

AGENDA

Greenwood City Council Meeting

Wednesday, October 7, 2015
20225 Cottagewood Road, Deephaven, MN 55331



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

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA
MOMENT OF SILENCE regarding the Short family tragedy in Greenwood
- 7:00pm 2. CONSENT AGENDA
Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.
- A. Approve: 09-02-15 City Council Meeting Minutes
 - B. Approve: August Cash Summary Report
 - C. Approve: August Certificates of Deposit Report
 - D. Approve: September Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: October Payroll Register
- 7:05pm 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, AND ANNOUNCEMENTS
- A. Guest: Chief Michael Meehan, South Lake Minnetonka Police Department Update
 - B. Guest: Hennepin County Commissioner Jan Callison, Annual County Update
 - C. Guest: Prosecutor Greg Keller, Annual Prosecution Update
 - D. City Engineer Dave Martini: Smoke Testing, Road Projects, Stormwater Drainage (Meadville Street and St. Alban's Bay Rd)
 - E. Announcement: Excelsior - Lake Minnetonka Chamber of Commerce, State of the Cities Lunch, Thurs 10/15 11:30am Southshore Center
- 8:30pm 5. PUBLIC HEARINGS
- A. Delinquent Sewer, Stormwater, and Recycling Charges
- 8:30pm 6. UNFINISHED BUSINESS
- A. Consider: Res 17-15 Regarding Lighting and Landscaping Plans, Kam & Sara Talebi, 5570 Maple Heights Rd
 - B. 2nd Reading: Ordinance 244, Updating Chapter 5 Fee Schedule
 - C. Consider: St. Alban's Bay Lake Improvement District, Next Steps
- 8:45pm 7. NEW BUSINESS
- A. Consider: Res 13-15, Findings for Variance Request to Encroach into Lakeshore Setback, Jon Connolly of Gonyea Homes for Chad & Kelly Kerlin, 6 Maclynn Rd
 - B. Consider: Res 14-15, Findings for Variance Request to Exceed 30% Hardcover, and Res 15-15, Findings for Grading Conditional Use Permit Request, Dale Gustafson for Mary McQuinn, 5025 Covington St
 - C. 1st Reading: Ordinance 245, Regarding Accessory Structures, Recreational Improvements, and Miscellaneous Improvements / Uses
 - D. Discuss: Proposed Amendments to Municipal Watercraft Ordinance
 - E. Consider: Ongoing Weed Removal at City Docks
 - F. 1st Reading: Ordinance 246, Amending Sign Ordinance
 - G. Consider: Resolution 16-15, Delinquent Sewer, Stormwater, and Recycling Charges
 - H. Consider: Auditor Proposals
 - I. Consider: Hwy 7 / Christmas Lake Rd Traffic Signal Painting Project
 - J. Discuss: Bean's Greenwood Marina Environmental Assessment Worksheet
- 10:00pm 8. OTHER BUSINESS
- A. None
- 10:15pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge
 - B. Fletcher: Lake Minnetonka Communications Commission, Fire
 - C. Kind: Police, Administration, Mayors' Meetings, Website
 - D. Quam: Roads & Sewers, Minnetonka Community Education
 - E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District
- 10:30pm 10. ADJOURNMENT
- 10:35pm **CLOSED SESSION** for attorney-client privilege to discuss Shorewood's partition action lawsuit regarding the Southshore Center.



Agenda Item: Consent Agenda

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

Council Action: Required. Possible motion ...

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



MINUTES

Greenwood City Council Worksession

Wednesday, September 2, 2015

20225 Cottagewood Road, Deephaven, MN 55331

1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 6:13pm.

Members Present: Mayor Kind; Councilmembers Bill Cook, Tom Fletcher, Bob Quam, Rob Roy (arrived at 6:15pm)

Others Present: None

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

2. DISCUSS 2016 BUDGET & FEES

The city council discussed the revised budget and revised fee ordinance. No further changes were made.

3. ADJOURNMENT

Motion by Quam to adjourn the worksession at 6:32pm. Second by Cook. Motion passed 5-0.

MINUTES

Greenwood City Council Meeting

Wednesday, September 2, 2015

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

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

Others Present: City Attorney Mark Kelly, City Engineer Dave Martini

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

2. CONSENT AGENDA

- A. Approve: 08-05-15 City Council Meeting Minutes
- B. Approve: July Cash Summary Report
- C. Approve: July Certificates of Deposit Report
- D. Approve: August Verifieds, Check Register, Electronic Fund Transfers
- E. Approve: September Payroll Register
- F. Approve: Insurance Liability Waiver Form

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

3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

- A. City Engineer Dave Martini: Road Update, Sewer Update, Meadville Median / Traffic Calming, Stormwater Drainage Issue on St. Alban's Bay Rd

Public comments regarding the proposed Meadville median:

Bob Newman, 5230 Meadville Street, supports a shorter median, supports speed humps.

Bob Sevey, 4926 Meadville Street, does not support a median, does not support speed humps, supports center stripe.

Karen Koehnen, 5200 Meadville Street, supports shorter median, supports center stripe, suggested moving no-parking signs to lake side of Meadville.

Mary Jo Newman, 5230 Meadville Street, supports shorter median, expressed concern for big trucks being able to make the turn onto Meadville.

Tom Ritchie, 5210 Meadville Street, supports median, supports striping, supports speed humps.

Sandy Sevey, 5230 Meadville Street, encouraged the city council to try driving and avoiding the median area marked on the pavement.

Full comments may be viewed on LMCC TV channel 8 or at www.lmcc-tv.org.

Motion by Fletcher that the Greenwood city council authorizes Councilman Quam and Councilman Cook to work with the city engineer to review the center striping concept on Meadville Street and implement if appropriate. Second by Roy. Motion passed 5-0.

Public comments regarding the stormwater drainage issue on St. Alban's Bay Rd.:

John Busacker, 5180 St. Alban's Bay Rd., expressed concern regarding water runoff from St. Alban's Bay Rd.

that comes from both the east and west, his property is the low spot, the problem has been ongoing for many years and is worse with current neighboring construction projects.

Full comments may be viewed on LMCC TV channel 8 or at www.lmcc-tv.org.

Motion by Kind that the Greenwood city council authorizes Councilman Cook and the city engineer to meet with John Busacker, 5180 St. Alban's Bay Road, to discuss ideas regarding drainage and report back to the city council. Second by Fletcher. Motion passed 5-0.

- B. Announcement: Truth in Taxation Meeting (Budget Comment Opportunity), 7pm Wed 12-02-15, Deephaven Council Chambers
No council action was taken. View the announcement on LMCC TV channel 8 or at www.lmcc-tv.org.

5. PUBLIC HEARINGS

- A. None

6. UNFINISHED BUSINESS

- A. Consider: Next Steps Regarding St. Alban's Bay Lake Improvement District
This item was discussed under 7H on agenda.

7. NEW BUSINESS

- A. Consider: Lighting and Landscaping Plans, Kam & Sara Talebi, 5570 Maple Heights Rd

Public comments:

John Beal, 5470 Maple Heights Rd, expressed concern for additional trees being removed, asked that the emails from neighbors be made available to Mr. Talebi, wanted to exchange phone numbers with Mr. Talebi to discuss neighborly concerns regarding the location of the boat dock and concern with blower noise.

Marietta Jacobsen, 5530 Maple Heights Rd, wanted to make sure that the concerns brought up by the neighbors would be discussed.

Steve Janousek, 21210 Excelsior Blvd, wanted to make sure the city had all of the information needed to make a decision, especially interested in seeing elevations of how the landscaping will look.

Full comments may be viewed on LMCC TV channel 8 or at www.lmcc-tv.org.

Motion by Fletcher that the Greenwood city council continues the city council discussion and action regarding the lighting and landscaping plans for Kam & Sara Talebi, 5570 Maple Heights Road, to the October 7, 2015 city council meeting to give the property owners time to provide landscaping elevations and accurate plans to the city council. Second by Quam. Motion passed 5-0.

- B. Discuss: Ordinance Committee Progress

No council action was taken.

- C. Discuss: Enforcement of Usage Rules at City Docks

Public comments:

Brian Malo, 5070 Greenwood Circle, stated he was at the meeting to find out what the council had in mind regarding usage rules, he does not support taking attendance at the city docks.

Full comments may be viewed on LMCC TV channel 8 or at www.lmcc-tv.org.

Motion by Fletcher that the Greenwood city council authorizes Mayor Kind and Councilman Cook to review the dock ordinance, make recommendations for revisions, and report back to the city council. Second by Roy. Motion passed 5-0.

- D. Discuss: Potential Weed Removal and Dredging at City Docks

Motion by Cook that the Greenwood city council (1) approves the Waterfront Restoration proposal of \$800 to harvest weeds and remove floating weeds by the city docks on St. Alban's Bay; (2) authorizes the city clerk to sign the proposal; (3) directs that the work be done as soon as possible. Second by Kind. Motion passed 5-0.

- E. Consider: Resolution 12-15, Approving 2016 Preliminary Tax Levy

Motion by Fletcher that the Greenwood city council approves resolution 12-15 approving \$642,750 as the preliminary tax levy for taxes collectible in 2016. Second by Cook. Motion passed 5-0.

- F. 1st Reading: Ordinance 243, Updating Chapter 5 Fee Schedule

Motion by Fletcher that the Greenwood city council approves the 1st reading of ordinance 243 as presented. Second by Roy. Motion passed 5-0.

- G. Consider: Lake Minnetonka Communications Commission 2016 Budget, LMCC A/V program, and Potential PEG Increase

Motion by Fletcher that the Greenwood city council approves the 2015 Lake Minnetonka Communications Commission budget as presented and directs the city clerk to forward a copy of the 09-02-15 council minutes to the LMCC for their records. Second by Roy. Motion passed 5-0.

- H. Consider: St. Alban's Lake Improvement District 2016 Budget

Motion by Fletcher that the Greenwood city council (1) accepts the St. Alban's Bay Lake Improvement District's property owner's recommendation and approves the 2016 budget in the amount of \$30,000; (2) approves the following levy amounts: \$75 for channel properties and association members, \$100 for condominiums (the Villas), \$150 for homes with less than 100 feet of shoreline, \$220 for homes with 100 feet or more of shoreline, \$400 for marinas with less than 10 slips, \$800 for marinas with 11 to 20 slips, \$1200 for marinas with 21 or more slips; (3) directs the city clerk to send a copy of this motion to the Excelsior city manager for distribution to the Excelsior city council. Second by Cook. Motion passed 5-0.

8. OTHER BUSINESS

- A. None

9. COUNCIL REPORTS

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

Motion by Kind that the Greenwood city council authorizes the mayor to send a letter to the Met Council objecting to higher fees. Second by Cook. Motion passed 5-0.

- B. Fletcher: Lake Minnetonka Communications Commission, Fire

No council action was taken.

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

No council action was taken.

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

No council action was taken.

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

No council action was taken.

