



AGENDA

Greenwood City Council Meeting

Wednesday, November 5, 2014

20225 Cottagewood Road, Deephaven, MN 55331

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

- 7:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE 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: 10-01-14 City Council Meeting Minutes
 - B. Approve: 10-22-14 Special City Council 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. Report: Quarterly Police Update
 - B. Announcement: Election Canvassing Meeting, 6pm Monday 11-10-14 (need a quorum)
- 7:20pm 5. PUBLIC HEARINGS
- A. Public Hearing: St. Alban's Bay Lake Improvement District
- 7:30pm 6. UNFINISHED BUSINESS
- A. Discuss: Next Steps Regarding St. Alban's Bay Lake Improvement District
- 7:40pm 7. NEW BUSINESS
- A. Consider: Resolution 31-14 Variance Findings for Mike & Deb Anderson, 5105 Weeks Road (grading)
 - B. Consider: Simple Subdivision Request and Resolution 32-14 Variance Findings for Lecy Bros Homes & Remodeling on Behalf of Ken Parsons, 4945 Sleepy Hollow Road (driveway access)
 - C. Consider: Resolution 33-14 Conditional Use Permit Findings and Resolution 34-14 Variance Findings for Excelsior Entertainment, LLC, Old Log Theatre, 5185 Meadville Street (signage)
 - D. Consider: Response to Shorewood's 10-20-14 Letter Regarding the Southshore Center
- 9:00pm 8. OTHER BUSINESS
- A. None
- 9:00pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission, Greenwood Circle Xcel Projects
 - B. Fletcher: Lake Minnetonka Communications Commission, Fire
 - C. Kind: Police, Administration, Mayors' Meetings, Website
 - D. Quam: Roads & Sewer, Minnetonka Community Education, St. Alban's Bay Bridge
 - E. Roy: Lake Minnetonka Conservation District
- 9:30pm 10. ADJOURNMENT

MINUTES

Greenwood City Council Meeting

Wednesday, October 1, 2014

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

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

Members Absent: Councilmember Bill Cook

Others Present: City Zoning Administrator / City Clerk Gus Karpas, City Attorney Mark Kelly

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

2. CONSENT AGENDA

A. Approve: 09-03-14 City Council Meeting Worksession Minutes

B. Approve: 09-03-14 City Council Meeting Minutes

C. Approve: August Cash Summary Report

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

E. Approve: October Payroll Register

Motion by Kind to approve the consent agenda items as presented. Second by Roy. Motion passed 4-0.

3. MATTERS FROM THE FLOOR

A. Mary Thacker, 2195 Fairview Street, requested the council consider curbside pick-up of leaves in the fall in relation to Minnetonka Community Education's Rake-a-Thon event.

The council discussed this under the Minnetonka Community Education council report later on the agenda.

4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

A. Guest: Hennepin County Commissioner Jan Callison, Annual County Update

B. Guest: Prosecutor Greg Keller, Annual Prosecution Update

C. Announcement: Excelsior - Lake Minnetonka Chamber of Commerce State of the Cities Lunch, Thurs 10/16 11:30am Southshore Center

No council action was taken regarding either of the guest presentations or announcement. View the presentations and announcement on LMCC channel 8 or at www.lmcc-tv.org.

5. PUBLIC HEARINGS

A. Public Hearing re: Delinquent Sewer, Stormwater, and Recycling Charges

Motion by Fletcher to open the public hearing. Second by Quam. Motion passed 4-0.

No one spoke during the public hearing opportunity.

Motion by Fletcher to close the public hearing. Second by Quam. Motion passed 4-0.

6. UNFINISHED BUSINESS

A. 2nd Reading: Ordinance 240 Updating Chapter 5 Fee Schedule

Motion by Quam to approve the 2nd reading of ordinance 240 with the following revisions: (1) Change the Garbage / Refuse Collector License fee to \$200 per year. (2) Add "In addition to any fees charged by the county" to the fee for Sewer / Recycling / Stormwater: Delinquent Accounts Assessment Amounts. Second by Roy. Motion passed 4-0.

- B. Discuss: Draft of St. Alban's Bay Lake Improvement District Cooperative Agreement

The council consensus was to: (1) Amend the Joint Cooperative Agreement per the council discussion and distribute the revised document to the council, city attorney, and Excelsior city manager. (2) Send an invoice for the city's expenses related to the St. Alban's Bay Lake Improvement District to the Lake Minnetonka Association.

7. NEW BUSINESS

- A. Consider: Resolution 27-14, Delinquent Sewer, Stormwater, and Recycling Charges

Motion by Fletcher to approve resolution 27-14. Second by Quam. Motion passed 4-0.

- B. Consider: Potential Update of Lease with Hennepin County Regional Railroad Authority

Motion by Fletcher to authorize that a letter be sent to Hennepin County Commissioner Jan Callison stating that the city recognizes that the county has the authority to do whatever they want with the property on 30 days notice under the current lease agreement and therefore the city is not interested in spending city resources for the drafting of a new lease agreement regarding the lakefront area along the LRT trail. Second by Roy. Motion passed 4-0.

8. OTHER BUSINESS

- A. None

9. COUNCIL REPORTS

- A. Cook: Planning Commission, Greenwood Circle Xcel Projects

Mayor Kind read Councilman Cook's report. The council consensus was to set a special city council meeting date for 7pm on Wednesday, October 22, 2014 to consider findings for the variance requests from Erotas Building Corp, 5560 Maple Heights Road.

- B. Fletcher: Lake Minnetonka Communications Commission, Fire

The council consensus was to add consideration of the Excelsior Fire District's revised 2015 operating and capital budgets to the agenda for the October 22, 2014 special city council meeting.

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

The council consensus was to authorize the administrative committee (Mayor Kind and Councilman Fletcher) to undertake a benchmarking study to compare Greenwood's budget with the budgets of neighboring cities to see if there are any efficiencies we can implement for Greenwood's 2016 budget.

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

Since it is too late to communicate information in the city's fall newsletter, the council consensus was to direct the city clerk to secure an estimate from Vintage Waste for the cost to implement curbside pick-up of leaf bags beginning in the fall of 2015.

- E. Roy: Lake Minnetonka Conservation District, Lake Improvement District

No council action was taken.

10. ADJOURNMENT

Motion by Roy to adjourn the meeting at 8:35pm. Second by Quam. Motion passed 4-0.

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

**Greenwood City Council
Special Meeting Minutes**

6:00 pm, Wednesday, October 22, 2014
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: Cook, Fletcher, Quam and Roy
Others present: City Attorney Mark Kelly and City Clerk Karpas

Quam moved to approve the agenda. Second by Cook. Motion carried 5-0.

2. Consider: Conditional Use Permit and Variance Requests, Erotas Building Corp., 5560 Maple Heights Road

Zoning Administrator Karpas said the requests were for a conditional use permit to construct a swimming pool and variances to encroach into the minimum required lake yard setback for the construction of the swimming pool and retaining walls, a variance to encroach into the minimum bluff setback for the proposed swimming pool and a variance to exceed the maximum permitted accessory structure height in conjunction with the creation of an accessory structure from a portion of the existing principal structure.

Section 1122:05(3)(b) requires a Conditional Use Permit to construct a swimming pool in the R-1B District. Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet.

- The proposed swimming pool requires a variance of six (6) feet of the required fifty (50) foot lake yard setback.
- The proposed retaining walls require a variance of thirty-five (35) feet of the required fifty (50) foot lake yard setback.
- The proposed accessory structure requires a variance of eighteen (18) feet of the required fifty (50) foot lake yard setback.

Section 1176.04(4) requires a setback from top of bluff of 30 feet. The applicant proposes a setback of ten (10) feet for the proposed swimming pool. The proposal requires a variance of twenty (20) of the required bluff setback.

Section 1122.20(2)(b) permits a maximum accessory structure height of fifteen feet. The applicant proposes an accessory structure height of twenty-two feet and is seeking a variance to exceed the maximum permitted accessory structure height by seven feet.

The property was granted a variance to construct a swimming pool between the principal structure and the lake which, until the recent amendment of the pool ordinance, was required by the ordinance. This approval was initially issued in 2003 and was reissued in January 2014. In both instances, the pool complied with the required setback and a practical difficulty was found in the fact there was no location, given the property was an island, that the swimming pool could be constructed within the ordinance requirements.

In 2003, the previous property owner also sought a variance to construct the accessory structure the current property owner proposes to move. At the time, it was determined that since the accessory structure was connected to the principal structure by means of a tunnel that it was part of the principal structure and did not require a variance. Given that determination, the structure was permitted to exceed the maximum permitted height of a typical accessory structure. The proposed location of the original structure did not encroach into the required setbacks.

The proposal complies with the maximum grade alteration permitted in Section 1140.10 and the maximum permitted impervious surface area in Section 1176:04(3)(a) .

Karpas said the request also contains a parking structure that was overlooked that encroaches into the lake yard setback, but encroaches less than the proposed retaining walls.

Councilmember Quam asked for clarification on the driveway layout. David Erotas, Erotas Building Corp., side the driveway previously drove straight ahead into a tunnel. It would now split into two with the north portion looping up to a parking area near the front entrance and the south loop entering the underground garage area.

Mayor Kind asked why the driveway was changed. Mr. Erotas said the change was to get rid of the tunnel look. By entering the garage on the side there is an opportunity to screen the entrance from adjoining properties. He said another consideration was security. Kam Talebi said the proposal also enhances aesthetics.

Mr. Erotas discussed the concept plan showing the garage area including the retaining walls and discussed the reasoning behind the placement of the walls in the locations as proposed. He said the entrance into the garage on the south side was chosen to keep the height of the retaining walls low.

Mr. Talebi said the two major variances in his mind were for the location of the pool and the relocation of the accessory structure. He said the pool has been relocated twice since they initially approached the Planning Commission. Councilmember Quam noted the current location of the pool displaces the accessory structure. Mr. Talebi noted the relocation drops the structure nine feet lower in elevation and moves it to a location where it will be screened more by trees.

Councilmember Cook asked about the garage and if the council could act on the request since it wasn't included on the application. City Attorney Kelly said though it wasn't included, it was at the council's discretion whether they want to take action on it. He said the applicant was not informed within the statutory time limit that their application was not complete and therefore cannot be held accountable for it not being brought to their attention.

Councilmember Cook feels the council is under an obligation to act on all variance requests submitted that have a valid application and nothing more. He said the garage will have to be discussed separately.

Councilmember Quam asked if the plan has always included the garage. City Attorney Kelly it was always on the plan and may have been implied that it needed a variance. Mr. Erotas said the thought all along was the garage structure was part of the retaining wall system. He thought the Planning Commission understood that. He said the area below the parking is hollow with no usable space.

Mayor Kind asked if any members of the public had any comments on the request.

Steve Janousek, 21210 Excelsior Boulevard, asked how much higher the parking area would be than the existing tunnel. Mr. Erotas said it would be at the same level as the top edge of the existing tunnel. Mr. Janousek asked what the width of the new parking area would be in comparison of the existing. Mr. Erotas said it would be forty foot in width, centered on the existing tunnel entrance. Mr. Janousek expressed concern about seeing a driveway close to the property line and a bunch of vehicles parked in the parking area. Mr. Erotas said the driveway would be quite a distance from the property line and they have the ability to screen it from view. Mr. Talebi said the parking area is intended to be a direct access to the house for family and friends.

Cheryl Janousek, 21210 Excelsior Boulevard, asked about the intended landscaping material for screening. Mr. Erotas said they would use evergreens and spruce species for year-round screening.

Greg Sweet, 21170 Excelsior Boulevard, asked about the height of the retaining walls. Mr. Erotas said the retaining walls would be stepped into tiers and concealed by landscaping.

Hearing no further comments from the public, the council discussed the pool request.

Motion by Roy, second by Quam adopting resolution ___-14 to approve the conditional use permit and variance requests for the placement of the swimming pool in the location presented by the applicant.

Councilmember Cook noted the applicant has worked with the Planning Commission in reducing the degree of variances necessary for the placement of the pool.

Councilmember Fletcher noted he disagreed with some language contained in the proposed resolution as to the limitations on the placement of the pool and asked that it be changed, since there are locations on the property which do not require a variance. Mayor Kind noted other minor changes in the resolution.

Councilmembers Roy and Quam accepted the amendments. **Motion carried 5-0.**

Councilmember Cook discussed the retaining walls and the garage structure, stating he felt the garage structure was part of the plan reviewed by the Planning Commission. He has no concerns about acting on the garage as part of the retaining wall request.

Motion by Cook, second by Kind to adopt resolution __-14 approving the variance request as proposed for the new driveway configuration and parking area as presented.

Councilmember Fletcher didn't understand why this portion of the request couldn't be tabled until the November 5th meeting to allow appropriate plans to be submitted for review, especially since they are referenced in the findings of fact. He feels the plans should have been submitted prior to their presentation to the Council. Councilmember Cook understands the concern, but feels these are more closely related to the issuance of a building permit and should be addressed at that time. He's ok with placing a condition on the approval, but requiring an accelerated approval on those segments of a plan before they may even be finalized is unreasonable.

Councilmember Fletcher would like the motion to include that final landscaping and lighting plans be submitted to the city for review.

Kam Talebi said their intent is to make sure everything is done the right way and they have no issue with providing whatever plans necessary.

Councilmember Fletcher asked the reference to a circular drive be removed from the resolution. Mayor Kind suggested minor edits to the resolution.

Councilmember Cook and Mayor Kind accepted the amendments. **Motion passed 5-0.**

Mayor Kind discussed the proposed requests for the relocation of the accessory structure. She feels moving the structure to a lower elevation amongst the trees would be more pleasing visually when viewed from the lake and neighboring properties.

Councilmember Quam said the rationale behind the height requirement is to keep the structure low and the proposed location will place the structure in a less noticeable spot.

Councilmember Cook has an issue with the proposal. He said the structure was originally approved because it was attached to the principal structure. And since it was attached, it was allowed to exceed the height requirement. He feels the city regulates based on a limited number of important issues and if it chips away on these it will slowly lose its authority to hold firm on the important issues.

Mayor Kind feels the island creates a unique situation. Councilmember Roy agrees and would rather see the structure moved since it would be a lot less obtrusive.

Councilmember Fletcher agrees with Councilmember Cook. He said the choice was made by the previous owner to exceed the requirements and steps were taken to circumvent the ordinance and now the city is being asked for variances.

Motion by Kind, second by Quam to adopt resolution __-14 approving the variance requests to relocate the accessory structure into the required lake yard setback and to exceed the maximum permitted accessory structure height as presented.

Mayor Kind would like the resolution to note the structure exists and is not being newly constructed, as well as the elevation of the structure is being reduced, thus lowering its perceived height.

Motion passed 3-2. Councilmembers Cook and Fletcher voted nay.

3. Consider: Revised Excelsior Fire District 2015 Capital Improvement Plan Budge and Operating Budget

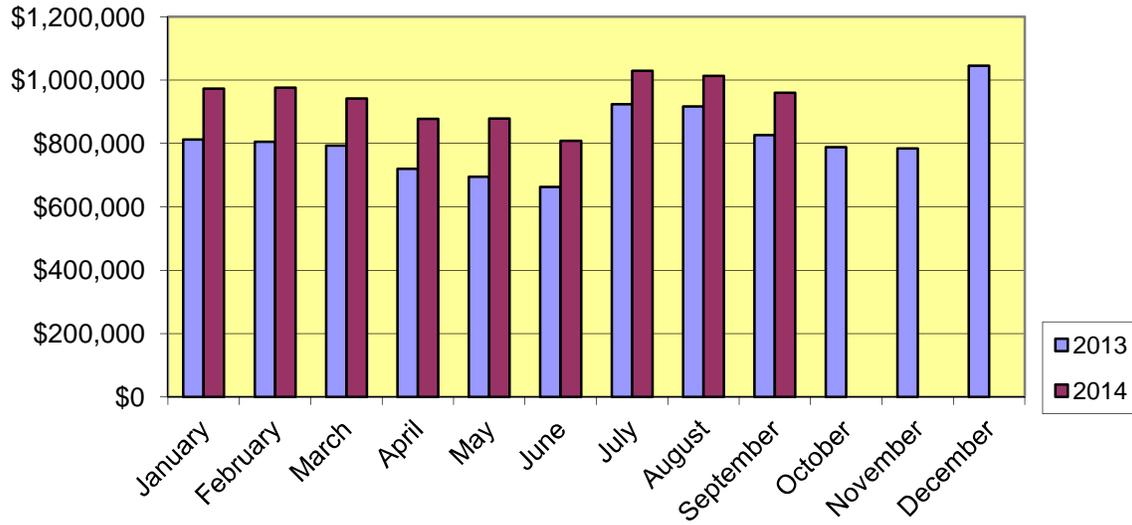
Motion by Fletcher, second by Quam to approve the revised Excelsior Fire District 2015 Capital Improvement Plan Budget and Operating Budget. Motion passed 5-0.

4. Adjournment

Fletcher moved to adjourn. Second by Cook. Motion passed. 5-0. Meeting adjourned at 7:06 pm.

Respectfully submitted
Gus Karpas
City Clerk

City of Greenwood Monthly Cash Summary



Month	2013	2014	Variance with Prior Month	Variance with Prior Year
January	\$812,019	\$973,698	-\$72,277	\$161,679
February	\$805,692	\$976,134	\$2,436	\$170,442
March	\$793,435	\$942,468	-\$33,666	\$149,033
April	\$720,170	\$878,040	-\$64,428	\$157,870
May	\$694,987	\$879,272	\$1,232	\$184,285
June	\$663,171	\$808,884	-\$70,388	\$145,713
July	\$924,057	\$1,029,060	\$220,176	\$105,003
August	\$917,234	\$1,013,814	-\$15,246	\$96,580
September	\$826,755	\$960,083	-\$53,731	\$133,328
October	\$788,426		-\$960,083	-\$788,426
November	\$784,533		\$0	-\$784,533
December	\$1,045,975		\$0	-\$1,045,975

Bridgewater Bank Money Market	\$421,947
Bridgewater Bank Checking	\$5,704
Beacon Bank CD	\$404,475
Beacon Bank Money Market	\$122,861
Beacon Bank Checking	\$5,096
	<u>\$960,083</u>

ALLOCATION BY FUND

General Fund	\$322,933
Special Project Fund	\$0
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$98,463
Road Improvement Fund	\$0
Stormwater Fund	\$16,764
Sewer Enterprise Fund	\$434,871
Marina Enterprise Fund	\$59,997
	<u>\$960,083</u>

Check Issue Date(s): 10/01/2014 - 10/31/2014

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/14	10/22/2014	11036	760	BEACON BANK	101-20100	50,000.00
10/14	10/09/2014	12384	762	CATALYST GRAPHICS INC	101-20100	80.50
10/14	10/09/2014	12385	9	CITY OF DEEPHAVEN	101-20100	19,487.02
10/14	10/09/2014	12386	822	ECM PUBLISHERS INC	101-20100	340.02
10/14	10/09/2014	12387	199	ELECTRIC PUMP WALDOR GROUP	602-20100	2,978.76
10/14	10/09/2014	12388	52	EXCELSIOR FIRE DISTRICT	101-20100	32,722.11
10/14	10/09/2014	12389	68	GOPHER STATE ONE CALL	602-20100	72.70
10/14	10/09/2014	12390	3	KELLY LAW OFFICES	101-20100	1,069.50
10/14	10/09/2014	12391	26	LEAGUE OF MN CITIES	101-20100	30.00
10/14	10/09/2014	12392	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,318.22
10/14	10/09/2014	12393	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	26,591.58
10/14	10/09/2014	12394	745	Vintage Waste Systems	101-20100	1,628.25
10/14	10/09/2014	12395	145	XCEL ENERGY	602-20100	610.35
10/14	10/22/2014	12396	596	BARBER CONSTRUCTION, INC.	502-20100	16,656.45
10/14	10/22/2014	12397	51	BOLTON & MENK, INC.	101-20100	2,464.00
10/14	10/22/2014	12398	9	CITY OF DEEPHAVEN	101-20100	3,070.46
10/14	10/22/2014	12399	594	CITY OF EXCELSIOR	602-20100	5,001.63
10/14	10/22/2014	12400	822	ECM PUBLISHERS INC	101-20100	255.36
10/14	10/22/2014	12401	841	LAW OFFICE GREGORY E KELLER PA	101-20100	494.50
10/14	10/22/2014	12402	689	Mission Communications LLC	602-20100	1,737.00
10/14	10/22/2014	12403	158	US POSTMASTER	101-20100	35.00
Totals:						<u>167,643.41</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
3	KELLY LAW OFFICES							
	6286	GENERAL LEGAL	10/02/2014	1,069.50	.00	1,069.50	12390	10/09/2014
Total 3				1,069.50	.00	1,069.50		
9	CITY OF DEEPHAVEN							
	OCT 2014	3RD QTR BLDG PERMITS	10/01/2014	19,487.02	.00	19,487.02	12385	10/09/2014
	SEPT 2014	Postage	09/30/2014	3,070.46	.00	3,070.46	12398	10/22/2014
Total 9				22,557.48	.00	22,557.48		
26	LEAGUE OF MN CITIES							
	204032	LAKE BECHTELL COURSE	09/24/2014	30.00	.00	30.00	12391	10/09/2014
Total 26				30.00	.00	30.00		
38	SO LAKE MINNETONKA POLICE DEPT							
	OCT 2014	4th Quarter Lease	10/01/2014	11,407.00	.00	11,407.00	12393	10/09/2014
	TOBER 2014	2014 OPERATING BUDGET EXP	10/01/2014	15,184.58	.00	15,184.58	12393	10/09/2014
Total 38				26,591.58	.00	26,591.58		
51	BOLTON & MENK, INC.							
	0170834	2014 MISC ENGINEERING	09/30/2014	384.00	.00	384.00	12397	10/22/2014
	0170835	2014 STREET IMPROVEMENTS	09/30/2014	668.00	.00	668.00	12397	10/22/2014
	0170836	2014 MS4 ADMN	09/30/2014	261.00	.00	261.00	12397	10/22/2014
	0170837	2014 I/I REDUCTION GRANT APP	09/30/2014	1,151.00	.00	1,151.00	12397	10/22/2014
Total 51				2,464.00	.00	2,464.00		
52	EXCELSIOR FIRE DISTRICT							
	OCT 15 2014	3rd qtr buildings	10/09/2014	32,722.11	.00	32,722.11	12388	10/09/2014
Total 52				32,722.11	.00	32,722.11		
68	GOPHER STATE ONE CALL							
	125523	Gopher State calls	09/30/2014	72.70	.00	72.70	12389	10/09/2014
Total 68				72.70	.00	72.70		
105	METRO COUNCIL ENVIRO SERVICES							
	0001038290	Monthly wastewater Charge	10/02/2014	2,318.22	.00	2,318.22	12392	10/09/2014
Total 105				2,318.22	.00	2,318.22		
145	XCEL ENERGY							
	092914	Street Lights *	09/29/2014	610.35	.00	610.35	12395	10/09/2014
Total 145				610.35	.00	610.35		

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
158	US POSTMASTER 102014	POSTAGE	10/20/2014	35.00	.00	35.00	12403	10/22/2014
Total 158				35.00	.00	35.00		
199	ELECTRIC PUMP WALDOR GROUP 0053547-IN	LIFT STATION REPAIR	08/28/2014	2,978.76	.00	2,978.76	12387	10/09/2014
Total 199				2,978.76	.00	2,978.76		
594	CITY OF EXCELSIOR 00201337	4th qtr joint sanitary sewer use	10/14/2014	5,001.63	.00	5,001.63	12399	10/22/2014
Total 594				5,001.63	.00	5,001.63		
596	BARBER CONSTRUCTION, INC. 101714	2014 ST IMPROVE REQ #2	10/17/2014	1,656.45	.00	1,656.45	12396	10/22/2014
	2324	MTKA BLVD & LODGE LANE	10/13/2014	15,000.00	.00	15,000.00	12396	10/22/2014
Total 596				16,656.45	.00	16,656.45		
689	Mission Communications LLC 40027142	Annual Service Package	10/07/2014	1,737.00	.00	1,737.00	12402	10/22/2014
Total 689				1,737.00	.00	1,737.00		
745	Vintage Waste Systems 092214	City Recycling Contract	09/22/2014	1,628.25	.00	1,628.25	12394	10/09/2014
Total 745				1,628.25	.00	1,628.25		
760	BEACON BANK 102214	DEPOSIT TO BEACON MM ACCT	10/22/2014	50,000.00	.00	50,000.00	11036	10/22/2014
Total 760				50,000.00	.00	50,000.00		
762	CATALYST GRAPHICS INC 10086	CITY NEWSLETTER	09/26/2014	80.50	.00	80.50	12384	10/09/2014
Total 762				80.50	.00	80.50		
822	ECM PUBLISHERS INC							
	144243	LEGAL NOTICE	09/18/2014	89.98	.00	89.98	12386	10/09/2014
	144244	LEGAL NOTICE	09/18/2014	47.88	.00	47.88	12386	10/09/2014
	144245	LEGAL NOTICE	09/18/2014	58.52	.00	58.52	12386	10/09/2014
	148494	LEGAL NOTICE	10/02/2014	47.88	.00	47.88	12386	10/09/2014
	148495	LEGAL NOTICE	10/02/2014	47.88	.00	47.88	12386	10/09/2014
	148496	LEGAL NOTICE	10/02/2014	47.88	.00	47.88	12386	10/09/2014
	152845	LEGAL NOTICE	10/16/2014	42.56	.00	42.56	12400	10/22/2014
	152846	LEGAL NOTICE	10/16/2014	212.80	.00	212.80	12400	10/22/2014

<u>Vendor No</u>	<u>Invoice No</u>	<u>Description</u>	<u>Inv Date</u>	<u>Invoice Amt</u>	<u>Disc Amt</u>	<u>Check Amt</u>	<u>Check No</u>	<u>Chk Date</u>
Total 822				<u>595.38</u>	<u>.00</u>	<u>595.38</u>		
841	LAW OFFICE GREGORY E KELLER PA 100814 PROSECUTION BILL		10/08/2014	<u>494.50</u>	<u>.00</u>	<u>494.50</u>	12401	10/22/2014
Total 841				<u>494.50</u>	<u>.00</u>	<u>494.50</u>		
Grand Totals:				<u><u>167,643.41</u></u>	<u><u>.00</u></u>	<u><u>167,643.41</u></u>		

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
11/01/14	PC	11/01/14	11011401	COOK, WILLIAM B.	37		001-10100	184.70
11/01/14	PC	11/01/14	11011402	Fletcher, Thomas M	33		001-10100	84.70
11/01/14	PC	11/01/14	11011403	Kind, Debra J.	34		001-10100	277.05
11/01/14	PC	11/01/14	11011404	Quam, Robert	32		001-10100	184.70
11/01/14	PC	11/01/14	11011405	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>



Agenda Number: 4A

Agenda Date: 11-05-14

Prepared by Deb Kind

Agenda Item: Quarterly Police Update

Summary: Per the city council's request, representatives 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 SLMPD representatives regarding police issues and concerns. Quarterly police updates will be presented at the February, May, August, and November council meetings. Attached is the latest police activities report for Greenwood.

Council Action: None required.

SOUTH LAKE MINNETONKA POLICE DEPARTMENT

City of Greenwood

Activity Report

April - June 2014

Agency	ICR	Title	City	Reported Date
SLMPD	14002792	Traffic Stop - Equipment Repair	Greenwood	4/3/2014
SLMPD	14002816	Spot Check - Park	Greenwood	4/4/2014
SLMPD	14002831	Juvenile Prob - Citations	Greenwood	4/5/2014
SLMPD	14002913	Suspicious Activity	Greenwood	4/8/2014
SLMPD	14002914	Traffic Stop - Equipment Repair	Greenwood	4/8/2014
SLMPD	14002916	Traffic Stop - Equipment Repair	Greenwood	4/8/2014
SLMPD	14002956	Spot Check - Park	Greenwood	4/9/2014
SLMPD	14002957	Traffic Stop - Citation	Greenwood	4/9/2014
SLMPD	14002979	Record Check - Permit to Purchase	Greenwood	4/10/2014
SLMPD	14003027	Spot Check - Park	Greenwood	4/11/2014
SLMPD	14003186	Void - Duplicate	Greenwood	4/17/2014
SLMPD	14003219	Alarm	Greenwood	4/18/2014
SLMPD	14003224	Traffic Stop - Written Warning	Greenwood	4/18/2014
SLMPD	14003226	Traffic Stop - Written Warning	Greenwood	4/18/2014
SLMPD	14003235	Traffic Stop - Written Warning	Greenwood	4/18/2014
SLMPD	14003238	Forgery Report	Greenwood	4/18/2014
SLMPD	14003303	Spot Check - Park	Greenwood	4/19/2014
SLMPD	14003329	Traffic Stop - Written Warning	Greenwood	4/20/2014
SLMPD	14003330	Traffic Stop - Written Warning	Greenwood	4/20/2014
SLMPD	14003333	Traffic Stop - Written Warning	Greenwood	4/20/2014
SLMPD	14003338	Traffic Stop - Written Warning	Greenwood	4/20/2014
SLMPD	14003341	Stalled Vehicle	Greenwood	4/20/2014
SLMPD	14003345	Traffic Stop - Written Warning	Greenwood	4/20/2014
SLMPD	14003357	Traffic Stop - Written Warning	Greenwood	4/21/2014
SLMPD	14003358	DWI	Greenwood	4/21/2014
SLMPD	14003378	Medical - Illness	Greenwood	4/21/2014
SLMPD	14003414	Alarm	Greenwood	4/24/2014
SLMPD	14003430	Traffic Stop - Written Warning	Greenwood	4/25/2014
SLMPD	14003431	Traffic Stop - Verbal Warning	Greenwood	4/25/2014
SLMPD	14003435	Drunk Problem	Greenwood	4/25/2014
SLMPD	14003468	DWI	Greenwood	4/26/2014
SLMPD	14003479	Traffic Stop - Written Warning	Greenwood	4/26/2014
SLMPD	14003482	Traffic Stop - Written Warning	Greenwood	4/26/2014
SLMPD	14003484	DAR	Greenwood	4/26/2014

SLMPD	14003487	Traffic Stop - Written Warning	Greenwood	4/26/2014
SLMPD	14003489	Traffic Stop - Written Warning	Greenwood	4/26/2014
SLMPD	14003498	Traffic Stop - Written Warning	Greenwood	4/26/2014
SLMPD	14003503	Traffic Stop - Citation	Greenwood	4/26/2014
SLMPD	14003506	Traffic Stop - Written Warning	Greenwood	4/26/2014
SLMPD	14003507	Traffic Stop - Citation	Greenwood	4/26/2014
SLMPD	14003509	Traffic Stop - Citation	Greenwood	4/26/2014
SLMPD	14003561	Traffic Stop - Written Warning	Greenwood	4/28/2014
SLMPD	14003617	Spot Check - Park	Greenwood	4/30/2014
SLMPD	14003623	Traffic Stop - Equipment Repair	Greenwood	4/30/2014
SLMPD	14003633	Information Received	Greenwood	5/1/2014
SLMPD	14003638	VOID - Duplicate Call	Greenwood	5/1/2014
SLMPD	14003644	Traffic Stop - Verbal Warning	Greenwood	5/1/2014
SLMPD	14003660	Medical - Pain	Greenwood	5/2/2014
SLMPD	14003690	Traffic Stop - Written Warning	Greenwood	5/3/2014
SLMPD	14003695	Traffic Stop - Written Warning	Greenwood	5/3/2014
SLMPD	14003723	Medical - Pain	Greenwood	5/4/2014
SLMPD	14003751	Traffic Stop - Verbal Warning	Greenwood	5/5/2014
SLMPD	14003752	Traffic Stop - Written Warning	Greenwood	5/5/2014
SLMPD	14003755	Traffic Stop - Verbal Warning	Greenwood	5/5/2014
SLMPD	14003769	Animal Complaint - DUPLICATE	Greenwood	5/6/2014
SLMPD	14003821	No MN D/L - Citation	Greenwood	5/7/2014
SLMPD	14003827	Traffic Stop - Written Warning	Greenwood	5/8/2014
SLMPD	14003879	Traffic Stop - Written Warning	Greenwood	5/9/2014
SLMPD	14003896	Agency Assist	Greenwood	5/9/2014
SLMPD	14003947	Unwanted Person	Greenwood	5/11/2014
SLMPD	14003968	Traffic Complaint	Greenwood	5/12/2014
SLMPD	14003979	Traffic Enforcement	Greenwood	5/13/2014
SLMPD	14003986	Alarm	Greenwood	5/13/2014
SLMPD	14003990	Traffic Stop - Written Warning	Greenwood	5/13/2014
SLMPD	14004018	Traffic Stop - Citation	Greenwood	5/14/2014
SLMPD	14004027	Traffic Stop - Citation	Greenwood	5/14/2014
SLMPD	14004029	Traffic Stop - Written Warning	Greenwood	5/14/2014
SLMPD	14004031	Traffic Stop - Written Warning	Greenwood	5/14/2014
SLMPD	14004032	Traffic Stop - Written Warning	Greenwood	5/15/2014
SLMPD	14004095	Spot Check - Park	Greenwood	5/17/2014
SLMPD	14004120	Traffic Stop - Written Warning	Greenwood	5/17/2014
SLMPD	14004159	Traffic Stop - Written Warning	Greenwood	5/18/2014
SLMPD	14004168	Traffic Stop - Verbal Warning	Greenwood	5/19/2014
SLMPD	14004180	Theft	Greenwood	5/19/2014

