of character of the neighborhood. He said he has spoken with all the neighbors in the neighborhood and they are supportive of the proposed impervious surface and volume. He said all they are trying to do is fit into the neighborhood.

Commissioner Conrad asked the applicants if they were happy with the structure they were proposing. Mr. Fischer said they had a discussion about the proposed structure and though they would prefer something bigger, they just want to see something approved. He said they wouldn't bring anything before the city if it weren't something they could live with.

City Attorney Kelly asked if the intent was to restore the existing boathouse. Mr. Fischer said it was.

Bill Cook, 5195 Greenwood Circle, said he is the neighbor west of the property. He has spoken with Mr. Fischer about this request and the previous request and was and is supportive of both requests. He feels either will be a great improvement to the neighborhood.

Commissioner Reeder asked about the differences, in terms of variance requests, between this request and the previous request. Zoning Coordinator Karpas said the applicant has increased the proposed front yard encroachment by one foot, a five foot setback to a four foot setback. The existing setback is two feet. The applicant no longer encroaches into the required lake yard setback. The current structure encroaches eleven feet into the lake yard setback. The applicant has reduced the request impervious variance request by .3% and the requested volume request by over 2,000 cubic feet.

Rehn Hassel, RA Architects, said the home was moved slightly closer to the road since it seemed less of a concern to the Planning Commission than the lake setback. He said the wider the home got, the further it gets pushed back.

Commissioner Reeder asked about the replacement of the boathouse. Zoning Coordinator Karpas said the request is the reconstruct it as is.

Commissioner Conrad feels the applicant has done a fantastic job reworking the project after listening to the concerns and feedback from the Planning Commission though she doesn't want people to build a house they don't want. She feels on this lot either volume of impervious surface has to be sacrificed; and she would rather see it be volume. She has no problem with the request as presented.

Commissioner Reeder wanted clarification on the ability to build the boathouse. City Attorney Kelly said the Shoreland Ordinance grandfathers existing lakeside structures as they are. Zoning Coordinator Karpas explained the State Statutes as they pertain to existing non-conforming structures and the protection they are afforded. Reeder said his only problem is with the boathouse and he has no issues with the proposed house.

Commissioner Christian has no concerns with the projects.

Chairman Lucking feels the applicant has done a marvelous job in redesigning the house. He doesn't have any issues with the proposed setbacks. He feels the ability to comply with the lake setback is astronomical. He has no issue with the proposed

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volume. He asked the City Attorney how to address the requests in a motion, if they should be individually or as one motion. City Attorney Kelly said they can be addressed individually in one motion.

Motion by Chairman Lucking to recommend the Council approve the variance requests by Chip Fischer to encroach twenty-six feet into the required thirty foot front yard setback and nine feet into the required fifteen foot east side yard setback. The size and dimensions of the lot create a practical difficulty in the reasonable development of the property and the proposed structure will maintain the essential character of the neighborhood. He recommends the Council approve the variance request to exceed the permitted above grade structure volume by 2,556 cubic feet. A practical difficulty existing in the extreme grade alterations on the property and the low lying nature of the lot placing it at the water table requiring the exposure of the entire lower level which counts more of the structure against the permitted volume. In addition the size of the lot creates a practical difficulty in that it is less than half the minimum lot area required for the zoning district. He recommends the Council approve the variance to exceed the maximum permitted impervious surface area by 6.3%. A practical difficulty exists in the size of the parcel and the proposal would not be out of character with the impervious on other lots in the area. He recommends the Council approve the variance to permit the reconstruction of an accessory structure between the lakeshore and the lake side of the principal structure which would encroach twelve feet, six inches into the required fifteen foot west side yard setback and forty-six feet into the required fifty foot lake yard setback. A practical difficulty exists in the condition of the structure and the need for additional storage on the property due to the inability to create storage within the principal structure. It is noted the structure is also grandfathered by the Shoreland Management Ordinance and its location and dimension are protected by State Statutes. Conrad seconded the motion.

Keith Stuessi, 5000 Meadville Street, believes the applicants have come up with a marvelous plan and believe the Planning Commission has worked with the applicant. He feels he represents a number of residents that live on small lots within the city. He feels the actions taken by the Planning Commission tonight are setting a dangerous precedence as these smaller properties turn over in ownership. He said the Commission needs to be clear on what the exact hardship was for this approval. He said without a clear hardship shown in the approval process there's a potential for massive discrimination in the process. He said he's been involved in two issues the last few years, taxes and assessed values. He said his property valuation has been increased based on the sale prices of nearby properties which had received variances. His argument is there's no guarantee he'll get similar variances and feels there should be some guidance to small property owners to what they can expect to build on their lots. He said the process needs to be transparent to owners of small lots.

Chairman Lucking noted that on this specific request all the existing non-conformities have been reduced. Mr. Stuessi said the reasoning for the approval need to be well documented.

City Attorney Kelly said what he hears Mr. Stuessi saying is he wants a set of standards for small lots. Kelly said that is a matter of politics and an issue that has to be addressed by the City Council. He said the decisions made the Planning Commission and Council are a matter of the practical difficulty standard set forth by the State Statute.

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Commissioner Reeder said there is no way a city can draft an ordinance to address the issues each individual lot may face.

Hearing no further public comment, the hearing was closed.

Chairman Lucking called the question on the motion to approve. Motion carried 4-0.

**LIAISON REPORT**

Council Liaison Cook said the Council received a report from the City Engineer about the reduction of phosphorus from the lake. He said the city's goal set by the MCWD was five pounds and the city has exceeded that by removing twenty-five pounds through annual street sweeping. He said the Council was addressed by the City Prosecutor who gave his annual report, that the Council held a public hearing on the delinquent sewer and recycling bills, approved the Precopio and Zygmunt variance requests, discussed removal of Buckthorn in the City and discussed a proposed LMCD Bow Fishing Ordinance.

**6. ADJOURN**

Motion by Commissioner Christian to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 8:10 p.m.

Respectively Submitted  
Gus Karpas - Zoning Administrator