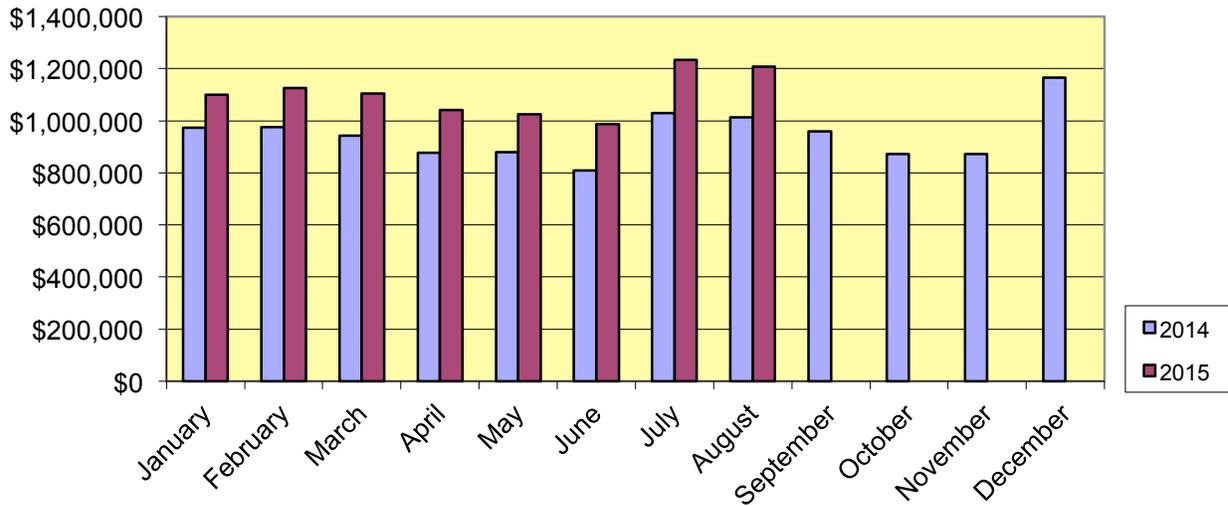
10. ADJOURNMENT

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

NOTE: The closed session to discuss Shorewood's offer to purchase the Southshore Center was not held because there was no new information to discuss.

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

City of Greenwood Monthly Cash Summary



Month	2014	2015	Variance with Prior Month	Variance with Prior Year
January	\$973,698	\$1,100,038	-\$65,893	\$126,340
February	\$976,134	\$1,125,995	\$25,957	\$149,861
March	\$942,468	\$1,105,199	-\$20,796	\$162,731
April	\$878,040	\$1,041,296	-\$63,903	\$163,256
May	\$879,272	\$1,025,022	-\$16,274	\$145,750
June	\$808,884	\$986,189	-\$38,833	\$177,305
July	\$1,029,060	\$1,234,400	\$248,211	\$205,340
August	\$1,013,814	\$1,207,294	-\$27,106	\$193,480
September	\$960,083	\$0	-\$1,207,294	-\$960,083
October	\$872,707	\$0	\$0	-\$872,707
November	\$871,871	\$0	\$0	-\$871,871
December	\$1,165,931	\$0	\$0	-\$1,165,931

Bridgewater Bank Money Market	\$473,975
Bridgewater Bank Checking	\$18,268
Beacon Bank CD	\$406,531
Beacon Bank Money Market	\$304,112
Beacon Bank Checking	\$4,408
<hr/>	
	\$1,207,294

ALLOCATION BY FUND

General Fund	\$462,607
Special Project Fund	\$0
General Fund Designated for Parks	\$22,685
Bridge Capital Project Fund	\$117,353
Road Improvement Fund	\$40,000
Stormwater Fund	\$13,462
Sewer Enterprise Fund	\$481,508
Marina Enterprise Fund	\$69,679
<hr/>	
	\$1,207,294

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 8/31/15

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10412	Beacon Bank	09/22/14	13 month	10/22/15	0.70%	\$ 80,419.95
101-10410	Beacon Bank	11/06/14	13 month	12/06/15	0.70%	\$ 61,335.70
101-10407	Beacon Bank	01/04/15	13 month	02/04/16	0.70%	\$ 61,774.01
101-10408	Beacon Bank	04/05/15	13 month	05/05/16	0.70%	\$ 61,342.61
101-10411	Beacon Bank	06/22/15	13 month	07/22/16	0.60%	\$ 80,299.18
101-10409	Beacon Bank	08/05/15	13 month	09/05/16	0.60%	\$ 61,359.73
					TOTAL	\$ 406,531.18

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

Check Issue Date(s): 09/01/2015 - 09/30/2015

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
09/15	09/15/2015	12118	51	BOLTON & MENK, INC.	502-20100	18,926.50
09/15	09/15/2015	12119		Information Only Check	101-20100	.00 V
09/15	09/15/2015	12120	9	CITY OF DEEPHAVEN	101-20100	7,589.29
09/15	09/15/2015	12121	822	ECM PUBLISHERS INC	101-20100	145.22
09/15	09/15/2015	12122	199	ELECTRIC PUMP	602-20100	2,348.00
09/15	09/15/2015	12123	581	EMERY'S TREE SERVICE, INC.	101-20100	1,445.00
09/15	09/15/2015	12124	790	GMH ASPHALT CORPORATION	101-20100	109,743.28
09/15	09/15/2015	12125	68	GOPHER STATE ONE CALL	602-20100	60.90
09/15	09/15/2015	12126	3	KELLY LAW OFFICES	101-20100	552.00
09/15	09/15/2015	12127	850	KENNEDY, GRAVEN, CHARTERED	101-20100	542.50
09/15	09/15/2015	12128	841	LAW OFFICE GREGORY E KELLER PA	101-20100	379.50
09/15	09/15/2015	12129	255	LMC INSURANCE TRUST	101-20100	12.00
09/15	09/15/2015	12130	105	METRO COUNCIL ENVIRO SERVICES	602-20100	1,912.42
09/15	09/15/2015	12131	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	15,661.42
09/15	09/15/2015	12132	856	WATERFRONT RESTORATION LLC	605-20100	546.75
09/15	09/15/2015	12133	145	XCEL ENERGY	101-20100	608.58
Totals:						<u>160,473.36</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0181946	2014 I/I REDUCTION GRANT APP	08/31/2015	2,181.00
		0181947	2014 MS4 ADMN	08/31/2015	918.00
		0181948	2015 DEVELOPMENT REVIEW	08/31/2015	624.00
		0181952	2015 MISC ENGINEERING	08/31/2015	378.00
			2015 MISC ENGINEERING		150.00
			2015 MISC ENGINEERING		30.00
		0181953	2015 STREET IMPROVEMENTS	08/31/2015	14,645.50
Total BOLTON & MENK, INC.					18,926.50
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	AUG 2015	RENT & EQUIPMENT	09/01/2015	487.45
			Postage		88.98
			COPIES		205.40
			SEWER		716.96
			WEED/TREE/MOWING		716.96
			PARK MAINTENANCE		268.86
			STORM SEWERS		89.62
			Clerk Services		3,434.00
			ZONING		1,175.06
			INSPECTION OF GEORGETOWN MAN		308.00
			M ANDERSON UB PMT PD BY DPVN		98.00
Total CITY OF DEEPHAVEN					7,589.29
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	253799	LEGAL NOTICE	09/03/2015	44.68
		253800	LEGAL NOTICE	09/03/2015	50.27
		253801	LEGAL NOTICE	09/03/2015	50.27
Total ECM PUBLISHERS INC					145.22
ELECTRIC PUMP					
199	ELECTRIC PUMP	0055851-IN	LIFT STATION REPAIR	07/27/2015	2,348.00
Total ELECTRIC PUMP					2,348.00
EMERY'S TREE SERVICE, INC.					
581	EMERY'S TREE SERVICE, INC.	20246	TREE MAINTENANCE	09/02/2015	1,445.00
Total EMERY'S TREE SERVICE, INC.					1,445.00
GMH ASPHALT CORPORATION					
790	GMH ASPHALT CORPORATION	090815	2015 STREET IMPROVEMENTS	09/08/2015	109,743.28
Total GMH ASPHALT CORPORATION					109,743.28
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	145398	Gopher State calls	08/31/2015	60.90
Total GOPHER STATE ONE CALL					60.90
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	6375	GENERAL LEGAL	09/01/2015	552.00
Total KELLY LAW OFFICES					552.00
KENNEDY, GRAVEN, CHARTERED					

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
850	KENNEDY, GRAVEN, CHARTERED	GR625 - 00002	BURDICK ZONING SUIT	07/31/2015	17.50
		GR625-00001	B BURDICK VARIANCE MATTERS	07/31/2015	525.00
Total KENNEDY, GRAVEN, CHARTERED					542.50
LAW OFFICE GREGORY E KELLER PA					
841	LAW OFFICE GREGORY E KELLER	090815	PROSECUTION BILL	09/08/2015	379.50
Total LAW OFFICE GREGORY E KELLER PA					379.50
LMC INSURANCE TRUST					
255	LMC INSURANCE TRUST	30618	Work Comp-Final Audit	08/26/2015	12.00
Total LMC INSURANCE TRUST					12.00
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001048293	Monthly wastewater Charge	09/03/2015	1,912.42
Total METRO COUNCIL ENVIRO SERVICES					1,912.42
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE	090815	Hennepin Co. Processing Fees	09/08/2015	75.00
		SEPT 2015	2015 OPERATING BUDGET EXP	09/01/2015	15,586.42
Total SO LAKE MINNETONKA POLICE DEPT					15,661.42
WATERFRONT RESTORATION LLC					
856	WATERFRONT RESTORATION L	3889	HARVESTING & DISPOSAL FEES	09/11/2015	546.75
Total WATERFRONT RESTORATION LLC					546.75
XCEL ENERGY					
145	XCEL ENERGY	082815	Sleepy Hollow Road *	08/28/2015	8.49
			4925 MEADVILLE STREET *		8.45
			SIREN		3.65
			LIFT STATION #1		38.17
			LIFT STATION #2		36.52
			LIFT STATION #3		22.05
			LIFT STATION #4		36.87
			LIFT STATION #6		75.34
			Street Lights *		379.04
Total XCEL ENERGY					608.58

Total Paid: 160,473.36

Total Unpaid: -

Grand Total: 160,473.36

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
10/01/15	PC	10/01/15	10011501	COOK, WILLIAM B.	37		001-10100	184.70
10/01/15	PC	10/01/15	10011502	Fletcher, Thomas M	33		001-10100	84.70
10/01/15	PC	10/01/15	10011503	Kind, Debra J.	34		001-10100	277.05
10/01/15	PC	10/01/15	10011504	Quam, Robert	32		001-10100	184.70
10/01/15	PC	10/01/15	10011505	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>



Agenda Number: 4A

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: Chief Mike Meehan, South Lake Minnetonka Police Department Update

Summary: The South Lake Minnetonka Police Department's new chief, Mike Meehan, started work on September 14. Chief Meehan requested the opportunity to address the city council at the 10-07-15 city council meeting.

Council Action: None required.



Agenda Number: 4B

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: Commissioner Jan Callison, Annual Hennepin County Update

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

Council Action: None required.



Agenda Number: 4C

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: City Prosecutor Greg Keller, Annual Prosecution Update

Summary: City prosecutor Greg Keller will attend the October council meeting to give the council his annual update. Specific cases will not be discussed, but this is an opportunity for the council to get an overview of prosecution cases from the preceding 12 months. This also will be an opportunity for the council to ask questions.

Council Action: None required.