SLMPD	14004211	Disturbance	Greenwood	5/20/2014
SLMPD	14004223	Solicitor	Greenwood	5/20/2014
SLMPD	14004262	Public Assist	Greenwood	5/21/2014
SLMPD	14004313	Traffic Stop - Written Warning	Greenwood	5/22/2014
SLMPD	14004317	Traffic Stop - Verbal Warning	Greenwood	5/22/2014
SLMPD	14004327	DWI	Greenwood	5/22/2014
SLMPD	14004345	Traffic Complaint	Greenwood	5/23/2014
SLMPD	14004371	Medical - Fall	Greenwood	5/23/2014
SLMPD	14004399	Accident - Hit and Run	Greenwood	5/24/2014
SLMPD	14004417	Traffic Stop - Verbal Warning	Greenwood	5/24/2014
SLMPD	14004448	Traffic Stop - Written Warning	Greenwood	5/25/2014
SLMPD	14004449	Traffic Stop - Written Warning	Greenwood	5/25/2014
SLMPD	14004450	Traffic Stop - Written Warning	Greenwood	5/25/2014
SLMPD	14004472	Traffic Stop - Written Warning	Greenwood	5/25/2014
SLMPD	14004484	Traffic Stop - Written Warning	Greenwood	5/26/2014
SLMPD	14004505	Alarm	Greenwood	5/26/2014
SLMPD	14004516	Solicitor Complaint	Greenwood	5/26/2014
SLMPD	14004517	Solicitor	Greenwood	5/26/2014
SLMPD	14004523	Traffic Stop - Equipment Repair	Greenwood	5/26/2014
SLMPD	14004531	Traffic Stop - Written Warning	Greenwood	5/27/2014
SLMPD	14004537	Car Release	Greenwood	5/27/2014
SLMPD	14004573	Stalled Vehicle	Greenwood	5/27/2014
SLMPD	14004607	Alarm	Greenwood	5/28/2014
SLMPD	14004614	Agency Assist	Greenwood	5/28/2014
SLMPD	14004619	Medical - Suicidal Person	Greenwood	5/29/2014
SLMPD	14004646	Traffic Stop - Citation	Greenwood	5/30/2014
SLMPD	14004696	Traffic Stop - Written Warning	Greenwood	5/31/2014
SLMPD	14004701	Drunk Problem	Greenwood	5/31/2014
SLMPD	14004722	Traffic Stop - Written Warning	Greenwood	5/31/2014
SLMPD	14004803	Damage to Property - Information	Greenwood	6/3/2014
SLMPD	14004815	Animal Complaint - Lost Cat	Greenwood	6/3/2014
SLMPD	14004864	Safety Check	Greenwood	6/5/2014
SLMPD	14004865	Narcotics Complaint	Greenwood	6/5/2014
SLMPD	14004885	Narcotics	Greenwood	6/5/2014
SLMPD	14004888	DWI	Greenwood	6/6/2014
SLMPD	14004938	Parking Complaint - VOID	Greenwood	6/7/2014
SLMPD	14004966	Alarm - Fire	Greenwood	6/7/2014
SLMPD	14004982	Traffic Stop - Written Warning	Greenwood	6/8/2014
SLMPD	14005024	Domestic - Physical	Greenwood	6/9/2014
SLMPD	14005037	Vehicle Lockout	Greenwood	6/10/2014

SLMPD	14005053	Traffic Stop - Written Warning	Greenwood	6/10/2014
SLMPD	14005057	Traffic Stop - Written Warning	Greenwood	6/10/2014
SLMPD	14005114	Traffic Complaint	Greenwood	6/12/2014
SLMPD	14005138	Traffic Stop - Written Warning	Greenwood	6/13/2014
SLMPD	14005142	Alarm	Greenwood	6/13/2014
SLMPD	14005147	Traffic Stop - Written Warning	Greenwood	6/13/2014
SLMPD	14005222	Theft	Greenwood	6/15/2014
SLMPD	14005235	Motorist Assist	Greenwood	6/15/2014
SLMPD	14005247	Agency Assist	Greenwood	6/16/2014
SLMPD	14005297	Spot Check - Park	Greenwood	6/17/2014
SLMPD	14005327	Traffic Stop - Equipment Repair	Greenwood	6/18/2014
SLMPD	14005328	Traffic Stop - Citation	Greenwood	6/18/2014
SLMPD	14005330	Traffic Stop - Citation	Greenwood	6/18/2014
SLMPD	14005331	Traffic Stop - Citation	Greenwood	6/18/2014
SLMPD	14005340	Traffic Stop - Written warning	Greenwood	6/18/2014
SLMPD	14005343	Traffic Stop - Written Warning	Greenwood	6/18/2014
SLMPD	14005345	Burglary	Greenwood	6/18/2014
SLMPD	14005349	Traffic Stop - Citation	Greenwood	6/18/2014
SLMPD	14005395	DAS - Citation	Greenwood	6/19/2014
SLMPD	14005405	Road Condition - Flooding	Greenwood	6/19/2014
SLMPD	14005430	Fire	Greenwood	6/20/2014
SLMPD	14005444	Traffic Stop - Citation	Greenwood	6/20/2014
SLMPD	14005447	DAS - Citation	Greenwood	6/20/2014
SLMPD	14005457	Suspicious Activity	Greenwood	6/20/2014
SLMPD	14005487	Animal Complaint	Greenwood	6/20/2014
SLMPD	14005527	Neighbor Trouble	Greenwood	6/21/2014
SLMPD	14005554	Traffic Stop - Verbal Warning	Greenwood	6/21/2014
SLMPD	14005555	Traffic Stop - Written Warning	Greenwood	6/21/2014
SLMPD	14005557	Missing Person	Greenwood	6/21/2014
SLMPD	14005565	Traffic Stop - Citation	Greenwood	6/22/2014
SLMPD	14005567	Traffic Stop - No Action	Greenwood	6/22/2014
SLMPD	14005582	Neighbor Trouble	Greenwood	6/22/2014
SLMPD	14005585	Traffic Stop - Equipment Repair	Greenwood	6/22/2014
SLMPD	14005645	Theft - No Pay	Greenwood	6/24/2014
SLMPD	14005717	Signal Problem	Greenwood	6/26/2014
SLMPD	14005737	Animal Complaint - Wild Animal	Greenwood	6/26/2014
SLMPD	14005769	Found Property	Greenwood	6/27/2014
SLMPD	14005773	Animal Complaint - Wild Animal	Greenwood	6/27/2014
SLMPD	14005776	Accident - H&R - Citation	Greenwood	6/27/2014
SLMPD	14005794	Traffic Stop - Written Warning	Greenwood	6/27/2014

SLMPD	14005817	Traffic Stop - Verbal Warning	Greenwood	6/28/2014
SLMPD	14005824	Agency Assist	Greenwood	6/28/2014
SLMPD	14005829	Traffic Stop - Equipment Repair	Greenwood	6/28/2014
SLMPD	14005838	Narcotics	Greenwood	6/28/2014
SLMPD	14005856	Agency Assist	Greenwood	6/29/2014
SLMPD	14005885	Utility Information	Greenwood	6/30/2014
SLMPD	14005906	Traffic Stop - Citation	Greenwood	6/30/2014

161 Total Activities (April - June 2014)

Source - LETG Records Management System
Report Prepared/Formatted by Chief Bryan Litsey - October 29, 2014



Agenda Number: 5A

Agenda Date: 11-05-14

Prepared by Deb Kind

Agenda Item: Public Hearing, Potential St. Alban's Bay Lake Improvement District

Summary: The city council will be discussing the next steps regarding a St. Alban's Bay Lake Improvement District (SABLID) next on the agenda (item 6A). Prior to the discussion, the city council is holding a public hearing to get input from affected property owners. The notice for the public hearing was published in the Sun-Sailor and mailed to affected property owners. Attached are written comments received by the city.

Council Action: Council action is needed to open and close the public hearing. Suggested motions ...

1. I move the council **opens** the public hearing.
2. I move the council **closes** the public hearing.

The city council will continue the discussion under 6A (next on the agenda).

From: Lanna Kimmerle lpkimmerle@gmail.com
Subject: LID Proposal St Alban's Bay
Date: October 23, 2014 at 2:17 PM
To: guskarpas@mchsi.com, dkind100@gmail.com

Dear Deb and Gus,

Regarding the Notice of Public Hearing on Nov. 5th, 2014 at 7:00 P.M.

I am opposed to the LID proposal within St Alban's Bay.

*I believe the stewardship of the Bay is not well served by using herbicides/pesticides to manage milfoil. What next? Will future proposals include more herbicides to manage curly leaf pondweed, hydrilla, zebra mussels, spiny water fleas, etc.?

*Except for harvesting, there is no lake wide plan. Perhaps in part, because the scientific community cannot agree on the health and environmental effects of using herbicides.

*There is no sunset provision to this additional tax for lake shore owners.

*There is no tax/charge for boat ramp users.

*The reduction of voluntary contributions should be an indicator of a variety of concerns by the lake shore owners on St. Alban's Bay.

*Finally, it appears the number of lakeshore land owners has changed since the public meeting was held on 11/21/13 where it was announced that there were 162 owners and 3 marinas. Now the Greenwood Quarterly (4th Quarter 2014) shows 137 owners and 3 marinas. The Quarterly reports the proposal to read:

"If the LID is approved, the anticipated annual tax levy will be approximately"...

- 114 lakeshore properties (includes condos) at \$150 each =\$17,100
- 23 association and channel properties at \$75 each =\$1,725 (this is apparently a new category)
- 3 marinas at \$500 each =\$1,500

Total per year=\$20,325

I am very concerned with an additional tax for property owners only, with no environmental comprehensive plan and no sunset provisions.

Thank you for your kind consideration of the above thoughts.

From: MITCHELL STOVER mitchellstover3640@msn.com
Subject: Milfoil approach St Albans Bay
Date: October 24, 2014 at 6:54 AM
To: dkind100@gmail.com, guskarpas@mchsi.com

I was originally a volunteer contributor who has seen this take a political life of its own. I do not support another taxing authority in a state where taxes are out of control. We do not need another government agency controlled by a few that serve their own interests.

Sent from my iPad



Agenda Number: **6A**

Agenda Date: **11-05-14**

Prepared by Deb Kind

Agenda Item: Discuss: Next Steps Regarding St. Alban's Bay Lake Improvement District

Summary: St. Alban's Bay Captain Rob Roy has been leading the effort to establish a St. Alban's Bay Lake Improvement District (SABLID). The next steps in the process are listed on the timeline below. For the council's reference, attached is the 09-04-14 draft of the St. Alban's Bay Lake Improvement District Cooperative Agreement and exhibits.

Timeline: Below is the timeline for the city council's reference ...

- ~~07-11-14 SABLID petitions submitted to the Greenwood and Excelsior city councils.~~
- ~~07-21-14 The Excelsior city council formally received the Excelsior SABLID petition.~~
- ~~07-23-14 The Lake Minnetonka Conservation District approved a resolution in support of the SABLID. 14 ayes, 0 nays.~~
- ~~08-06-14 The Greenwood city council formally received the Greenwood SABLID petition, ordered a public hearing, reviewed the first draft of a Joint Cooperative Agreement, and authorized Councilmembers Roy and Fletcher to work with Excelsior to incorporate Excelsior's comments into the Joint Cooperative Agreement.~~
- ~~08-07-14 Public hearing notice submitted to Sun-Sailor.~~
- ~~08-14-14 Public hearing notice published in Sun-Sailor.~~
- ~~08-21-14 Public hearing notice mailed to affected property owners.~~
- ~~09-03-14 The Greenwood city council holds 1st public hearing, reviews draft of Joint Cooperative Agreement, considers approval of Resolution of Intent.~~
- ~~09-08-14 Submission of Resolution of Intent, public hearing notice, and related documents to DNR, MCWD, and LMCD. Note: 40 days notice of the public hearing is required for the DNR to review the documents.~~
- ~~10-01-14 The Greenwood city council reviews draft Joint Cooperative Agreement and sends to Excelsior for their review.~~
- ~~10-02-14 2nd public hearing notice submitted to Sun-Sailor.~~
- ~~10-09-14 2nd public hearing notice published in Sun-Sailor.~~
- ~~10-09-14 2nd public hearing notice mailed to affected property owners.~~
- ~~11-05-14 The Greenwood city council holds the 2nd public hearing~~
- ~~__-__-14 The Excelsior city council considers approval of the Joint Cooperative Agreement.~~
- ~~__-__-14 The Greenwood city council considers approval of the Joint Cooperative Agreement.~~
- ~~__-__-14 The final Joint Cooperative Agreement is sent to the DNR for their records.~~

Council Action: No action required.



EXCELSIOR



JOINT COOPERATION AGREEMENT BY AND BETWEEN THE CITIES OF EXCELSIOR AND GREENWOOD, MINNESOTA FOR THE ESTABLISHMENT OF A ST. ALBAN’S BAY LAKE IMPROVEMENT DISTRICT

This agreement is made and entered into by and between the city of Excelsior, State of Minnesota (hereinafter referred to as “Excelsior”), 335 Third Street, Excelsior, MN 55331 and the city of Greenwood, State of Minnesota, (hereinafter referred to as “Greenwood”), 20225 Cottagewood Road, Deephaven, MN 55331.

RECITALS

Excelsior and Greenwood agree that it is desirable and in the interest of their communities that a Lake Improvement District be established for the management and control of Aquatic Invasive Species in St. Alban’s Bay, Lake Minnetonka, together with all powers intended thereto.

To that end, Excelsior and Greenwood, each a governmental unit of the State of Minnesota, hereby enter into this Joint Cooperation Agreement pursuant to Minnesota Statutes §471.59.

I.

PURPOSE

The general purpose of this agreement is to establish a Lake Improvement District authorized under Minnesota Statutes §103B.501 et seq and §459.20 to manage Aquatic Invasive Species in St Alban’s Bay, Lake Minnetonka, and to otherwise monitor the water resource.

II.

NAME

The organization established by this agreement shall be known as the “St. Alban’s Bay Lake Improvement District.”

III.

DEFINITIONS

As used herein, these terms shall mean as follows:

Section 1. “Lake Improvement District (LID)” means St. Alban’s Bay Lake Improvement District as otherwise authorized by the Lake Improvement District law, Minn. Stat. §103B.501 to §103B.581, the organization created pursuant to this agreement.

Section 2. “Director” means a person appointed to the Board by either Excelsior or Greenwood, or a person elected to serve on the Board by affirmative vote of a majority of the Property Owners present and entitled to vote or appearing by mailed ballot at the Annual Meeting.

Section 3. “Member” means a city which enters into this agreement.

Section 4. “Program” shall mean the various water resource management programs and services undertaken from time to time by LID.

Section 5. “Property Owners” mean the owner or owners of various real estate parcels identified by Hennepin County PID number located within the official boundaries of the LID as illustrated on the official map of the LID, attached hereto as Exhibit A.

Section 6. “District” shall mean all of the real estate parcels located within the official boundaries of LID, as illustrated and defined on the official map of the LID (See Exhibit “A” attached).

Section 7. “Board” means the governing political body of the LID comprised of Directors appointed by the cities of Excelsior and/or Greenwood or persons elected to membership on the Board as provided herein. The management of the LID shall be vested in the Board.

Section 8. “Annual Meeting” means a meeting of the Board and Property Owners, called by the Board and so designated, held in July or August at which the action items set forth at Article VII, Section 2 shall be acted upon.

Section 9. “Official Office” means the physical office space designated and maintained by the Board at which the LID shall receive US Mail, the LID’s designated agent for the receipt of Legal Process shall office, and the Secretary and the Treasurer/Fiduciary Agent shall maintain the official records and conduct LID business.

IV. MEMBERS

Section 1. Members. The Member Cities entering into this Joint Cooperative Agreement are the city of Excelsior and the city of Greenwood, Minnesota.

Section 2. Fiduciary Agent. An individual shall be appointed by mutual agreement of the Greenwood and Excelsior City Councils to be the Fiduciary Agent charged with the day-to-day management of the LID’s financial affairs including custodial possession of the LID’s books and accounts and shall be authorized to receive, hold, and disburse LID funds and shall also be authorized to accept Service of Legal Process on behalf of the LID. A statement of duties of the Fiduciary Agent may be adopted by mutual agreement of the Excelsior and Greenwood City Councils and made a part of the job description of the Fiduciary Agent at the time of their appointment.

V. DIRECTORS

Section 1. Number. The LID shall have seven Directors and two Ex-Officio Directors, one each appointed by the cities of Excelsior and Greenwood. With the exception of matters addressing the approval of the budget and financial expenditures, the Ex-Officio Directors shall have an advisory role but no vote on matters presented to the Board.

Section 2. Initial Appointment. The City Councils of Excelsior and Greenwood shall, by mutual agreement, initially appoint seven Property Owners within the LID boundaries to serve as the initial LID Directors on the Board with Excelsior selecting two and Greenwood selecting five appointees. By mutual agreement of the cities, one of these shall be appointed Interim Chair. Once sworn in, these Directors shall serve until the first Annual Meeting of the LID and swearing in of the first publicly elected Board of Directors.

Section 3. Term. At the first Annual Meeting of the LID, three Directors shall be elected to two-year terms and four Directors shall be elected to one-year terms. At the second and subsequent Annual

Meetings of the LID Directors shall be elected to two-year terms except that Directors who are elected to midterm vacancies shall serve the remainder of their term.

Section 3. Director Candidacy Slate. Annually, Property Owners desiring to stand for election to the Board as a Director shall file with the Secretary, (or the Secretary's designee for receipt of said filings) or the LID Designated Agent at the Official Office, on or before the close of business at the Official Office on the First Tuesday in June, a Declaration of Candidacy for Director. A Property Owner who so files shall be added to the Slate of Director Candidates to be submitted to a vote at the following Annual Meeting of the Board.

Section 4. Compensation. Directors shall serve without compensation from the LID or the member cities. In the absence of a written contract previously approved by the Board, the LID shall not honor claims, invoices, statements, or requests for reimbursements for labor submitted or services rendered by a Director, a Property Owner, or LID volunteer rising from or incidental to LID's activities, programs and actions.

VI. OFFICERS

Section 1. Annual Election. The Officers of the LID shall consist of a Chair, a Vice Chair, and a Secretary/Treasurer and shall be elected for one-year terms by the Board at the Annual Meeting. The initial LID Board appointed by the City Councils of Excelsior and Greenwood shall meet within two months of appointment at the call of the Interim Chair and thereat shall elect, Interim Officers to serve until the swearing in of their replacements at the first LID Annual Meeting.

Section 2. Chair and Vice Chair. The Chair shall serve as the Chief Elected Officer of the LID and shall preside at all meetings of the Board or the Property Owners and Directors. The Chair shall perform all duties typically incident to the Office of a Chief Executive Officer of a municipal political body and shall perform such other duties as may be prescribed by action of the Board, this Joint Cooperative Agreement, or law. The Chair shall select Sub-Committee Chairs and may recommend to the Board Sub-Committee appointments thereto. The Vice Chair shall act as Chair in the absence of the Chair.

Section 3. Secretary. The Secretary shall be responsible for keeping a record of all the proceedings of the LID and the giving of notice of regular and special meetings. The Secretary shall be responsible for the preparation of Board minutes and shall keep the LID minutes and records at the office of the Treasurer/Fiduciary Agent, the Secretary may delegate the duties of preparing Minutes to a third party, including outside private contract service provider subject to the approval of the Board.

The Treasurer/Fiduciary Agent shall be custodian of the LID's funds, pay its bills, keep financial records, and generally manage funds received, and oversee their disbursement and the LID's financial affairs. LID funds shall be kept on deposit in financial institutions or invested as approved by the Board of Directors in the same manner and practice demanded of a municipal corporation under State law.

The Treasurer/Fiduciary Agent shall cause a monthly financial report to be made to the Board, which shall be included in public records of the LID and in the minutes of the Board meetings. The Board shall set compensation for the Treasurer/Fiduciary Agent as negotiated under a contract for services to be rendered.

Section 4. Authorized Expenditures. All checks drawn upon the LID bank account shall require the signatures of the Chair, or in the Chair's absence, the Vice Chair, and the Treasurer/Fiduciary Agent.

VII. MEETINGS

Section 1. Bylaws. The Board shall adopt bylaws governing its procedures including the time, place, notice for and frequency of a set of fixed regular quarterly meetings, procedure for calling special meetings, and other procedural meeting related matters. The Board may amend the bylaws from time to time.

Section 2. Annual Meeting. The Board shall call an Annual Meeting of Property owners to be held in July or August each year. At the Annual Meeting the Board shall submit a Slate of Director Candidates to Property Owners for vote. The affirmative vote of the majority of the Property Owners with voting rights present and entitled to vote, including absentee ballots of same physically received by the LID by 5 PM on the date of the Annual Meeting, shall be the act of the Property Owners and shall be binding on the Board. The top vote getters for the open Director seats shall be elected. At the Annual Meeting the Board also shall (1) elect Officers to be seated on January 1 of the following calendar year, (2) review and approve a budget for the next calendar year, (3) approve proposed programs, projects, and expenditures having a cost in excess of \$5,000, and (4) take up and consider any other business that properly comes before them. At the Annual Meeting, the Board may elect to submit to a vote of the Property Owners such other matters as it deems appropriate. Provided the vote of the Property Owners directs or approves a lawful LID action otherwise authorized under this Agreement, the vote of the Property Owners shall be binding on the Board.

Section 3. Annual Meeting Notice. The Annual Meeting shall be preceded by two weeks published notice in the legal newspapers of the Member Cities, shall be posted on the public notice board of the Member Cities and written notice shall be mailed at least ten days in advance of the meeting to the Member Cities, the Pollution Control Agency, Commissioner of Natural Resources, and to all Property Owners of record on the Hennepin County Property Tax Information website within the LID assessment area.

VIII. POWERS, RIGHTS AND DUTIES OF LID

The LID shall have the following powers, rights, and duties:

Section 1. Primary Purpose. The “primary purpose” of the LID is to prepare a Lake Vegetation Management Plan and programs to control Aquatic Invasive Species in St. Alban’s Bay, Lake Minnetonka, including, but not limited to, Eurasian Water Milfoil and Curley-leaf Pond Weed and, as needed, to monitor vegetation, wildlife, water quality, and use of St. Alban’s Bay to preserve St. Alban’s Bay as a natural water resource.

Section 2. Specific Powers. The following specific statutory powers permitted the LID pursuant to Minn. Stat. §103B.551, Subd. 3 are hereby granted to the Board; the power to:

- 1) Acquire property, equipment, or other facilities by gift, lease, or purchase to implement the primary purpose.
- 2) Contract with governmental agencies as needed and appropriate to the implementation of the primary purpose.
- 3) Conduct a program(s) of AIS control and elimination in conformance with the primary purpose, water improvement and conservation, as more particularly described on attached Exhibit B.

Enumerated powers under Minn. Stat. §103B.551, Subd. 3, not set forth above are not granted to the LID.

Section 3. Gifts/Grants. The LID may accept gifts, apply for and use grants and enter into agreements in connection therewith and it may hold, use and dispose of money or property received as a gift or grant in accordance with the terms hereof.

Section 4. Contracts. The LID may enter into any contracts deemed necessary to carry out its powers and duties. All contracts shall be let and purchases shall be made in accordance with the legal requirements applicable to contracts and purchases by statutory cities of Minnesota.

Section 5. Property. The LID may purchase, lease, or acquire personal property and sell, assign, and transfer personal property upon an affirmative majority vote of the Board, but may not purchase, transfer or convey real property without the approval of 2/3 of a quorum of the Board, and a 2/3 vote of Property Owners voting in person or by absentee ballot at the Annual Meeting as provided herein, and the approval of both Member City Councils.

Section 6. Consultants. The LID may retain consultants to carry out its primary purpose and manage its affairs and administrative duties.

Section 7. Designation of Official Office and Designated Agent. The Board shall at all times maintain an Official Office of the LID and an appointed Designated Agent for receipt of Service of Legal Process. In the Event the Board has failed to so act, the City Clerk of either Greenwood or Excelsior shall be the LID Designated Agent.

Section 8. Other Actions. The LID may exercise any other power necessary and incidental to the implementation of its powers and duties in implementation of the LID's primary purpose.

IX. FINANCIAL MATTERS

Section 1. Annual Budget and Levy. The Board shall prepare and present a budget and proposed levy for the following calendar year at its Annual Meeting. The proposed levy information shall include the recommended method to assess properties in the LID. The proposed budget and levy must be approved, or amended and approved, by a majority of the votes of (1) the Board including Ex-Officio Directors at the Annual Meeting and (2) the Property Owners in attendance at the Annual Meeting. The Budget and Levy approved at the Annual Meeting must in turn also be mutually approved by both Member City Councils by September 30. Annually, the Member City Councils may not increase the proposed levy approved at the Annual Meeting. Either or both City Councils may reduce the levy by up to 25% in which case the LID levy shall be the lowest levy approved by a Member City Council.

Section 2. LID Funding. The LID shall be funded from approved property tax levies and other available revenues from grants, gifts, or the like. The LID shall not be funded by dues, license or use fees, or similar charges unless mutually approved by the Member Cities.

The public financing of projects and services of the LID may be made only after seeking other sources of funding, and then only by the following methods:

- a. Assessing the costs of projects upon benefitted properties within the District in the manner provided under Minn. Stat. Chapter 429;
- b. Levy of an ad valorem tax solely on property within the LID, to be appropriated and expended solely on projects of special benefit to the LID.

In accordance with Minn. Stat. §103B.555, Subd. 3, the LID, with the approval of the City Councils of the cities of Excelsior and Greenwood as expressed by resolution identifying each specific improvement to which approval applies may exercise the powers of a city under Chapter 429 in Section 444.075, including but not limited to:

- a. The levy of special assessments; and
- b. The imposition of rates and charges mutually approved by the Member Cities.

Section 3: Sample Annual Budget. Attached hereto as Exhibit C is a Statement of 2015 estimate cost of AIS treatment and likely projected owner assessment.

X.

WITHDRAWAL AND DISSOLUTION

Section 1. Notice of Withdrawal. A Member City may withdraw from the LID by filing a written notice of withdrawal with the LID by October 1 of any year. Such withdrawal shall be effective as of December 31 of that calendar year and membership shall continue until the effective date. A notice of withdrawal may be rescinded by a Member City prior to the effective date. If one Member City elects to withdraw, the LID will then dissolve on December 31 of that calendar year.

Section 2. Distribution of Assets. Upon dissolution, the remaining assets of the LID, after payment of all obligations, shall be distributed among the Member Cities in proportion to the number of LID real estate parcels identified by Hennepin County PID number located in each, or in such other way as those Member Cities may agree.

XI.

MEDIATION OF DISPUTES

Section 1. Mediation. Any controversy arising out of or relation to this agreement including but not limited to the withdrawal by a Member City and dissolution shall be mediated by a qualified mediator prior to initiation of any litigation.

Section 2. Selection of Mediator. The mediator may be an individual mutually selected by the parties to the issue in controversy. If the parties are unable to agree upon a mediator, the League of Minnesota Cities shall make the selection.

XII.

LIABILITY

Section 1. Indemnification. The LID shall indemnify, defend and hold harmless the Member Cities and their Officers, elected officials, Directors, employees, and volunteers, from and against all claims, damages, losses, and expenses, arising out of the acts or omissions of the LID in carrying out this agreement. To the fullest extent permitted by law, actions by the Member Cities under this agreement are intended to be and shall be construed as a “cooperative activity” and the LID shall be deemed a “single governmental unit” for the purposes of liability as set forth in Minnesota Statutes, Section 471.59, Subd. 1a(a). Each Member City expressly declines responsibility for the acts or omissions of the other Member City. This agreement does not constitute a waiver of the limitations of liability set forth in Minnesota Statutes, Section 466.04.

Section. 2. Insurance. The LID shall procure and maintain liability insurance coverage with reasonable limits covering its Officers, Directors, Member Cities’ elected officials, employees, and volunteers. The LID may purchase additional insurance coverage in amounts and on such terms as it may determine from time to time. The LID shall provide Member Cities with copies of its certificate(s) of insurance upon request.

XIII.

MISCELANEOUS

Section 1. Execution of Agreement. Each Member City Council shall approve and execute a copy of this agreement in accordance with applicable law.

Section 2. Effective Date. This agreement shall become effective upon adoption by both Member City Councils and approval from the Minnesota Department of Natural Resources.

Section 3. Amendment. Any proposed amendment to this agreement must be approved by both Member City Councils.

Section 4. Duration. This agreement shall continue in effect for an indefinite term, until dissolution in accordance with the terms of this agreement.

IN WITNESS WHEREOF, acting by authority of City Council Resolution the undersigned authorized agents of Excelsior and Greenwood, hereby enter into this Joint Powers Agreement.

EXECUTED as of _____, 2014.

CITY OF GREENWOOD, MINNESOTA

By _____

Name _____, Mayor

Attest _____

Name _____, City Clerk

EXECUTED as of _____, 2014.

CITY OF EXCELSIOR, MINNESOTA

By _____

Name _____, Mayor

Attest _____

Name _____, Manager Clerk

APPROVED AS TO FORM:

MINNESOTA DEPARTMENT

OF NATURAL RESOURCES

By _____

Name _____

Title _____

Date _____

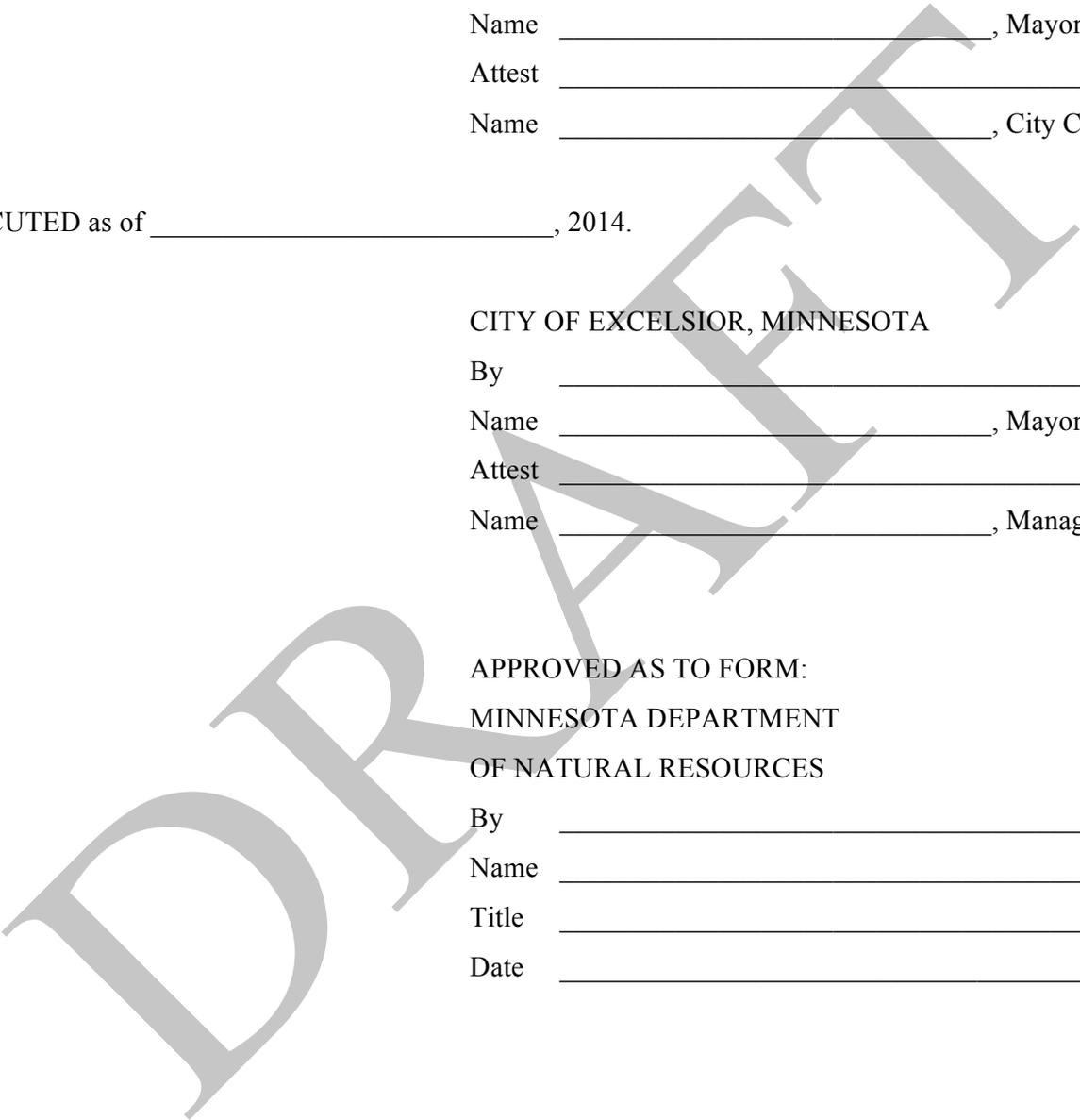


EXHIBIT A - ST. ALBAN'S BAY LAKE IMPROVEMENT DISTRICT

-  Municipal Boundaries
-  St. Alban's Bay Lake Improvement District Excelsior Properties
-  St. Alban's Bay Lake Improvement District Greenwood Properties



Updated 08-11-14



EXHIBIT B - WATER AND LAND RESOURCE MANAGEMENT PROGRAMS TO BE UNDERTAKEN IN THE ST. ALBAN'S BAY LAKE IMPROVMENT DISTRICT

St. Alban's Bay Aquatic Invasive Species (AIS) Issues.

Eurasian watermilfoil and curlyleaf pondweed, invasive plants, have been problematic in St. Alban's Bay for several decades. These two plants have reduced the diversity and abundance of native plants and therefore have diminished the health of the Bay. These two plants also interfere with boating, swimming, recreation and enjoyment.

The St. Alban's Bay residents, in coordination with the Lake Minnetonka Association and the Minnesota Department of Natural Resources (DNR) have developed and implemented a Lake Vegetation Management Plan or LVMP, which has significantly controlled Eurasian watermilfoil and curlyleaf pondweed and increased the diversity and abundance of native plants without compromising water quality. The primary focus of the LVMP has been the bay-wide treatment of Eurasian watermilfoil with herbicides.

The majority of the costs for these treatments have been voluntarily borne by the Bay residents, although the cities of Greenwood and Excelsior and the DNR have contributed. While the voluntary contributions have successfully funded the treatments since 2011, they are not considered to be a stable or consistent source of funding.

Other aquatic invasive species (AIS) that may be introduced in the future also pose potential threats to the Bay's health and recreation and also are a concern. Zebra mussels are relatively new to the Bay. Hydrilla is yet another potential source of concern.

Water and land related resource management projects to be undertaken by the St. Alban's Bay LID.

The purpose of the St. Alban's Bay LID will be to control the adverse effects of AIS in St. Alban's Bay

The initial and primary management project of the LID will be the continuation of the existing voluntarily funded bay-wide Eurasian watermilfoil and curlyleaf pondweed control program under the LVMP, including the required monitoring and assessment. Establishing the LID will provide a consistent and equitable source of funding for these ongoing aquatic invasive species control programs, which are typically not short term in nature.

The LID may also monitor St. Alban's Bay for other aquatic invasive species and, when appropriate, consider additional control programs in coordination with local agencies. Thus, the LID may develop plans and programs for additional AIS, if and when they become established and problematic in St. Alban's Bay.

Land management projects are not planned.

Recent controls of Eurasian watermilfoil and curlyleaf pondweed have used herbicides registered by the United States Environmental Protection Agency and have been permitted by the Minnesota Department of Natural Resources. The products and methods used have occurred within a strict regulatory milieu, which is designed to minimize likely adverse effects and unintended consequences. Therefore, rather than causing or increasing adverse effects, the proposed LID will more likely control and decrease adverse effects.

Should the LID employ other products or methods to control Eurasian watermilfoil and curlyleaf pondweed or other AIS, it will occur with the same regulatory oversight. Therefore, adverse effects to land or water are not anticipated.

As the LID considers or proposes modifying the current Eurasian watermilfoil and curlyleaf pondweed control program or any control programs for other AIS, detailed assessments of possible adverse effects to lands and waters will be provided as required or appropriate.