Agenda Number: 4D

Agenda Date: 10-07-15

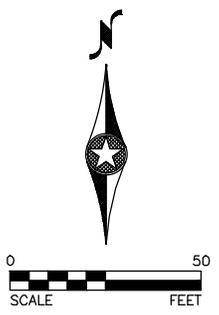
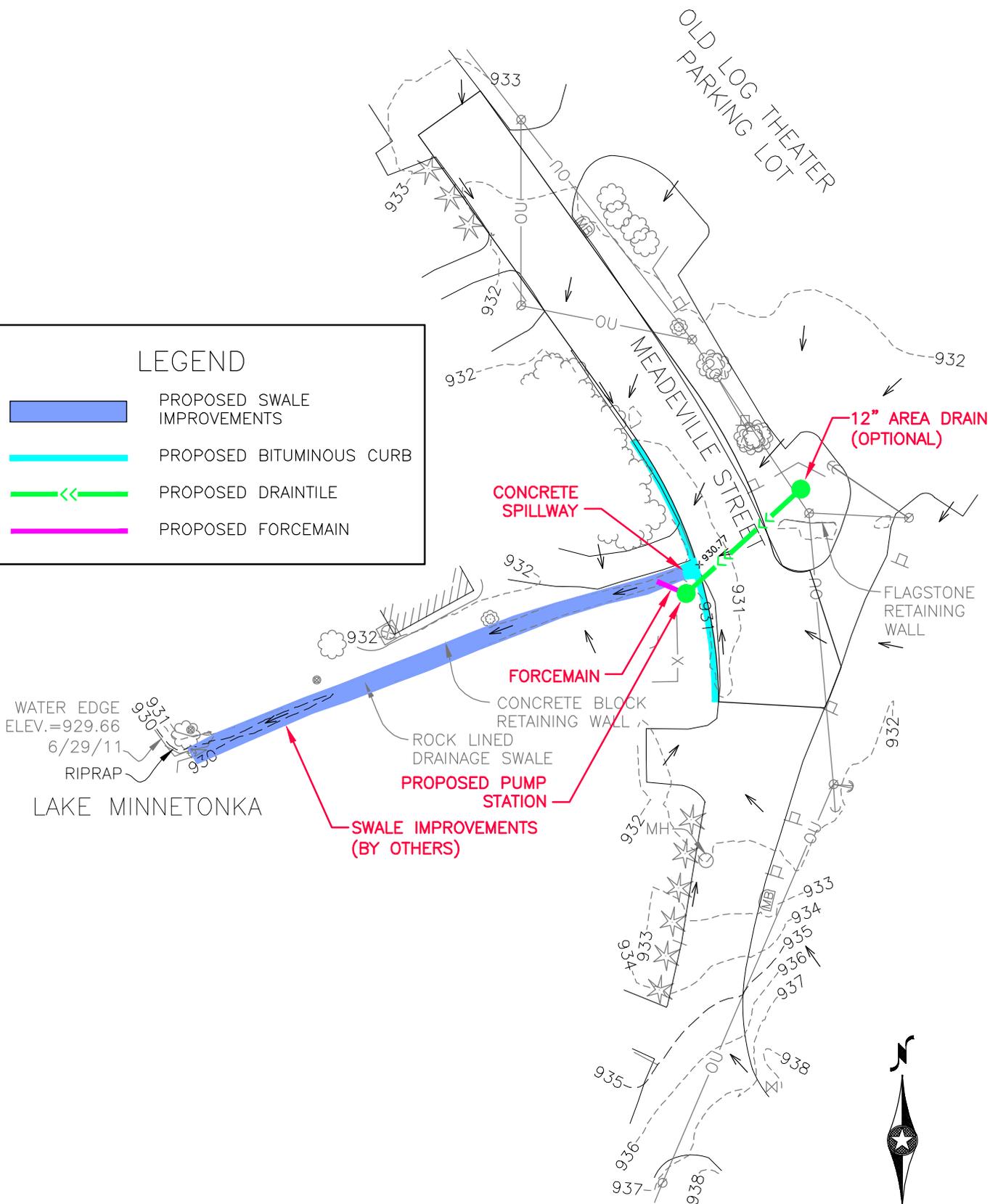
Prepared by Deb Kind

Agenda Item: City Engineer Dave Martini, Smoke Testing, Roads, Stormwater Drainage

Summary: City Engineer Dave Martini will give a verbal update at the city council meeting.

Council Action: No action required.

LEGEND	
	PROPOSED SWALE IMPROVEMENTS
	PROPOSED BITUMINOUS CURB
	PROPOSED DRAINTILE
	PROPOSED FORCEMAIN



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**CITY OF GREENWOOD
MEADVILLE STREET DRAINAGE STUDY
PROJECT COST ESTIMATE
SEPTEMBER 29, 2015**

PUMPING STATION					
ITEM NO.	ITEM	QTY.	UNIT	AMOUNT	TOTAL
1	BITUMINOUS CURB	100	LF	\$ 15.00	\$ 1,500.00
2	CONCRETE SPILLWAY	1	LS	\$ 1,000.00	\$ 1,000.00
3	PUMP AND ELECTRICAL CONTROLS	1	LS	\$ 16,500.00	\$ 16,500.00
4	PUMPING STATION CONSTRUCTION	1	LS	\$ 4,500.00	\$ 4,500.00
5	PUMP INSTALLATION AND PIPING	1	LS	\$ 12,000.00	\$ 12,000.00
6	ELECTRICAL SERVICE	1	LS	\$ 2,000.00	\$ 2,000.00
7	ELECTRICAL CONSTRUCTION AND POWER SERVICE	1	LS	\$ 3,000.00	\$ 3,000.00
8	RESTORATION	1	LS	\$ 2,500.00	\$ 2,500.00
				SUB TOTAL	\$ 43,000.00
				MOBILIZATION - 5%	\$ 2,150.00
				TOTAL ESTIMATED CONSTRUCTION COST	\$ 45,150.00
				ESTIMATED SOFT COSTS AND CONTINGENCIES- 30%	\$ 13,545.00
				ESTIMATED PROJECT COST	\$ 58,695.00
OPTIONAL 12" DRAIN					
9	DRAIN TILE (TRENCHLESS CONSTRUCTION)	50	LF	\$ 100.00	\$ 5,000.00
10	12" AREA DRAIN	1	EA	\$ 500.00	\$ 500.00
11	RESTORATION	1	LS	\$ 1,500.00	\$ 1,500.00
				SUB TOTAL	\$ 7,000.00
				MOBILIZATION - 5%	\$ 350.00
				TOTAL ESTIMATE CONSTRUCTION COST	\$ 7,350.00
				ESTIMATED SOFT COSTS AND CONTINGENCIES- 30%	\$ 105.00
				<i>ESTIMATED PROJECT COST</i>	<i>\$ 7,805.00</i>
				TOTAL ESTIMATED PROJECT COST	\$ 66,500.00



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172
Phone (952) 448-8838 • Fax (952) 448-8805
www.bolton-menk.com

September 29, 2015

City of Greenwood
Attn: Bob Quam
20225 Cottagewood Road
Deephaven, MN 55331

RE: Meadville Street Drainage

Honorable Mayor and City Council:

As requested, we have reviewed the existing drainage from the low point on Meadville Street near the entrance to the Old Log Theater and offer the following comments and recommendations for your consideration:

EXISTING CONDITIONS

The runoff from the low point in Meadville Street drains west in a ditch lined with rock to Lake Minnetonka. According to survey information collected in 2011, the low elevation in the street is 930.77. The low point receives runoff from an estimated 3.1 acres which includes the west portion of the Old Log Theater parking lot. The runoff from the east side of the street flows across the street. However, significant areas east of the street are low and have flat surface slopes which results in poor drainage and standing water in depressions.

The ground elevations along the west side of the street, in general, slope up from the road which requires the runoff to flow along the edge of the street to the ditch. The slopes along the street are very flat and do not provide good positive drainage.

The ordinary high water (OHW) elevation of Lake Minnetonka is 929.40 and the 100 year flood elevation is 931.50. Therefore the low point in the street is only 1.37 feet above the OHW and is below the 100 year flood elevation. The ditch from the street to the lake is 190 feet long and has a very flat slope. The elevation of the lake at times is above the OHW which results in the lake level backing up into the ditch which further exacerbated the drainage problem. Given the elevations of the street and adjacent areas relative to the lake, minimal improvements can be made by modifying surface elevations and grades.

PROPOSED IMPROVEMENT

At this time, two courses of action are recommended:

1. Pride Construction and Excavation has been authorized as part of the 2015 Street Improvements to excavate out a portion of the drainage ditch to a depth of 1-foot. Existing dirt, rock, and rubber mat will be removed from the ditch and replaced with clean rock. The area near the outlet at the lake will also be cleared of debris to improve flow.

The intent of this work is to provide a French drain that can store a limited volume of water,

H:\GRWDC\13109525\1_Corres\C_To Others\Meadville Street Drainage 9-29-15.doc

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



which will hopefully limit the amount of ponding on the road. In addition, the ditch will be cleaned to a point where positive flow exists to the lake. This improvement will not keep water from backing up onto the road during times when the lake level is high.

2. To more permanently improve the drainage in this area, it is recommended that a small pumping station be installed in the low area adjacent to the drainage ditch (see Figure 1). This would be similar to a basement sump pump and would allow pumping of surface water from the low area into the drainage ditch. The existing ditch will continue to drain the surface runoff. The pump station and piping will be shallow and not protected from freezing. Therefore, the pump will need to be removed over the winter. When conditions allow in the spring, the pump can be installed and the pump station will draw down standing water that collects on the west side of the road. The pumping station would have a capacity of 300 to 400 gallons per minute.

Blacktop curb will be installed along the west edge of Meadville Street and it is recommended that a drain tile be installed by trenchless construction methods to drain the low area on the east side of the road (see Figure 1).

During times when Meadville Street is flooded by the lake, the existing ditch could be sand bagged to stop water flow from the lake and the pump station could be used to pump down the water level.

The total estimated cost of the proposed drainage improvements is **\$66,500** as detailed on the attached tabulation. This includes contingency and soft costs. The pump station will have annual costs including electrical costs, equipment maintenance and staff time for operation.

I will be at the City Council Meeting on October 7th to discuss this information with the Council. Please let me know if you have any questions before then.

Sincerely,
BOLTON & MENK, INC.

A handwritten signature in black ink that reads "David P. Martini". The signature is written in a cursive, slightly slanted style.

David P. Martini, P.E.
Principal Engineer



Agenda Number: 5A

Agenda Date: 10-07-15

Prepared by Deb Kind

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

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

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

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

CITY OF GREENWOOD

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

NOTICE IS HEREBY GIVEN that the City Council of the City of Greenwood will hold a public hearing at City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on Wednesday, October 7, 2015 at 7:00 p.m. or as soon thereafter as practical to hear, consider and pass upon proposed assessments with respect to delinquent sewer, storm water, and recycling charges. The assessment roll is available for public inspection in the office of the City Clerk, Monday through Friday between 8:00 a.m. and 4:30 p.m.

Any assessment not paid by November 20, 2015 will be certified on the 2016 tax rolls and shall be payable in the same year as the taxes contained therein. Certified assessments of sewer, storm water, and recycling charges are subject to an 12.0% interest rate per annum. Amounts owed are presently due and payable and can draw interest from December 1, 2015 as determined by the City Council.

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

Dana H. Young
City Clerk

Published in the Sun Sailor this 15th and 22nd day of September, 2015.

GREENWOOD 2015 TAX CERTIFICATION				
PID #	PROPERTY OWNER	House Number	Street Name	Total Due
26-117-23-13-0066	Brandel, J & E Devney-Brandel	4763	Lyman Ct	\$424.55
26-117-23-31-0018	Brost, M L & S R Brost	5110	Curve St	\$424.55
26-117-23-42-0025	Eggert, David H and A R	5050	Highview Pl	\$201.88
26-117-23-12-0015	Felt, Dawn Marie Lecuyer	4800	Lodge Ln	\$100.94
26-117-23-34-0026	Johnson, Douglas L. / Davis, Joel	21795	Minnetonka Blvd	\$424.55
26-117-23-13-0017	Nomura Home Equity Loan, Inc.	21200	Minnetonka Blvd	\$204.91
26-117-23-42-0048	Page, Jr. Howard Kelsey	5055	Kings Ct	\$100.94
26-117-23-42-0011	Pastor, J T & EM	5100	Greenwood Cir	\$208.03
35-117-23-11-0038	Quackenboss, Michael E	21030	Excelsior Blvd	\$312.00
35-117-23-11-0018	Sullwold, Gregory M	20880	Excelsior Blvd	\$100.94
26-117-23-42-0050	Weseman, Ronald & Mary	5165	Queens Cir	\$100.94
	Grand Total Delinquent Due			\$2,604.23



Agenda Number: 6A

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: Lighting and Landscaping Plans, Kam & Sara Talebi, 5570 Maple Heights Rd

Summary: On 10-22-14, the city council approved Kam & Sara Talebi's variance for constructing retaining walls and a driveway within the 50ft lake yard setback. One of the conditions of approval was that, "The applicant shall provide lighting and landscaping plans for approval by the city council."

Variances expire 1 year from the date of approval. Therefore, the lighting and landscaping plan must be approved by 10-22-15, or an extension of the variance will be needed.

The council can approve the plans as submitted (or with revisions) or approve a resolution with conditions for the installation and maintenance of the landscaping and operation of the lighting. For discussion purposes, Councilmember Fletcher has provided the attached resolution, which includes such conditions.

Council Action: Action required. Potential motions ...

1. I move the Greenwood city council approves the landscaping and lighting plans as submitted by Kam & Sara Talebi, 5570 Maple Heights Road (with the following revisions_____).
2. I move the Greenwood city council approves the resolution 17-15 approving the landscaping and lighting plans submitted by Kam & Sara Talebi, 5570 Maple Heights Road (with the following revisions _____).
3. Other motion ???

LED
TOUCHSTONE



**G4 bi-pin
"3w LEDCapsule"**

Color Temperature

3000K WARM WHITE

Wattages/Lumens

1.5W 180LM-"LEDCAPSULE" OPT.

3W 210LM-"LEDCAPSULE" STD.

10 OR 20W BI-PIN XENON OPT.

Beam Angle

360 DEGREE

Rated Life Hours

30,000 HOUR/3 YEARS

**FIXTURE
FEATURES**

- CASTS 20 FT. DIA. OF LIGHT
- 12V AC/DC, 3W LED STD.
- S/S BRACKET/FASTENERS
- 17" SUPERSTAKE
- 36" FIXTURE LEADS
- G4 BI-PIN SOCKET
- ACCEPTS 1/2" NPT
- ETL LISTED
- WARRANTY-10YEAR BZ,
LIFETIME COPPER

●DIMENSIONS:

1-1/4"DIA. X 30" RISER,
11" DIA. HOOD



MAXWELL 11 SERIES
TOUCHSTONE

MODEL GC11125

EXTRA LARGE AND HEAVY-DUTY



GC11125/C
COPPER/SOLID BRASS TRIM

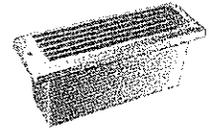
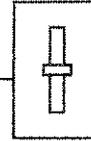


GC11125/RS
RUSTSTEEL/SOLID
BRASS TRIM

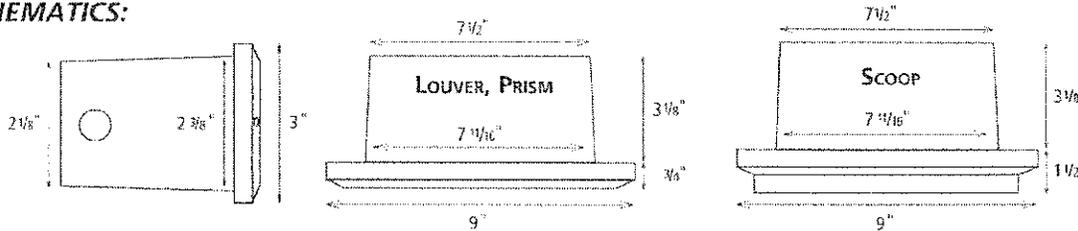
RECOMMENDED SPACING 15FT.-25FT. SEALED LAMP HOUSING WITH TOOL-LESS EASY HOOD REMOVAL. FEATURES OUR SOLID BRASS SOCKET/LENS HOUSING AND TOP FENNEL. REMOVABLE RISER ALLLWS FOR CUSTOM CUTTING. AVAILABLE IN RAW COPPER/BRASS (LIMITED-LIFETIME WARRANTY), RUSTSTEEL/BRASS (10 YEAR LIMITED WARRANTY).

LED BRICK STAR

DIMMABLE!



SCHEMATICS:



DESCRIPTION:

Die cast aluminum wall mount LED light fixture fits standard brick void and consumes only 5.2 watts. 72% energy savings vs. Xenon/Halogen technologies. Dimmable. 120VAC input and output of fixture up to 150 fixtures per 15A tap. Replaceable 120VDC LED Module included. UL listed Wet Location for all interior and exterior wall, ceiling and concrete pour applications. Offered in three cover styles and five fixture finishes, including Stainless Steel Louver Cover with fluorocarbon lacquer coated aluminum can.

APPLICATIONS

- ▶ Brick walls
- ▶ Interior steps
- ▶ Exterior steps
- ▶ Aisles
- ▶ Halls
- ▶ Paths
- ▶ Patio lighting
- ▶ Entry lighting
- ▶ Post lighting

ORDERING LOGIC:

LBR-Z-XX-YY

Z = FIXTURE TYPE

L = Louver Cover
S = Scoop Cover
P = Prism Cover

XX = LED COLOR

WH = White

YY = FIXTURE FINISH

WH = White
BZ = Bronze
BK = Black
AL = Aluminum
SS = Stainless Steel
(Louver cover only)

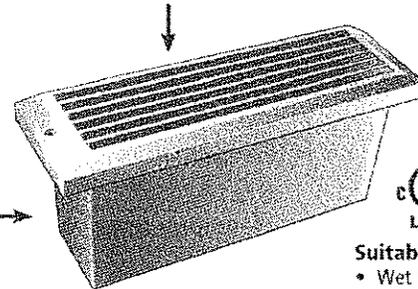


BL-CC
Brick Light
Concrete Cap
Required for all
concrete pour and
brick wall applications.

FEATURES

- 120V Power Input
- Low 5.2 watts per fixture energy usage
- Up to 150 fixtures per 120VAC tap
- Dimmable
- 120VDC replaceable LED Module
- No integral LED Driver required
- Pleasingly warm color temperature of 3100K
- 120V push-in connectors included for ease of power input

• Frosted glass lens



Suitable for

- Wet locations
- Insulation contact
- Wall and ceiling mount
- Showers
- Use in poured concrete

- Each fixture ships complete with can and cover
- Die cast aluminum can and cover; suitable for concrete pour
- 3 cover designs: Louver, Prism and Scoop
- 5 cover color options: White, Bronze, Black, Aluminum or Stainless Steel
- Numerous 120V 1/2" NPT fittings for standard Romex™ input

SPECIFICATIONS:

Voltage	120VAC
Fixture Energy Rating	120VAC, 43mA, 5.2 watts
LED Module Life	Replaceable 120VDC LED Module rated at 40,000 hours
LED Color Temperature	3100K +/- 200K
Cover Finish	White, bronze, aluminum, black or stainless steel
Can Finish	White with aluminum reflector
Construction	Both cover and can are die cast aluminum for corrosion protection, strength, weight, and consistency of finish. New Stainless Steel Louver option.
Lens	Frosted tempered glass
Wiring Options	120V can be parallel wired ("daisy chained") up to 150 fixtures per tap. Check local code and NEC for wiring selection
Dimming	Dimmable. See instructions for details.
Agency Approval	UL listed wet location for all interior and exterior wall, ceiling and concrete pour applications.
Warranty	Two years powder coated finish, 3 years stainless steel finish. See website for details.

NEW!



Stainless Steel Louver Cover
Recommended for use in corrosive environments as salt air, adjacent bodies of water, or installed in caustic materials such as limestone. Three year warranty.

NSL
NATIONAL SPECIALTY LIGHTING
www.nslusa.com

PROJECT:

TYPE:

NOTES:



STUCCO

STUCCO

Site





JUMBO TEX
WEATHER-RESISTIVE BARRIER

60
MINUTE

ES Conforms to Federal Spec

ES Conforms to Federal Spec UU-B-790a, Grade "D"
www.fortifiber.com Made in USA

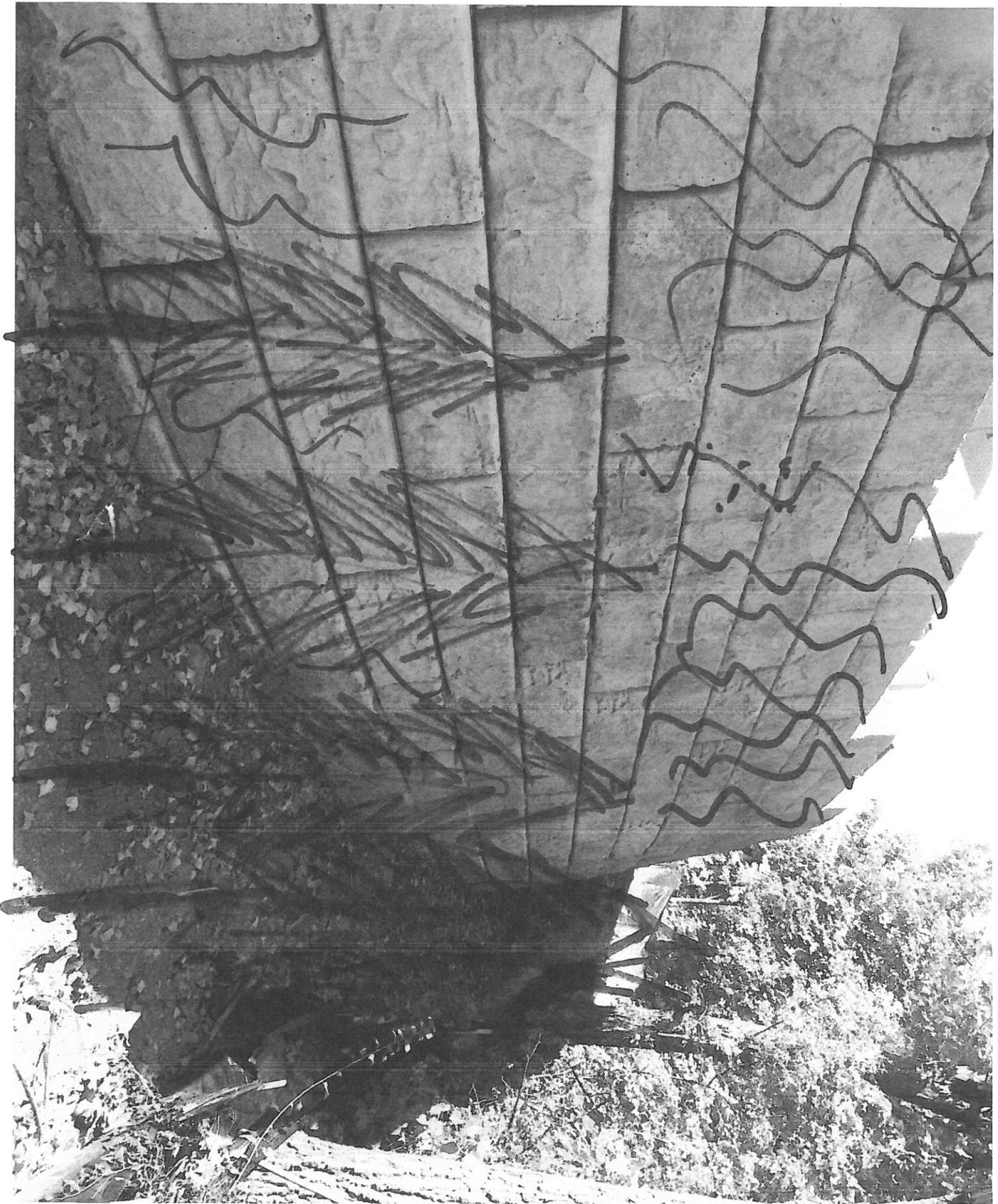
SUPER JUMBO TEX
WEATHER-RESISTIVE BARRIER

SUPER JUMBO TEX
WEATHER-RESISTIVE BARRIER

60

60

STUCCO





RESOLUTION NO. 17-15

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA

IN RE: The application of Erotas Building Corporation, ON BEHALF OF property owner Kam Talebi, for a variance to Greenwood ordinance code section 1120.15 to permit the construction of a driveway and retaining walls encroaching on the 50-foot lakeside yard setback.