EXHIBIT C

ST. ALBAN'S BAY LAKE IMPROVEMENT DISTRICT Sample Initial Budget and Estimated Assessment

The St. Alban's LID programs will be financed by a levy on the property owners under the LID Cooperative Agreement plus grants and gifts such as those from the cities of Excelsior and Greenwood and the Minnesota DNR and others. The actual levy and its distribution will be approved by the LID Board and the property owners each year at the Annual Meeting.

Based upon immediate past experience, the estimated cost to treat AIS in St Alban's Bay beginning 2016 on an every-other-year treatment program, plus lake monitoring, administrative costs, and spot treatments in the non-treatment years, is \$32,000.

The following is considered a reasonable good faith estimate of the needed annual levy necessary to fund the foregoing:

Lakeshore Property Owners (includes Villas) – 114 properties at \$150 each	\$17,100
Association and Channel properties – 23 properties at \$75 each	\$1,725
Marinas – 3 marinas at \$500 each	<u>\$1,500</u>
	\$20,325

TOTAL: \$20,325 per year plus grants and gifts



Agenda Item: Mike and Deb Anderson, 5105 Weeks Road, Resolution 31-14, Variance Findings

Summary: Mike and Deb Anderson purchased the properties located at 5110 St. Alban’s Bay Road, 5114 St. Alban’s Bay Road and 5105 Weeks Road and have combined them under one P.I.D. The homes that existed on 5110 St. Alban’s Bay Road and 5105 Weeks Road have been, or will be, removed and an addition is proposed for the home remaining on the property.

- The proposed addition complies with the required front, side and lake yard setback requirements outlined in Section 1120.15, the height limitations outlined in Section 1120.20 and the maximum permitted structure volume permitted in Section 1140.18(3)(3).
- The combined property has retained the Weeks Road address and the applicant proposes driveway access off Weeks Road which requires a maximum grade increase of up to six feet.
- Section 1140.19(5) states “The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the City Engineer. Any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey.”
- The applicant proposes to increase the grade by six (6) feet and seeks a variance to exceed the maximum permitted grade alteration by four (4) feet.

Planning Commission Action: Commissioner Conrad moved the Planning Commission recommend the city council approve the application of Mike and Deb Anderson for a variance of Greenwood Ordinance Section 1140:19(5) to exceed the maximum permitted grade alteration of two (2) feet by four (4) feet for a total alteration of six (6) feet for the construction of a driveway off Weeks Road to access a new garage addition at 5105 Weeks Road as presented. Commissioner Paepers seconded the motion. Motion carried 5-0.

Key Dates:

09-17-14	Application complete
10-02-14	Notice of the public hearing published in Sun Sailor
10-15-14	Public hearing held by the planning commission
11-05-14	City council consideration
11-17-14	60-day deadline

Council Action: The city council must take action by 11-17-14 unless the council decides to exercise the city’s option to take another 60 days to consider the request. Suggested motions ...

1. I move the city council approves resolution 31-14 laying out the findings of fact **approving / denying** the variance application of Mike and Deb Anderson with the following language to fill in the blanks on the resolution:
_____. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs city staff to exercise the city’s option to take 60 additional days to process the variance application of Mike and Deb Anderson by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is: _____.

MN statute 15.99 requires a council decision within 60 days. 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).

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

Variance Application

Applicant is (circle one) Owner Developer Contractor Architect Other _____

Property address for which variance is requested 5105 WEEKS RD

Applicant (individual or company name): MIKE ANDERSON

Contact for Business: _____ Title: _____

Address: 470 LAKE STREET City: EXCELSIOR State: MN Zip: 55331

Wk Phone: 952-983-3844 Hm Phone: _____

Email address: MIK@ZINPRO.COM Fax: _____

Present use of property: RESIDENTIAL SINGLE FAMILY

Property acreage: 2.19 ACRES

Existing Variances: Yes _____ No X

If yes, please explain _____

Describe Request: Build New _____ Add On X Remodel _____ Replace _____

What is the Variance being requested for: GRADING FOR NEW DRIVEWAY & PROPOSED RECREATION BLDG ADDITION

Variance for:

	Required	Proposed
<u>N/A</u> Side Yard	_____ feet	_____ feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
Lake setback	_____ feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
Impervious Cover	_____ sq ft	_____ Sq ft
Shoreland	_____ feet	_____ feet
<u>∨</u> Massing	_____ volume	_____ volume
<u>∨</u> Other <u>GRADING</u>	_____ feet	_____ feet
If other, please explain	<u>GRADING ALTERATION IN EXCESS OF CODE ALLOWABLE</u>	

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:

NO ADVERSE EFFECTS

IMPROVE DRAINAGE ISSUES TO NEIGHBORING PROPERTY.

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

NO EFFECT SETBACK & HEIGHT MEET CODE

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

IMPROVE DRIVEWAY ACCESS BY MOVING

DRIVE TO WEEKS RD TO AVOID BLIND DRIVE TO ST. ALBANS

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

NO EFFECT ON FIRE DANGER

IMPROVED ACCESS FOR FIRE FIGHTING EQUIPMENT

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

NO CHANGE TO PUBLIC SAFETY

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

SHOULD IMPROVE SURROUNDING PROPERTY VALUES. REMOVED

TWO MARGINAL HOUSES FOR LARGER LOT AREA TO ACCOMMODATE RECREATION BLDG ADDITION.

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

NO IMPAIRMENT TO PUBLIC SAFETY OR WELFARE

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

N/A LMCD # 952-745-0789

N/A Watershed District # 952-471-0590

NO IMPACT ON WETLANDS OR SHORELINE

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.

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 an undue hardship 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.

"Undue hardship" 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 undue hardships under Minnesota case law.

Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty in establishing an undue hardship 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:

VARIANCE IS FOR GRADING IN EXCESS OF ALLOWABLE. ALL OTHER ASPECTS OF PROJECT ARE WITHIN CODE REQUIREMENTS

Establishing Undue Hardship:

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

SAFETY ISSUE W/ CURRENT DRIVEWAY BACKING OUT ONTO ST. ALBANS

BAY RD. GRADING REQ'D TO RELOCATE DRIVE TO WEEKS RD & CONSTRUCT REC BUILDING & IMPROVE/CONTROL EXISTING DRAINAGE ISSUES

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

GRADING TO CREATE ACCEPTABLE SLOPED DRIVEWAY FROM

WEEKS ROAD THRU EXISTING LOW AREA WHICH DRAINS TO NEIGHBORING PROPERTY

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

NEW PROJECT WILL BE IN CHARACTER W/ EXISTING SURROUNDING

LAKE PROPERTIES & SIZE & SCALE TO LOT AREA & NEIGHBORHOOD.

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: Michael D. Allen Date: 8/19/2014

Signature: [Signature] Date: 8/19/2014

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: Michael D. Allen Date: 8/19/2014

Owner's Signature: [Signature] Date: 8/19/2014

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

Conditional Use Permit & Variance Checklist



Property Owner(s)	MIKE & DEBI ANDERSON
Property Address	5105 WEEKS RD

The application is for: Conditional Use Permit Variance **GRADING**
OUTDOOR POOL

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.*

- Complete conditional use permit (CUP) or variance application form.
- Pay nonrefundable CUP or variance application fee. **Fee: \$400** plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount.
- 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 at www.greenwoodmn.com click on "meetings").
2. The city has the right to require additional plans or information as necessary.
3. All plans, applications, and written information become public information, and will be used in 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 to the city council; the city council typically meets on the first Wednesday of the following month to make the final decision. Applicants are encouraged to attend both the planning commission and city council meetings.
6. Public notices will be published in the designated paper 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 days to review (MN statute 15.99).
10. Conditional use permits 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 (complete / incomplete), electronic copy forwarded to planning commission	8/25/14
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	8/25/14
Date of 60-day deadline	10/27/14
Notice of 60-day extension (if applicable)	
Planning commission meeting (public hearing)	10/15/14
Applicant given deadlines and meeting schedule	8/25/14

Form Updated 12-29-12

ADVANCE SURVEYING & ENGINEERING CO.

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

SURVEY FOR: MIKE ANDERSON

SURVEYED: January, 2013

REVISED: June 27, 2014 to show as one consolidated parcel and to show proposed improvements, grading, drainage and erosion control measures for review and approval.

REVISED: July 21, 2014 to show proposed improvements, grading, drainage, erosion control and storm water management details.

REVISED: July 21, 2014 to show swale along north line in house area to prevent flow to neighbor.

REVISED: September 26, 2014 to show revised grading north of second garage and swale to direct water away from neighbor.

LEGAL DESCRIPTION:

5105 Weeks Rd:
That part of Lot 88, Auditor's Subdivision Number 141, Hennepin County, Minnesota, described as follows: Beginning at the most northerly corner of said Lot 88; thence southerly along the westerly line of said lot, a distance of 250 feet; thence at right angles easterly 10 feet; thence in a northerly direction and parallel with the westerly line of said lot to the northeasterly line of Lot 88; thence northwesterly along the northeasterly line of said Lot 88 to the point of beginning.

Also, all of Lot 89, Auditor's Subdivision Number 141, Hennepin County, Minnesota, EXCEPT, that part described as follows: Beginning at a point on the easterly line of said Lot 89 distant 250 feet South from the northeasterly corner of said lot; thence West at right angles to said easterly line a distance of 10 feet; thence southerly in a straight line to the southeasterly corner of said Lot 89; thence northerly along the easterly line of said lot to the point of beginning, Hennepin County, Minnesota.

5110 St. Albans Bay Rd:
Lot 1, Block 1, Weseman Addition, Hennepin County, Minnesota.

5114 St. Albans Bay Rd:
Lot 2, Block 1, Weseman Addition, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. Showing and tabulating hard cover area and the area of the lot for your review and for the review of such governmental agencies that may have jurisdiction over hard cover requirements.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
6. It should be noted, that this survey was completed under "snow conditions", and we cannot be certain that all items were found due to the snow cover. Since you are more familiar with the property than we are and if you are aware of any items that we may have missed, we could come back, if requested, and locate them after you have exposed them or wait until the snow and ice has melted.

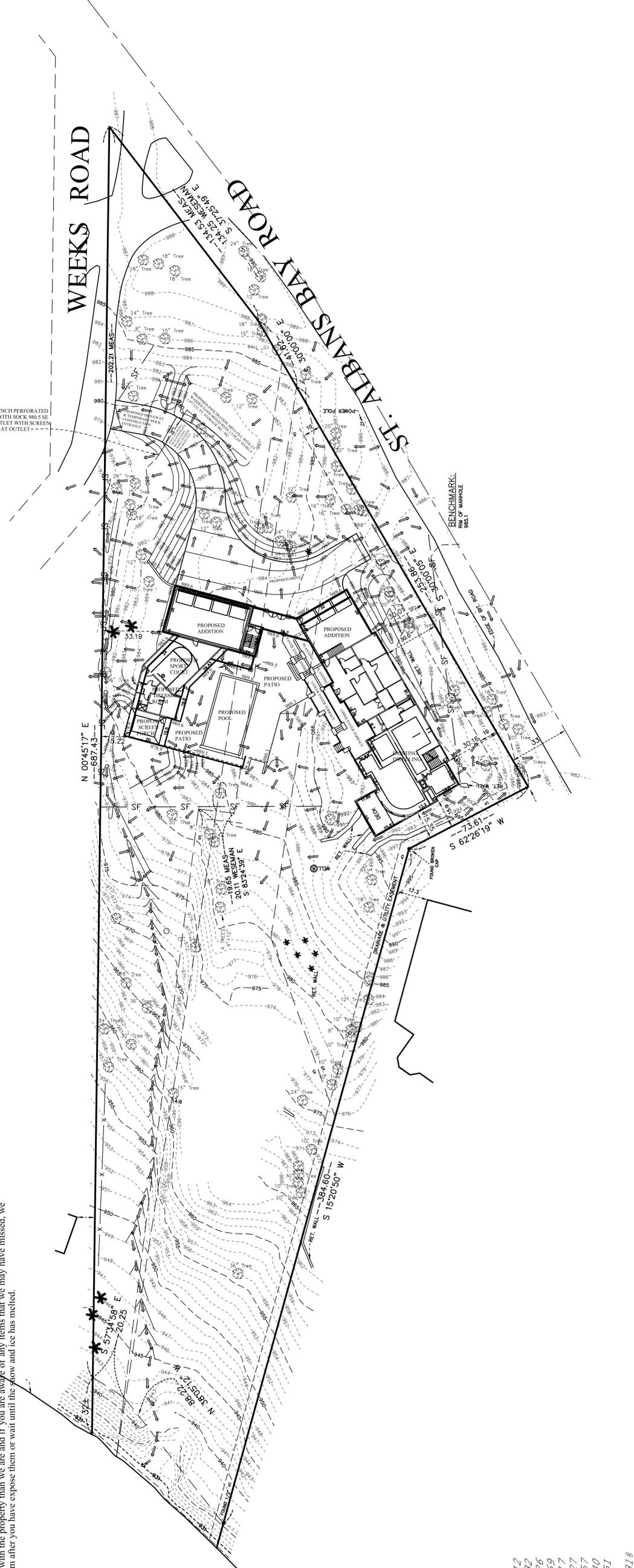
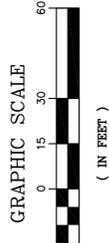
STANDARD SYMBOLS & CONVENTIONS:
"●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Engineer and a Professional Surveyor under the Laws of the State of Minnesota.

James H. Parker
James H. Parker P.E. & P.S. No. 9235 September 26, 2014

LEGEND

EXISTING CONTOUR	--- 883 ---
EXISTING SPOT ELEVATION	x 883.0
PROPOSED CONTOUR	--- 887 ---
PROPOSED ELEVATION/SPOT ELEVATION	--- 887 ---
DRAINAGE ARROW - R201	→
SET SERVICE STRAIN TAP	—



HARDCOVER CALCULATIONS

HOUSE	7, 612
PATIO	2, 732
DRIVE	2, 726
PAVER WALK STEPS	1, 069
DECK	1, 317
RETAINING WALLS	227
ROADWAY	1, 857
TOTAL	16, 540
LOT	95, 551

HARDCOVER % 17.31%

ADVANCE SURVEYING & ENGINEERING CO.
 5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADVSR.COM

SURVEY FOR: **MIKE ANDERSON**

SURVEYED: January, 2013 DRAFTED: January 31, 2013
 REVISED: June 27, 2014 to show as one consolidated parcel and to show proposed improvements, grading, drainage and erosion control measures for review and approval.
 REVISED: July 21, 2014 to show proposed improvements, grading, drainage, erosion control and storm water management details.
 REVISED: July 21, 2014 to show swale along north line in house area to prevent flow to neighbor

LEGAL DESCRIPTION:

5105 Weeks Rd:
 That part of Lot 88, Auditor's Subdivision Number 141, Hennepin County, Minnesota, described as follows: Beginning at the most northerly corner of said Lot 88; thence southerly along the westerly line of said lot, a distance of 250 feet; thence at right angles easterly 10 feet; thence in a northerly direction and parallel with the westerly line of said lot to the northeasterly line of Lot 88; thence northwesterly along the northeasterly line of said Lot 88 to the point of beginning.

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SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
- Showing the location of existing improvements we deemed important.
- Setting new monuments or verifying old monuments to mark the corners of the property.
- Showing and tabulating hard cover area and the area of the lot for your review and for the review of such governmental agencies that may have jurisdiction over hard cover requirements.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- It should be noted, that this survey was completed under "snow conditions" and we cannot be certain that all items were found due to the snow cover. Since you are more familiar with the property than we are and if you are aware of any items that we may have missed, we could come back, if requested, and locate them after you have expose them or wait until the snow and ice has melted.

STANDARD SYMBOLS & CONVENTIONS:

● Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

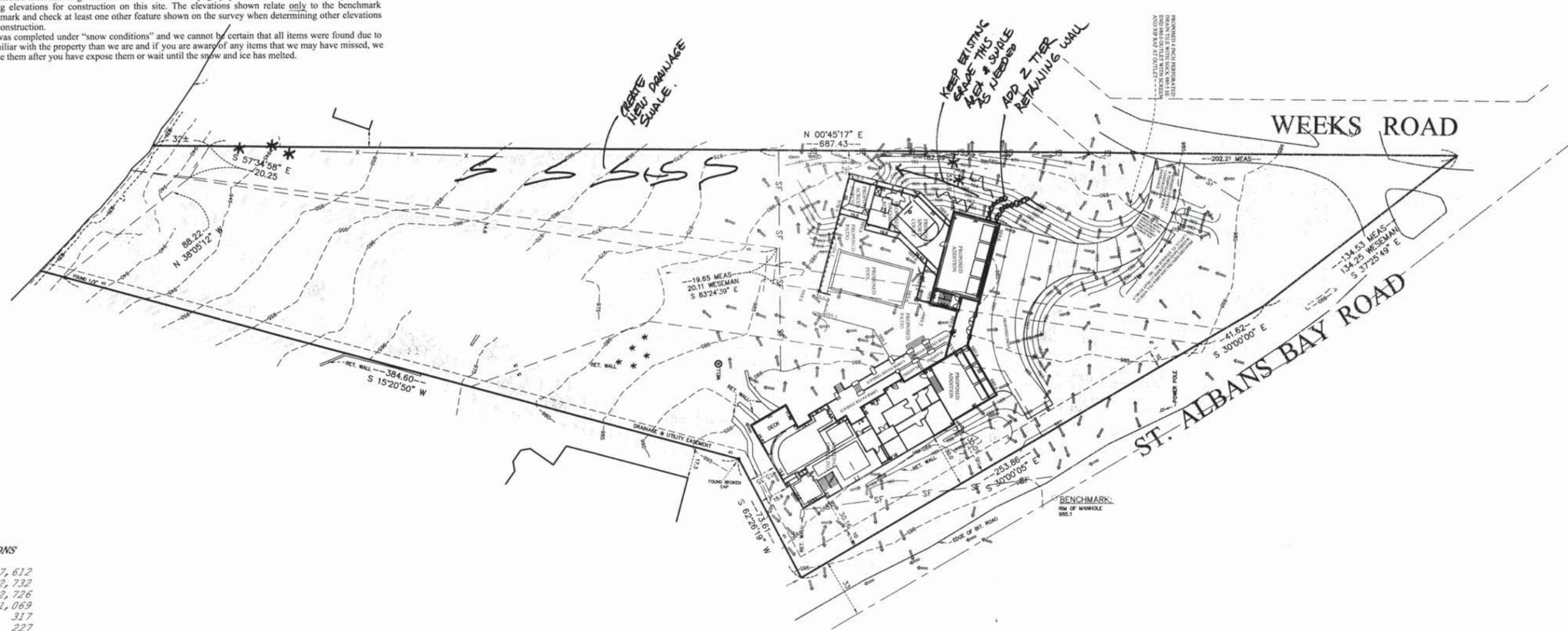
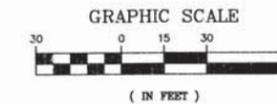
CERTIFICATION:

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Engineer and a Professional Surveyor under the Laws of the State of Minnesota.

James H. Parker
 James H. Parker P.E. & P.S. No. 9235 August 21, 2014

LEGEND

EXISTING CONTOUR	X 80.0
EXISTING SPOT ELEVATION	X 80.0
PROPOSED CONTOUR	---
PROPOSED ELEVATION/SPOT ELEVATION	---
DRAINAGE ARROW - FLOW	---
SELF FENCE/STRAW LOGS	---



HARDCOVER CALCULATIONS

HOUSE	7,612
PATIO	2,732
DRIVE	2,726
PAVER WALK STEPS	1,069
DECK	317
RETAINING WALLS	227
ROADWAY	1,857
TOTAL	16,540
LOT	95,551

HARDCOVER % 17.31%

GENERAL PLAN NOTES:

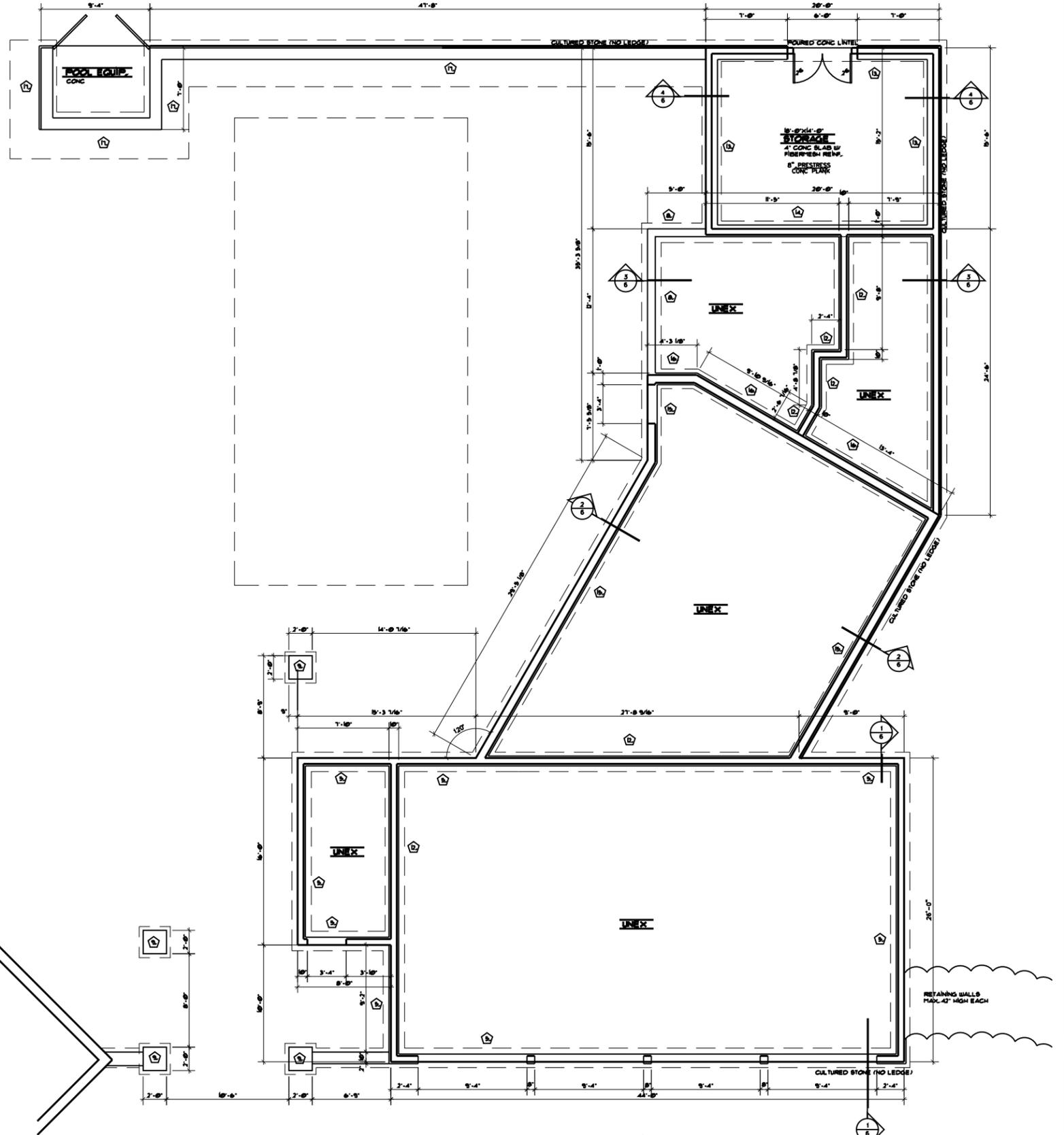
1. PROVIDE SOLID BLOCKING AT FLOOR SYSTEM FOR COLUMN LOAD TRANSFER TO BELOW
2. BEAMS NOTED ARE TO BE INSTALLED FLUSH UNLESS NOTED OTHERWISE
3. WINDOW NUMBERS GIVEN ARE FROM 'ANDERSEN' 400 SERIES WINDOW CATALOG. WINDOWS TO MATCH EXISTING FIELD VERIFY OPTIONS AND COLOR PRIOR TO ORDERING.
4. INTERIOR DOORS + CASED OPENINGS THROUGHOUT TO BE 6'-8" TALL @ FIRST FLOOR
6'-8" LOWER AND SECOND FLOOR UNLESS NOTED OTHERWISE
5. TYPICAL HEADERS 2'-5 1/2" LVL'S UNLESS NOTED OTHERWISE

FOUNDATION NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR BRACING ALL STRUCTURAL ELEMENTS WITHOUT OVERSTRESSING UNTIL PROJECT IS COMPLETE
2. MATERIALS:
 - A. FOOTINGS TO BEAR ON COMPACTED FILL OR NATIVE SOIL CAPABLE OF SUSTAINING AS ASSUMED BRG. OF 2000 PSF (CLASS 4 MATERIAL OR BETTER) ALLOWABLE BEARING PRESSURE TO BE VERIFIED BY INDEPENDENT TESTING AGENCY. PROVIDE MIN. 3'-6" SOIL COVER FOR FROST PROTECTION UNDO.
 - B. MINIMUM CONCRETE COMPRESSIVE STRENGTH AT 28 DAYS (12) FOR SLAB ON GRADE TO BE 4000 PSF. FOR FOOTINGS 3000 PSF. DEFORMED BARS-ASTM A615, GRADE 60
 - C. MASONRY-DESIGN 1" MINIMUM 1500 PSF

WALL/ FOOTING SCHEDULE

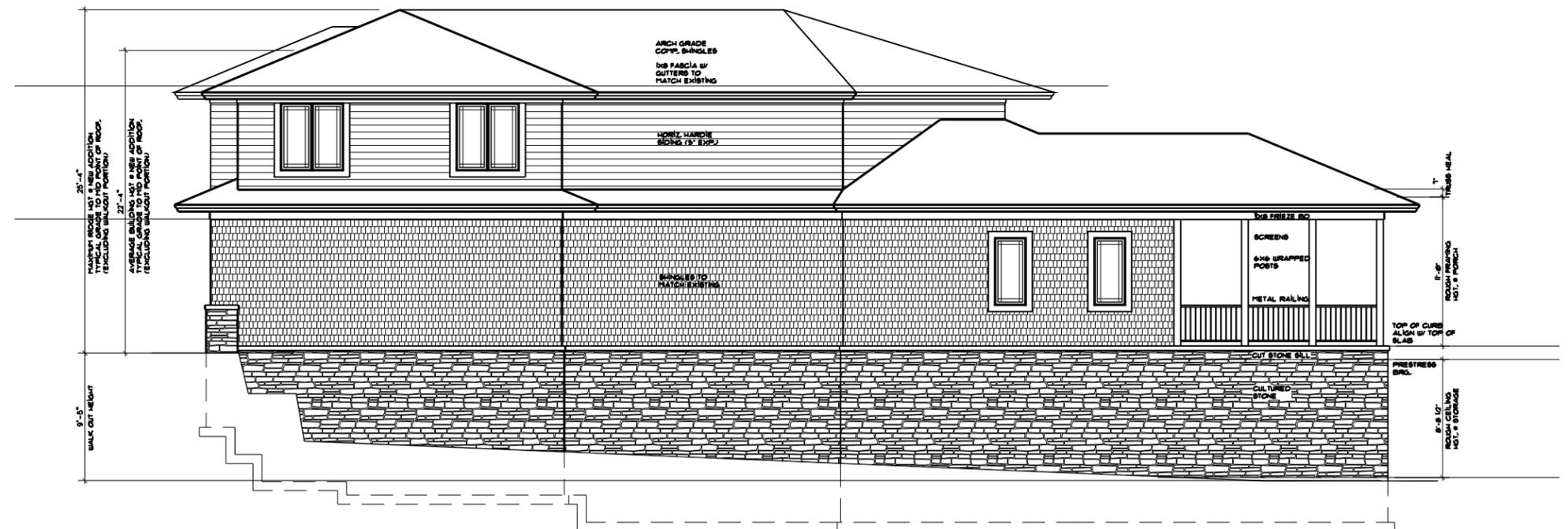
- | | | | |
|----|--|----|--|
| 1 | 12" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
8" CONC CURB
4" SLAB LEDGE | 8 | 8" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
STOOP FOUNDATIONS |
| 2 | 8" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT. | 9 | CONC PIER FOUNDATION WALLS
CONC FTG. 4" WIDER THAN WALL NOTED
#4 BARS # 12" O.C. EACH WAY |
| 3 | 10" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
2" CONC LEDGE TO GAR.
LEVEL 8" WALL ABOVE | 10 | 3-2x6 POST W/
30"x30"x10" CONC FTG.
3-#4 BARS EACH WAY |
| 4 | 8" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT. | 11 | 6x6 POST
W/ 24"x24"x10" CONC FTG.
3-#4 BARS CONT. |
| 5 | 8" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
2" CONC LEDGE TO GAR.
LEVEL 6" WALL ABOVE | 12 | 10" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
2" CONC LEDGE EA. SIDE |
| 6 | 2x6 BEARING WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
6" CONC CURB
4" PRESTRESS BEARING LEDGE
2" SLAB LEDGE | 13 | 12" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
6" CONC CURB
6" PRESTRESS BEARING LEDGE |
| 7 | 12" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT. | 14 | 12" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
6" CONC CURB
4" PRESTRESS BEARING LEDGE
2" SLAB LEDGE |
| 8 | 10" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
LANDSCAPE WALLS
FULL WIDTH TO GRADE
2" STONE LEDGES ABOVE
BOTH SIDES OF WALL | 15 | 10" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
2" CONC LEDGE SLAB LEDGE
EA. SIDE
8" CONC CURB |
| 9 | 12" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
2" CONC LEDGE SLAB LEDGE
EA. SIDE
8" CONC CURB | 16 | 10" REINF. CONC WALL
W/ 20"x10" CONC FTG.
2-#4 BARS CONT.
2" CONC LEDGE SLAB LEDGE
EA. SIDE
8" CONC CURB |
| 10 | RETAINING WALL
12" REINF. CONC WALL
W/ 48"x12" CONC FTG. (OVERTURN)
5-#4 BARS CONT.
W/ DOUELS INTO WALL | 17 | RETAINING WALL
12" REINF. CONC WALL
W/ 48"x12" CONC FTG. (OVERTURN)
5-#4 BARS CONT.
W/ DOUELS INTO WALL |



1 GARAGE FOUNDATION PLAN
3/32" = 1'-0"



1 GARAGE FRONT ELEV
 3/32" = 1'-0"



2 GARAGE SIDE ELEV
 3/32" = 1'-0"

WINDOW SCHEDULE

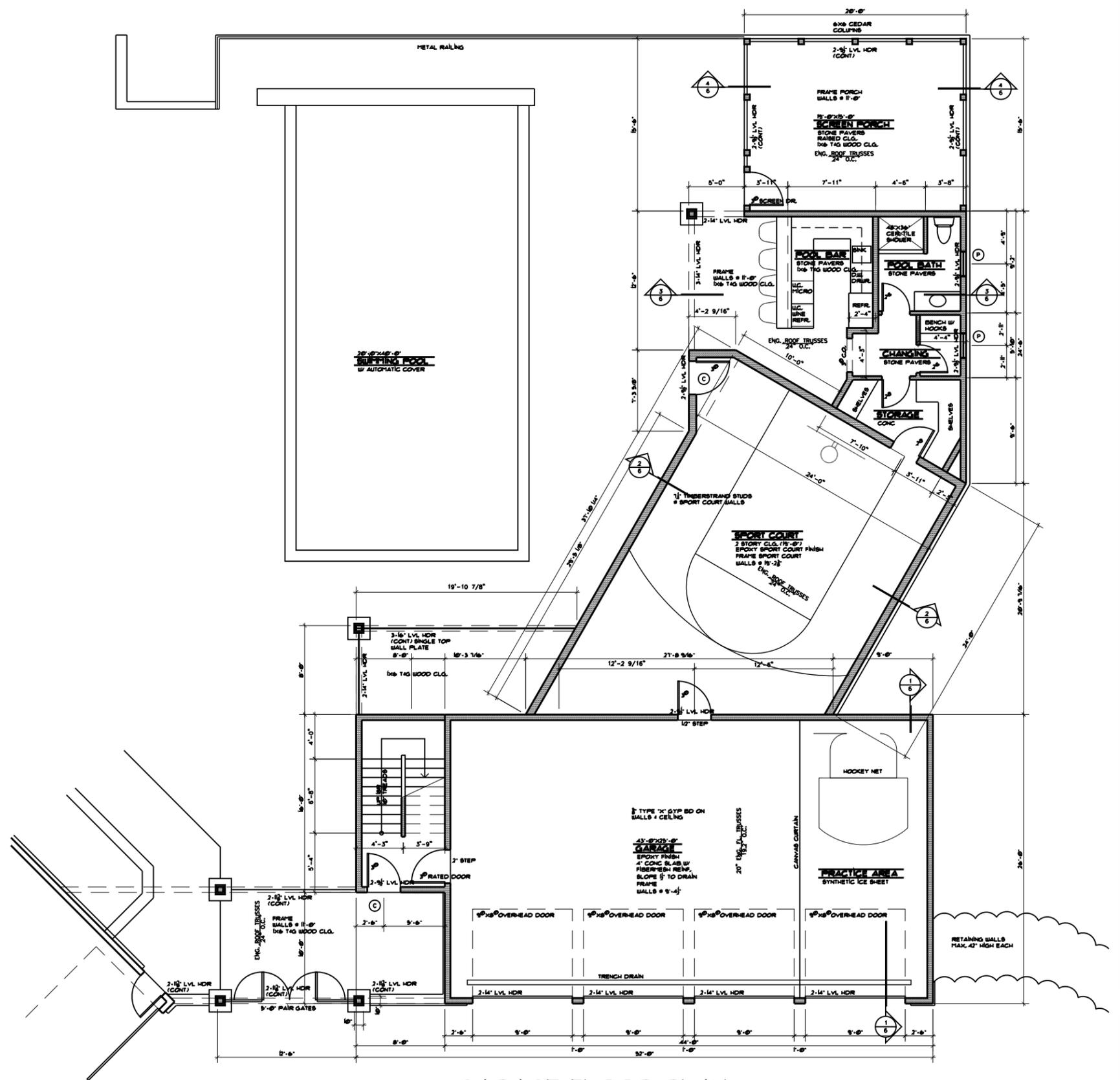
WDL # ANDERSEN NUMBER	ROUGH OPENING	QUANTITY
(C) RW 31611	R.O. 3'-1" x 6'-11"	4
(P) CW5	R.O. 2'-4 3/8" x 4'-11 7/8"	9
(O) A251	R.O. 2'-4 3/8" x 2'-0 1/8"	10
(R) CW25	R.O. 4'-8 1/2" x 4'-11 7/8"	2

WINDOW NOTES:

1. TYPICAL WINDOW HEADER FIRST FLOOR 6'-11" UNLESS NOTED OTHERWISE
2. TYPICAL WINDOW HEADER LOWER LEVEL 6'-11" UNLESS NOTED OTHERWISE
2. TYPICAL WINDOW HEADER BONUS ROOM 6'-11" UNLESS NOTED OTHERWISE

GENERAL PLAN NOTES:

1. PROVIDE SOLID BLOCKING AT FLOOR SYSTEM FOR COLUMN LOAD TRANSFER TO BELOW
2. BEAMS NOTED ARE TO BE INSTALLED FLUSH UNLESS NOTED OTHERWISE
3. WINDOW NUMBERS GIVEN ARE FROM 'ANDERSEN' 400 SERIES WINDOWS CATALOG. WINDOWS TO MATCH EXISTING FIELD VERIFY OPTIONS AND COLOR PRIOR TO ORDERING.
4. INTERIOR DOORS & CASED OPENINGS THROUGHOUT TO BE 6'-8" TALL @ FIRST FLOOR
6'-8" @ LOWER AND SECOND FLOOR UNLESS NOTED OTHERWISE
5. TYPICAL HEADERS 2-9 1/2" LVL'S UNLESS NOTED OTHERWISE



1 GARAGE FLOOR PLAN

- 2
 3/32" = 1'-0"
 GARAGE & STAIRS = 1272 SQ. FT.
 SPORT COURT = 758 SQ. FT.
 STORAGE/BATH/CHANGING ROOM = 203 SQ. FT.
 OUTDOOR BAR AREA = 222 SQ. FT.
 SCREEN PORCH = 320 SQ. FT.

4906 HIGHWAY 109
 SUITE 300
 NEW HOPE MN, 55428
 612-810-9628
 763-501-2919 fax



4906 LINCOLN DRIVE
 EDINA, MINNESOTA 55436
 952-935-9700

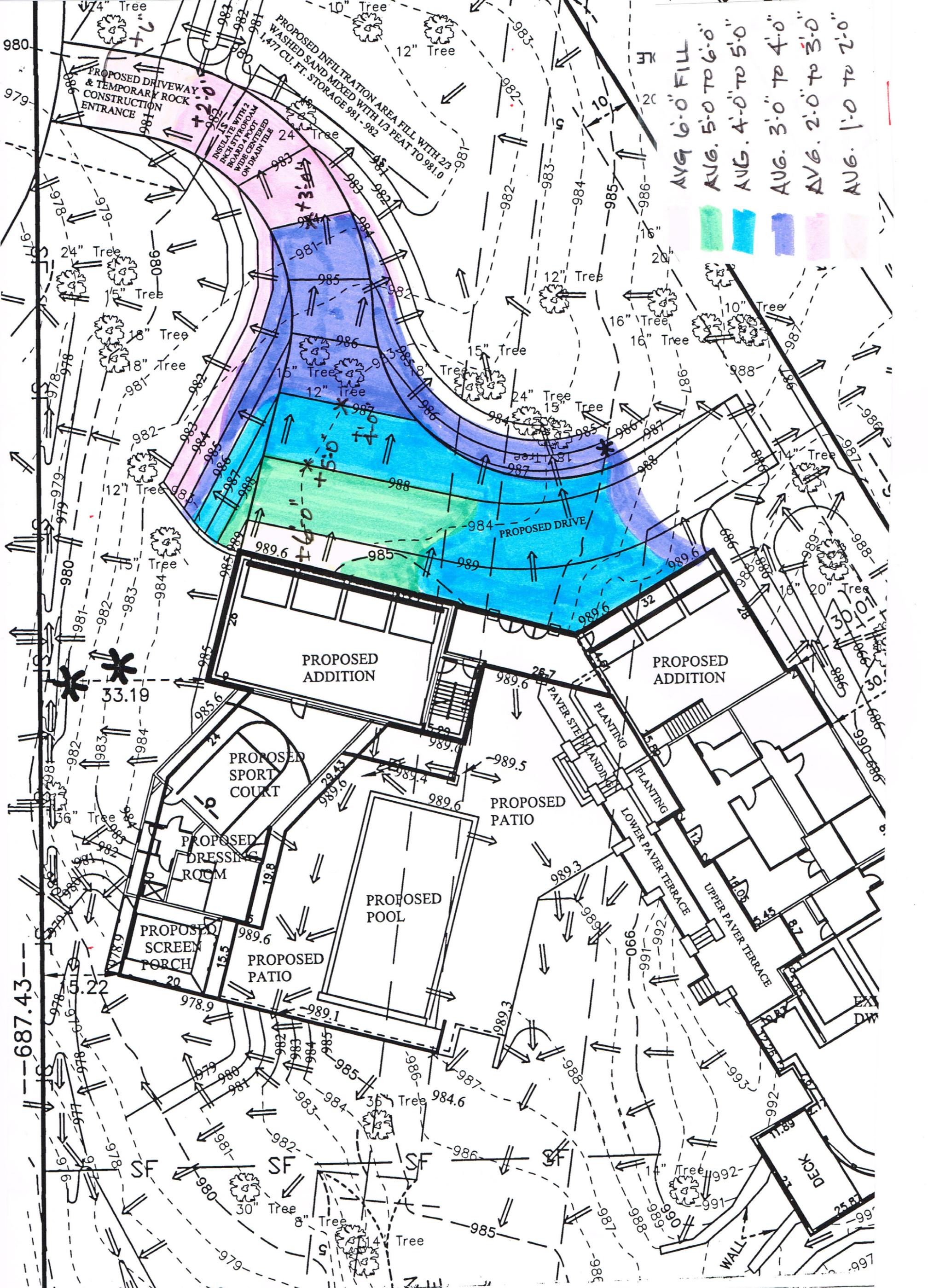


JOHN
 KRAEMER
 SONS INC.
 CUSTOM BUILDERS

ADDITION & REMODELING FOR THE
ANDERSON RESIDENCE
 5105 WEEKS RD
 GREENWOOD, MN

ISSUE
 JUNE 23, 2014
 REVISED
 JULY 8, 2014
 AUGUST 21, 2014
 SEPTEMBER 17, 2014

JOB #141161
 SHEET #
2
 OF 6



AVG. 6'-0" FILL
 AVG. 5'-0" TO 6'-0"
 AVG. 4'-0" TO 5'-0"
 AVG. 3'-0" TO 4'-0"
 AVG. 2'-0" TO 3'-0"
 AVG. 1'-0" TO 2'-0"



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4900 Highway 169 Suite 303, New Hope MN 55428
612-810-9628
763-550-2919 FAX

Memo

To: City of Greenwood
From: Rick Storlien
Date: 8/24/2014
Re: Anderson Residence (5105 Weeks Road)

Volume calculations for Anderson Residence @ 5105 Weeks Road

Volume by areas: Existing Main House

Basement level exposed area (AHFF to grade)	4495 Sq. Ft. x 7.5	= 33,713 Cu.Ft.
First Floor level	3910 Sq. Ft. x 10.5	= 41,055 Cu.Ft.
Second Floor	3248 Sq. Ft. x 8.0	= 25,984 Cu.Ft.
Roof area	4495 Sq. Ft. x 4 avg	= 17,980 Cu.Ft.

Volume by areas: Proposed Recreation Wing

Walkout level exposed area (AHFF to grade)	320 Sq. Ft. x 10	= 3,200 Cu.Ft.
First Floor level including breezeway area	3221 Sq. Ft. x 11	= 35,431 Cu.Ft.
Second Floor level & upper sport ct.	1962 Sq. Ft. x 8	= 15,696 Cu.Ft.
Roof area	3141 Sq. Ft. x 3.5 avg	= 10,994 Cu.Ft.
Total Volume of structures		= 184,053 Cu.Ft.

Allowable Volume per Ordinance

Lot area over 15,000 Sq.Ft. 75,000 Cu.Ft. +(2x lot area) 95,551x2 -15,000 =251,102 Cu.Ft. allowed

Actual Volume = 184,053 Cu.Ft. Therefore only 73.3% of allowable

Prepared by Richard Storlien RDS Architects

Gus Karpas

From: Robert Bean <bobbe@bolton-menk.com>
Sent: Thursday, October 02, 2014 9:20 AM
To: 'Gus Karpas'; David Martini
Subject: RE: 5105 Weeks Road

Gus,

I have completed review of the Certificate of Survey for 5105 Weeks Road, Greenwood, MN. Following are my comments for your consideration:

1. Perimeter siltfence and rock entrance should be installed by the contractor and inspected by the City prior to any work. The contractor must provide minimum 24 hour notice prior to inspection.
2. The applicant is proposing to adjust grades by more than 2' over an area larger than 300 square feet. Therefore, the proposed addition would require a variance from the City.
3. A retaining wall approximately 4' in height is proposed on the north side of the addition. Retaining walls 4' or greater in height must be designed by a licensed Professional Engineer, and plans must be submitted to the City for review and approval.
4. Protection fencing should be placed around the proposed infiltration area to prevent impacts due to construction activities. The infiltration area should be constructed after the rest of the site has been permanently stabilized with vegetation.
5. The proposed infiltration media mix should be revised to 80% sand and 20% peat to minimize the potential for clogging due to fines and organic material.
6. In order to minimize the potential for clogging of the infiltration area underdrain outlet, the sock should be removed from the underdrain.
7. The proposed swales along the west property line should be restored with erosion control blanket to minimize the potential for erosion and migration of sediment off-site.
8. The applicant may be required to obtain Minnehaha Creek Watershed District (MCWD) approval and permitting for their Erosion Control rule. A copy of any approved permits or confirmation that no permits are required should be submitted prior to any land altering activities.

If you have any questions or comments, please contact me to discuss.

Thanks,

Robert E. Bean, Jr, P.E.
LEED Green Assoc.
Bolton & Menk, Inc.
P:(952) 448-8838, ext 2892
F:(952) 448-8805
email: bobbe@bolton-menk.com

From: Gus Karpas [<mailto:guskarpas@mchsi.com>]
Sent: Monday, September 29, 2014 10:29 AM
To: David Martini; Robert Bean
Subject: 5105 Weeks Road

RESOLUTION NO 31-14

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

APPROVING / DENYING

IN RE: The Application of Mike and Deb Anderson for variances to Greenwood ordinance code section 1140.19(5) to permit grading for a new driveway and recreation building addition.

WHEREAS, Mike and Deb Anderson are the owners of property commonly known as 5105 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23 41 0058); and

WHEREAS, application was made for variance to section 1140.19(5) to permit grading that exceeds the allowable grading for a new driveway and recreation building addition; and

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

WHEREAS, public comment was taken at the public hearing before the planning commission on October 15, 2014; and

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

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

FINDINGS OF FACT

1. That the real property located at 5105 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23 41 0058) is a single-family lot of record located within the R1A district.
2. The applicant proposes to grade the property in excess of the allowable grading for a new driveway and recreation building addition.
3. Section 1140.19(5) of the zoning ordinance requires a variance for grading of more than 2 feet in a 300 sq ft area. The applicant proposes to increase the grade by 6 feet in an area larger than 300 sq ft. The proposal requires a variance of 4 feet.
4. The applicant advises that the reasons for the variance request is to improve drainage issues, improve driveway access by moving it from busy St. Alban's Bay Rd to less busy Weeks Rd, improve fire access.
5. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

"Subd. 4. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

- 6. The applicant asserts that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above).
- 7. The planning commission discussed the variance request(s) and on a 5-0 vote recommended approval because the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above).
- 8. Based on the foregoing, the city council determined that variance request **does / does not** comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above) for the following reason(s):

and has determined that the following conditions should be imposed on any variance grant:

- (a) _____
- (b) _____
- (c) **The project must be completed according to the specifications and design requirements in the submitted plans.**
- (d) **A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.**

- 9. Subject to the stated conditions, the variance, if granted, **will be / will not be** in harmony with the purpose and intent of the zoning ordinance and may be granted.

CONCLUSIONS OF LAW

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

The applicant has **made / not made** an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant a variance and therefore:

- A. A variance to section 1140.19(5) permitting a 4-foot grading variance for the construction of a driveway and recreation building addition **should / should not** be granted.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments:

That the application of Mike and Deb Anderson 5105 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23 41 0058) for:

- A. A variance to section 1140.19(5) permitting a 4-foot grading variance for the construction of a driveway and recreation building addition is **DENIED / APPROVED**.

with the following conditions:

- (a) _____
- (b) _____
- (c) The project must be completed according to the specifications and design requirements in the submitted plans.
- (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this ____ day of _____, 2014 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **7B**

Agenda Date: **11-05-14**

Prepared by *Gus Karpas & Deb Kind*

Agenda Item: Lecy Bros Homes & Remodeling on Behalf of Ken Parsons, 4945 Sleepy Hollow Road, Simple Subdivision Request and Resolution 32-14 Variance Findings

Summary: Lecy Bros Homes has purchased 4965 Sleepy Hollow Road and will be constructing a new single family home on the property. Currently the property is accessed from a driveway that crosses property owned by Ken Parsons at 4945 Sleepy Hollow Road. The Parsons granted the previous owner of the Lecy property a quit-claim deed (easement agreement) for driveway access. This agreement is still in effect.

- The applicant is seeking to subdivide 406 sq ft from the southern tip of 4945 Sleepy Hollow Road to maintain a driveway access for the 4965 property. Maintaining this as a separate lot would remove the need for an easement agreement between the two properties.
- An undeveloped city right of way separates the severed property and the applicant's lot. Staff spoke with Hennepin County about the possibility of combining the severed portion of property to the Lecy property under one PID. They said that is very rare since they are not contiguous.
- For the council's reference, the applicable zoning ordinances are:
 - Section 600.07 permits the subdivision of a lot into two buildable lots; or smaller pieces for the purposes of accretion into neighboring parcels, provided the severed portion does not make the balance of the remaining lot a non-conforming lot.
 - Section 1120.10 requires a minimum lot area requirement of 15,000 sq ft. The applicant proposes a lot area for the severed portion of property of 408 sq ft. The proposal requires a variance of 14,592 sq ft of the minimum required lot area.

Planning Commission Action: Commissioner Lucking moved the planning commission recommend the city council deny the application of Lecy Bros. Homes for a simple subdivision to subdivide 406 sq ft of lot area from 4945 Sleepy Hollow Road and attached it to 4965 Sleepy Hollow Road and deny the application for a variance of Greenwood Ordinance Section 1120.10 to create a lot 14,592 sq ft below the minimum required lot area of 15,000 sq ft in the R-1A zoning district as presented. The property has a permanent easement that runs in its favor that provides access and the request cannot be granted a variance since it violated the elements for a simple subdivision. Commissioner Paeper seconded the motion. Motion carried 5-0.

Key Dates:

09-17-14	Application complete
10-02-14	Notice of the public hearing published in Sun Sailor
10-15-14	Public hearing held by the planning commission
11-05-14	City council consideration
11-17-14	60-day deadline

Council Action: The city council must take action by 11-17-14 unless the council decides to exercise the city's option to take another 60 days to consider the request. Suggested motions ...

1. I move the city council **approves / denies** the simple subdivision request from Lecy Bros Homes & Remodeling because: _____.
2. I move the city council adopts resolution 32-14 laying out the findings of fact **approving / denying** the variance application of Lecy Bros Homes & Remodeling with the following language to fill in the blanks on the resolution: _____ . I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.

MN statute 15.99 requires a council decision within 60 days. If the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).

GREENWOOD SUBDIVISION APPLICATION

Instructions: Please complete the application and remit the filing fee along with the survey requirements, 21 days prior to the Planning Commission Meeting. If necessary attach a letter or additional information to better describe your request.

PROPERTY ADDRESS 4945 Sleepy Hollow Road, Greenwood
Legal Description must be shown on attached survey.

OWNERS NAME: Ken Parsons PHONE: _____

ADDRESS 4945 Sleepy Hollow Road

APPLICANTS NAME (if not owner) Roy Lecy

ADDRESS _____ PHONE _____

ZONING CLASSIFICATION R-1A

I (Do) (Do Not) own other adjacent parcels of land

PROPOSED LOT SIZE (Square Feet)
24,858 _____ 406 _____

SQUARE FOOT AREA OF WETLANDS ON EACH LOT (BASED ON CITY WETLAND MAPS)
0 _____ 0 _____

STREET ACCESS FOR EACH LOT: _____

ROAD FRONTAGE ON EACH LOT
190 +/- _____ 60 +/- _____

LAKE FRONTAGE OF EACH LAKE LOT
0 _____

Access to one lot

EXISTING SANITARY SEWER TO EACH LOT - YES _____ NO _____

NUMBER OF SEWER LATERAL CHARGES DUE FOR PROPOSED LOT(S) None

VARIANCE(S) REQUIRED - YES X NO _____ TYPE Lot Area

The undersigned 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 all additional fees required to cover costs incurred by the City, will be paid by one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay the processing and may necessitate a re-scheduling of the review time frame. The application approval time line commences and an application is considered complete when all required information and fees are submitted to the City.

"Notice is hereby given by the City of Greenwood to the above named applicant, that because of the frequency of Planning Commission, Board of Adjustment and City Council meetings, the need for public input, design and environmental review, the time necessary to process response to your application is anticipated to take between 75 and 120 days. The City of Greenwood, pursuant to Minnesota Statute 15.99, Subd. 3(F), therefore, hereby extends the time limit under Minnesota Statute 15.99, Subd. 2, by an additional 60 days."

SIGNED: Ken Parsons
~~Fee~~ Owner

Contract for Deed Owner

WBCY BROS HOMER
Applicant Other than Owner

Purchaser by Purchase Agreement

DATE: _____

DATE: 7/23/14

X

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

Variance Application

Applicant is (circle one) Owner Developer Contractor Architect Other _____

Property address for which variance is requested 4945 Sleepy Hollow Road

Applicant (individual or company name): Roy Lecy - Lecy Bros. Homes: Remodeling

Contact for Business: Roy Lecy Title: Owner

Address: 15012 Highway 7 City: Minnnetonka State: MN Zip: 55345

Wk Phone: (952) 944-9499 Hm Phone: _____

Email address: royhlecyc@gmail.com Fax: (952) 942-1068

Present use of property: Single Family

Property acreage: 25,264 square feet

Existing Variances: Yes _____ No X

If yes, please explain _____

Describe Request: Build New _____ Add On _____ Remodel _____ Replace _____

What is the Variance being requested for: Lot Area - Requesting to subdivide a portion of the lot to provide driveway access for an adjacent property.

Variance for:

	Required	Proposed
Side Yard	_____ feet	_____ feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
Lake setback	_____ feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
Impervious Cover	_____ sq ft	_____ Sq ft
Shoreland	_____ feet	_____ feet
Massing	_____ volume	_____ volume
<u>X</u> Other	_____ feet	_____ feet
If other, please explain		

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 is 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:

SIMPLE LOT DIVISION, BOTH
PRIORITIES MEET CITY ZONING REQUIREMENTS

Establishing Practical Difficulty:

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 OWNERS 4965 SHARPE HOLLOW WANT
OWNERSHIP OF STRIP OF PROPERTY LYING
BETWEEN THEIR PROPERTY AND THE CITY STREET

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

ORIGINAL PLAT

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

THE PARCEL APPEARS TO BE OWNED
BY 4965 SHARPE HOLLOW

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:

None

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

None

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

None

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

None

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

None

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

None

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

None

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

_____ LMCD # 952-745-0789

_____ Watershed District # 952-471-0590

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.

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: LBCY BORDS **Date:** 7/23/14
HONES: ALMOABLING
Signature: RAC **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: [Signature] **Date:** 8/21/14
Owner's Signature: [Signature] **Date:** 8/21/14

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

OWAPLC 4945

Conditional Use Permit & Variance Checklist



Submitted
Accepted

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.

- Complete CUP or variance application form.
- Pay nonrefundable CUP or variance application fee. **Fee: \$400** plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount.
- 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).
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:

9/17	Materials received (complete / incomplete), electronic copy forwarded to planning commission
9/17	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
11/17	Date of 60-day deadline

(62) 590-2921

	Notice of 60-day extension (if applicable)
10/15	Planning commission meeting (public hearing)
9/17	Applicant given deadlines and meeting schedule

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (WE) Chris Leising of 4975 Sleepy Hollow Rd
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at _____.

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] _____ Date 8/7/14

Property owner's signature Date

I (we) Barbara Dunlay of 4980 Sleepy Hollow
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at _____.

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] _____ Date 8/7/14

Property owner's signature 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.

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (WE) Kenneth Parsons of 4945 Sleepy Hollow RD
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at _____.

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.

Kenneth Parsons
Property owner's signature

8-7-
Date

Property owner's signature

Date

I (we) _____ of _____
[print name(s)] [print address]

have reviewed the plans for the proposed improvements or proposed use of the property located at _____.

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.

Property owner's signature

Date

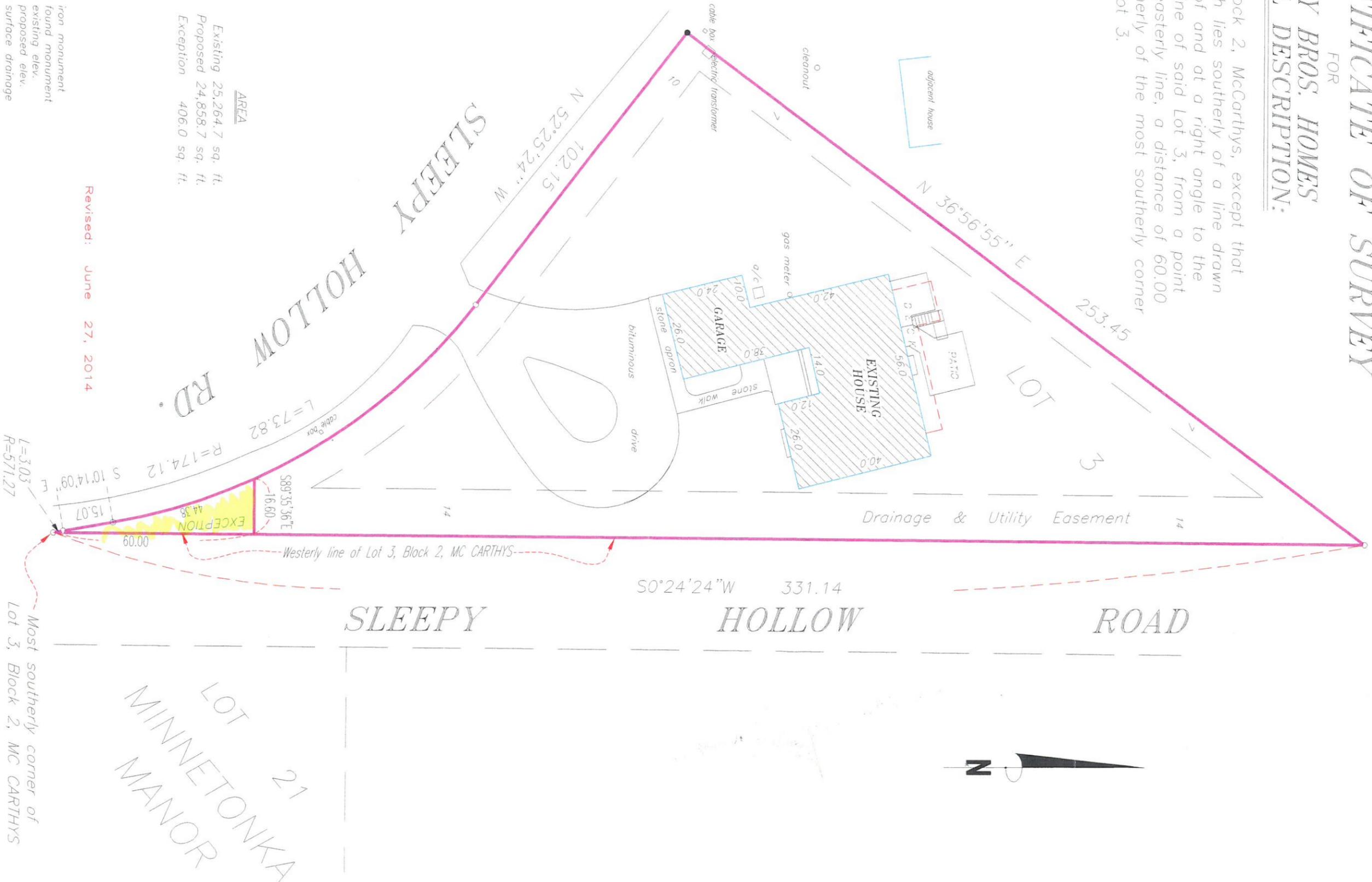
Property owner's signature

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.

CERTIFICATE OF SURVEY
 FOR
LECY BROS. HOMES
LEGAL DESCRIPTION:

Lot 3, Block 2, McCarthys, except that part which lies southerly of a line drawn westerly of and at a right angle to the easterly line of said Lot 3, from a point on said easterly line, a distance of 60.00 feet northerly of the most southerly corner of said Lot 3.



AREA
 Existing 25,264.7 sq. ft.
 Proposed 24,858.7 sq. ft.
 Exception 406.0 sq. ft.

- Denotes iron monument
- Denotes found monument
- x 000.0 Denotes existing elev.
- (000.0) Denotes proposed elev.
- ↘ Denotes surface drainage

Revised: June 27, 2014

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

David E. Crook

LOT 21
 MINNETONKA
 MANOR



DEMARS-GABRIEL
LAND SURVEYORS, INC.
 6875 WASHINGTON AVE. SO.
 SUITE 209
 EDINA, MN 55439
 Phone: (952) 559-0908
 Fax: (952) 767-0490

David E. Crook
 Date: May 12, 2014
 Minn. Reg. No. 22414

File No.
 13963
 Book--Page
 Scale
 1" = 30'

RESOLUTION NO 32-14

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

APPROVING / DENYING

IN RE: The Application of Lecy Bros Homes & Remodeling on behalf of Ken Parsons, 4945 Sleepy Hollow Road for a variance to Greenwood ordinance code section 1120.10 to permit the subdivision of a lot.

WHEREAS, Lecy Bros Homes & Remodeling on behalf of Ken Parsons the owner of property commonly known as 4965 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23 13 0042); and

WHEREAS, application was made for variance to section 1120.10 to permit the subdivision of the property to create drive way access to an adjacent property resulting in a lot that does not meet the minimum size standard in the R1A zoning district; and

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

WHEREAS, public comment was taken at the public hearing before the planning commission on October 15, 2014; and

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

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

FINDINGS OF FACT

1. That the real property located at 4965 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23 13 0028) is a single-family lot of record located within the R1A district.
2. The applicant proposes to subdivide the property which would create a lot that does not meet the minimum size standard in the R1A district.
3. Section 1120.10 of the zoning ordinance requires a minimum lot area of 15,000 sq ft. The applicant proposes a lot of 408 sq ft. The proposal requires a variance of 14,592 sq ft.
4. The applicant advises that the reason for the subdivision of the property is to remove the need for an existing easment.
5. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

“Subd. 4. Practical Difficulties Standard. “Practical difficulties,” as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

- 6. The applicant asserts that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above).
- 7. The planning commission discussed the variance request and on a 5-0 vote recommended denial of the variance as proposed because the proposed variance request does not comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above) for the following reason: The property has a permanent easement that runs in its favor that provides access and the request cannot be granted since it violates the elements for a simple subdivision.
- 8. Based on the foregoing, the city council determined that variance request **does / does not** comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above) for the following reason(s):

and has determined that the following conditions should be imposed on any variance grant:

- (a) _____
- (b) _____
- (c) The project must be completed according to the specifications and design requirements in the submitted plans.
- (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

- 9. Subject to the stated conditions, the variance, if granted, **will be / will not be** in harmony with the purpose and intent of the zoning ordinance and **may / may not** be granted.

CONCLUSIONS OF LAW

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

The applicant has **made / not made** an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of a variance and therefore:

- A. A variance to section 1120.10 permitting a 14,592 variance to the minimum lot size **should / should not** be granted.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments:

That the application of Lecy Bros Homes & Remodeling on behalf of Ken Parsons the owner of property commonly known as 4965 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23 13 0042) for:

- A. A variance to section 1120.10 permitting a 14,592 variance to the minimum lot size is **DENIED / APPROVED**.

with the following conditions:

- (a) _____
- (b) _____
- (c) The project must be completed according to the specifications and design requirements in the submitted plans.
- (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this ____ day of _____, 2014 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: **7C**

Agenda Date: **11-05-14**

Prepared by Gus Karpas & Deb Kind

Agenda Item: Resolution 33-14, Conditional Use Permit Findings and Resolution 34-14 Variance Findings for Excelsior Entertainment, LLC, Old Log Theatre, 5185 Meadville Street (signage request)

Summary: Excelsior Entertainment, LLC is requesting a conditional use permit to construct new signage and a variance to encroach into the minimum required front yard setback for the placement of the proposed signage.

- The proposal includes the removal of the existing sign and the placement of two monument signs on either side of the easterly driveway, signage on the face of the building, and a monument sign along Minnetonka Boulevard. The sign ordinance does not regulate the number of signs that can be placed on a property, rather it limits the amount of square footage permitted.
- The proposed monument signs on the east side of the easterly driveway and along Minnetonka Boulevard are located within the HCCRA right-of-way and must receive their approval prior to installation, though the city still has regulatory control over the square footage, illumination, and design of the proposed signage.
- For the council's reference, the applicable ordinances are:
 - Section 1140.40(3)(1) requires a Conditional Use Permit to construct signage.
 - Section 1140.40(3)(i) requires signs to comply with setback requirements.
 - Section 1120.15 requires a minimum front yard setback of 30 feet. The applicant proposes a front yard setback of 13 feet for one of the proposed monument signs (a variance of 17 feet of the required front yard setback).
 - Section 1140.40(8)(a) permits a maximum sign area of 75 square feet. The applicant proposes a sign area of 65 sq ft (no variance needed).

Planning Commission Action:

1. Chairman Lucking moved the Planning Commission recommends the city council approve a Conditional Use Permit to replace the existing signage in its same scale and mass and to approve the application for a variance of Greenwood Ordinance Sections 1140.40(3)(i) and 1120.15 to encroach 13 feet into the required 30-foot front yard setback the proposed sign on the west side of the front entry drive at 5185 Meadville Street. The motion is conditioned that the applicant provides additional information on the source of lighting to be used to illuminate the sign. Commissioner Paeper seconded the motion. The motion carried 5-0.
2. Commissioner Paeper moved the Planning Commission recommends the city council approve a Conditional Use Permit to place 43 sq ft of signage on the face of the building at 5185 Meadville Street, as presented. The motion is conditioned that the applicant provides additional information on the source of lighting to be used to illuminate the sign. Commissioner Bechtell seconded the motion. The motion carried 3-2. Commissioners Conrad and Reeder were opposed to the motion.

Key Dates:

09-17-14	Application complete
10-02-14	Notice of the public hearing published in Sun Sailor
10-15-14	Public hearing held by the planning commission
11-05-14	City council consideration
11-17-14	60-day deadline

Council Action: The city council must take action by 11-17-14 unless the council decides to exercise the city's option to take another 60 days to consider the request. Suggested motions ...

1. I move the city council adopts resolution 33-14 laying out the findings of fact for the **Conditional Use Permit** application of Excelsior Entertainment, LLC with the following language to fill in the blanks on the resolution: _____ . I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council adopts resolution 34-14 laying out the findings of fact for the **Variance** application of Excelsior Entertainment, LLC with the following language to fill in the blanks on the resolution: _____ . I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.

MN statute 15.99 requires a council decision within 60 days. 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 Application

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

Applicant is (circle one) Owner Developer Contractor Architect Other _____

Property address for which Conditional Use is requested: 5185 Meadville St. Greenwood MN 55331

Applicant (individual or company name): Excelsior Entertainment, LLC

Contact for Business: Breg Frankenkfield Title: CEO

Address: 5150 Merry Lane City: Shorewood State: MN Zip: 55331

Wk Phone: (952) 474-5951 Hm Phone: (612) 747-1891

Email address: gregf@magenic.com Fax: (952) 474-1290

Present use of property: live performance theatre and restaurant

Property acreage: 11.5

Describe Request: Build New _____ Add On 3 New Signs Remodel _____ Replace Existing Sign

What is the Conditional Use being requested: Placement of 2 new monument signs, replace 1 existing monument sign, add signage to building. (See attached)

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies: I hereby request that the city request HCRA to agree to the signage installation at Meadville St and Minnetonka Blvd.
LMCD # 952-745-0789 Watershed District # 952-471-0590

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.

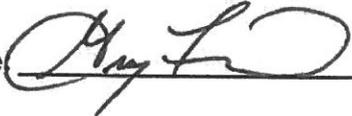
The undersigned also acknowledges that she/he understands that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to 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 with in 15 business days of application.

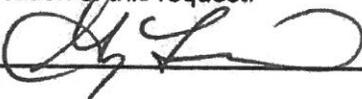
I am the authorized person to make this application and the fee owner has also signed this application.