WHEREAS, Erotas Building Corporation made a variance application for proposed driveway retaining walls, which would encroach 35 feet into the required 50 foot lake yard setback as on behalf of Kam Talebi, owner of real property at 5560 Maple Heights Road, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0001); and

WHEREAS, on October 22, 2014, in resolution 29-14 the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments granted the application of Erotas Building Corporation, on behalf of owner Kam Talebi, for a variance to section 1122.15 to permit construction of a driveway with retaining walls which encroach into the 50-foot lakeside yard setback by up to 35 feet, subject to the following conditions:

- 1. The project must be completed according to the specification and design of the plans submitted;
2. A certified copy of the resolution shall be filed by the applicant with the Hennepin County Registrar of Titles and proof of filing provided to the city of Greenwood before any building permits may be issued for this project;
3. The applicant shall provide lighting and landscaping plans for approval by the city council; and

WHEREAS, the applicant has provided landscaping and lighting plans dated _____, 2015 to the city council.

NOW, THEREFORE, BE IT RESOLVED, by the city council of the city of Greenwood, Minnesota that the city council approves the landscaping and lighting plans dated _____, 2015 subject to the following conditions:

- 1. The landscaping and lighting must be completed according to the specification and design of the plans submitted.
2. The landscaping must be maintained according to the plans with any replacements of evergreen trees, evergreen bushes, or ivy being with similar types of and at least similar size of plant materials to those shown in the plans.
3. The exterior lighting that is visible from St Alban's Bay and other St Alban's Bay properties must not be increased from that shown in the plans.
4. The exterior lighting shall have motion controls, which will automatically turn lights off after 10 minutes, with the ability to manually override as needed for visitors. The intent is that the nighttime exterior lights shall be turned off whenever they are not reasonably needed for entry to and exit from the property.
5. The applicant will provide the city of Greenwood with a \$40,000 refundable landscaping security deposit in the form of a cashier's or certified check. If the landscaping is not completed according to the specifications and design of the plans submitted on or before July 1, 2016, the entire landscaping security deposit shall be forfeited to the city of Greenwood. If the evergreen trees and shrubs that are highlighted on the plan are not properly planted according to the specifications and design of the plans on or before December 1, 2015, \$20,000 of the landscaping security deposit shall be forfeited to the city of Greenwood. In lieu of providing the refundable landscaping security deposit, the applicant may sign an agreement provided by the city of Greenwood that will allow the city to certify the amount of the deposit to the county to be collected with property taxes if the landscaping is not completed in accordance with the above timetable.
6. A certified copy of this resolution shall be filed by the applicant with the Hennepin County Registrar of Titles and proof of filing provided to the city of Greenwood before a Certificate of Occupancy may be issued for this project.

ADOPTED by the city council of Greenwood, Minnesota this ____ day of October, 2015.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: **6B**

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: 2nd Reading, Ordinance 244, Updating Chapter 5 Fee Schedule

Summary: Annual changes to the chapter 5 fee schedule are discussed at worksessions in August and September. The 1st reading of the ordinance was approved at the September council meeting. The 2nd reading will be considered at the October council meeting. Changes for the council's consideration are highlighted in yellow on the attached draft of the ordinance.

Ordinance Timeline:

- ~~08-05-15~~ — City council discusses proposed fee changes at the city council worksession.
- ~~09-02-15~~ — City council discusses additional fee changes at the city council worksession.
- ~~09-02-15~~ — City council considers the 1st reading of the ordinance.
- 10-07-15 City council considers the 2nd reading of the ordinance.
- 10-08-15 Ordinance submitted to Sun-Sailor (if approved).
- 10-15-15 Ordinance published in Sun-Sailor (fee ordinances go into effect on 01-01-16 as stated in the ordinance).

Council Action: None required. Potential motions ...

1. I move the city council approves the 2nd reading of ordinance 244 as presented.
2. I move the city council approves the 2nd reading of ordinance 244 with the following revisions: _____.
3. Other motion ???

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

ORDINANCE NO. 244

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 5 FEES**

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

SECTION 1.

The Greenwood ordinance code section 510 fee schedule is amended as follows:

Docks: Municipal St. Alban's Bay Dock Permit	425.30 (5)	\$1300 \$1350	Per slip, per season
Landscaping Security Deposit	1140.60	\$1500 (refundable once landscaping is complete). The greater of \$1500 or X% of the building value submitted on the building permit application (refundable if landscaping is completed within 12 months of the occupancy permit being issued).	Cashier's or certified check. If landscaping is not completed within 12 months of the occupancy permit being issued, the deposit is forfeited. As an alternative to submitting a check up front, the property owner may sign a "Landscaping Security Agreement" stating the city may certify the amount to the county to be collected with property taxes IF landscaping is not completed within 12 months of the issuance of the occupancy permit.
Recycling: Collection Fee	475.30	\$16 \$14	Quarterly
Sewer: Repair Permit Fee		\$75	Per instance
Stormwater Management Utility Fee: Residential	525.00	\$17 \$19	Quarterly
Zoning: Shoreland Compliance Review Fee	1176.03	\$200	Per application. Paid only once if paid at variance or CUP application prior to building permit application. Signage CUP applications are exempt from paying the Shoreland Compliance Review Fee.

SECTION 2.

Effective Date. This ordinance shall be effective January 1, 2016.

Enacted by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2015.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk

First reading: _____, 2015
Second reading: _____, 2015
Publication: _____, 2015



Agenda Number: 6C

Agenda Date: 10-07-15

Prepared by Deb Kind

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

Summary: In January and February 2015, the cities of Excelsior and Greenwood approved the establishment of a St. Alban's Bay Lake Improvement District (SABLID) – the first LID on Lake Minnetonka. The SABLID is made up of property owners who have access rights to St. Alban's Bay. The SABLID has taxing authority for the specific purpose of managing aquatic invasive species.

The first annual meeting of the SABLID was held on 08-25-15. At the meeting the "appointed" members of the board were officially "elected" by ballots submitted from 32 property owners in the district.

Timeline: The next steps in the SABLID process are listed on the timeline below ...

- ~~09-02-15 Greenwood approves the 2016 SABLID budget.~~
- __-__-15 Excelsior approves the 2016 SABLID budget.
- __-__-15 Excelsior appoints 1 ex-officio director.
- __-__-15 Greenwood appoints a Fiduciary Agent for the SABLID.
- __-__-15 Excelsior appoints a Fiduciary Agent for the SABLID.

Council Action: No city council action is required. Suggested motions ...

1. I move the Greenwood city council (1) accepts the St. Alban's Bay Lake Improvement District board's recommendation and appoints _____ as the St. Alban's Bay Lake Improvement District Fiduciary Agent at a cost not to exceed \$_____ per year, (2) directs the city clerk to send a copy of this motion to the Excelsior city manager for distribution to the Excelsior city council.
2. Do nothing or other motion ???



Agenda Item: Res 13-15, Findings for Variance Request to Encroach into Lakeshore Setback, Jon Connolly of Gonyea Homes for Chad & Kelly Kerlin, 6 Maclynn Road

Summary: Jon Connolly of Gonyea Homes, the architect, is requesting a variance from the lakeshore setback for the construction of a new house at 6 Maclynn Road.

	Front Setback	East Side Setback	West Side Setback	Lakeshore Setback	Impervious Surface Area	Volume	Principal Structure Height
Permitted/Required	30 feet	15 feet	--	50	30%	78,686 c.f.	28'
Existing	30.1 feet	14.2 feet	--	41.32	25.6%	Unknown	Unknown
Proposed	30.1 feet	15 feet	--	41.32	22.5%	53,270 c.f.	27'-11"

The proposal would remove an existing non-conforming single family home and replace it with a new home that has a similar footprint, but either maintains eliminates the existing non-conformities. The proposed home eliminates the existing side yard setback non-conformity. The existing encroaching deck is proposed to be rebuilt with the same footprint, height and layout. Staff believes that this qualifies as a legal non-conformity and a variance would not be required. The lakeshore non-conforming setback remains, with a slight reduction in total area of encroachment. Section 1120.15 of the zoning ordinance requires a minimum lakeshore setback of 50 feet. The applicant proposes a lakeshore setback of 41 feet, 3 inches for the proposed single-family home. The proposal requires a variance of 8 feet, 9 inches of the required lakeshore setback.

Planning Commission Action: Commissioner Reeder made a motion to recommend that the city council **approve** the application of Jon Connolly of Gonyea Homes for a variance of Greenwood ordinance section 1120.15 to encroach 8 feet, 9 inches into the required 50 foot lakeshore yard setback for the proposed single-family home at 6 Maclynn Road as presented, based on the following findings:

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

And subject to the condition that the applicant complies with the recommendations of the city engineer.

Second by Commissioner Paeper. Motion passed 5-0.

Key Dates:

Application complete: _____ August 21, 2015
Notice of Public Hearing published: _____ September 3, 2015
Planning Commission Public Hearing: _____ September 16, 2015
City Council Consideration: _____ October 7, 2015
60-Day Deadline: _____ October 20, 2015
120-Day Deadline (if necessary): _____ December 19, 2015

Council Action: The city council must take action by 10-20-15. Suggested motions ...

1. I move the city council affirms the planning commission recommendation and **approves** resolution 13-15 regarding the variance request to encroach into the 50-foot lakeshore setback for Chad & Kelly Kerlin, 6 Maclynn Road, as written (with the following revisions: _____).
2. I move the city council (1) directs the city attorney to draft findings for **denial** regarding the variance request to encroach into the 50-foot lakeshore setback for Chad & Kelly Kerlin, 6 Maclynn Road; (2) directs the findings for **denial** be included on the 11-04-15 city council meeting agenda; (3) directs the city attorney to provide written notice to the applicant to extend the 60-day time limit by 30 days, so the council may consider findings **approving and denying** the request.

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

**CITY OF GREENWOOD
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Greenwood Planning Commission will hold a public hearing in the Council Chambers at Deephaven City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on **Wednesday September 16 at 7:00 P.M.**, or as soon thereafter as possible for the following purpose:

To consider the variance request of Gonyea Homes, Inc. for 6 Maclynn Road to construct a new house within the minimum required lake yard setback.

All persons are invited to attend the public hearing and written testimony will be accepted. Such persons as desire to express their opinion with reference to this proposal will be heard at this meeting. Comments can be mailed to, City of Greenwood, 20225 Cottagewood Road, Deephaven, MN 55331, e-mailed to dalec@mediacombb.net or you can call (952) 358-9938.

Dale Cooney
Zoning Administrator

Publish:
MN Sun Publications
September 3, 2015

Variance Application



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

Date application submitted	AUGUST 14, 2015
Date application complete (office use only)	
Property address	6 MACLYNN ROAD, GREENWOOD, MN 55331
Property identification number (PID)	
Property owner's current mailing address	SAME
Names of all property owners	CHAD & KELLY KERLIN
Cell phone and email of property owner(s)	
Name of builder / architect (if any)	GONYEA HOMES, INC. - JON CUNNOLLY
Company name of builder / architect	
Cell phone and email of builder / architect	612-718-5106 JON@GONYEACOMPANIES.COM
Company address	6102 OLSON MEMORIAL HIGHWAY, GOLDEN VALLEY MN, 55422
Present use of property	SF RESIDENTIAL
Property acreage	16,843 SQUARE FEET
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - please attach a copy
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	BUILD A NEW HOME FOR CURRENT OWNER

Requested variance(s):

	Required*	Proposed	Difference
<input type="checkbox"/> Side Yard (feet)			
<input checked="" type="checkbox"/> Front Yard (feet)			
<input type="checkbox"/> Rear Yard (feet)			
<input type="checkbox"/> Lake Setback (feet)			
<input type="checkbox"/> Building Height (feet)			
<input type="checkbox"/> Structure Height (feet)			
<input type="checkbox"/> Wetland Setback (feet)			
<input type="checkbox"/> Bluff Setback (feet)			
<input type="checkbox"/> Maximum Above Grade Building Volume (cubic feet)			
<input type="checkbox"/> Hardcover (percentage)			
<input type="checkbox"/> Other:			

* See page 2 of the CUP & Variance Checklist document for the requirements for various zoning districts.

Making your case for the grant of a variance

Per state law and city code section 1155 (view at city hall or at www.greenwoodmn.com) any persons may request variances from the literal provisions of the zoning ordinance, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. A variance shall only be permitted when it is in harmony with the purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone shall not constitute practical difficulties.

"Practical difficulties," as used in connection with the granting of a variance, means:

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

VARIANCE APPLICATION - Page 1 of 3

Establishing a "practical difficulty"

Please respond to each of the following questions. If you are unable to establish a "practical difficulty," please consider alternatives to your construction plans that may remove the need for a variance.

<p>Is the variance in harmony with the purposes and intent of the ordinance?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: REMAINS A SINGLE FAMILY RESIDENCE AND FRONT YARD SETBACK OF NEW FRONT STOOP IS LESS THAN EXISTING CONDITIONS.</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>
<p>Does the proposal put the property to use in a reasonable manner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: ONLY A SLIGHT / UNNOTICEABLE VARIANCE ON A SINGLE FAMILY HOME</p>
<p>Are there unique circumstances to the property not created by the landowner?</p>	<p><input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:</p>
<p>Will the variance alter the essential character of the locality?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: ONLY AN IMPROVEMENT WITH CLASSIC ARCHITECTURAL FEATURES AND COMING INTO COMPLIANCE WITH THE SIDE YARD SETBACK.</p>
<p>Will the variance impair an adequate supply of light and air to adjacent property?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: HOME REMAINS A TUCK UNDER STYLE GARBAGE IN ORDER TO NOT ALTER THE HEIGHT</p>
<p>Will the variance unreasonably increase the congestion in the public street?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: REMAINS A SINGLE FAMILY HOME</p>
<p>Will the variance increase the danger of fire or endanger the public safety?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: AN IMPROVEMENT AS THE NEW HOME HAS A FIRE SUPPRESSION SYSTEM.</p>
<p>Will the variance unreasonably diminish or impair established property values within the neighborhood?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: ONLY WILL ENHANCE VALUES</p>

Adjacent property owners' acknowledgement: It is not required by ordinance, but applicants are highly encouraged to review plans with adjacent property owners and secure signatures in this section. Attach another page if there are more than 2 adjacent neighbors.

The undersigned acknowledges that we have reviewed the plans for the proposed improvements or proposed use of the property listed on page 1 of this document. We understand that by signing this acknowledgement, that we NOT being asked to declare approval or disapproval of the proposal, but merely are confirming for the city council that we are aware of the plans and that we understand that the proposed project requires city council approval.

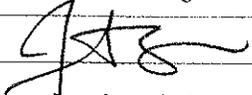
Neighbor #1 Address:	
Signature:	Date:
Print Name:	

Neighbor #2 Address:	
Signature:	Date:
Print Name:	

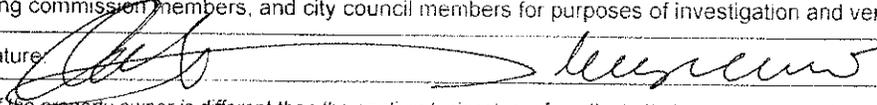
The undersigned contacted the following regulatory bodies and will seek approvals if required:

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

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

Signature: 	Date: 8-14-15
--	---------------

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

Signature: 	Date: 8/14/15
---	---------------

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

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

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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The undersigned acknowledges that we have reviewed the plans for the proposed improvements or proposed use of the property listed on page 1 of this document. We understand that by signing this acknowledgement, that we NOT being asked to declare approval or disapproval of the proposal, but merely are confirming for the city council that we are aware of the plans and that we understand that the proposed project requires city council approval.

Neighbor #1 Address: <u>8 MACLEOD ROAD</u>	
Signature: <u>[Signature]</u>	Date: <u>8/21/2015</u>
Print Name: <u>JACK McMULLIN</u>	

Neighbor #2 Address:	
Signature:	Date:
Print Name:	

The undersigned contacted the following regulatory bodies and will seek approvals if required:

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

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

Signature:	Date:
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Signature: <u>[Signature]</u>	Date: <u>8/17/15</u>
-------------------------------	----------------------

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

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

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #	Amount \$
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GONYEA HOMES

6102 OLSON MEMORIAL HWY.
GOLDEN VALLEY, MN 55422
OFFICE: 763-432-4500
FAX: 763-432-4501

BUILDER LICENSE #2459

REVISION RECORD

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12	7-2-15
13	7-24-15 PERMIT
14	8-14-15

KERLIN RESIDENCE

6 MACLYNN ROAD
GREENWOOD, MN 55331

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PROJECT

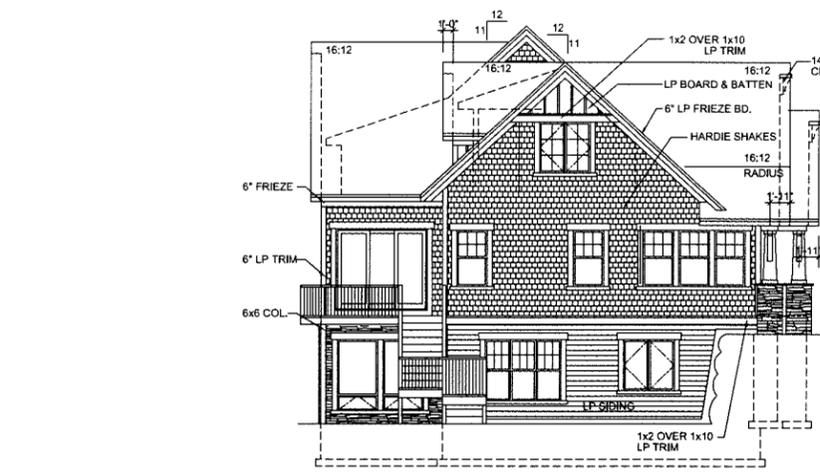
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FINISHED SQ. FT.	
BASEMENT	1207
FIRST	2229
SECOND	1385
TOTAL	4821

PROJ. NO.

GH0518

SHEET

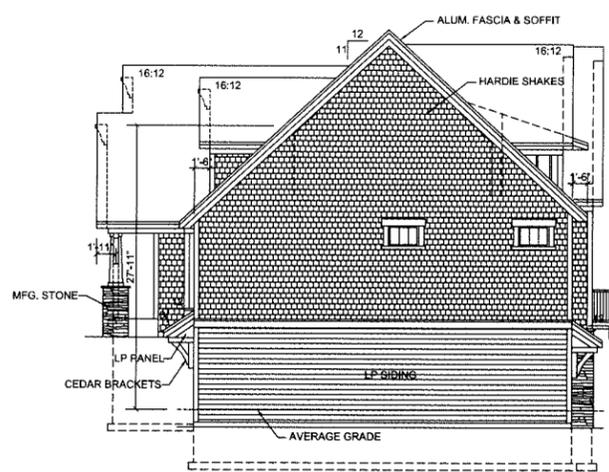
1 OF 7



LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

PER EXCEPTION IN SECTION R 402.2.8:
NO INTERIOR INSULATION REQ'D.

GENERAL NOTE:

- INSTALL TWO - MEMBRANE TAR PAPER BACKING UNDER ALL ROCK, STONE AND STUCCO PRODUCTS
- INSTALL KICK OUT FLASHING FOR STONE EXTERIOR
- SLOPE GRADE DOWNWARD AWAY FROM THE STRUCTURE A MINIMUM OF 6" WITHIN THE FIRST TEN FEET UNLESS ADEQUATE DRAINS OR SWALES ARE PROVIDED
- BOTH MATERIALS AND INSTALLATION OF DRAIN TILE, WATERPROOFING, CONTROL JOINTS, FLASHING, AND INSULATION ARE TO BE IN ACCORDANCE WITH THE CODE BY THE GENERAL CONTRACTOR, UNLESS NOTED OTHERWISE
- SILL PLATES ARE TO BE ANCHORED WITH A MINIMUM OF TWO ANCHORS PER SILL SECTION. ALL SECTIONS ARE TO HAVE AN ANCHOR WITHIN 4" TO 12" OF EACH END. AN ANCHOR IS TO BE PLACED AT ALL WALL CORNERS AND INTERSECTIONS ON WALLS MORE THAN TWO FEET IN LENGTH. WALLS TWO FEET OR LESS IN LENGTH REQUIRE A MINIMUM OF ONE ANCHOR. REQUIREMENTS FOR SHEAR WALLS AND BRACED PANELS MAY BE IN EXCESS OF THESE REQUIREMENTS. TWO INCH WASHERS ARE ONLY REQUIRED AT FULL HEIGHT FOUNDATION WALLS.
- SILL PLATES ARE NOT REQUIRED TO BE TREATED IN ACCORDANCE WITH IRC SECTION R319.1 ITEM 2 PROVIDED GRADE IS 8" FROM WOOD MATERIALS. ANCHOR BOLTS 1/2" OR LARGER IN DIAMETER ARE NOT REQUIRED TO BE CORROSION PROTECTED IN ACCORDANCE WITH IRC SECTION R319.3 EXCEPTION 1. CENTER BOLTS ON PLATE
- ALL PRE-MANUFACTURED FASTENERS AND CONNECTORS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS.

MATERIALS:

CONCRETE: MIX TO BE DESIGNED AND PROPORTIONED BY THE CONCRETE SUPPLIER
F_c = 5,000 PSI MIN AT 28 DAYS

STEEL: #4 BARS - F_y = 40 KSI (ASTM A615)
#5 BARS & GREATER - F_y = 60 KSI (ASTM A615)

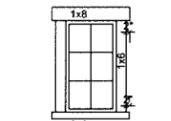
SOIL: 1500 PSI MIN

NOTES:

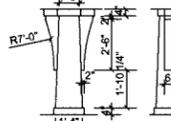
- MAIN LEVEL FLOOR SHEATHING TO BE 3/4" PLYWOOD/OSB PLACED IN STAGGERED PATTERN NAILED W/ 0.131 2" x 3" LONG NAILS @ 6" O.C. AT PANEL EDGES & @ 12" O.C. AT PANEL INTERIOR SUPPORTS OR EQUIVALENT.
- NAILS IN BLOCKING ARE TO BE PLACED SUCH THAT THE WOOD DOES NOT SPLIT.
- BLOCKING MEMBERS SHOWN MAY BE REPLACED WITH PRE-MANUFACTURED TRUSS STYLE BLOCKING, DESIGNED FOR 1500 LB LATERAL COMPRESSION LOAD. NAILING SHOWN IS TO BE USED AT MIN.
- BLOCKING DOES NOT HAVE TO BE PLACED IN ADJACENT BAYS. IF REQUIRED, USE ADDITIONAL 2X4 SPACERS AS SHOWN IN FIRST SPACE.
- HOLES MAY BE INSTALLED IN BLOCKING IF REQUIRED UP TO 4" IN DIAMETER, MAINTAIN 3" MIN. EDGE DISTANCE

GENERAL STRUCTURAL NOTES:

- SHEATH THE ENTIRE EXTERIOR OF THE BUILDING WITH OSB (METHOD 3) INDICATING THE USE OF R602.10.5 CONTINUOUS WOOD STRUCTURAL PANEL SHEATHING
- CONSTRUCTION MUST COMPLY WITH IRC FIGURE R602.10.5 TYPICAL EXTERIOR CORNER FRAMING FOR CONTINUOUS STRUCTURAL PANEL SHEATHING. SHOWING REQUIRED STUD TO STUD NAILING REQUIRED FOR THE CONTINUOUS METHOD. ALL EXTERIOR WALLS ARE BRACED WALL LINES.
- CONSTRUCTION MUST COMPLY WITH IRC TABLE R602.3 (1), FASTENING SCHEDULE FOR STRUCTURAL MEMBERS FOR BRACED WALL LINES. IT NOTES THAT THE CONNECTION AT THE SOLE PLATE TO JOIST OR JOIST BLOCKING AT BRACED WALL PANELS BE 3 - 16D NAILS EVERY 16" O.C.
- BRACED WALL SEGMENTS MAY BE SHIFTED TO ACCOMMODATE UTILITIES +/- 1 FOOT. IF MORE SHIFT IS REQUIRED CONTACT ENGINEER.