Applicant's Signature:  Date: 7/2/14

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: 7/2/14

Owner's Signature: _____ Date: _____

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

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

Variance Application

Applicant is (circle one) Owner Developer Contractor Architect Other_____

Property address for which variance is requested: **5185 Meadville Street, Greenwood, MN 55331**

Applicant (individual or company name): **Excelsior Entertainment, LLC**

Contact for Business: **Greg Frankenfield** Title: **CEO**

Address: **5750 Merry Lane** City: **Shorewood** State: **MN** Zip: **55331**

Wk Phone: **(952)474-5951** Hm Phone: **(612)747-1891**

Email address: gregf@magenic.com Fax: **(952)474-1290**

Present use of property: **Live Performance Theatre and Restaurant**

Property acreage: 11.5

Existing Variances: Yes_____ No **X**

If yes, please explain_____

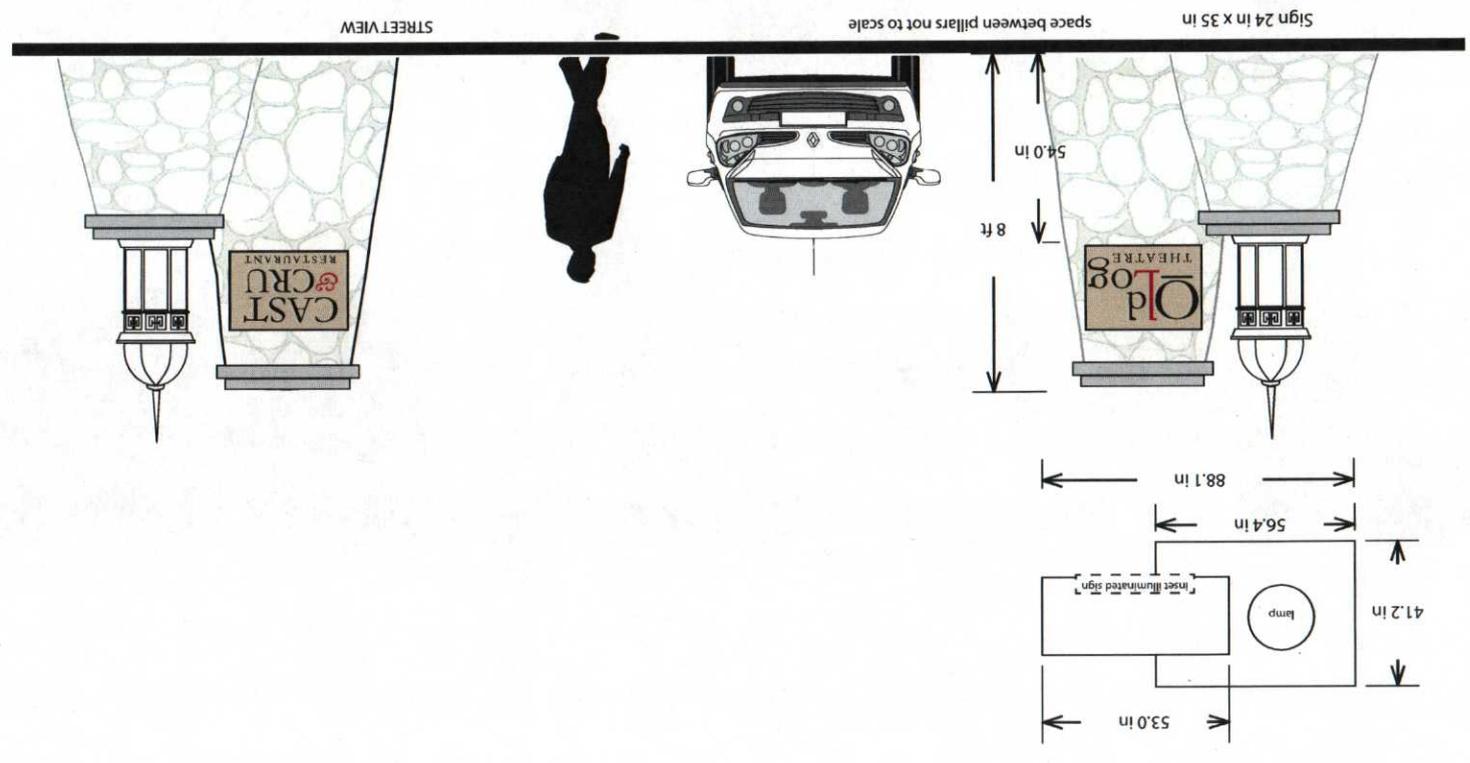
Describe Request: Build New____ Add On: **2 new signs** Remodel____ Replace: **1 Existing sign**

What is the Variance being requested for: **Signage**

Variance for:

	Required	Proposed
_____ Side Yard	_____ feet	_____ feet
_____ Front Yard	_____ feet	_____ feet
_____ Rear Yard	_____ feet	_____ feet
_____ Lake setback	_____ feet	_____ feet
_____ Building height	_____ feet	_____ feet
X _____ Structure height (see attached drawings)	_____ Feet	_____ feet
_____ Wetland	_____ feet	_____ feet
_____ Impervious Cover	_____ sq ft	_____ Sq ft
_____ Shoreland	_____ feet	_____ feet
_____ Massing	_____ volume	_____ volume
_____ Other	_____ feet	_____ feet
If other, please explain		

Driveway Signs



Minnetonka Blvd Sign

Note:
Sign shown is conceptual for design only. There has been no input from city or sign regulations.



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 in 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 sign blends in with and improves existing signage.

Establishing Practical Difficulty:

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

NA

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

We operate under a conditional use as a business within a residential area.

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

Signage upgrades existing signs utilizing a style already present on Minnetonka Boulevard.

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:

No effect.

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

No effect.

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

No effect.

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

No effect.

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

No effect.

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

No effect.

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

No effect.

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies: **I hereby request that the City request HCRRA to agree to the signage installation at Meadville as being in the public interest.**

_____ LMCD # 952-745-0789

_____ Watershed District # 952-471-0590

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.

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.

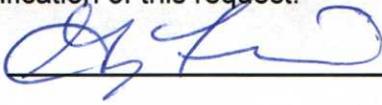
A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 15 business days of application.

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

Signature:  Date: 6/26/14

Owner's Acknowledgement & Signature(s)

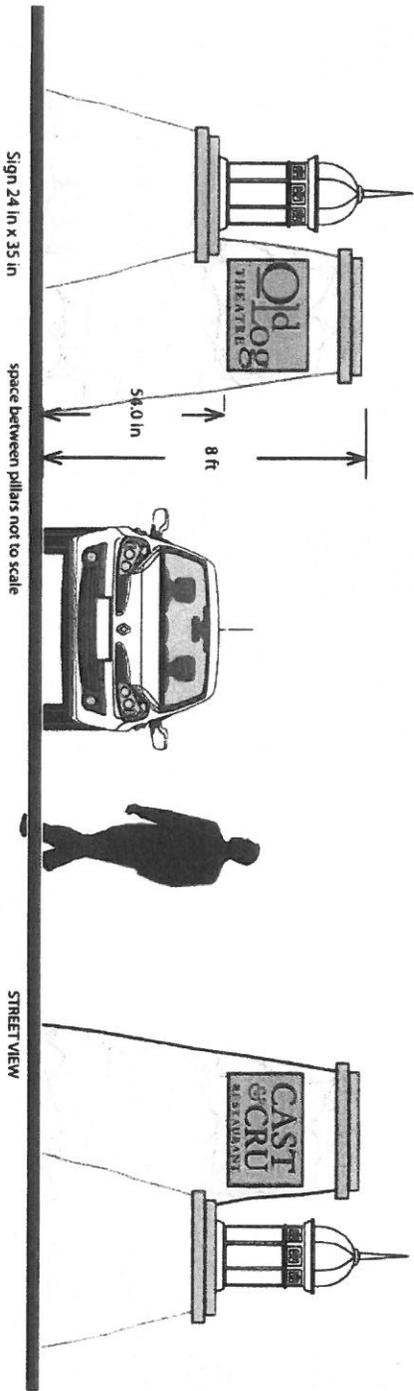
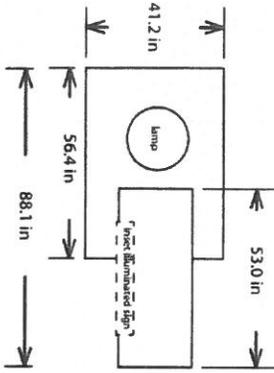
I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, Planning Commission Members, and City Council Members for purposes of investigation and verification of this request.

Owner's Signature:  Date: 6/26/14

Owner's Signature: _____ Date: _____

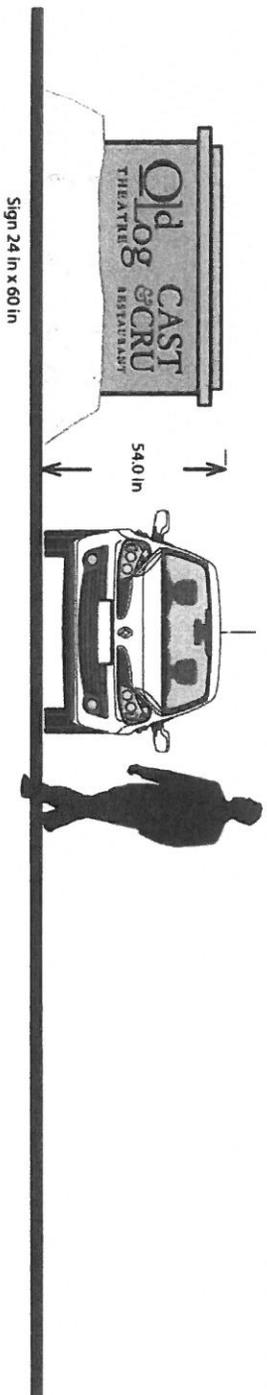
Note – Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.

Driveway Signs



Minnetonka Blvd Sign

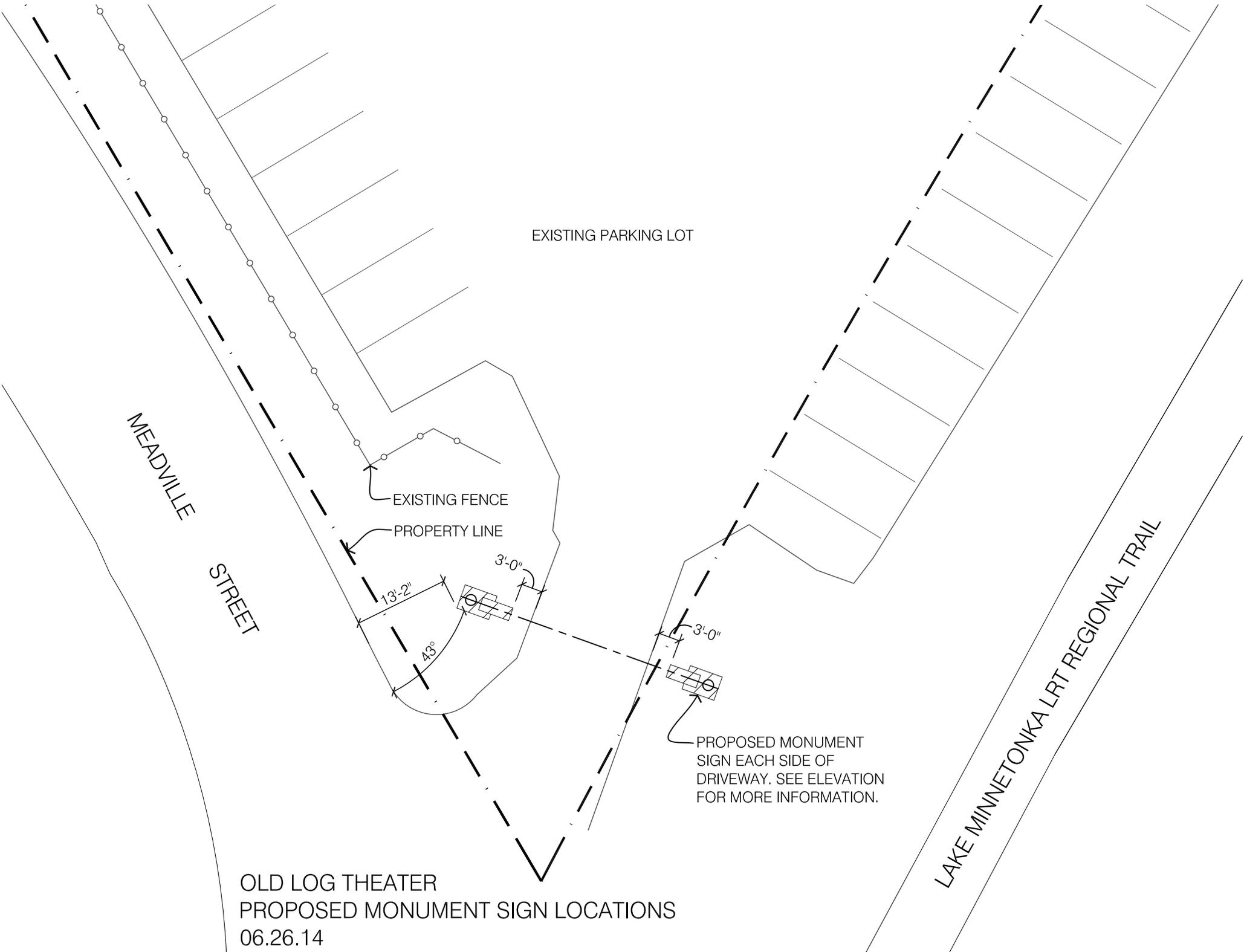
Note:
Sign shown is conceptual for design only. There has been no input from city or sign regulations.



Exterior Building Signage Old Log



Fourth 6.5ft X 6.5ft sign
on side of building
(43.3 sq ft)



EXISTING PARKING LOT

MEADVILLE STREET

LAKE MINNETONKA LRT REGIONAL TRAIL

EXISTING FENCE

PROPERTY LINE

13'-2"

48°

3'-0"

3'-0"

PROPOSED MONUMENT SIGN EACH SIDE OF DRIVEWAY. SEE ELEVATION FOR MORE INFORMATION.

OLD LOG THEATER
PROPOSED MONUMENT SIGN LOCATIONS
06.26.14



10 South Eighth Street
Minneapolis MN 55402

t 612_339_2257
f 612_349_2930
sheadesign.com

consultant

project title
OLD LOG THEATER
5185 MEADVILLE STREET
GREENWOOD, MN 55331

client
**GREG & MARISSA
FRANKENFIELD**

seal

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

STEVE HAASL
PRINTED NAME

SIGNATURE

DATE ISSUED

21585
REG. NO.

no.	date	issued for
11.14.13	PRICING SET	
02.13.14	CITY REVIEW	

project no.	date
6909.00	09.17.13
drawn	checked
JS/HSK	DAS

sheet title
ARCHITECTURAL SITE PLAN

A010



SITE PLAN LEGEND

- PROPERTY LINE
- CONSTRUCTION AREA
- EXISTING BUILDING ON SITE
- EXISTING FENCE
- HARDSCAPE

SITE PLAN KEY NOTES

- 1 EXTERIOR PATIO W/ BRICK PAVERS
- 2 CHEF'S GARDEN WITH RAISED PLANTER BOXES
- 3 RAISED PLANTER BOX WITH LOW VEGETATION
- 4 NEW PORTABLE EXTERIOR COOLER/FREEZER BOXES
- 5 NEW ALUMINUM STOREFRONT VESTIBULE
- 6 EXTERIOR AREA UNDER EXISTING PORCH ROOF TO BE ENCLOSED FOR STORAGE EXPANSION
- 7 EXISTING STORAGE ROOM WITHIN BUILDING TO BE RENOVATED FOR DRESSING ROOM EXPANSION
- 8 EXISTING SPACE NOT IN SCOPE OF WORK
- 9 EDGE OF WATER
- 10 NEW MONUMENT SIGN TO REPLACE EXISTING.
- 11 EXISTING DETENTION POND LOCATION
- 12 EXISTING DRAINAGE CREEK
- 13 EXISTING OWNER PARKING SPOT
- 14 EXISTING WALL STRUCTURE

PARKING

NEW PARKING (90 & 45 ANGLES)

NEW PARKING (PARALLEL)

PARKING COUNT: 171 (EXISTING PARKING) + 28 (NEW PARKING)
= 2 (OMITTING FOR ACCESS NEW PARKING)
= 197 (TOTAL)

HARDSCAPE RATIO

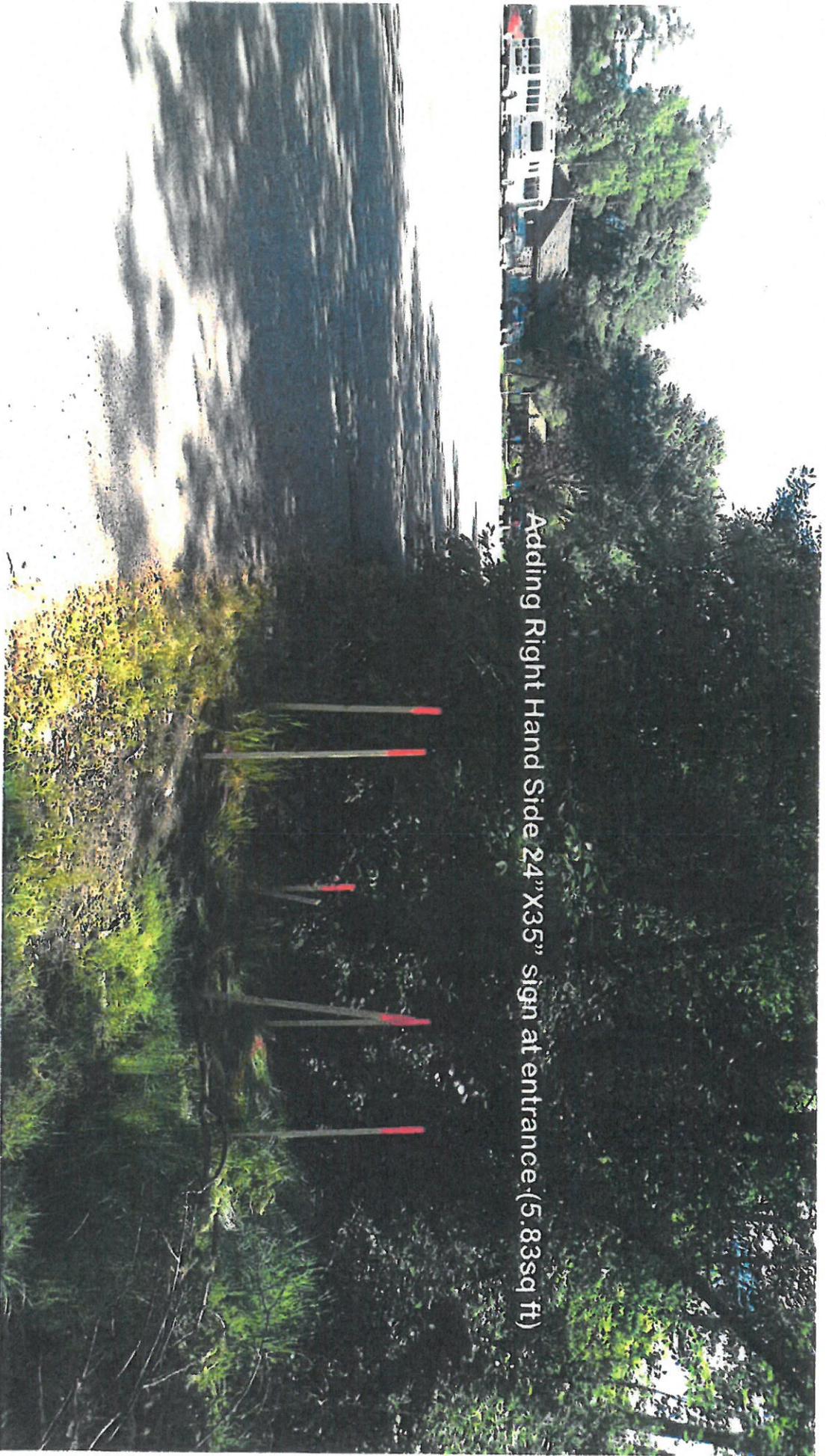
TOTAL PROPERTY AREA : 481,282 SQ.FT.
TOTAL HARDSCAPE AREA : 114,392 SQ.FT.
HARDSCAPE RATIO : 23.8%

R: 6900-6909 6909.00 OLD LOG THEATER CAD\CD\6909.00_A010.dwg 2/19/2014 5:09:51 PM

1 ARCHITECTURAL SITE PLAN
A010 1/32" = 1'-0"

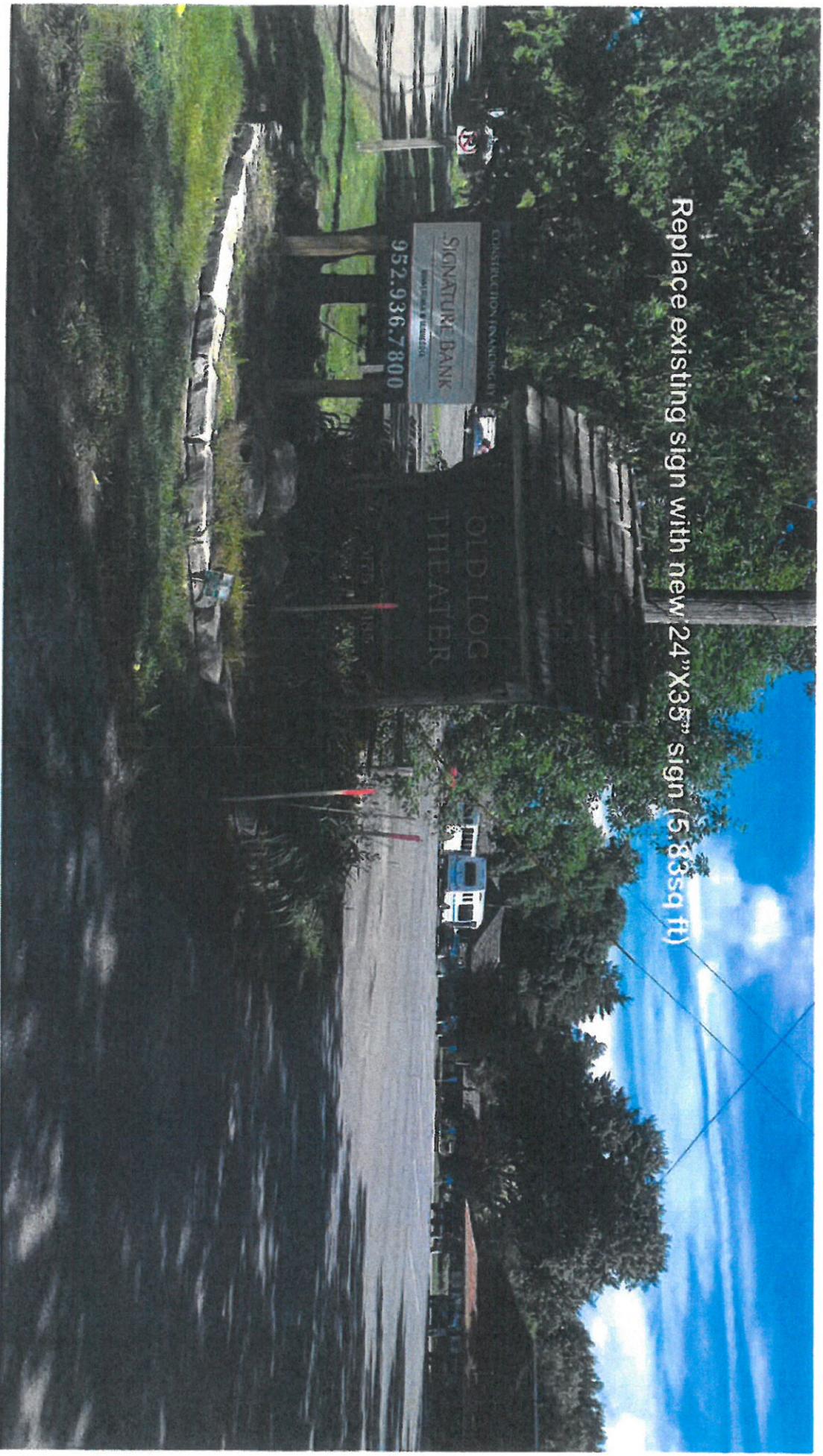


© 2013 shea, inc.



Adding Right Hand Side 24" X 35" sign at entrance. (5.83sq ft)

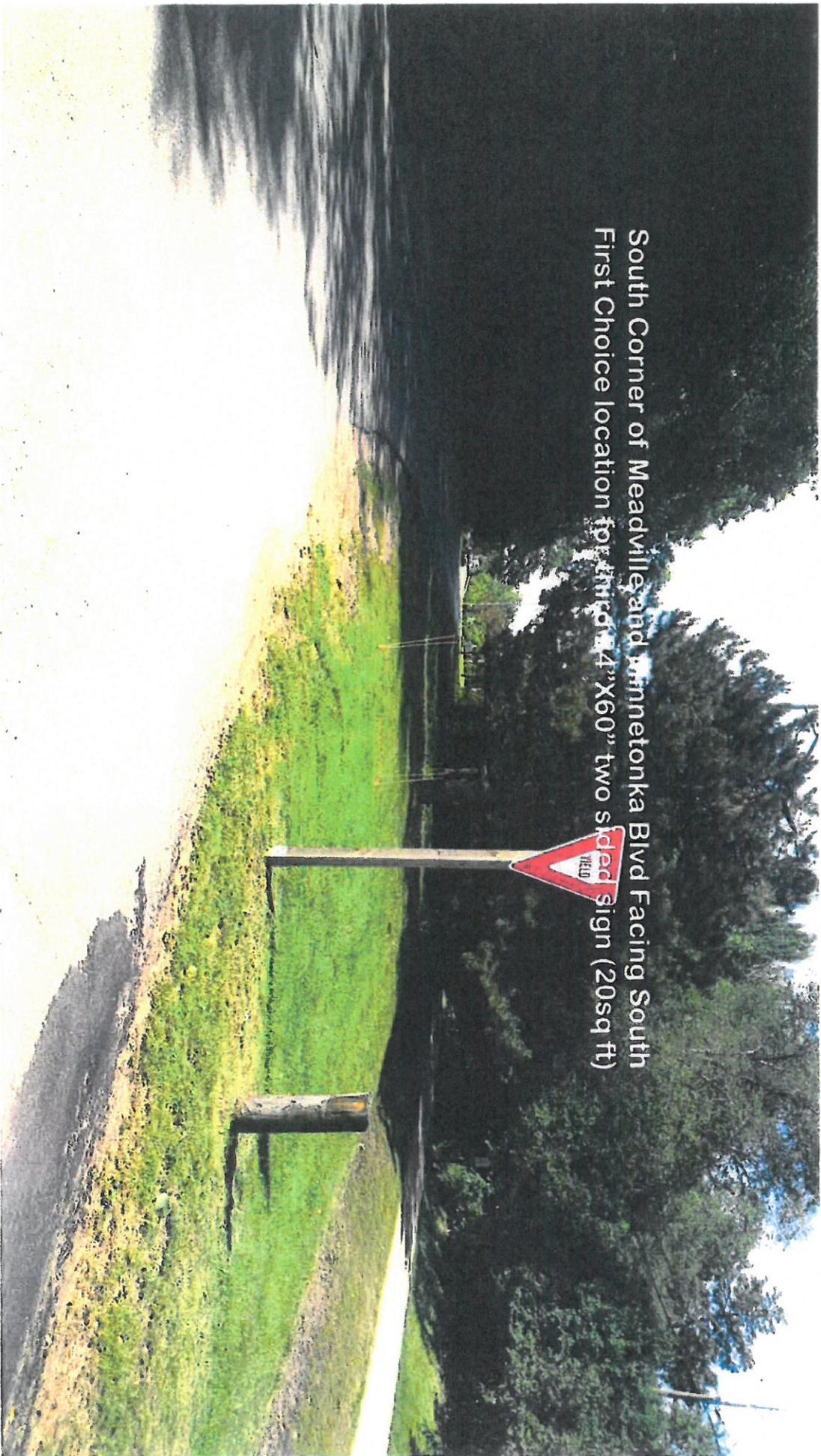
Replace existing sign with new 24"X35" sign (5.83sq ft)





Positioning of two 24' X 35' signs
at entrance to parking lot
(11.67 sq ft)

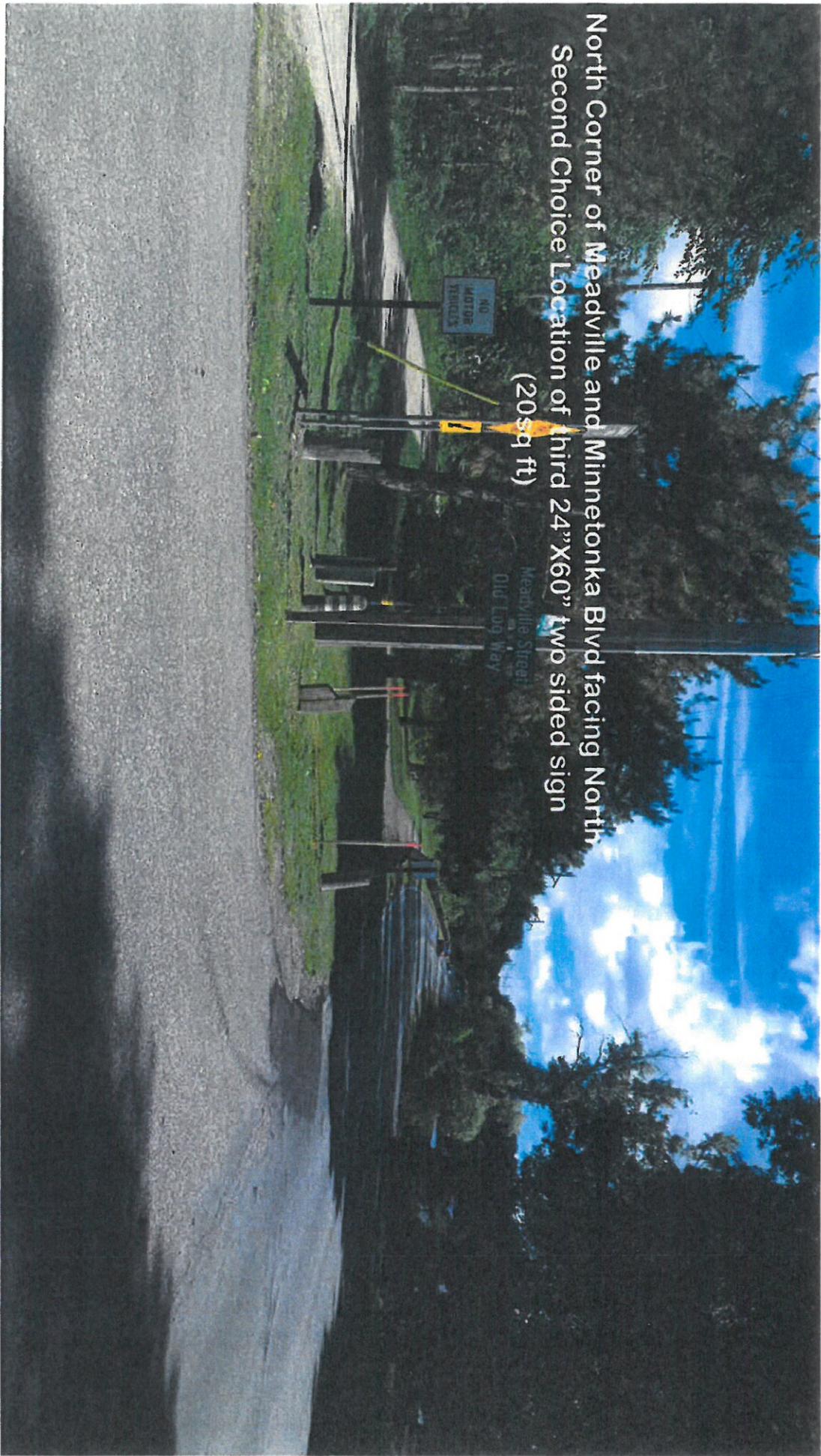
South Corner of Meadville and Minnetonka Blvd Facing South
First Choice location for "third 4" "X60" two sided sign (20sq ft)



North Corner of Meadville and Minnetonka Blvd facing North
Second Choice Location of Third 24"X60" two sided sign
(20sq ft)

NO
MOTOR
VEHICLES

Meadville Street
Old Log Way



RESOLUTION NO 33-14

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

In Re: Application of Excelsior Entertainment, LLC, Old Log Theatre, 5185 Meadville Street for a conditional use permit under Greenwood ordinance code sections 1140.40(3)(1) and 1150.20 to permit signage.

WHEREAS, Excelsior Entertainment, LLC, is the owner of property commonly known as the Old Log Theatre, 5185 Meadville Street Greenwood, Minnesota 55331 (PID No. 26-117-23 31 0028) in conformance with Greenwood ordinance code sections 1140.40(3)(1) and 1150.20, has made application for a conditional use permit (CUP); and

WHEREAS, the applicant proposes to remove an existing sign and the construct two monument signs on either side of the easterly driveway, signage on the face of the building, and a monument sign along Minnetonka Boulevard; and

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

WHEREAS, public comment was taken at the public hearing before the planning commission on October 15, 2014; and

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

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

FINDINGS OF FACT

1. That the real property located at 5185 Meadville Street Greenwood, Minnesota 55331 (PID No. 26-117-23 31 0028) is a lot of record operating as a Theater with Attached Restaurant under a CUP located within the R1C district.
2. Pursuant to Greenwood ordinance code section 1140.40(3)(1), the property owner proposes to construct new signage which requires the property owner to apply for a CUP.
3. Pursuant to Greenwood ordinance code section 1150.20, subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, subd 1 states:

“Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:

- (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
- (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
- (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- (d) The use will be harmonious with the objectives of the comp plan.
- (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

- (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, subd 1 (paragraph 5 above) and the additional requirements in section 1140.40(3)(1).
7. The planning commission discussed the CUP request and made the following recommendations:
- (a) That the city council approve a CUP to replace the existing signage in its same scale and mass. The recommendation is conditioned that the applicant provides additional information on the source of lighting to be used to illuminate the sign. The motion carried 5-0.
 - (b) That the city council approve a CUP to place 43 sq ft of signage on the face of the building, as presented. The recommendation is conditioned that the applicant provides additional information on the source of lighting to be used to illuminate the sign. The motion carried 3-2.
8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1 (paragraph 5 above) and the additional requirements in section 1140.40(3)(1), if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- (a) _____
 - (b) _____
 - (c) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

CONCLUSIONS OF LAW

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

- 1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1150.20, subd 1 and 1140.40(3)(1), necessary for the grant of a CUP.
- 2. The CUP requested is reasonable and should be granted on the following conditions:
 - (a) _____
 - (b) _____
 - (c) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to the applicant for the subject property to permit the construction of _____; on the following conditions:

- (a) _____
- (b) _____
- (c) The project must be completed according to the specifications and design requirements in the submitted plans.
- (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this ____ day of _____, 2014 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

RESOLUTION NO 34-14

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

APPROVING / DENYING

IN RE: Application of Excelsior Entertainment, LLC, Old Log Theatre, 5185 Meadville Street for a variance to Greenwood ordinance code section 1120.15 to permit construction of signage

WHEREAS, Excelsior Entertainment, LLC, is the owner of property commonly known as the Old Log Theatre, 5185 Meadville Street Greenwood, Minnesota 55331 (PID No. 26-117-23 31 0028); and

WHEREAS, application was made for variance to section 1120.15 to permit construction of signage that encroaches into the front yard setback; and

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

WHEREAS, public comment was taken at the public hearing before the planning commission on October 15, 2014; and

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

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

FINDINGS OF FACT

1. That the real property located at 5185 Meadville Street Greenwood, Minnesota 55331 (PID No. 26-117-23 31 0028) is a lot of record operating as a Theater with Attached Restaurant under a Conditional Use Permit located within the R1C district.
2. The applicant proposes to remove existing signage which encroaches into the front yard setback with new signage which would encroach into the front yard setback.
3. Section 1120.15 of the zoning ordinance requires a minimum front yard setback of 30 feet. The applicant proposes a setback of 13 feet. The proposal requires a variance of 17 feet.
4. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

"Subd. 4. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:
(a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
(b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
(c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?

- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

- 5. The applicant asserts that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above).
- 6. The planning commission discussed the variance request and recommended that the city council approve the application for a variance of Greenwood ordinance sections 1140.40(3)(i) and 1120.15 to encroach 13 feet into the required 30-foot front yard setback to replace the sign on the west side of the front entry drive. The recommendation is conditioned that the applicant provides additional information on the source of lighting to be used to illuminate the sign. The motion carried 5-0.
- 6. Based on the foregoing, the city council determined that variance request **does / does not** comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 (paragraph 8 above) for the following reason(s):

and has determined that the following conditions should be imposed on any variance grant:

- (a) _____
- (b) _____
- (c) **The project must be completed according to the specifications and design requirements in the submitted plans.**
- (d) **A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.**

- 7. Subject to the stated conditions, the variance, if granted, **will be / will not be** in harmony with the purpose and intent of the zoning ordinance and **may / may not** be granted.