WDW. TRIM
SCALE: 1/4" = 1'-0"



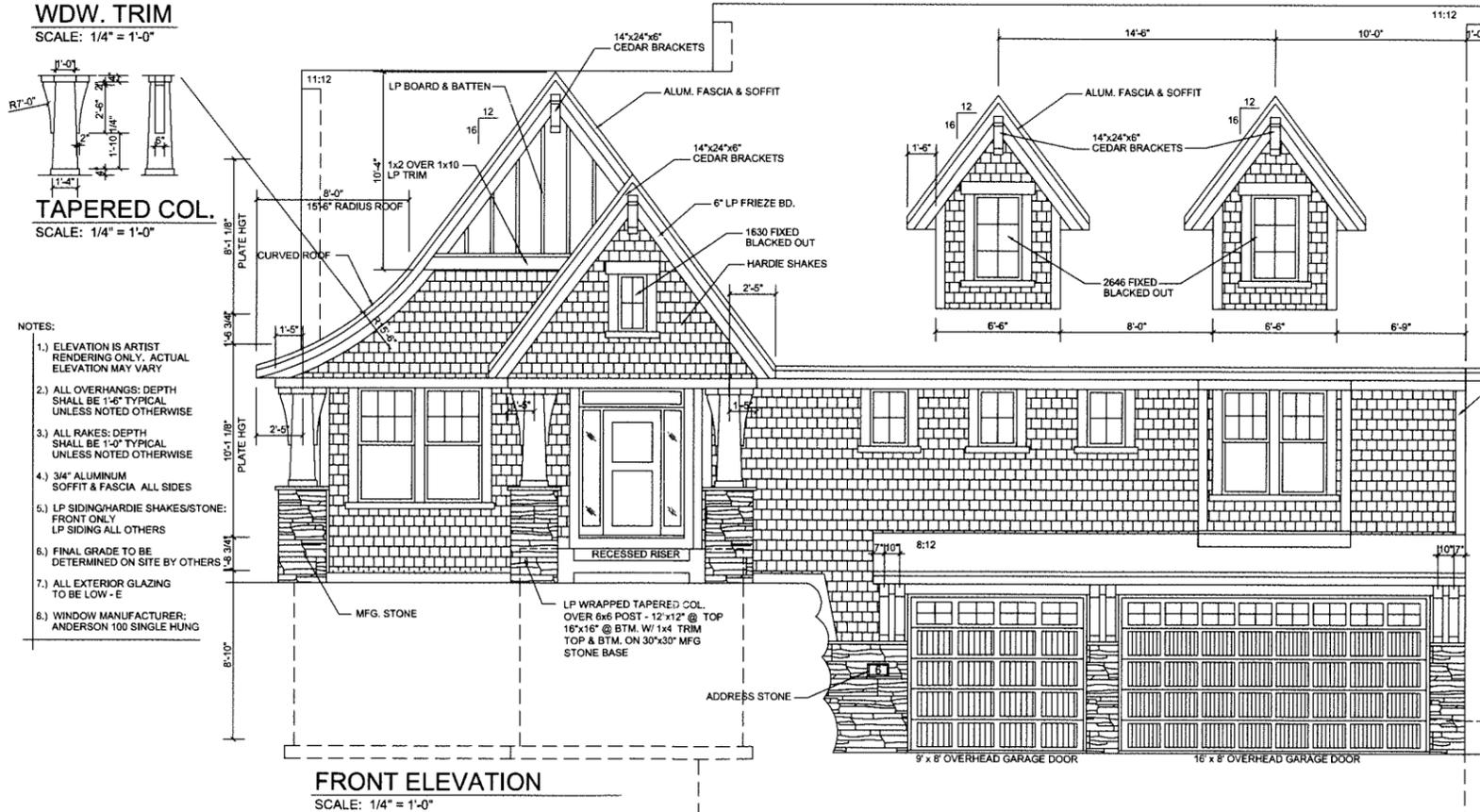
TAPERED COL.
SCALE: 1/4" = 1'-0"

SPRINKLER SQ. FT. REQUIREMENTS CHART	
TOTAL LOWER LEVEL SQ. FT.	1405
TOTAL MAIN LEVEL SQ. FT.	2229
TOTAL UPPER LEVEL SQ. FT.	1385
TOTAL SPORT COURT SQ. FT.	N/A
TOTAL SQ. FT.	5019
SPRINKLER REQUIREMENT SQ. FT. OVER	4500
	+519

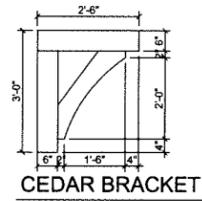
* UPPER LEVEL SQ. FT. INCLUDES 'OPEN TO BELOW' AREAS AND AREAS OVER GARAGE IF APPLICABLE

VOLUME CALCULATION:	
ALLOWED VOLUME	78,686 CUBIC FT.
LOWER LEVEL (WALKOUT)	12,406
MAIN LEVEL	22,468
UPPER LEVEL	11,191
TOTAL CUBIC FOOT UNDER	46,065
	-32,621
LOWER LEVEL (BELOW GRADE)	3,885
GARAGE	7,205

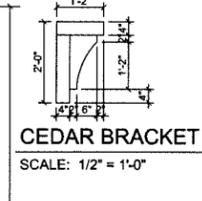
AVERAGE GRADE CALCULATION:	
LOWER LEVEL SLAB	0.0'
GRADE @ WALKOUT	-6.21'
GRADE @ ENTRY STOOP	+8.21'
(6.21' x 40.5) =	332.5
(8.21' x 166.17) =	103.9
TOTAL HOUSE PERIMETER :	206.67
332.5 - 103.9 = 228.6 / 206.67 =	1.11' (AVERAGE GRADE)



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

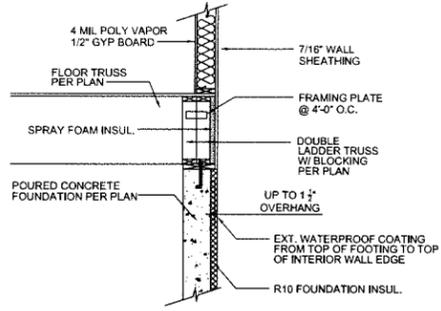
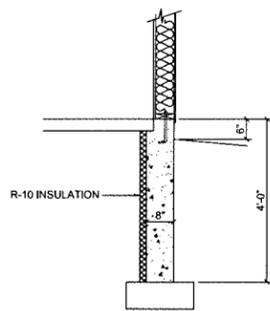
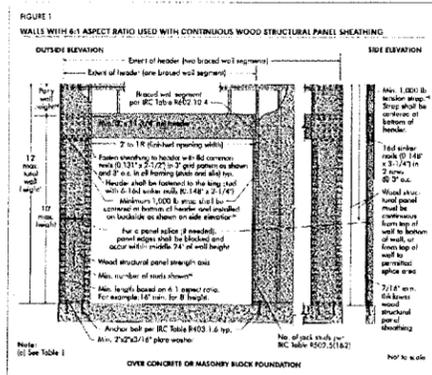


CEDAR BRACKET
SCALE: 1/2" = 1'-0"

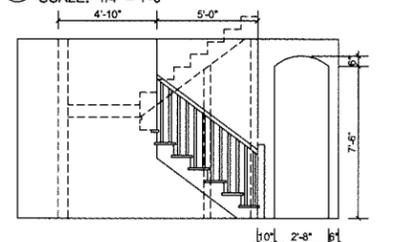
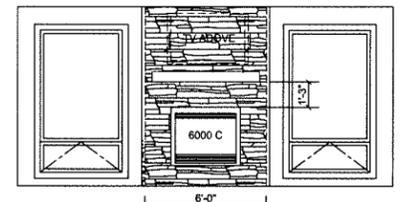
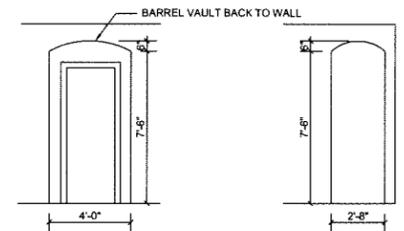


CEDAR BRACKET
SCALE: 1/2" = 1'-0"

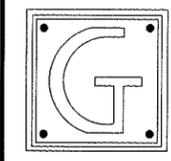
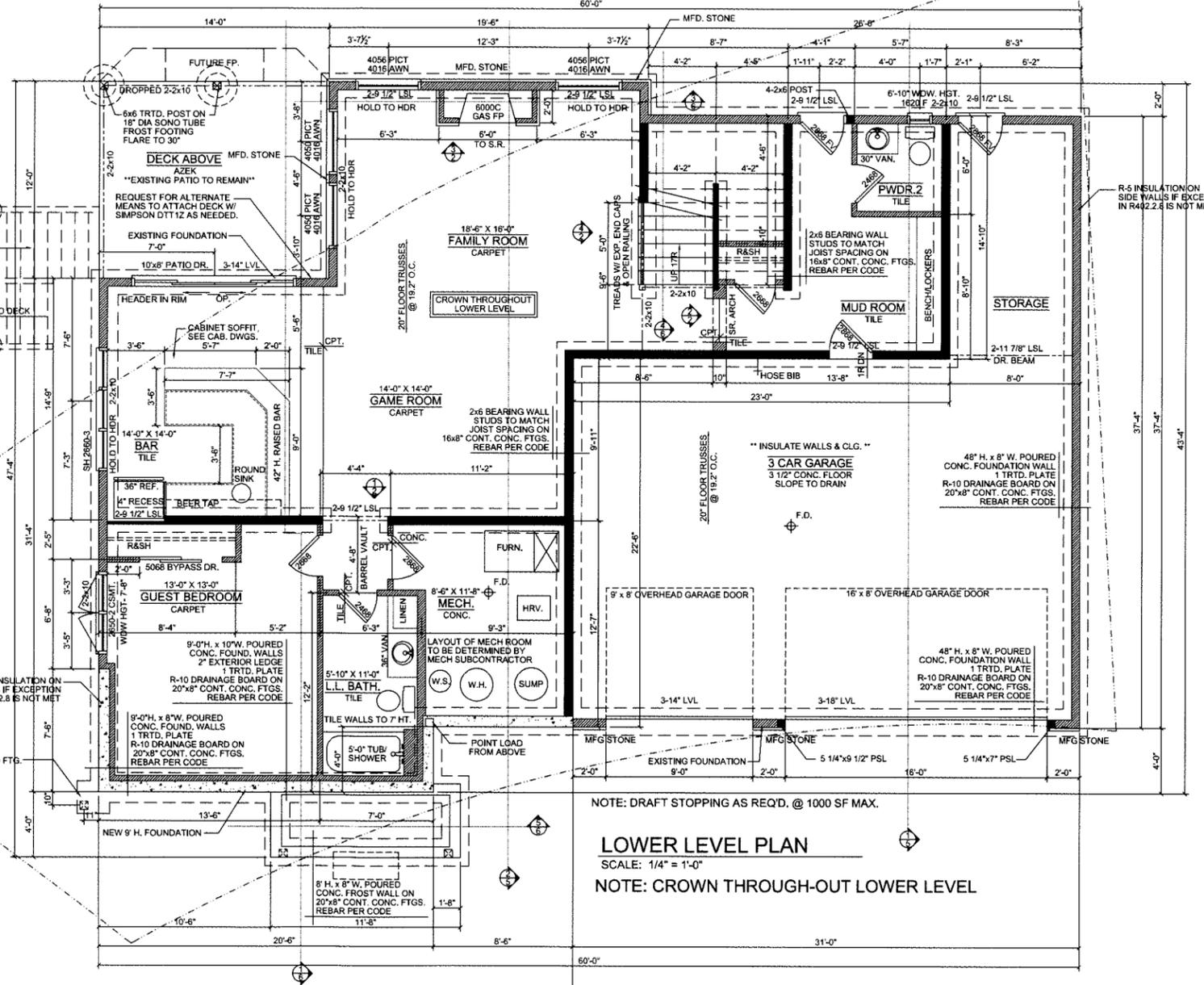
- NOTES:
- ELEVATION IS ARTIST RENDERING ONLY. ACTUAL ELEVATION MAY VARY
 - ALL OVERHANGS: DEPTH SHALL BE 14" TYPICAL UNLESS NOTED OTHERWISE
 - ALL RAKES: DEPTH SHALL BE 14" TYPICAL UNLESS NOTED OTHERWISE
 - 3/4" ALUMINUM SOFFIT & FASCIA ALL SIDES
 - LP SIDING/HARDIE SHAKES/STONE: FRONT ONLY LP SIDING ALL OTHERS
 - FINAL GRADE TO BE DETERMINED ON SITE BY OTHERS
 - ALL EXTERIOR GLAZING TO BE LOW - E
 - WINDOW MANUFACTURER: ANDERSON 100 SINGLE HUNG