CONCLUSIONS OF LAW

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

The applicant has **made / not made** an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of a variance and therefore:

- A. A variance to section 1120.15 permitting a 17 feet variance to the front yard setback for the construction of signage **should / should not** be granted.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments:

That the application of Excelsior Entertainment, LLC, Old Log Theatre, 5185 Meadville Street Greenwood, Minnesota 55331 (PID No. 26-117-23 31 0028) for:

- A. A variance to section 1120.15 permitting a 17 feet variance to the front yard setback for the construction of signage **is DENIED / APPROVED.**

with the following conditions:

- (a) _____
- (b) _____
- (c) The project must be completed according to the specifications and design requirements in the submitted plans.
- (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this ____ day of _____, 2014 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk



Agenda Number: 7D

Agenda Date: 10-05-14

Prepared by Deb Kind

Agenda Item: Consider Response to Shorewood's 10-20-14 Letter Regarding the Southshore Center

Summary: The Southshore Center (SSC) is a community center located near Shorewood City Hall that was built in 1996 by the cities of Excelsior, Deephaven, Greenwood, Tonka Bay, and Shorewood (the owner cities). The Friends of the SSC operated the facility with funds from grants and their membership until 2008 when grant money dried up. From 2009 to present, the city of Shorewood has managed the SSC. Greenwood has made annual contributions to the SSC since 2009.

In August 2013, Shorewood initiated discussions with the 5 owner cities to determine the future of the SSC. A SSC Advisory Committee was formed and engaged students from Minnetonka High School's Vantage program to conduct research and make recommendations. Based on the Vantage students' recommendations, SSC Advisory Committee members Tonka Bay Councilmember Elli Ansari and Greenwood Mayor Deb Kind developed The Cove 3-year pilot project.

On 06-03-14 the city of Shorewood sent a letter stating it is their intention to continue to operate the SSC and asked the other owner cities to participate in the costs or give up their ownership interest. The Greenwood council will discuss this issue at the July council meeting and decided to send the attached 07-14-14 letter to "withdraw from participation."

On 10-20-14 the city of Shorewood sent another letter (attached) asking the owner cities to approve a draft "notice of termination" and sign a "quit-claim deed relinquishing real property interests in the Southshore Center." The Greenwood council will discuss our response at the November council meeting. Attached is a DRAFT of a proposed response.

For the council's reference, the 2014 & 2015 budgets include a \$1200 contribution to the Southshore Center.

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

1. I move the city council approves the draft of the letter to Shorewood and further authorizes that the letter be sent to the city administrators of the owner cities for distribution to their respective city councils.
2. I move the city council approves the draft of the letter to Shorewood with the following changes _____ and further authorizes that the letter be sent to the city administrators of the owner cities for distribution to their respective city councils.
3. Do nothing or other motion ???



CITY OF SHOREWOOD

5755 COUNTRY CLUB ROAD • SHOREWOOD, MINNESOTA 55331-8927 • (952) 960-7900
FAX (952) 474-0128 • www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

October 20, 2014

Mayor Deb Kind
and Members of the City Council
City of Greenwood
20225 Cottagewood Road
Excelsior, MN 55331-6700

VIA U.S. MAIL

Re: Southshore Center

Dear Mayors and City Council Members:

This letter is offered on behalf of the Shorewood City Council relating to the Southshore Center. The last communication from Mayor Zerby to each of you on June 3, 2014, addressed the issues of the potential for collaboration and continued joint ownership. The purpose of this letter is to request consideration of each of the non-participating cities to go on record expressing their intention to terminate participation with the preservation of equity for each city so that Shorewood may proceed in the best interest of the Southshore Center and its constituent users.

Background

Earlier this summer, the City of Shorewood asked each of the councils of the founding cities of the Southshore Center (SSC) to determine if they were interested in continued participation in the operation and funding of the SSC. This was asked after the Advisory Committee had spent many months investigating options for the continued operation of the SSC as a joint community center.

The responses received from the founding cities are summarized below:

- Deephaven: Not interested in future participation.
- Tonka Bay: Not interested in further participation but not willing to give up its initial equity position.
- Greenwood: Not interested in further participation but not willing to give up its initial equity position.
- Excelsior: Interested in continued support and membership in the Center but unwilling to fully fund their portion.

There was a question raised by Tonka Bay and Greenwood as to whether a city could forfeit its equity position given the current language of the 1996 Joint Powers Agreement. Shorewood acknowledges protecting the interest of the initial investment in the Center of the participating cities in the event of sale or liquidation of the Center.

After the receipt of the above listed responses and after extensive work by our staff and City Attorney, the City of Shorewood has reached the following conclusions:

- The Center's most appropriate use is to continue service as a community meeting space.
- The Center, operating at its current level, will continue to run a yearly operating deficit of approximately \$70,000.
- Realistic CIP costs for the Center through 2020, including the COVE proposal updates are approximately \$345,000 (calculation attached).
- The City Council of Shorewood has determined that it will assume the responsibility for the continued operation and upkeep of the Center without the participation of the other founding cities.

Given the responses received from the founding cities, we are asking that each City avail itself of the "Termination" clause outlined in Section 6 of the March 4, 1996 Cooperative Agreement For The Southshore Senior/Community Center (document attached). This clause allows founding cities to terminate their participation and financial responsibility while not forfeiting their ownership interest.

The City of Shorewood intends to continue operation of the Center as a public resource for the community and would ask that we have clear and unilateral authority to do this.

Proposal

The formation document for the Southshore Center was the Cooperative Agreement dated March 4, 1996. There have been many changes since that time in the Southshore Center, its management, the lease, and the dissolution of the Friends of the South Lake Minnetonka Senior Community Center.

Under the terms of the ownership structure set forth in the Cooperative Agreement, termination and dissolution provisions continue to govern the underlying ownership. In light of the stalemate of the cities to participate in the costs of the operation and capital maintenance, the City of Shorewood requests that the non-participating cities provide Notice of Termination of their participation in the Cooperative Agreement. The termination provision in Section 6 of the Cooperative Agreement allows that a withdrawing city will not have the right to continued participation in decisions relating to the Cooperative Agreement. Withdrawal, however, will not result in forfeiture of the withdrawing cities' share of proceeds resulting from the sale or

October 20, 2014
Page 3

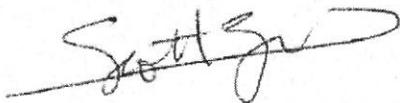
liquidation of the Center net of future capital investments by the City of Shorewood as provided in Section 6 of the Cooperative Agreement.

To that end, we request the non-participating cities approve the attached Notice of Termination. We further respectfully request the non-participating cities approve, execute and return the Notice of Termination to the City of Shorewood no later than November 26, 2014.

It had been our hope that all of the cities would find a way to continue this asset as a joint venture. We hope by allowing for the continuance of your respective ownership interests, you will provide clear operational authority for the City of Shorewood to move forward to support and maintain the Center.

Thank you in advance for your assistance and cooperation.

Sincerely,

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

Mayor Scott Zerby
and the Shorewood City Council

Enclosure

NOTICE OF TERMINATION

This Notice of Termination is provided by the City of Greenwood this ___ day of November, 2014, to the City of Shorewood pursuant to the terms of that Cooperative Agreement dated March 4, 1996.

RECITALS

1. The City of Greenwood entered into the Cooperative Agreement with other member cities, making an initial contribution in the amount set forth in the attached Exhibit A.
2. The City of Shorewood has requested participating cities to participate in the cost of the capital maintenance and replacement of key building components.
3. The City of Greenwood intends to not make further capital contributions to the Southshore Center and withdraw as a participating city.
4. The Cooperative Agreement provides the process for orderly termination by notice and withdrawal whereby a terminating and withdrawing city shall have its share of initial investment preserved upon liquidation or sale of the Southshore Center.
5. The City of Shorewood shall proceed on its own to fund the capital requirements and operational costs of the Southshore Center.

AGREEMENT

In consideration of the terms of the Cooperative Agreement, the City of Greenwood does hereby provide this Notice of Termination pursuant to the terms of the Cooperative Agreement and does further provide a quit claim deed in the form attached relinquishing its real property interests in the Southshore Center.

In the event of a sale or liquidation of the Southshore Center to a third party, the City of Shorewood shall distribute proceeds adjusted to reflect the investments in facilities by Shorewood after that date of this Notice to each withdrawing member City consistent with the original capital contribution of each withdrawing member city as provided in the Cooperative Agreement.

City of Greenwood

ACCEPTED by City of Shorewood

By: _____
Its: Mayor

By: _____
Its: Mayor

By: _____
Its: City Administrator

By: _____
Its: City Administrator

(Top 3 inches reserved for recording data)

QUIT CLAIM DEED
Business Entity to Business Entity

Minnesota Uniform Conveyancing Blanks
Form 10.3.5 (2013)

eCRV number: _____

DEED TAX DUE: \$ _____

DATE: _____
(month/day/year)

FOR VALUABLE CONSIDERATION, City of Greenwood
(insert name of Grantor)

a municipal corporation under the laws of the State of Minnesota ("Grantor"),
hereby conveys and quitclaims to the City of Shorewood
(insert name of Grantee)

a municipal corporation under the laws of the State of Minnesota ("Grantee"),
real property in Hennepin County, Minnesota, legally described as follows:

See Exhibit A attached

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

City of Greenwood
(name of Grantor)

By: _____
(signature)

Its: _____
(type of authority)

By: _____
(signature)

Its: _____
(type of authority)

State of Minnesota, County of Hennepin

This instrument was acknowledged before me on _____, by _____
(month/day/year) *(name of authorized signer)*

_____ as _____
(type of authority)

and by _____
(name of authorized signer)

as _____ of City of Greenwood
(type of authority) *(name of Grantor)*

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Kutak Rock LLP
U.S. Bank Plaza South, Suite 1750
220 South Sixth Street
Minneapolis, MN 55402
(TJK)

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS
INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

South Shore Community Center, 5735 Country Club Rd Prepared by: Joe Pazandak
Capital Maintenance Plan, 2014, with expected expense through 2030

BUILDING Component	Const Year	Age	CMP Strategy	Useful Life	Replacement Year	Current cost	Replacement cost	Projected funding need, to 2014	Projected expended cost to 2020, 10
Roof	1996	18	4. a	21	2017, Note 7.c. & f.	\$ 38,675.00	\$ 40,995.50	\$ 35,139.00	\$ 43,000.00
Building structure	1996	18	4. b				\$ -		
Siding	1996	18	4. a	40	2036	\$ 9,000.00	\$ 12,960.00	\$ 5,832.00	\$ 2,000.00
Exterior painting and caulking	1996	18	4. a	20	2016	\$ 1,800.00	\$ 1,872.00	\$ 1,684.80	\$ 2,000.00
Doors, exterior	1996	18	4. b	40	2036	\$ 9,000.00	\$ 12,960.00	\$ 5,832.00	
Windows	1996	18	4. b	30	2026	\$ 13,600.00	\$ 16,864.00	\$ 10,118.40	\$ 17,000.00
Mechanical systems, Furnace & AC	1996	18	4. a	22	2018	\$ 36,000.00	\$ 38,880.00	\$ 31,810.91	\$ 42,000.00
Electrical systems, light fixtures	1996	18	4. b	25	2021	\$ 56,000.00	\$ 63,840.00	\$ 45,964.80	\$ 64,000.00
Plumbing systems, plumbing fixtures	1996	18	4. b	30	2026	\$ 6,000.00	\$ 7,440.00	\$ 4,464.00	\$ 7,000.00
Water heater	1996	18	4. a	20	2016	\$ 2,200.00	\$ 2,288.00	\$ 2,059.20	\$ 2,400.00
Kitchen exhaust mechanical system	1996	18	4. c	25	2021	\$ 12,000.00	\$ 13,680.00	\$ 9,850.00	\$ 14,000.00
Fire suppression sprinkler sys	1996	18	4. b	25	2021	\$ 20,000.00	\$ 22,800.00	\$ 16,416.00	\$ 23,000.00
Gutters	1996	18	4. b	25	2021	\$ 7,000.00	\$ 7,980.00	\$ 5,745.60	\$ 8,000.00
Retaining walls	1996	18	4. b	25	2021	\$ 8,000.00	\$ 9,120.00	\$ 6,566.40	\$ 9,000.00
Fence	1996	18	4. b	15	2011	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Cove Now elements, 8									\$ 45,000.00
Cove Future elements, 9									\$ 50,000.00
Exterior landscaping and patio, 11									\$ 15,000.00
Parking and driveway, 12									
Total								\$ 182,483.11	\$ 344,400.00

Notes:

1. Scope of Capital Maintenance Plan (CMP) is intended to address replacement of major building components.
2. CMP does not address maintenance or replacement of minor building elements.
3. Some maintenance and repair comments may be included.
4. CMP Strategy:
 - a. Set useful life and cost, used for elements that will have a generally determinate useful life or life cycle and the end of the life cycle will have issues for building use or durability.
 - b. Components that have a longer life cycle that may become obsolete, become inefficient with new technology, deteriorate slowly, repairs or maintenance exceed return on investment over a given time.
 - c. Components that due to performance should have a strategy established to address issues prior to components life cycle.
5. CMP Program will be reviewed each year for adjustments.
6. Useful Life, Replacement Year and Costs are estimates.
7. Additional comments:
 - a. Kitchen equipment and related mechanical systems should have a cost/benefit analysis evaluation due to operation and maintenance costs.
 - b. Sidewalk at side of building needs adjustment. Repaired in 2014.
 - c. Roofing needs repair. Roofing condition ranges from 2.5 to 7.0 (average 5.5) on a scale of 0 to 10.
 - d. Exterior paint and caulking is about 60%.
 - e. Gutters need repair.
 - f. Roofing is continuing to split/crack. This may move replacement forward. 2016: Some splits/cracks repaired, to extend roof.
8. Cove Now elements, rounded to nearest 1,000.
9. Cove Future elements, increased for future cost increase and rounded to nearest 1,000.
10. Projected costs, have been adjusted to show general expected cost and rounded to nearest 1,000.
11. Landscape planting and patio outside large Meeting Room, could be considered.
12. Parking and driveway, have not been included.

EXHIBIT A

City	\$ Contribution	% Contribution
Shorewood	\$ 311,000	50.00%
Excelsior	90,812	14.60%
Greenwood	24,569	3.95%
Deephaven	139,639	22.45%
Tonka Bay	55,980	9.00%
	<hr/> \$ 622,000	<hr/> 100.00%

COOPERATIVE AGREEMENT
FOR THE
SOUTHSHORE SENIOR/COMMUNITY CENTER

THIS COOPERATIVE AGREEMENT FOR THE SOUTHSHORE SENIOR/COMMUNITY CENTER is made on this 4 day of March, 1996, by and among the City of Deephaven, a Minnesota municipal corporation (Deephaven), the City of Excelsior, a Minnesota municipal corporation (Excelsior), the City of Greenwood, a Minnesota municipal corporation (Greenwood), the City of Shorewood, a Minnesota municipal corporation (Shorewood), and the City of Tonka Bay, a Minnesota municipal corporation (Tonka Bay), (hereinafter collectively referred to as "Cities").

RECITALS:

FIRST: Cities desire to develop a senior/community center (Center). The Center shall be used by senior citizens for educational and recreational activities, including, but not limited to, arts, crafts, music and other various programs of enrichment. In addition, the Center shall be used by citizens for banquets, receptions, reunions and other public and private events and other community-based activities such as those commonly provided at community centers throughout the area.

SECOND: Cities desire to combine resources pursuant to Minn. Stat. § 471.59 to develop and construct the Center.

NOW, THEREFORE, the parties covenant and agree as follows:

1.) Purpose. The parties have determined that each City is more economically and efficiently served by constructing and operating the Center together rather than each City constructing and operating its own community center. The parties agree that the Center shall be used by senior citizens for educational and recreational activities, including, but not limited to, arts, crafts, music and other various programs of enrichment. The Center shall also be used by citizens for banquets, receptions, reunions and other public and private events and other community-based activities such as those commonly provided at community centers throughout the area. Such programs and activities shall be consistent with the use of the surrounding and adjoining facilities. The overall guiding principle embodied in this Agreement is the mutual desire of the parties to maximize the use of the Center by all members of the Cities' respective constituencies.

2.) Ownership. The development and construction of the Center shall be financed through a pooling of resources from Cities and The Friends of the South Lake Minnetonka Senior Community Center, a Minnesota non-profit corporation with tax-exempt status pursuant to §§ 170(c)(2) and 501(c)(3) of the Internal Revenue Code of 1986 (Friends). Cities shall own the Center as tenants in common, with the ownership interest of each City proportionate to each City's investment in the Center. The amount of each City's investment and the proportionate ownership of each City is set forth in Exhibit A attached hereto which may be amended from time to time upon unanimous approval of the cities.

The Center shall be constructed on property conveyed by Shorewood to Cities for One and 00/100 Dollar (\$1.00), and other good and valuable consideration, and which is legally described on Exhibit B attached hereto. Shorewood shall be responsible for the design and construction of the Center in accordance with the preliminary site plan and building elevation as set forth on Exhibit C attached hereto.

3.) Funding. All amounts due from Cities for the development and construction of the Center shall be remitted to Shorewood within sixty (60) days of the date of the execution of this Agreement by an authorized representative of each City. Shorewood shall be the finance manager and manager of the construction of the Center during the design and construction of the Center and shall establish separate books of account to monitor the payment of funds. The Cities shall be under no further obligation, pursuant to the terms of this Cooperative Agreement, to fund the maintenance, operation, programming or staffing of the Center or any other costs, expenses or capital investments relating to the Center.

4.) Excess Funds. Upon completion of construction of the Center, excess funds shall be held in a restricted capital reserve account for the purpose of repairs and capital replacement of the Center. This account shall be controlled by the Friends, however, no expenditure in excess of Five Thousand and 00/100 Dollars (\$5,000) shall be made without the approval of a majority of the Cities. This reserve is not intended for day-to-day maintenance such as snow removal, routine building maintenance and cleaning or for any other operating costs.

5.) Lease. Cities shall lease the Center to Friends (Friends' Lease). The term of the Friends' Lease shall be twenty-five (25) years and the rental rate shall be One and 00/100 Dollar (\$1.00) per year and other good and valuable consideration. The Friends' Lease shall provide for four (4) renewal periods of five (5) years each.

Friends shall operate and maintain the Center. Friends shall be required to pay for any and all forms of insurance to adequately insure the Center against any and all risks associated with operating and maintaining the Center, both known and unknown, including worker's compensation insurance for Center employees and general liability insurance up to the statutory limits of liability relating to the Center. Each policy shall name Cities as additional insureds.

By entering into this Agreement, Cities do not agree to assume any risk or responsibility for the acts or omissions relating to the operation and maintenance of the Center by Friends, or for the procurement, or failure to procure, by Friends of insurance against all insurable risks, both known and unknown, related to the Center, or for the acts or omissions of any other City.

6.) Termination. Any City may terminate its participation in this Agreement at any time for any reason upon thirty (30) days written notice to the remaining Cities. The remaining Cities shall not have a right to object to any City's withdrawal from this Agreement. A withdrawing city will not have the right to participate in decisions relating to this Agreement. Withdrawal from this Agreement will not result in the forfeiture of the withdrawing City's undivided ownership interest in the Center but the withdrawing City's share of the costs incurred by the Cities pursuant to this Agreement, if any, shall be recovered out of the withdrawing City's share of any proceeds resulting from the sale or liquidation of the Center.

At the termination of the lease term or termination by action and approval of the Cities, the Center may be sold subject to the following:

(a) Shorewood Option. The City of Shorewood may retain the Center by repayment to each of the remaining Cities an amount equal to their original capital contribution. Shorewood may pay the remaining Cities in cash, or at its option, Shorewood may make installment payments to the Cities over a period not to exceed ten (10) years payable in equal annual installments of principal and interest at the rate of eight percent (8%) per annum from and after the date of Termination.

(b) Sale to Third Party. The Center may be sold to a third party for fair market value. In the event of sale to a third party, the City of Shorewood will assure adequate access to the Center. The proceeds of said sale shall be allocated and paid to each City proportionate to its original capital contribution as provided in the attached Exhibit A.

(c) Proceeds from Future Gain. Should Shorewood sell the Center to a third party within ten (10) years of exercising alternative (a), the net proceeds of said sale beyond the original capital contribution paid by each of the Cities shall be allocated and paid to each City proportionate to its original capital contribution as provided in the attached Exhibit A.

7.) Dissolution, Amendment, Termination. The following may only be undertaken based on the written approval of two-thirds of the Cities: (a) Sale of the Center; (b) Amendment of this Agreement; or (c) Termination of the Lease with The Friends of South Lake Minnetonka Senior Community Center, or any renewal, extension, assignment or subleasing thereof or successor thereto. The following may be undertaken upon written approval of a majority of the Cities: (a) Capital improvements; or (b) City directed changes in the operation of the Center.

8.) Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Minnesota.

IN WITNESS WHEREOF, the Cities of Deephaven, Excelsior, Greenwood, Shorewood and Tonka Bay, in accordance with the authorizing resolution from their respective City Councils, have caused this Agreement to be duly executed.

CITY OF DEEPHAVEN

Dated: 3/4/96

By: Wanda R. Langley
Its: City Clerk Treasurer

By: [Signature]
Its: Mayor

CITY OF EXCELSIOR

Dated: 2/28/96

By: [Signature]
Its: City Manager

By: [Signature]
Its: Mayor

CITY OF GREENWOOD

Dated: 2/28/96

By: [Signature]
Its: City (Clerk) Administrator

By: [Signature]
Its: Mayor

CITY OF SHOREWOOD

Dated: 2/28/96

By: [Signature]
Its: City (Clerk) Administrator

By: [Signature]
Its: Mayor

CITY OF TONKA BAY

Dated: 2/28/96

By: [Signature]
Its: City (Clerk) Administrator

By: [Signature]
Its: Mayor

EXHIBIT A
LEGAL DESCRIPTION

That part of Lot 12, Block 2, ECHO HILLS 2ND ADDITION, and of Lot 27, Auditors Subdivision 133, according to the plats on file in the office of the County Recorder, Hennepin County, Minnesota, described as follows:

Commencing at a point in the centerline of Smithtown Road distant 645.00 feet easterly from an intersection of the northerly extension of the west line of said Lot 27 with said centerline; thence southerly parallel with the west line of said Lot 27 a distance of 34.19 feet to the point of beginning of the land to be described; thence South 00 degrees 29 minutes 57 seconds East, assumed bearing, along a line parallel with the west line of said Lot 27 and the west line of said Lot 12 a distance of 104.00 feet; thence South 76 degrees 20 minutes 42 seconds East 45.00 feet; thence South 15 degrees 30 minutes 36 seconds East 45.00 feet; thence South 76 degrees 20 minutes 42 seconds East 57.05 feet; thence North 66 degrees 48 minutes 24 seconds East 34.92 feet; thence North 34 degrees 25 minutes 43 seconds East 30.00 feet; thence North 00 degrees 29 minutes 57 seconds West, parallel with the west line of said Lots 12 and 27, a distance of 160.00 feet to a point in the north line of said Lot 12; thence South 84 degrees 37 minutes 48 seconds West 94.66 feet; thence South 74 degrees 29 minutes 24 seconds West 68.00 feet to the point of beginning.

Said parcel contains 26,000 square feet more or less.

Together with a permanent easement for parking purposes over, under and across that part of said Lots 12 and 27 described as follows:

Commencing at a point in the centerline of Smithtown Road distant 645.00 feet easterly from an intersection of the northerly extension of the west line of said Lot 27 with said centerline; thence South 00 degrees 29 minutes 57 seconds East 138.19 feet to the southwest corner of the above described parcel and to the point of beginning of the easement to be described; thence South 00 degrees 29 minutes 57 seconds East 27.00 feet; thence South 74 degrees 29 minutes 24 seconds West 4.00 feet; thence South 15 degrees 30 minutes 36 seconds East 55.00 feet; thence South 74 degrees 29 minutes 24 seconds West 55.00 feet; thence North 15 degrees 30 minutes 36 seconds West 55.00 feet; thence South 74 degrees 29 minutes 24 seconds West 91.00 feet; thence South 00 degrees 29 minutes 57 seconds East 139.77 feet; thence North 74 degrees 29 minutes 24 seconds East 284.59 feet; thence North 00 degrees 29 minutes 57 seconds West 58.60 feet; thence North 34 degrees 25 minutes 43 seconds East 22.40 feet to the southeasterly corner of the above described parcel; thence westerly and northwesterly along the southwesterly line of said above described parcel to the point of beginning.

Together with the right of ingress and egress to and from the Country Club Road.

Contains 31,452 square feet more or less.

AGREEMENT FOR THE LEASE

AND OPERATION OF THE SOUTHSHORE COMMUNITY CENTER

THIS LEASE AND OPERATION AGREEMENT, is made this 25 day of June, 2009, between the City of Deephaven, the City of Excelsior, the City of Greenwood, the City of Shorewood, and the City of Tonka Bay (the "Cities" or "Landlord"), and the City of Shorewood ("Tenant").

RECITALS

WHEREAS, the Cities desire to provide a Center for use by senior citizens for education, cultural participation, socializing, recreation, arts, crafts, music and similar programs of enrichment; and

WHEREAS, the Cities desire that the Landlord undertake its best efforts to make the Center widely available to all citizens and residents; and

WHEREAS, the Cities desire to provide a congregate dining facility to serve the needs of senior citizens; and

WHEREAS, the Cities desire to provide a facility to be used by citizens for municipal use, community organizations, meetings, banquets, receptions, reunions and similar public and private activities; and

WHEREAS, the Cities agree that it is to their mutual benefit that Tenant operate the Center consistent with the terms of this Lease for the purpose of providing the most efficient service to the public and avoiding future conflict regarding the Center's operation;

NOW, THEREFORE, the parties do hereby agree and covenant as set forth below:

IN CONSIDERATION OF the mutual covenants and promises as hereinafter set forth, the parties agree as follows:

1. Premises. Landlord hereby leases to Tenant and Tenant takes from Landlord, subject to the terms and conditions of this Lease, a building and land situated at 5735 Country Club Road, containing approximately 26,000 square feet of space and legally described on Exhibit A attached hereto ("Premises"), together with a permanent easement for the non-exclusive use of forty-seven (47) parking stalls, entrances, restrooms and exits adjacent to the Premises.

2. Term. The term of this Lease shall commence on July 1, 2009 and shall terminate on December 31, 2012. The term of this Lease shall renew for successive three year terms unless the Tenant or Landlord provides written notice in accordance with Section 3 of this agreement.

3. Termination. The Tenant may terminate this Lease at any time for any reason upon 90 days written notice to the Landlord. Landlord may terminate this Lease upon 90 days written notice to Tenant only in the event of default by Tenant as described in paragraph 13

4. Nature of Occupancy. Tenant shall use the Premises for use by senior citizens for educational and recreational activities, including, but not limited to, arts, crafts, music and other various programs of enrichment. The Center shall also be used by citizens for banquets, receptions, reunions

and other public and private events and other community-based activities such as those commonly provided at community centers throughout the area.

5. Rent. The Tenant agrees to pay the Landlord as rent for the Premises the amount of one and 00/100 dollars (\$1.00) per year during the term of this lease agreement.

6. Utilities. The Tenant shall pay all the charges for all public utility services rendered or furnished to the Premises, including, but not limited to, heat, air conditioning, water, gas, electricity and sewer, garbage or waste removal, telephone and any other expenses arising out of or incidental to the use and occupancy of the Premises.

7. Insurance. The Tenant shall keep and hold property, casualty, and general liability insurance naming the Landlord as an additional insured, subject to any limits specified under Minnesota State Statute Chapter 466.

8. Repairs, Maintenance, and Alterations. Tenant agrees to maintain the Premises in good order, condition and repair during the term of this Lease, including plowing and maintenance of the parking area referred to in Paragraph 1 above. Tenant shall repair or replace at its own expense any improvement or part thereof on the Premises necessary to so maintain it, and to return the Premises at the end of the term of this Lease in the same condition as it was received, reasonable wear and tear, casualty losses and acts of God excepted. Any improvements, expansion or structural modifications made by the Tenants to the Premises shall become the property of the Landlord at the termination of the Lease. Tenant shall obtain written approval from 2/3rds of the Landlord before undertaking any expansion or structural modification of the Premises.

9. Compliance with Laws and Regulations. In its operation of the Center, Tenant shall comply with all statutes, ordinances, rules, orders, regulations and requirements of all federal, state, city and local governments and their agencies.

10. Signs. Tenant shall have the right to install and maintain signs advertising Tenant's business, provided the signs conform to law and to the requirements of all appropriate governmental authorities.

11. Management of Center. Tenant may, at its sole discretion, enter into an agreement with a contractor of its choosing or hire staff as Tenant deems reasonable for the operation and management of the Center; furthermore, the Tenant may enter into long-term rental agreements and partnerships as it deems appropriate and in keeping with the intended use of the Center as provided for in Section 4 above.

12. Rental Fees. Tenant, in its sole discretion, may determine rental rates and any other fees or costs associated with use and rental of the Center. Tenant shall retain all revenue generated through the operation of the Center..

13. Destruction of Premises. Tenant shall give immediate notice to Landlord of any damage to or destruction of the Premises.

14. Default. The following shall constitute a default by Tenant and breach of this Lease:

- (a) Failure to perform the terms, covenants and conditions of this Lease within ten (10) days after notice of breach and request for performance is given by Landlord.
- (b) Failure of the Tenant to use the Premises as provided in Paragraph 4.

14. Indemnification. Subject to the limits in Minnesota Statutes Chapter 466, Tenant and Landlord agree to be responsible for any loss, damage, cost, expense (including attorneys' fees), liability, or claims for personal injury or property damage incurred or occurring in, on, or about the Premises caused by their respective employees, agents, or representatives.

15. Quiet Enjoyment. Landlord covenants that Tenant, upon payment of rent and upon performance by Tenant of the terms, conditions and covenants of this Lease, Tenant shall peaceably and quietly have, hold and enjoy the Premises for the entire term of this Lease; Landlord further covenants that it has good right to make this Lease for its entire term.

16. Right of Inspection. Landlord shall at all times have the right to enter upon the Premises to inspect its condition, and at its election, to make reasonable and necessary repairs thereon for the protection and preservation thereof, but nothing herein shall be construed to require Landlord to make such repairs, and Landlord shall not be liable to Tenant, or any other person or persons, for failure or delay in making said repairs, or for damages or injury to person or property caused in or by the making of such repairs, or the doing of such work. Landlord shall have the right during the last ninety (90) days of the term of this Lease to advertise the Premises for rent and to place and maintain on the Premises the usual notices and to show the Premises to prospective tenants.

17. Notices. All written notices required shall be given by certified mail to the parties at the addresses stated below:

If to Landlord:	City Administrator City of Deephaven 20225 Cottagewood Road Excelsior, MN 55331 City Manager City of Excelsior 339 Third Street Excelsior, MN 55331 City Administrator City of Greenwood 20225 Cottagewood Road Excelsior, MN 55331 City Administrator City of Shorewood 5755 Country Club Road Shorewood, MN 55331 City Administrator
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City of Tonka Bay
4901 Manitou Road
Tonka Bay, MN 55331

If to Tenant: City Administrator

City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

18. Binding Effect. Except to the extent otherwise provided herein, this Lease and the terms, conditions and covenants contained herein shall be binding upon and inure to the benefit of Landlord and Tenant, and their respective successors, heirs and legal representatives and assigns.

19. Governing Law. This Lease shall be construed under and governed by the laws of the State of Minnesota.

20. Severability. In the event any provision of this Lease shall be found invalid or unenforceable, that provision shall be severed from this Lease, and the remaining portions hereof shall continue in full force and effect pursuant to their terms.

21. Entire Agreement. This Lease contains the entire agreement between the parties, and any amendment hereafter made shall be ineffective to alter, modify or discharge any provision hereof unless the amendment is in writing and signed by the party against whom enforcement is sought.

22. Tenant Improvements. Any improvements made by Tenant to the Premises, except trade fixtures, shall become the property of Landlord at Landlord's option at the termination of the Lease. If Landlord does not choose to own said improvements at the termination of the Lease, Tenant shall remove said improvements at Tenant's sole cost and expense and return the Premises to the same condition it was received, normal wear and tear and acts of God excepted.

23. Action by Landlord. Action authorized by "Landlord" under paragraphs 2,3, 10 or 16 of this Lease may only be taken if four of the five Cities provide written approval of such action by their respective city councils.

24. Headings. The headings used in this Lease are for convenience only and shall not have any bearing or meaning with respect to the content or context of this instrument.

IN WITNESS WHEREOF, Landlord and Tenant have respectively signed this Lease as of the date first above written.

CITY OF DEEPHAVEN

Dated: 6-25-09

By: Dona H. Gerry
Its: City (Clerk) Administrator

Dated: 6-25-09

By: Paul Ashman
Its: Mayor

CITY OF EXCELSIOR

Dated: 7/6/09

By: Kurt L
Its: City Manager

Dated: 7/6/09

By: Mark W
Its: Mayor

CITY OF GREENWOOD

Dated: 6/25/09

By: Roberta Whipple
Its: City (Clerk) Administrator

Dated: 6/25/09

By: Mark J
Its: Mayor

CITY OF SHOREWOOD

Dated: 7/3/09

By: B
Its: City (Clerk) Administrator

Dated: 7/9/09

By: Christie L
Its: Mayor

CITY OF TONKA BAY

Dated: 7/7/09

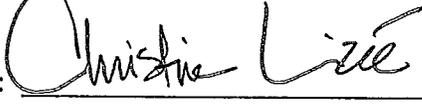
By: Jessica J

Its: City (Clerk) Administrator

Dated: 7/9/09

By: 
Its: Mayor

TENANT:
City of Shorewood

By: 
Its: Mayor

By: 
Its Administrator



Date: July 14, 2014

To: Southshore Center Founding City Councils of Excelsior, Deephaven, Shorewood, Tonka Bay

From: Greenwood City Council

RE: RESPONSE TO JUNE 3, 2014 SHOREWOOD LETTER

The city of Greenwood received the June 3, 2014 letter from the city of Shorewood requesting the Southshore Center (SSC) Founding Cities respond regarding interest to "continue in an ownership position."

We are disappointed that Shorewood is not interested in either pursuing or further discussing The Cove concept for the SSC. However, since the SSC is located in and supported by Shorewood, we believe it is important for Shorewood to take a leadership role with any new direction for the SSC. Since we disagree on the best direction for the SSC, we believe the best course is for Greenwood to withdraw from participation.

In accordance with paragraph 6 of the 1996 Cooperative Agreement for the Southshore Senior / Community Center, the city of Greenwood:

- Will no longer participate in sharing costs for operations, capital improvements, and decisions relating to the Southshore Center effective August 13, 2014.
- Will continue to have undivided ownership interest in the Southshore Center.

The city of Greenwood would be open to discussing an amendment to the Cooperative Agreement in which Greenwood may give up its ownership interest in the SSC while maintaining access for Greenwood residents. However, before entering into such an agreement we would need information regarding the intended plans for the future of the SSC.

We recognize the desire by Shorewood to move in their own direction, but we also believe that it is important to protect the interests of Greenwood residents in the facility that Greenwood helped establish and has consistently supported with time, money, and energy.

If you have any questions, please contact Mayor Deb Kind 952.401.9181, dkind100@gmail.com.

DRAFT



Date: November ____, 2014
To: Shorewood City Council
Cc: Excelsior, Deephaven, and Tonka Bay City Councils
From: Greenwood City Council

RE: RESPONSE TO OCTOBER 20, 2014 SHOREWOOD LETTER

Greenwood received the October 20, 2014 letter from Shorewood requesting the Southshore Center (SSC) cities approve a draft resolution terminating participation in the SSC and sign a quit-claim document to "relinquish our real property interests in the SSC."

Here is our response:

1. Greenwood already terminated our participation in the SSC in writing per the terms of the 1996 Cooperative Agreement (see attached 07-14-14 letter).
2. A quit-claim document from Greenwood to "relinquish our real property interests in the SSC" is not necessary to "provide clear operational authority to Shorewood" (or any other city that wishes to continue participation in the SSC). To protect our ownership interest in the SSC, Greenwood will not sign the proposed quit-claim document.
3. If it is important for Shorewood to own the center outright, then Greenwood would be open to Shorewood invoking the "Shorewood Option" (paragraph 6a of the 1996 Cooperative Agreement) and repaying the cities in an amount equal to their capital contribution.
4. Enclosed is our voluntary 2014 contribution to the SSC. FYI, below is our voluntary giving history since Shorewood took over operations in 2009 ...

2010	\$1200
2011	\$900
2012	\$900
2013	\$900
2014	\$_____ (enclosed)

Sincerely,

Mayor Debra J. Kind
and the Greenwood City Council



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.

**Place Currently Not Set
Traffic Survey Summary**

Location: Sleepy Hollow Road
Start Date: 09-02-14
End Date: 09-10-14

Zone: Residential
Start Time: 18:37:41
End Time: 20:37:56
Travel Direction: N

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	1654	7	4	1	3	2	0	0	2	0	0	1
% of Total	98.8%	0.41%	0.23%	0.05%	0.17%	0.11%	0%	0%	0.11%	0%	0%	0.05%
									Total Vehicles: 1674			

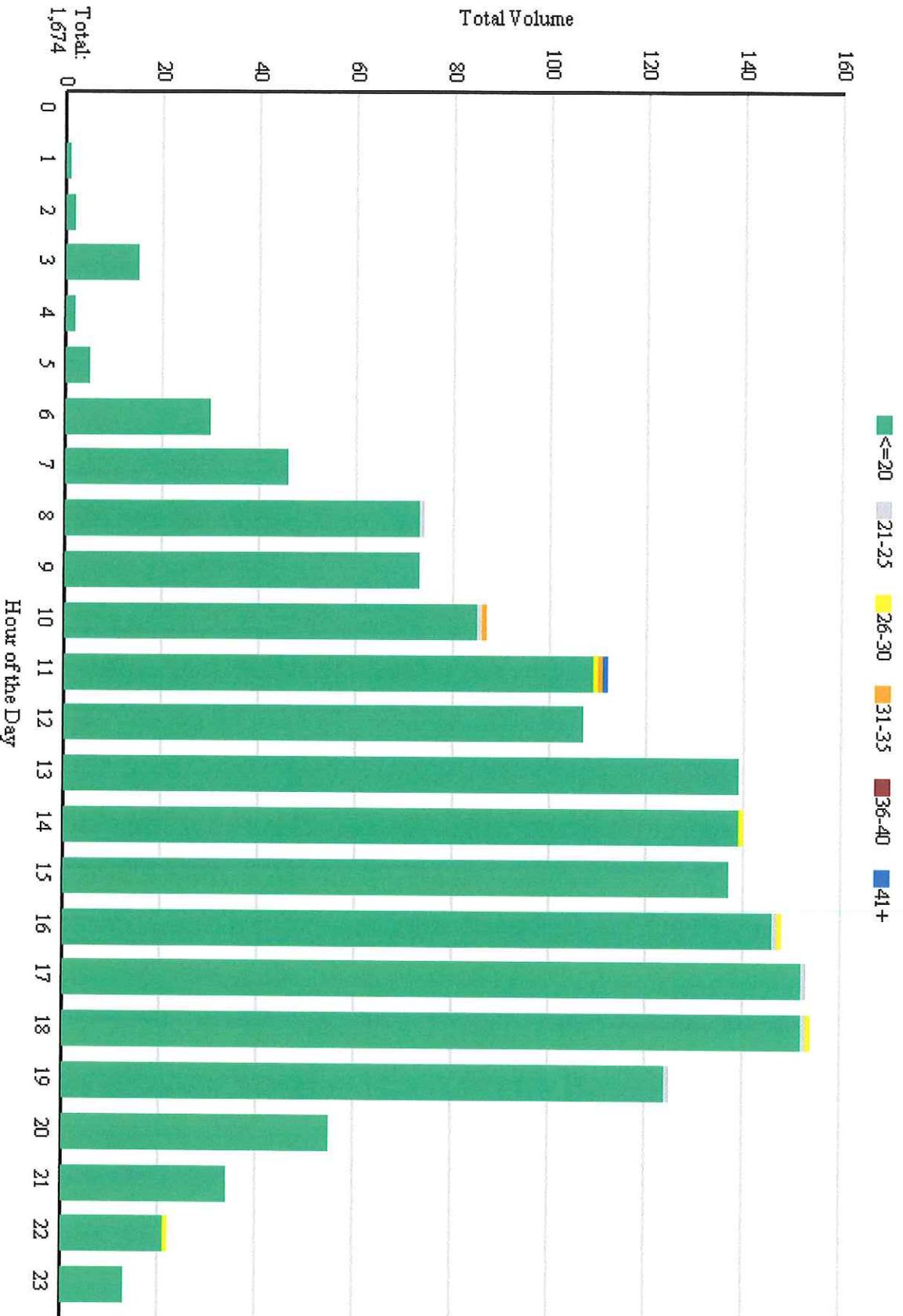
Speed Statistics		10 MPH Pace		Number Exceeding Limit				
Posted	20	Pace Speed	6 to 15	Speed	20+	30+	40+	Total
#At/Under Limit	1660	# in Pace	1503	Number	11	2	1	14
# Over Limit	14	% in Pace	89.78%	Percent	0.65%	0.11%	0.05%	0.83%
Average Speed	10.15	85% Percentile	14					

Place Currently Not Set
Speed/Time/Volume Graph

Location: Sleepy Hollow Road
Dates: 09-02-14 to 09-10-14

Zone: Residential
Speed Limit: 20 MPH

Travel Direction: N





CITY OF EXCELSIOR

339 THIRD STREET
EXCELSIOR, MINNESOTA 55331
TEL: 952-474-5233
FAX: 952-474-6300

October 7, 2014

Jeff Spartz, Executive Director
Minnehaha Creek Watershed District
15320 Minnetonka Boulevard
Minnetonka, MN 55345

Dear Mr. Spartz:

The City of Excelsior strongly encourages the MCWD Board of Managers to continue exploring the feasibility of videotaping and broadcasting the Board's regular meetings.

We, along with other communities in our area, are facing ever greater concern about issues affecting water quality, surface water management, and invasive species. Since the actions of the MCWD can have a significant impact on residential and economic activities, it is imperative that the MCWD be as transparent in their operations as practically possible.

We ask that the Board of Managers diligently pursue the actions necessary to videotape and broadcast the Board's regular meetings.

Sincerely,

Mayor Mark Gaylord
On Behalf of the Excelsior City Council

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SEWER CONSTRUCTION UPDATE – OCTOBER 9, 2014

EXCELSIOR AREA SEWER IMPROVEMENTS PROJECT:

WATER SERVICE INSTALLATION ALONG EXCELSIOR BLVD.

Communications:

- Walk-in sessions for property owners and project stakeholders to visit with **Tom Buchal, MCES's Construction Contract Administrator**:
 - Walk-in sessions are held the 2nd and 4th Wednesday of each month from 5 p.m. to 7 p.m.
 - Location: MCES Construction Field Office at 19285 Highway 7 (south side of Highway 7 at Vine Hill Rd.).
- To sign up for project e-mail updates, please send an e-mail to tim.odonnell@metc.state.mn.us stating that you would like to receive Excelsior Area Sewer Improvements e-mail updates.

Construction Activities and Timeline:

- Water main installation along Excelsior Blvd. between Minnetonka Blvd. and 2nd St. is wrapping up this week.
- The contractor will be starting work to connect the water services to business and residents to the new water main **during the week of Oct. 13, finishing up during the week of Oct. 20**. To minimize inconvenience and traffic disruption, water service connections will be completed during night work hours. Affected businesses/residents will be individually notified at least 24 hours prior to any water service disruption that will be necessary to complete this work.

Traffic Control:

- During the water service connection work, Excelsior Blvd. will be closed to thru traffic from 12:00 a.m. (midnight) to 8:00 a.m. each day from Oct. 13 to Oct. 17 and on Oct. 20.

For More Information:

For more information, including the latest project updates, visit www.metrocouncil.org/sewerconstructionupdates.

For questions or more information, contact:

- Tom Buchal, Construction Contract Administrator, at 651-955-3561 or thomas.buchal@metc.state.mn.us
- Quentin Knaak, Assistant Construction Contract Administrator, at 612-570-0525 or Quentin.Knaak@metc.state.mn.us
- Tim O'Donnell, Project Citizens Liaison, at 651-602-1269 or tim.odonnell@metc.state.mn.us



DATE: October 10, 2014
TO: Greenwood
Gus Karpas - City Clerk/Treasurer
20225 Cottagewood Road
Deephaven, MN 55331-6700
FROM: Matt Gsellmeier, MCES I&I Grant Administrator
SUBJECT: 2014 Municipal Grant Program Letter of Intent

Thank you for applying to the 2014 State Bond Funded Municipal I&I Grant Program. This non-binding letter of intent confirms receipt of your city's application and approval to participate per the Metropolitan Council's approved program design and guidelines.

The program design and guideline details, along with the draft agreement that must be entered into with the Metropolitan Council, can be found at the following link:

[http://www.metrocouncil.org/Wastewater-Water/Funding-Finance/Rates-Charges/MCES-Inflow-and-Infiltration-\(I-I\)-Program.aspx](http://www.metrocouncil.org/Wastewater-Water/Funding-Finance/Rates-Charges/MCES-Inflow-and-Infiltration-(I-I)-Program.aspx)

Based upon your application's preliminary project description and projected cost estimates, your estimated Preliminary Minimum Allocation (PMA) is \$21,000.00. Enclosed is a listing of all participating cities identifying both PMA and the estimated Final Reimbursement Amount (FRA) for each.

Please be advised that these are preliminary non-binding estimates and that each participant's final FRA depends upon the actual and eligible project work submitted per approved guidelines. PMA and FRA will be calculated simultaneously for all participants upon receipt of documentation verifying a project costs. Should a city not complete a project with I&I eligible work, or complete with insufficient eligible work, PMA and FRA will be adjusted accordingly. Contingent upon availability of funding, cities may be eligible for additional funding should they complete a project(s) with more I&I eligible work than described in their application.

Important Dates to Remember

MCES provide cities Letter of Intent, PMA & estimated FRA	October 10, 2014
Cities provide descriptions and pay claims for completed projects	October 30, 2016
FRA determination, grant agreements distributed	November 15, 2016

MCES will process reimbursement upon receipt of signed agreement and commits to sending semi-annual grant notices to all participants beginning April 2015. These notices will serve as both reminders of participation and solicitations for changes in participant contact, projects, or other relevant information.

Documentation at completion of projects to verify eligibility and calculate both PMA and FRA must include the following:

- Completion and submission of MCES provided verification form, and
- A city resolution authorizing participation in the grant program, and
- Certification (notarized) confirming ownership or easements for locations where work was completed, and
- Description of work, along with description or map of locations, and
- Invoices substantiating cost of work completed.

It is important to remember this letter is not a legally binding document confirming funding, but rather a stated commitment to enter into a legally binding agreement with your city upon verification of adherence to the grant program guidelines and process.

MCES appreciates and is committed to your participation in this program designed to assist our stakeholders in the mitigation of excess inflow and infiltration into the metropolitan disposal system.

Please direct your questions or concerns to:

Matt Gsellmeier, MCES I&I Grant Administrator
390 Robert Street North
Saint Paul, MN 55101
651-602-1802
matt.gsellmeier@metc.state.mn.us



Jason Willett, MCES, Director of Finance, Revenue and Energy



Leisa Thompson, MCES General Manager

MCES 2014 I&I Pre-Grant Application Summary

10/10/2014

City	Total Project Work:	Amt Eligible for Funding:	Est. Part 1 PMA	Remaining Balance:	Est. Part 2 Funding	Estimated FRA
Arden Hills	\$ 652,500.00	\$ 168,750.00	\$ 25,000.00	\$ 143,750.00	\$ 12,295.31	\$ 37,295.31
Bloomington	\$ 257,100.00	\$ 87,750.00	\$ 25,000.00	\$ 62,750.00	\$ 5,367.17	\$ 30,367.17
Brooklyn Center	\$ 1,684,093.60	\$ 437,793.40	\$ 25,000.00	\$ 412,793.40	\$ 35,307.28	\$ 60,307.28
Chanhassen	\$ 400,000.00	\$ 181,250.00	\$ 25,000.00	\$ 156,250.00	\$ 13,364.46	\$ 38,364.46
Columbia Heights	\$ 879,800.00	\$ 260,275.00	\$ 25,000.00	\$ 235,275.00	\$ 20,123.68	\$ 45,123.68
Deephaven	\$ 94,280.00	\$ 47,140.00	\$ 25,000.00	\$ 22,140.00	\$ 1,893.69	\$ 26,893.69
Eagan	\$ 702,412.00	\$ 187,059.25	\$ 25,000.00	\$ 162,059.25	\$ 13,861.35	\$ 38,861.35
Eden Prarie	\$ 878,350.00	\$ 439,175.00	\$ 25,000.00	\$ 414,175.00	\$ 35,425.45	\$ 60,425.45
Edina	\$ 7,465,000.00	\$ 1,895,000.00	\$ 25,000.00	\$ 1,870,000.00	\$ 159,945.92	\$ 184,945.92
Excelsior	\$ 163,045.00	\$ 44,278.50	\$ 25,000.00	\$ 19,278.50	\$ 1,648.94	\$ 26,648.94
Forest Lake	\$ 940,000.00	\$ 260,000.00	\$ 25,000.00	\$ 235,000.00	\$ 20,100.16	\$ 45,100.16
Fridley	\$ 645,000.00	\$ 161,250.00	\$ 25,000.00	\$ 136,250.00	\$ 11,653.81	\$ 36,653.81
Golden Valley	\$ 1,620,895.00	\$ 439,467.50	\$ 25,000.00	\$ 414,467.50	\$ 35,450.47	\$ 60,450.47
Greenwood	\$ 42,000.00	\$ 21,000.00	\$ 21,000.00	\$ -	\$ -	\$ 21,000.00
Hopkins	\$ 425,000.00	\$ 120,000.00	\$ 25,000.00	\$ 95,000.00	\$ 8,125.59	\$ 33,125.59
Lakeville	\$ 259,676.00	\$ 82,606.00	\$ 25,000.00	\$ 57,606.00	\$ 4,927.19	\$ 29,927.19
Lilydale	\$ 450,000.00	\$ 90,000.00	\$ 25,000.00	\$ 65,000.00	\$ 5,559.62	\$ 30,559.62
Lino Lakes	\$ 226,000.00	\$ 74,500.00	\$ 25,000.00	\$ 49,500.00	\$ 4,233.86	\$ 29,233.86
Little Canada	\$ 72,000.00	\$ 26,000.00	\$ 25,000.00	\$ 1,000.00	\$ 85.53	\$ 25,085.53
Long Lake	\$ 667,000.00	\$ 181,750.00	\$ 25,000.00	\$ 156,750.00	\$ 13,407.23	\$ 38,407.23
Maple Grove	\$ 2,290,000.00	\$ 582,500.00	\$ 25,000.00	\$ 557,500.00	\$ 47,684.41	\$ 72,684.41
Maplewood	\$ 112,770.00	\$ 28,192.50	\$ 25,000.00	\$ 3,192.50	\$ 273.06	\$ 25,273.06
Medina	\$ 223,075.00	\$ 58,243.75	\$ 25,000.00	\$ 33,243.75	\$ 2,843.42	\$ 27,843.42
Mendota Heights	\$ 180,000.00	\$ 50,000.00	\$ 25,000.00	\$ 25,000.00	\$ 2,138.31	\$ 27,138.31
Minneapolis	\$ 5,098,821.00	\$ 1,274,705.25	\$ 25,000.00	\$ 1,249,705.25	\$ 106,890.51	\$ 131,890.51
Minnetonka	\$ 204,970.00	\$ 58,922.50	\$ 25,000.00	\$ 33,922.50	\$ 2,901.48	\$ 27,901.48
Minnetonka Beach	\$ 11,000.00	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00
Mound	\$ 293,895.00	\$ 73,473.75	\$ 25,000.00	\$ 48,473.75	\$ 4,146.08	\$ 29,146.08
Mounds View	\$ 1,009,500.00	\$ 255,500.00	\$ 25,000.00	\$ 230,500.00	\$ 19,715.26	\$ 44,715.26
New Hope	\$ 427,900.00	\$ 144,975.00	\$ 25,000.00	\$ 119,975.00	\$ 10,261.77	\$ 35,261.77
Newport	\$ 698,635.00	\$ 271,938.75	\$ 25,000.00	\$ 246,938.75	\$ 21,121.31	\$ 46,121.31
North St. Paul	\$ 1,551,000.00	\$ 392,750.00	\$ 25,000.00	\$ 367,750.00	\$ 31,454.60	\$ 56,454.60
Oakdale	\$ 140,000.00	\$ 43,500.00	\$ 25,000.00	\$ 18,500.00	\$ 1,582.35	\$ 26,582.35
Prior Lake	\$ 351,000.00	\$ 87,750.00	\$ 25,000.00	\$ 62,750.00	\$ 5,367.17	\$ 30,367.17
Ramsey	\$ 63,000.00	\$ 25,250.00	\$ 25,000.00	\$ 250.00	\$ 21.38	\$ 25,021.38
Roseville	\$ 4,050,000.00	\$ 822,500.00	\$ 25,000.00	\$ 797,500.00	\$ 68,212.23	\$ 93,212.23
Saint Paul	\$ 1,079,646.30	\$ 407,411.58	\$ 25,000.00	\$ 382,411.58	\$ 32,708.65	\$ 57,708.65
Savage	\$ 118,200.00	\$ 43,425.00	\$ 25,000.00	\$ 18,425.00	\$ 1,575.94	\$ 26,575.94
Shorewood	\$ 210,000.00	\$ 56,250.00	\$ 25,000.00	\$ 31,250.00	\$ 2,672.89	\$ 27,672.89
St Anthony Village	\$ 750,000.00	\$ 194,225.00	\$ 25,000.00	\$ 169,225.00	\$ 14,474.25	\$ 39,474.25
St. Paul Park	\$ 396,957.00	\$ 99,239.25	\$ 25,000.00	\$ 74,239.25	\$ 6,349.87	\$ 31,349.87
Tonka Bay	\$ 130,000.00	\$ 32,500.00	\$ 25,000.00	\$ 7,500.00	\$ 641.49	\$ 25,641.49
Vadnais Heights	\$ 160,000.00	\$ 41,250.00	\$ 25,000.00	\$ 16,250.00	\$ 1,389.90	\$ 26,389.90
Waconia	\$ 1,141,000.00	\$ 295,500.00	\$ 25,000.00	\$ 270,500.00	\$ 23,136.56	\$ 48,136.56
Wayzata	\$ 415,800.00	\$ 103,950.00	\$ 25,000.00	\$ 78,950.00	\$ 6,752.80	\$ 31,752.80
West St. Paul	\$ 1,191,083.00	\$ 304,295.75	\$ 25,000.00	\$ 279,295.75	\$ 23,888.88	\$ 48,888.88
Woodbury	\$ 292,900.00	\$ 118,750.00	\$ 25,000.00	\$ 93,750.00	\$ 8,018.68	\$ 33,018.68
Total Amt Eligible for Funding:	\$ 41,114,803.90	\$ 11,077,042.73	\$ 1,151,000.00	\$ 9,926,042.73	\$ 849,000.00	\$ 2,000,000.00

Calculations:

Total Grant Funding	\$ 2,000,000.00
- Part 1 Funding:	\$ 1,151,000.00
= Remaining for Part 2:	\$ 849,000.00
Total Amt Eligible for Funding:	\$ 11,077,042.73
- Part 1 Funding:	\$ 1,151,000.00
= Remaining Amt Eligible	\$ 9,926,042.73

Acronyms:

Est. - Estimated
PMA - Preliminary Minimal Allocation
FRA - Estimated Final Reimbursement Amount

% Allocation for Part 2 (A)/(B) 8.6%



LAKE MINNETONKA CONSERVATION DISTRICT

"Save the Lake" is a non-profit fund investing in the environmental quality and recreational enjoyment of Lake Minnetonka.

SAVE THE LAKE

October 10, 2014

FOR IMMEDIATE RELEASE
Availability of 2015 Save the Lake Funds

LAKE MINNETONKA CONSERVATION DISTRICT NEWS- FOR IMMEDIATE RELEASE

Contact: Greg Nybeck, Executive Director
(952) 745-0789 or gnybeck@lmcd.org

Save the Lake Chair Dan Baasen and the Lake Minnetonka Conservation District (LMCD) are pleased to announce the availability of Save the Lake Funds for 2015. Save the Lake is a non-profit fund that invests in programs that benefit the public safety, environmental, and recreational needs of Lake Minnetonka. Grant applications will be received for public safety, environmental, and public service/education projects.

An informational document that provides further details on the availability of 2015 Save the Lake Funds (i.e., eligible applicants and costs, examples of past projects, as well as application guidelines and review criteria) can be obtained by request or found on the LMCD's website at www.lmcd.org/save-the-lake.

A completed application shall be submitted to the LMCD by Friday, December 5, 2014. The LMCD is located at 5341 Maywood Road, Suite 200, Mound, MN 55364. Please feel free to contact LMCD Executive Director Greg Nybeck at 952-745-0789 or gnybeck@lmcd.org if you have any questions or need assistance on submitting a grant application.



SAVE THE LAKE

AVAILABILITY OF SAVE THE LAKE FUNDS October 2014

Availability of Save the Lake Funds

The Lake Minnetonka Conservation District (LMCD) currently has Save the Lake Funds available for 2015. Save the Lake is a non-profit fund that invests in programs that benefit the public safety, environmental, and recreational needs of Lake Minnetonka. Grant applications will be received for public safety, environmental, and public service/education projects.

Eligible Applicants

Non-profit organizations (*), businesses (**), cities, and school districts may apply for Save the Lake funds. Examples of potential applicants include:

- Lake Minnetonka communities;
- Other governmental agencies;
- Lake homeowners and neighborhood associations; and
- Local business associations.

(*) Non-profit organizations and other groups must be officially registered with the State of Minnesota. Proof of organizational status will be required with submission of the 2015 Save the Lake Grant Application.

(**) For-profit groups are encouraged to partner with a lake, homeowner, or neighborhood association. If a project will be implemented on private property, the applicant must show how it benefits the general public and is a public service. Applicants do not need to reside in the 14 Lake Minnetonka communities; however, the project must be implemented entirely on Lake Minnetonka.

Example of Past Projects

Detailed below are a few of the projects funded, or partially funded, by Save the Lake:

- Red and green solar-lights that are placed on top of high traffic navigational buoys;
- Improvements to emergency services safety equipment (most recently for the Hennepin County Sheriff's Water Patrol, Mound Fire Department, and Wayzata Fire Department);
- Coordination of interactive, local training of youth to secure their Minnesota Department of Natural Resources youth operator permit; and

- Purchase of “No Anchoring” buoys for Big Island (Hennepin County Environmental Services).

Eligible Costs

Save the Lake Funds may be used for:

- Purchase of capital equipment;
- Purchase of supplies or materials;
- Contracting with specialists;
- Permit costs; and
- Other items as agreed to by the LMCD and its representatives.

Funds may not be used to pay for existing staff and overhead expenses.

Application Guidelines

A completed application shall be submitted to the LMCD office by Friday, December 5, 2014 at 4:30 p.m. Proposals shall be no longer than five single-sided pages in a 12-point font (maps and any appendices do not count as part of the five-page limit). The following information needs to be submitted within the proposal:

Title Page and Executive Summary:

The title page shall include the following information: a) the primary applicant’s name (organization), b) contact person’s name and title, c) address (including city and zip code), d) telephone number(s), e) fax number, and f) e-mail address. You need to list any partnering organizations and their respective contact information.

Include a brief Executive Summary paragraph (50 words or less) that summarizes the main goals and objectives of your project. Indicate the total amount you are requesting from the LMCD, along with any matching funds. **Note: it is important that your Executive Summary be 50 words or less.** The summaries will be used in the grant review process.

Project Description, Goals, Objectives, and Activities

Provide a brief description of your organization and the proposed project. List the primary goals and objectives for your project, including how you expect to achieve them and how they will be measured. Be sure to indicate where the project activities will take place (provide a one-page, 8.5” x 11” map); specifically showing the location of the work and indicating what will take place at each location.

Project Timeline

Provide a brief project timeline that lists major project activities and when they will occur.

Project Evaluation

Explain how the effectiveness and the success of the project will be measured.

Key Project Personnel

Identify who will be the project manager to implement the activities, including their qualifications. List any sub-contractors who will be working on this project and their expertise in participating. Clarify what role they will play in implementing the project.

Project Budget

Provide a detailed and reasonable budget that lists each item for which you request funding. If you have other sources of funding, please describe them.

Project Letter or Resolution

Non-profits, local units of government, and lakeshore owner associations should send a letter or resolution authorizing the proposal submission from their governing board.

These applications can be submitted to: LMCD, 5341 Maywood Road, Suite 200, Mound, MN 55364.

Application Review Criteria

When a request for Save the Lake funds is received, the LMCD takes into consideration the following criteria:

- Does the request represent major environmental preservation or an improvement on an environmental priority?
- Does the request sustain or improve a major recreational resource?
- Will the investment of funds provide a long-term benefit?
- Does the request provide public benefit that spans a broad range of lake users in terms of age, economics, use, and interest?
- Does the request attract matching public or private funds to produce the program?
- Does the request appeal to contributors of Save the Lake who recognize and likely support the proposed program, and would likely continue to donate to Save the Lake?
- Does the request meet a major lake educational need not being met by other public or private initiatives?

The following criteria are established to guide the Save the Lake Advisory Committee and LMCD Board of Directors in evaluating and selecting programs for funding. Proposed projects are weighted by meeting one or more of the following program criteria:

Public Safety:

1. Improves public safety on the lake.
2. Benefits structures in the lake.
3. Lessens conflicts among lake surface users.
4. Enhances safe boat operation.
5. Assures greater personal safety.

Environmental:

1. Involves research or program implementation that studies or protects the lake environment.
2. Protects the lake from infestation of invasive aquatic plants or animals.
3. Prevents the spread of invasive aquatic plants or animals from the lake.
4. Allows or enhances enjoyment and use of the lake while preserving the lake from environmental degradation.

Public Service/Education:

1. Benefits the general public's use of Lake Minnetonka.
2. Makes Lake Minnetonka more accessible to persons unable, or choosing not to, access the lake by their own boat.
3. Encourages public participation in lake clean-up.
4. Promotes courteous boat operation.
5. Recognizes achievements in community service by individuals or groups that benefit Lake Minnetonka.
6. Advances the historical significance of Lake Minnetonka.

Further Information/Questions

Please contact LMCD Executive Director Greg Nybeck at (952) 745-0789 or at gnybeck@lmcd.org.

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, OCTOBER 15, 2014
7:00 P.M.**

1. CALL TO ORDER/ROLL CALL

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

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

Absent: Commissioner Rick Sundberg

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

2. MINUTES – September 17, 2014

Commissioner Bechtell moved to approve the minutes of September 17, 2014 as presented. Commissioner Paeper seconded the motion. Motion carried 3-0-2. Commissioners Conrad and Reeder abstained.

3. PUBLIC HEARINGS

Conditional Use Permit and Variances, Erotas Building Corp., 5560 Maple Heights Road – Request for a conditional use permit to construct a swimming pool and variances to encroach into the minimum required lake yard setback for the construction of the swimming pool and retaining walls, a variance to encroach into the minimum bluff setback for the proposed swimming pool and a variance to exceed the maximum permitted accessory structure height in conjunction with the creation of an accessory structure from a portion of the existing principal structure.

Section 1122:05(3)(b) requires a Conditional Use Permit to construct a swimming pool in the R-1B District.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet.

- The proposed swimming pool requires a variance of six (6) feet of the required fifty (50) foot lake yard setback.
- The proposed retaining walls require a variance of thirty-five (35) feet of the required fifty (50) foot lake yard setback.
- The proposed accessory structure requires a variance of eighteen (18) feet of the required fifty (50) foot lake yard setback.

Section 1176.04(4) requires a setback from top of bluff of 30 feet. The applicant proposes a setback of ten (10) feet for the proposed swimming pool. The proposal requires a variance of twenty (20) of the required bluff setback.

Section 1122.20(2)(b) permits a maximum accessory structure height of fifteen feet. The applicant proposes an accessory structure height of twenty-two feet and is seeking a variance to exceed the maximum permitted accessory structure height by seven feet.

The property was granted a variance to construct a swimming pool between the principal structure and the lake which, until the recent amendment of the pool ordinance, was required by the ordinance. This approval was initially issued in 2003 and was reissued in January 2014. In both instances, the pool complied with the required setback and a hardship was found in the fact there was no location, given the property was an island, that the swimming pool could be constructed within the ordinance requirements.

In 2003, the previous property owner also sought a variance to construct the accessory structure the current property owner proposes to move. At the time, it was determined that since the

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accessory structure was connected to the principal structure by means of a tunnel that it was part of the principal structure and did not require a variance. Given that determination, the structure was permitted to exceed the maximum permitted height of a typical accessory structure. The proposed location of the original structure did not encroach into the required setbacks.

The proposal complies with the maximum grade alteration permitted in Section 1140.10 and the maximum permitted impervious surface area in Section 1176.04(3)(a) .

Chairman Lucking summarized the request and opened the Public Hearing. Hearing no comment, the hearing was closed.

David Erotas said the pool was moved to take it out of the bluff impact zone. He felt the pool was not located within the lake setback based on his interpretation of the intent of the lake setback which is the setback would be measure up the slope instead of linearly.

Commissioner Reeder is concerned about the placement of the accessory structure. He said he could support the placement of the pool.

Commissioner Conrad asked about the established setbacks shown on the plan. Zoning Administrator Karpas said they were established by the previous property owner's surveyor and agreed upon by the city engineer.

Commissioner Sayer expressed concern about not following the setbacks established by the city engineer. Mr. Erotas said there is no structural issue and the request is based purely on setbacks. He discussed the location of the gazebo and said its impact is lessened since it would actually have a lower profile due the grade change.

Council Liaison Cook said he could be talked into the pool and the retaining walls are fine. He said the accessory structure is something the city has been trying to avoid.

Commissioner Paeper said his opinion has remained unchanged from the previous discussions. He supports the retaining wall, but not the pool or accessory structure.

Commissioner Bechtell has no issues with the pool or retaining walls, but is not supportive of the accessory structure.

Chairman Lucking is not supportive of any of the requests.

Approval Motion: Commissioner Bechtell moved the Planning Commission recommend the city council approve the application of Erotas Building Corp. for a variance of Greenwood Ordinance Section 1120:15 to encroach thirty-five feet (35) into the required fifty foot lake yard setback for the proposed retaining walls at 5560 Maple Heights Road as presented. Commissioner Reeder seconded the motion. Motion carried 5-0

Approval Motion: Commissioner Bechtell moved the Planning Commission recommend the city council approve the application of Erotas Building Corp. for a Conditional Use Permit to construct a swimming pool in the R-1B Residential District and the application for a variances of Greenwood Ordinance Section 1120:15 to encroach six (6) feet into the required fifty (50) foot lake yard setback for the proposed swimming pool and of Greenwood Ordinance Section 1176.04(4) to encroach twenty (20) feet into the required thirty (30) foot bluff setback for the proposed swimming pool feet at 5560 Maple Heights Road as presented. Commissioner Reeder seconded the motion. Motion carried 3-2. Commissioners Lucking and Paeper voted nay.

Denial Motion: Commissioner Bechtell moved the Planning Commission recommend the city council deny the application of Erotas Building Corp. for a variances of Greenwood Ordinance Section 1120:15 to encroach eighteen (18) feet into the required fifty foot lake yard setback for

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the proposed accessory structure and of Greenwood Ordinance Section 1122:20(2)(b) to exceed the maximum permit accessory structure height by seven (7) feet at 5560 Maple Heights Road as presented. Commissioner Paeper seconded the motion. Motion carried 5-0

Simple Subdivision and Variance requests, Lecy Bros. Homes and Remodeling, 4965 Sleepy Hollow Road – Request to subdivide a non-conforming portion of lot area from 4945 Sleepy Hollow Road and maintain it as a single lot of record for driveway purposes.

Lecy Bros. Homes has purchased 4965 Sleepy Hollow Road and will be constructing a new single family home on the property. Currently the property is accessed from a driveway that crosses property owned by Ken Parsons at 4945 Sleepy Hollow Road. The Parsons granted the previous owner of the Lecy property a quit claim deed for the property proposed to be divided for driveway access. This agreement is still in effect.

The applicant is seeking to subdivide four hundred and six (406) square feet from the southern tip of 4945 Sleepy Hollow Road to maintain a driveway access for their lot. Maintaining this as a separate lot would remove the need for an easement agreement between the two properties.

An undeveloped city right of way separates the severed property and the applicant's lot. Staff spoke with Hennepin County about the possibility of combining the severed portion of property to the Lecy property under one PID. They said that is very rare since they are not contiguous.

The proposed area to be removed from 4945 Sleepy Hollow would not impact the properties ability to comply with the zoning requirements.

Section 600.07 of the ordinance permits the subdivision of a lot into two buildable lots; or smaller pieces for the purposes of accretion into neighboring parcels, provided the severed portion does not make the balance of the remaining lot a non-conforming lot.

Section 1120:10 of the Zoning Ordinance requires a minimum lot area requirement of fifteen thousand (15,000) square feet. The applicants propose a lot area for the severed portion of property of four hundred and eight (408) square feet. The proposal requires a variance of fourteen thousand, five hundred and ninety two (14,592) square feet of the minimum required lot area.

Chairman Lucking summarized the request and opened the Public Hearing. Hearing no comment, the hearing was closed.

The applicant was not present to discuss the request.

City Attorney Kelly discussed the easement history between the two properties and said the Quit Claim Deed between the two properties grants perpetual access to the Lecy property across the Parsons property. He disclosed he represented the seller of the property obtained by Lecy Brothers. Zoning Administrator Karpas said the subdivision seeks to subdivide the exact portion in the deed. He said Hennepin County said it would be difficult to combine that sliver of property with the Lecy lot giving the undeveloped right-of-way that separates them and the fact there is also a deed that grants them access, so there really isn't a need to combine them.

City Attorney Kelly said the simple subdivision ordinance requires that non-conforming parcels be combined with other parcels, unless the property is platted. He said the ordinance does not permit the city to grant by variance that which is not permitted by code.

Commissioner Reeder does not understand why access cannot be achieved by the easement granted by the deed. Council Liaison Cook confirmed the easement was permanent and recorded. City Attorney Kelly said it was.

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Denial Motion: Commissioner moved the Planning Commission recommend the city council deny the application of Lecy Bros. Homes for a Simple Subdivision to subdivide four hundred and six (406) square feet of lot area from 4945 Sleepy Hollow Road and attached it to 4965 Sleepy Hollow Road and deny the application for a variance of Greenwood Ordinance Section 1120:10 to create a lot fourteen thousand, five hundred and ninety two (14,592) square feet below the minimum required lot area of fifteen thousand (15,000) square feet in the R-1A zoning district as presented. The property has a permanent easement that runs in its favor that provided access and the request cannot be granted a variance since it violated the elements for a simple subdivision. Commissioner Paeper seconded the motion. Motion carried 5-0.

Variance request, Mike and Deb Anderson, 5105 Weeks Road – Request to exceed the maximum permitted grade alteration to construct an addition and new driveway access.

Section 1140:19(5) states “The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the City Engineer. Any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey.”

The applicant proposes to alter the grade by six feet and seeks a variance to exceed the maximum permitted grade alteration by four feet.

The applicants purchased the properties located at 5110 St. Alban’s Bay Road, 5114 St. Alban’s Bay Road and 5105 Weeks Road and have combined them under one P.I.D. The homes that existed on 5110 St. Alban’s Bay Road and 5105 Weeks Road have been, or will be, removed and an addition is proposed for the home remaining on the property.

The proposed addition complies with the required front, side and lake yard setback requirements outlined in Section 1120.15, the height limitations outlined in Section 1120.20 and the maximum permitted structure volume permitted in Section 1140.18(3)(3).

The combined property has retained the Weeks Road address.

Chairman Lucking summarized the request. Lucking noted the intent of the ordinance was to prevent an applicant from building up a lot and placing a house on top of an elevated grade. He said the applicants have combined three lots and are seeking to create a safe driveway access.

Commissioner Bechtell didn’t see an issue with the request

Commissioner Paeper agreed the ordinance was written to prevent massing and didn’t feel this request was intended to increase massing.

Commissioner Reeder asked about the grading currently occurring on the property. Rick Storlien, RDS Architecture, said the earthwork is in conjunction with removal the two structures on the lot. He said no plans have been discussed regarding tree removal at this point until the grading issues have been worked out. Reeder discussed concerns about access off Weeks Road and drainage.

Chairman Lucking opened the Public Hearing.

Susan Teeter, 5110 Weeks Road, expressed concerns about a change in the drainage pattern and wants to make sure there will be no negative impact on Weeks Road.

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John Rudberg, 5120 Weeks Road, said there are steps that could be taken to help control drainage, including filtration ponds.

Karen Packard, 5125 Weeks Road, said they have had run-off issues for a number of years, but have been assured there will be steps taken with this project that will alleviate those issues. Ms. Packard discussed the solutions she discussed with the contractor.

Chairman Lucking read a letter into the record from Keith Wilcock, 5145 Weeks Road, expressing his concern about drainage impacts.

Zoning Administrator Karpas said the city engineer will have to approve any drainage plan prior to the issuance of the building permit and after the final grading. If the plan does not work, the homeowners will have to make changes to ensure run-off is not impacting the adjacent properties.

Hearing no further comment, the hearing was closed.

Approval Motion: Commissioner Conrad moved the Planning Commission recommends the city council approved the application of Mike and Deb Anderson for a variance of Greenwood Ordinance Section 1140:19(5) to exceed the maximum permitted grade alteration of two (2) feet by four (4) feet for a total alteration of six (6) feet the construction of a driveway off Weeks Road to access a new garage addition at 5105 Weeks Road as presented. Commissioner Paeper seconded the motion. Motion carried 5-0

Conditional Use and Variance requests, Excelsior Entertainment, LLC, - Old Log Theater, 5185 Meadville Street – Request to replace the existing business identification sign and the placement of three additional business identification signs, one which would encroach seventeen feet into the minimum required thirty foot front yard setback.

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

The proposed monument signs on the east side of the entry drive and along Minnetonka Boulevard are located within the HCCRA right-of-way and must receive their approval prior to installation, though the city still has regulatory control over the square footage, illumination and design of the proposed signage.

Section 1140.40(3)(1) of the Zoning Ordinance requires a Conditional Use Permit to construct signage .

Section 1140.40(3)(i) requires that free-standing signs comply with the setback requirements. Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicants propose a front yard setback of thirteen feet for one of the proposed monument signs. The proposal requires a variance of seventeen feet of the required front yard setback.

Chairman Lucking summarized the request and opened the Public Hearing.

Bob Newman, 5230 Meadville Street, discussed the mission statement in the Comprehensive Plan and felt the placement of additional commercial signage within a residential district was contrary to the intent of the plan. He supports the Old Log, but does not support the changes if they don't fit in the neighborhood.

He feels the application does not comply with the Comprehensive Plan or zoning ordinance. He said the request does not meet the practical difficulty standard since there is a reasonable use without the additional signage, a simple inconvenience of the property owner does not constitute a practical difficulty, the proposed signage alters the essential character of the residential

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neighborhood, the signage proposed along Minnetonka Boulevard poses a potential safety hazard and there could be an impact on property values.

Mr. Newman read a letter from Jan Gray, 5170 Meadville Street, who was unable to attend the meeting. She felt the request disrespectful of the neighborhood and didn't see a need to allow additional signage to impinge on the neighborhood.

Maureen Burns, 5080 Meadville Street, read a letter into the record opposed to the proposed monument signs.

Judy Spiegel, 5090 Meadville Street, stated she would like to see the Old Log Theater be held to the existing regulations.

Mark Setterholm, 5250 Meadville Street, feels signs are important for a business regardless of what type they are.

Julie Ekelund, 5135 Meadville Street, discussed the sign ordinance and feels the request goes beyond what is permitted or needed. She believes the proposed signage will have a negative impact on the neighborhood.

Valerie Stuessi, 5000 Meadville, feels all the proposed improvements are positive. She doesn't know if the monument signs need to be as large as proposed. She's heard that neighbors are willing to accept the existing sign, but she doesn't feel that's being flexible enough. She believes there has to be a happy medium.

Hearing no further public comment, the hearing was closed.

City Attorney Mark Kelly discussed conditional uses and how conditional use permits work. He said any expansion of a conditional use requires approval from the city.

Zoning Administrator Karpas said prior to recent ordinance amendments, the Old Log Theater's sign was a non-conforming use that was not allowed to be repaired or replaced. Under the new changes, the property falls under the regular sign regulations which permit a maximum of seventy-five square feet of signage for the property. The applicant seeks to break that signage up between monument signs and signage on the structure itself. Two of the monument signs would be placed in the right-of-way of the trail and is out of the city's jurisdiction and would be permitted provided the applicant receives approval from the Three Rivers Park District.

City Attorney Kelly said one of the considerations the Park District will give the request is whether there is a public interest in the placement of the signs on their property. He said the other signs are under the city's review process and permitted by a conditional use permit. He said the burden falls on the city to say there are no ways the signage can be placed that can be rectified by conditions in which there would be no life safety concerns. He said the city can include issues such as aesthetics in the establishments of its conditions.

Karpas said the proposed monument sign on the applicant's property would not comply with the required front yard setback and would need a variance to encroach into the front yard setback.

Zoning Administrator Karpas expressed concern about taking action on the off-site monument sign without first hearing the opinion of the Three Rivers Park District. If they don't approve the sign, the applicant would have to come back to obtain additional sign area to advertise the restaurant. Council Liaison Cook agreed, but surmised they wouldn't act on a request until they know what the city does on the application.

Chairman Lucking said he has a concern with the scale of the monument signs.

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Commissioner Reeder doesn't believe the city should allow an off-site sign. City Attorney Kelly said there are other examples where off-site signs have been allowed because there was a public interest in directing traffic to a destination, but in this case, that public interest is not up to the city.

Commissioner Paeper does not support a sign along Minnetonka Boulevard but supports monument signs on both sides of the entryway.

Commissioner Conrad doesn't feel the monument signs need to be so large, noting they could be just as effective if they were the same size as the one shown on Minnetonka Boulevard. She feels the mass of the monument signs on Meadville Street create a safety issue. Chairman Lucking asked if the Commission was allowed to address the size of the monuments. City Attorney Kelly said it could as part of its conditions.

Commissioner Paeper said the application gives very little in the way of concrete information and seems to be more conceptual.

Commissioner Conrad expressed concern about signage at the intersection of Meadville Street and Minnetonka Boulevard could cause issues given its sightlines and heavy use. She feels the signage on the building would be more effective along the trail since most people would know they're at the theater by the monument signs at the entryway.

Council Liaison Cook said the Commission has indicated public safety concerns about the size of the sign along Minnetonka Boulevard, but he's concerned about the Commission trying to judge what the appropriate size should be.

City Attorney Kelly said the applicant should also address the traffic management scheme.

Commissioner Reeder sees no reason to oppose a sign to replace the existing sign, but doesn't see a need for a sign on the other side. He feels the Commission should take a position against signs on Minnetonka Boulevard. He also wouldn't support a sign on the building since people would already know they are at the Old Log Theater.

Commissioner Conrad likes the design of the Minnetonka Boulevard sign, likes the pillar signs on both sides of the entryway and supports the wall sign provided it is along the trail side of the building.

Commissioner Sayer doesn't have any concerns with the sign on Minnetonka Boulevard if it doesn't pose a public safety issue. She doesn't feel the sign on the building is an issue.

Council Liaison Cook said the west sign size/location is grandfathered. He would be supportive of the building sign.

Commissioner Paeper would support the sign along Minnetonka Boulevard if there is no proven safety hazard. He is fine with the building sign provided the applicant provides lighting information. He is also supportive of the monument signs.

Commissioner Bechtell feels the sign on Minnetonka Boulevard is needed, he is in favor of the sign on the building, but feels two pillar signs are redundant. He feels the replacement of the existing free standing sign is adequate.

Chairman Lucking agrees with Commissioner Paeper. He likes the monument signs if the lighting is right, same with the sign on the building. He is in favor of the variance to encroach into the front yard setback with the monument sign.

Approval Motion: Chairman Lucking moved the Planning Commission recommends the city council approve a Conditional Use Permit to replace the existing signage in its same scale and

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mass and to approve the application for a variance of Greenwood Ordinance Sections 1140.40(3)(i) and 1120:15 to encroach thirteen feet into the required thirty foot front yard setback the proposed sign on the west side of the front entry drive at 5185 Meadville Street. The motion is conditioned that the applicant provides additional information on the source of lighting to be used to illuminate the sign. Commissioner Paeper seconded the motion. The motion carried 5-0.

Approval Motion: Commissioner Paeper moved the Planning Commission recommends the city council approve a Conditional Use Permit to place forty-three square feet of signage on the face of the building at 5185 Meadville Street, as presented. The motion is conditioned that the applicant provides additional information on the source of lighting to be used to illuminate the sign. Commissioner Bechtell seconded the motion. The motion carried 3-2. Commissioners Conrad and Reeder were opposed to the motion.

Commissioner Conrad felt the signage should be placed on the face of the building facing the trail.

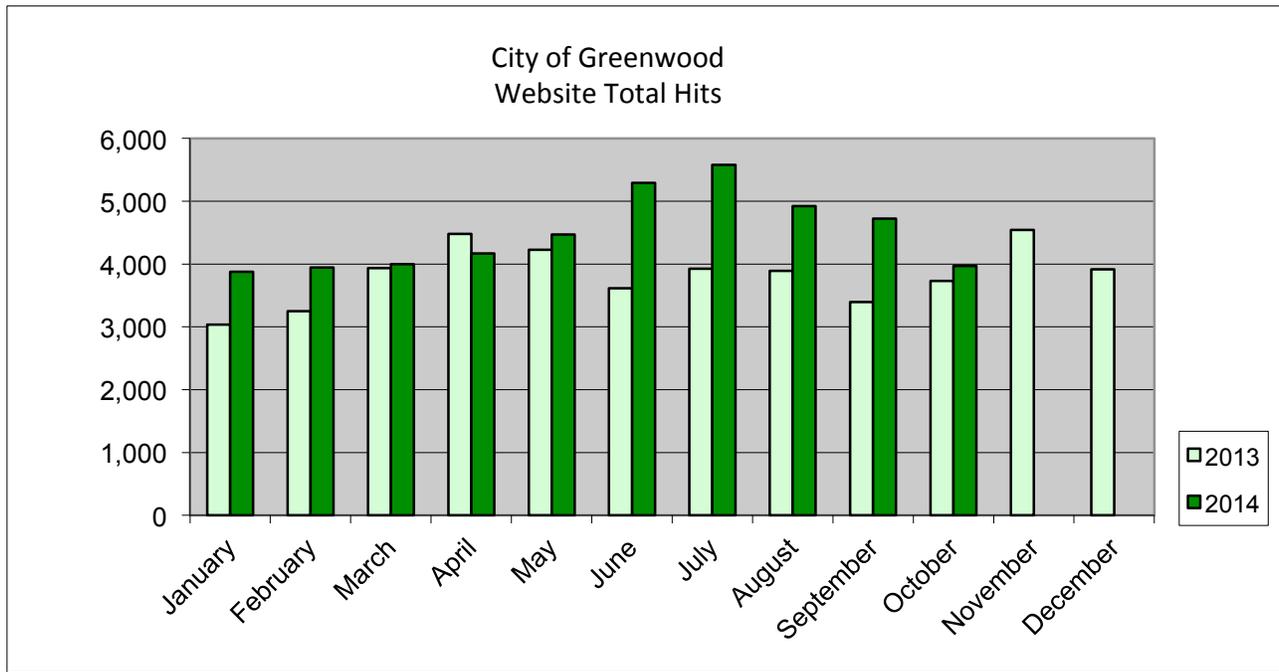
4. LIAISON REPORT

Council Liaison Cook had no report.

5. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Bechtell seconded the motion. The meeting was adjourned at 9:20 pm.

Respectively Submitted,
Gus Karpas - Zoning Administrator



Month	2013	2014	Variance with Prior Month	Variance with Prior Year	Bulk Email List
January	3,038	3,876	-39	838	143
February	3,252	3,943	67	691	147
March	3,936	4,000	57	64	147
April	4,478	4,170	170	-308	151
May	4,229	4,468	298	239	152
June	3,613	5,291	823	1,678	153
July	3,924	5,579	288	1,655	159
August	3,894	4,922	-657	1,028	162
September	3,395	4,723	-199	1,328	164
October	3,731	3,969	-754	238	164
November	4,543		-3,969	-4,543	
December	3,915		0	-3,915	
AVERAGE	3,829	4,494			

March number is an estimate

POPULATION: 693
EMAIL ADDRESSES % OF POPULATION: 23.67%

Site Statistics

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

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

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

Begin Date

End Date

Report Name

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	1502	37.84%
Comp Plan & Maps	510	12.85%
Agendas, Etc.	343	8.64%
City Departments	146	3.68%
Planning Commission	137	3.45%
Mayor & City Council	86	2.17%
Garbage & Recycling	79	1.99%
Code Book	78	1.97%
RFPs & Bids	77	1.94%
Forms & Permits	71	1.79%
Welcome to Greenwood	68	1.71%
Photo Gallery	67	1.69%
Assessments & Taxes	60	1.51%
St. Alban's Bay AIS Project	59	1.49%
Crime Alerts	50	1.26%
What's New?	49	1.23%
Budget & Finances	48	1.21%
Lake Minnetonka	43	1.08%
Animal Services	37	0.93%
Meetings	36	0.91%
Well Water	34	0.86%
Spring Clean-Up Day	34	0.86%
Swiffers NOT Flushable	33	0.83%
Watercraft Spaces	33	0.83%

Quick Tips

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

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

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

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

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

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

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

Public Safety	28	0.71%
Met Council Project	27	0.68%
Old Log Events	27	0.68%
Links	25	0.63%
Elections	25	0.63%
Search Results	25	0.63%
Community Surveys	24	0.6%
Parks & Trails	22	0.55%
Email List	21	0.53%
Stormwater	18	0.45%
Meetings on TV	18	0.45%
Sewer Pipe Help	12	0.3%
Southshore Center	11	0.28%
Unsubscribe	4	0.1%
---	2	0.05%
TOTAL	3969	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	630	32%
Agendas, Etc.	173	8.79%
City Departments	111	5.64%
Planning Commission	68	3.45%
Mayor & City Council	64	3.25%
Welcome to Greenwood	59	3%
Code Book	47	2.39%
Forms & Permits	45	2.29%
Garbage & Recycling	45	2.29%
Comp Plan & Maps	44	2.23%
St. Alban's Bay AIS Project	43	2.18%
Photo Gallery	42	2.13%
Crime Alerts	42	2.13%
What's New?	39	1.98%
Assessments & Taxes	32	1.63%
Swiffers NOT Flushable	32	1.63%
Budget & Finances	30	1.52%
Spring Clean-Up Day	29	1.47%
Watercraft Spaces	29	1.47%
Lake Minnetonka	27	1.37%
Animal Services	27	1.37%
Meetings	26	1.32%
Met Council Project	25	1.27%
RFPs & Bids	24	1.22%
Well Water	23	1.17%
Elections	22	1.12%
Public Safety	22	1.12%
Email List	21	1.07%
Links	20	1.02%
Parks & Trails	20	1.02%
Community Surveys	18	0.91%
Old Log Events	17	0.86%
Stormwater	16	0.81%
Meetings on TV	16	0.81%
Search Results	13	0.66%
Sewer Pipe Help	11	0.56%
Southshore Center	11	0.56%
Unsubscribe	4	0.2%
---	2	0.1%
TOTAL	1969	100%



20225 Cottagewood Road
Deephaven, Minnesota 55331
(952) 474-6633
Fax (952) 401-7587

October 16, 2014

Mr. Brian Burdick
4950 Sleepy Hollow Road
Greenwood, MN 55331

Dear Mr. Burdick,

The construction of an accessory structure on your property at the above-mentioned address was started without city approval or the issuance of the required permits. The building inspections department has placed a stop work order on the project until such time the proper permits have been obtained.

In the past, we have discussed the requirements necessary for the acquisition of a building permit for this structure, the first step being the submittal of a certified survey as required by the city ordinance indicating compliance with the zoning requirements. Once this has been done and zoning compliance has been verified, you may apply for the appropriate permits. Per the building code, since the project was started without the necessary permits, you would be fined an amount set by the building code prior to the stop work order being lifted from your project.

If the certified survey indicates you require a variance for the accessory structure, you must submit a completed variance application no later than the next application deadline which is November 19.

If a certified survey or variance application is not submitted by November 19, the accessory structure will be deemed illegal and must be removed by November 29. Failure to do so will result in the issuance of an Administrative Citation.

Thank you for your time and attention to this matter and if you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gus Karpas", written over a light blue horizontal line.

Gus Karpas
City Clerk/Zoning Administrator

Cc: File
Mayor Kind and City Councilmembers
City Attorney Mark Kelly



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

October 23, 2014

TO: LMCD Member Cities
FROM: Greg Nybeck, Executive Director
SUBJECT: Appointment of 2015 Board Members

It is approaching the time of the year when terms for some members of the Lake Minnetonka Conservation District (LMCD) Board of Directors will expire. Terms on the LMCD Board run from February 1st through January 31st of the following year. The state enabling LMCD legislation calls for Board members to be appointed by their respective member city for a three-year term. There is no applicable term limits for Board members.

Because the application of the LMCD ordinances are inherently unique and it takes some period of time for new Board members to come up to speed, it would be difficult and undesirable to have all terms expire at the same time, possibly ending up with a completely, or mostly, new Board. The LMCD has, therefore, requested the 14 cities to stagger the terms by appointing five members the first year, five the second year, and four the third year (5-5-4). We realize that some of the cities prefer to make all their appointments yearly; however, this is not consistent with the LMCD enabling act. The cities do have the ability to recall their member anytime and appoint another for the remainder of a 3-year term if the need arises.

Below is a list of the current Board members; under which the year in January their term expires:

<u>2015</u>	<u>2016</u>	<u>2017</u>
Dan Baasen- Wayzata	Dennis Klohs- Minnetonka Beach	Rob Roy- Greenwood
Jay Green - Mound	Sue Shuff- Minnetonka	Deborah Zorn- Shorewood
David Gross - Deephaven	Dave Lang - Minnetrista	
Ann Hoelscher- Victoria		
Gary Hughes – Spring Park		
Andrew McDermott – Orono		
Fred Meyer- Woodland		
Jeff Morris- Excelsior		
Gregg Thomas- Tonka Bay		

In order to achieve the goal of staggering Board member appointments to the fullest extent possible, the LMCD requests the following cities appoint Board members for the terms noted. All terms will begin in February, 2015:

Deephaven	1 Year
Excelsior	3 Years
Mound	3 Years

LMCD Member Cities
October 23, 2014
Page 2

Orono	1 Year
Spring Park	3 Years
Tonka Bay	3 Years
Victoria	2 Years
Wayzata	3 Years
Woodland	1 Year

No action needs to be taken by the Cities of Greenwood, Minnetonka, Minnetonka Beach, Minnetrista, and Shorewood.

Please advise our office if for some reason your records are not in agreement with ours. Also, enclosed is a spreadsheet that summarizes each Board member's attendance through September 2014. This information is intended for review by your city council.

Your prompt attention and cooperation in processing this important appointment is appreciated.



**BOARD OF DIRECTORS
MEETING ATTENDANCE RECORD
OCTOBER 9, 2013 TO SEPTEMBER 24, 2014**

MEMBER CITY	BOARD MEMBER	NUMBER MEETINGS ATTENDED	TOTAL MEETINGS	RATE OF ATTENDANCE
Deephaven	David Gross (10/9/13-10/9/13) & (4/9/14-9/24/14)	12	15	80%
	Kent Carlson (11/13/13 - 3/26/14)	7	9	78%
Excelsior	Jeff Morris (10/9/13 - 9/24/14)	25	25	100%
Greenwood	Rob Roy (10/9/13 - 9/24/14)	19	25	76%
Minnetonka	Sue Shuff (10/9/13 - 9/24/14)	23	25	92%
Minnetonka Beach	Dennis Klohs (10/9/13 - 9/24/14)	23	25	92%
Minnetrista	Anne Hunt (10/9/13 - 9/24/14)	15	25	60%
Mound	Jay Green (10/9/13 - 9/24/14)	25	25	100%
Orono	Andrew McDermott (10/9/13 - 9/24/14)	24	25	96%
Shorewood	Mark Sylvester (10/9/13 - 2/12/14)	2	7	29%
	Julie Moore (2/26/14 - 2/26/14)	1	1	100%
	Deborah Zorn (3/12/14 - 9/24/14)	13	17	76%
Spring Park	Gary Hughes (10/9/13 - 9/24/14)	25	25	100%
Tonka Bay	Doug Babcock (10/9/13 - 4/23/14)	11	14	79%
	Jeff Clapp (5/14/14 - 9/20/14)	7	10	70%
	Gregg Thomas (9/24/14 - 9/24/14)	1	1	100%
Victoria	Ann Hoelscher (10/9/13 - 9/24/14)	18	25	72%
Wayzata	Dan Baasen (10/9/13 - 9/24/14)	22	25	88%
Woodland	Fred Meyer (10/9/13 - 1/22/14) (4/23/14 - 9/24/14)	13	18	72%
	James Doak (2/12/14 - 4/9/14)	7	7	100%

From: Loken, Patti (DOT) Patti.Loken@state.mn.us
Subject: Bridge 90608 - Phase II Local Bridge Historical Bridge Study
Date: October 24, 2014 at 2:49 PM
To: mdawley@wsbeng.com, dkind100@gmail.com, dwisdorf@ci.excelsior.mn.us, administrator@greenwoodmn.com, kluger@ci.excelsior.mn.us
Cc: James D Archer (James.Archer@hennepin.us) James.Archer@hennepin.us, Zschomler, Kristen (DOT) kristen.zschomler@state.mn.us, Conkel, David (DOT) dave.conkel@state.mn.us, Joe Litman (Joe.Litman@lhbcorp.com) Joe.Litman@lhbcorp.com, Amy Squitieri (amy.squitieri@meadhunt.com) (amy.squitieri@meadhunt.com) amy.squitieri@meadhunt.com

Hi Morgan and Debra,

As one of the project managers for this study, I will attempt to respond to some of your comments emailed back to Alyssa Klossner from our office regarding the historic bridge located in your city(s).

I would like to begin by providing a little background and discuss the goals and intent of the project we call "Local Historic Bridge Study – Phase II"

MnDOT is engaged in revising our programmatic agreement with Federal Highway Administration regarding effort with the state's preservation of our historic bridge resources. Offices involved are the Cultural Resource Unit, the Bridge office, and State Aid office and this negotiation has been going on for several years now. By making a commitment/agreement with FHWA to better manage and preserve when possible the bridges identified as historic (about 212), the other 14,000 + bridges in the state can receive a streamlined environmental review when the agency decides to have a project to replace or rehab it. As part of this process, we identified one of the road blocks in preserving and managing historic bridges was that often very little information regarding why and how a bridge was placed on the historic bridge list as either eligible or already on the national register for historic properties. In addition to a lack of historic information, many of the local bridge owners didn't realize they had a "historic" bridge until it came time for replacing it. Without that knowledge, some were replaced unknowingly without proper evaluations and others were hindered or postponed from moving forward with a bridge replacement until the proper review could be completed. Often bridge rehabilitation was not even evaluated or considered and the bridge owners consultants were directed to design a replacement bridge.

By pooling federal and state aid funding, we are able to efficiently complete the following:

- Research, collect, and review any existing documents on each local historic bridge on the list;
- Complete a visual field assessment of each bridge that included an experienced historian and bridge engineer;
- Scope (a high level) for future planning and funding needs for maintenance, stabilization and preservation, utilizing the Secretary of the Interior Standards for the Treatment of Historic Properties (SOI Standards);
- Provide a report to each owner with enough detail to understand the historic significance of the bridge and the overall condition evaluation of the bridge for planning future bridge maintenance, repairs, relocation, or replacement.

As administrator of the bridge program, this will help State Aid manage this subset of local bridge projects. Historic bridges have unique needs and requirements when it comes to rehabilitation and/or replacement. This information will allow the local bridge owner, as well as State Aid and FHWA, make better and informed decisions when the time comes to applying financial resources to the bridge.

I will attempt to answer your questions (in Red) by inserting my responses (in Black) into your email

I will attempt to answer your questions (in red) by inserting my responses (in black) into your email questions:

Thank you for the opportunity to review the draft bridge historic study report for Bridge 90608. Attached are review comments from the City of Excelsior. It is assumed that the other co-owner of the bridge the City of Greenwood also had an opportunity to review and comment on the study report, even though there is no mention of Greenwood in the study text. **MnDOT's bridge inventory identifies the city of Excelsior as the owner and Hennepin county as the inspection agency. This is why the report was sent to Excelsior. If you are questioning the ownership of the bridge, that is another matter and is not part of the scope of this project.** I have copied Greenwood personnel on our comments here as well. Excelsior's review and comments on this study were provided by:

Morgan Dawley, PE – City Engineer, WSB & Associates
Sabri Ayaz, PE – City Structural/Bridge Engineer, WSB & Associates
David Vincent – Structural Engineering Technician, WSB & Associates
Kristi Luger, City Manager
David Wisdorf, City Public Works Supervisor

The City of Excelsior, together with the City of Greenwood, has been studying Bridge 90608 and weighing alternatives for future work on the bridge since 2006. In response to the draft LHB/Mead-Hunt study report and in summary, the City of Excelsior feels the study and its recommendation for Bridge 90608 1) does not adequately address safety or functional deficiencies of the existing bridge, 2) does not include any cost benefit analysis or comparison to be able to thoroughly and convincingly demonstrate that a \$585,900 (too low of an estimate as commented in the attached) public investment with a 20 year life expectancy is a justifiable preferred alternative over a \$850,000 replacement with a 60 year life expectancy – or over a combined rehabilitation & widen approach. **This report was not intended to provide the level of engineering and preliminary planning and design you are describing. It is meant to be starting point for a bridge owner to understand the historic significance and some basic costs for future maintenance, stabilization and preservation needs. The rehabilitation scope outlined within the report is intended to be a rehabilitation option which is consistent with the SOI Standards and which would not result in an adverse effect to the historic property. Think of this report in terms of if you knew very little about your bridge and had not done any analysis or study of the bridge. As a city manager after reading the report, you would have much more information and a sense of what you might need to plan for with regard to hiring an engineer and funding repairs for maintenance, preservation, or rehabilitation. The information is based on inspection reports and a 2-3 hour hands reach visual inspection at the bridge site. This information is to be used to determine what future needs the bridge owner should address and provide low level cost estimate for both the bridge owner and our office (state aid as administrator of the bridge program) of the range of costs to keep the bridge standing and preserved in accordance with the SOI Standards. It does not substitute for the alternatives analysis and preliminary design required if the city decides to move forward with a rehabilitation or replacement project. Hiring an engineering firm and historian is the correct thing to do to complete the in depth alternatives analysis and bridge design.**

The LHB presented methodology is considered by the City of Excelsior to be a “band aid” approach resulting in a patchwork appearance and does not address load posting or deck geometry and simply pushes the eventual need for replacement down the road for others to deal with in the future rather than addressing it directly in the near term. **LHB and Mead & Hunt were directed to use the Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards) to evaluate the**

existing conditions and develop a high level recommendation for visible signs of degradation of the existing structure. Again, this report is based on limited information and is not intended to replace the detail study you are undertaking as you consider your options for the future of the bridge. Please feel free to make the necessary edits and changes to the report justified on the engineering work your consultant has completed. Once you have completed the rehabilitation of the bridge, I would advise the city to revise the bridge report each time you do work on the bridge to keep the information current. This is intended to be a resource for the city to begin a management plan for the bridge. If in the end, this bridge is replaced, then the information is there at the city as an archive of the past. You will have the electronic files to keep the report information current as you complete work on the bridge in the future. See attached City of Excelsior estimates prepared September 18, 2014 for both rehabilitation/widening and replacement which address safety, geometry, and that can both include aesthetics to maintain historical architectural character of the original bridge.

Will you provide response by report preparers to all City comments provided in the attached and within this email? **This is my response.**

Can a cost benefit analysis for options which address all deficiencies of the bridge as discussed above be included in a revised version of the report for City review prior to the final report being prepared? **No, this would be beyond the scope of work for our study.**

Also, the City requests that City comments included in the attachment (low estimates, concerns on proposed methodology, etc.) and the comments provided in this email be documented and included within the final report. The Engineers whom did the assessment will review the comments which were provided to the report and make updates where they feel appropriate. Note though that comments concerning widening etc. will not be addressed as the intent of the project is to determine the base line rehabilitation cost for the structure with the work scope to be in accordance with SOI standards. This may or may not be the direction which future work for the bridge takes but in any case will be a necessary option to have been studied and documented as part of the NEPA process .

Thank you again for the opportunity to review and provide comment on this very important draft study report. You are welcome. I apologize this is the first time you have heard about this project. We have tried to go out of our way to contact the bridge owners regarding this effort. Perhaps since you are a small city (less than 5000) and the county has oversight of your bridge inspections, we missed reaching you when we began this effort.

Patti Loken
State Aid Programs Engineer
MnDOT
651-366-3803 (w)
651-366-3801 (f)
Patti.Loken@state.mn.us



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

October 28, 2014

LMCD NEWS- FOR IMMEDIATE RELEASE

Contact: Greg Nybeck, Executive Director

5341 Maywood Road, Suite 200

Mound, MN 55364

(952) 745-0789 or gnybeck@lmcd.org

RE: LMCD Public Hearing to Consider a Quiet Water Area Petition on Lake Minnetonka

The Lake Minnetonka Conservation District (LMCD) will be holding a public hearing on Wednesday, November 12, 2014 to gather testimony on the receipt of a petition for the establishment of a Quiet Water Area (QWA) from the north Seton Channel area to the east end of Deering Island. This area covers parts of Harrisons Bay and West Arm (see proposed area map within). The public hearing will be conducted during the LMCD's Regular Board meeting held at Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391, starting at 7:00 p.m.

LMCD Code Section 3.02, "Watercraft Speed," establishes the watercraft speed for Lake Minnetonka (including approved QWAs). In such an area, no watercraft may be operated at a speed in excess of 5 miles per hour or at a speed which results in more than a minimum wake.

The LMCD considers petitions for the establishment of a QWA via an approved policy. On August 5, 2014, the LMCD received a petition (with attachments that provided background of their request) for the establishment of a QWA from Robert and Gloria Rich, Randy Bickmann, Norina Dove, and Gene and Wendy Shavlik. This information, as well as the approved QWA policy and the proposed map are available on the front page of the LMCD's website (www.lmcd.org), under "Hot Topics."

The LMCD values input and feedback from all stakeholders. All interested parties (or a designated representative of multiple parties) that attend the public hearing will be given an opportunity to be heard. For stakeholders with questions or comments (including those unable to attend the public hearing), please contact LMCD Executive Director Greg Nybeck (contact information herein). Further consideration of the petition will be scheduled at a future Board meeting.

Cable subscribers in the Mediacom area can view recorded LMCD meetings on the Lake Minnetonka Communications Commission's Government Channel 20, as well as Video on Demand via their website, www.lmcc-tv.org.

2014 PROPOSED QUIET WATER AREA REQUEST WEST ARM AND HARRISONS BAY, LAKE MINNETONKA

- Existing Quiet Water Area
- Proposed Quiet Water Area
- Red Channel (77)
- Green Channel (75)
- Point (173)
- Danger (73)
- Slow (54)



Mound

Orono

Spring Park

800 ft

430 ft

75 ft

670 ft

880 ft

800 ft