O.S.B. ENTIRE EXTERIOR OF HOUSE



- NOTES:**
- 1.) ALL INTERIOR & EXTERIOR HEADERS TO BE 2-2x10 UNLESS OTHERWISE NOTED
 - 2.) STAIR TREAD CUT SHOWN @ 10" x 7 3/4" MAX RISE
 - 3.) ALL ANGLED WALLS AT 45° UNLESS OTHERWISE NOTED
 - 4.) ALL EXTERIOR DIMENSIONS TO OUTSIDE OF SHEATHING
 - 5.) MAIN AND UPPER WINDOWS @ 6'-10" HGT. (TRANSOMS ABOVE) UNLESS OTHERWISE NOTED
 - 6.) GARAGE WALL 2x6
 - 7.) TRUSS & FLOOR JOIST MANUFACTURER TO VERIFY SIZE & SPACING OF JSTS. & TRUSSES
 - 8.) 4 1/2" RETURNS ON ALL DOORS UNLESS OTHERWISE NOTED
 - 9.) ROOM DIMENSIONS FOR FINISHED ROOMS ARE APPROXIMATE & USED FOR GENERAL PLANNING. EXACT ROOM DIMENSION WILL VARY.



GONYEA HOMES
6102 OLSON MEMORIAL HWY.
GOLDEN VALLEY, MN 55422
OFFICE: 763-432-4500
FAX: 763-432-4501
BUILDER LICENSE #2459

REVISION RECORD	
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10	6-15-15
11	6-17-15
12	7-2-15
13	7-24-15 PERMIT
14	8-14-15

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KERLIN RESIDENCE
6 MACLYNN ROAD
GREENWOOD, MN 55331

PROJECT	
FOUNDATION	1405
FINISHED SQ. FT.	
BASEMENT	1207
FIRST	2229
SECOND	1385
TOTAL	4821
PROJ. NO.	
GH0518	
SHEET	
2 OF 7	

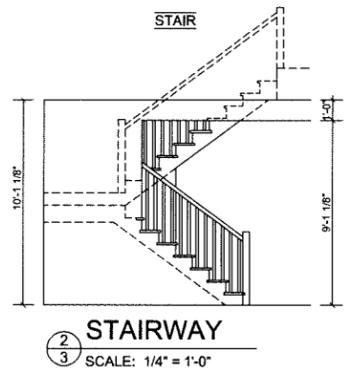
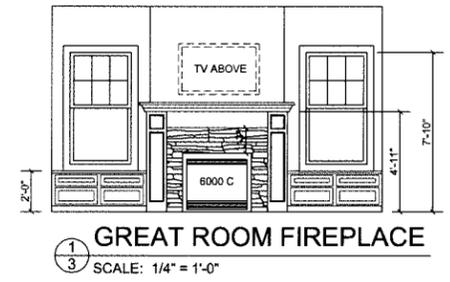


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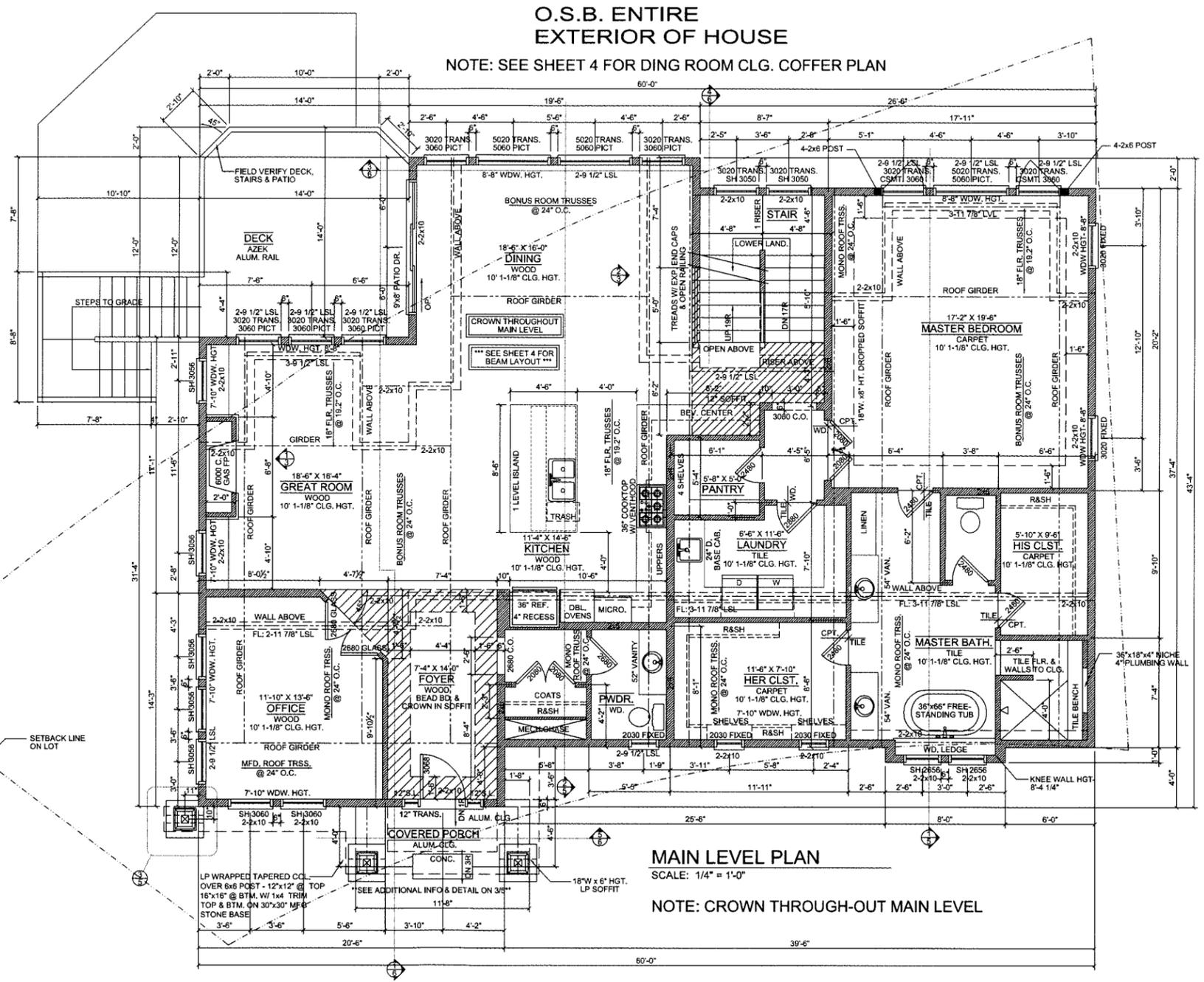
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 6 MACLYNN ROAD
 GREENWOOD, MN 55331

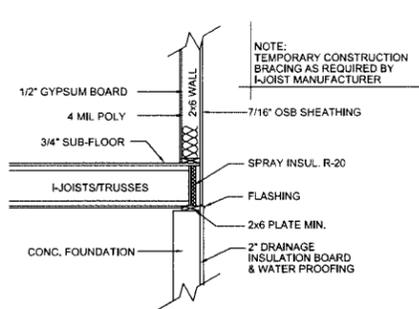
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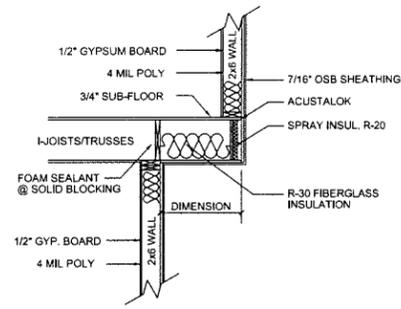
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 - 2.) STAIR TREAD CUT SHOWN @ 10" - 7 3/4" MAX RISE
 - 3.) ALL ANGLED WALLS AT 45° UNLESS OTHERWISE NOTED
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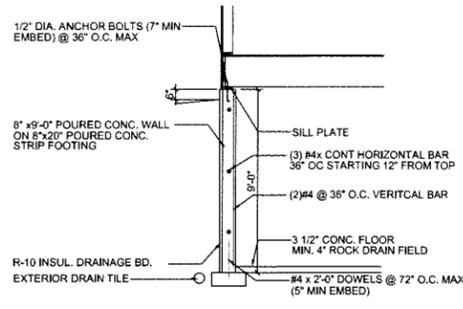
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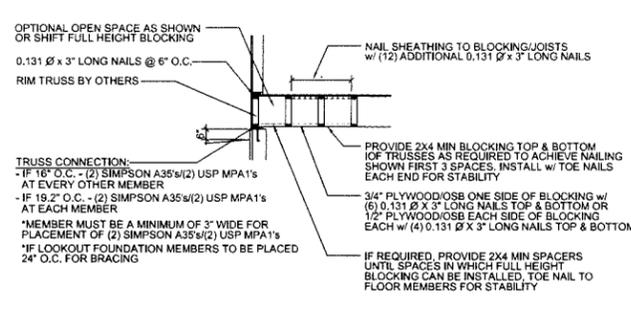
INSULATION DETAIL @ RIM
SCALE: 1/2" = 1'-0"



INSULATION DETAIL @ CANT
SCALE: 1/2" = 1'-0"

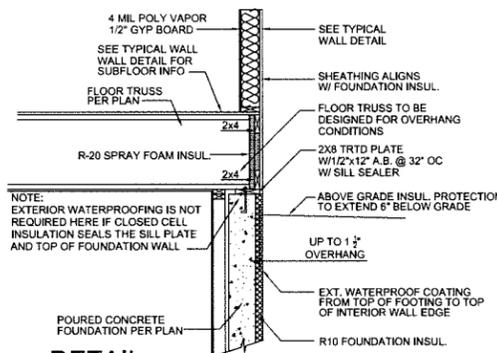


9'-0" POURED WALL DETAIL
SCALE: 1/4" = 1'-0"

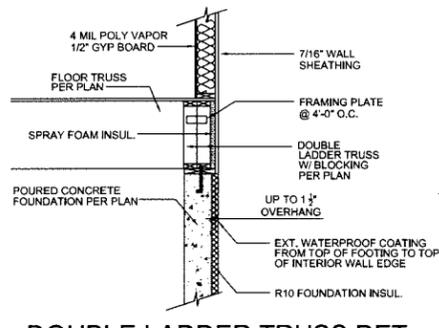


NON BEARING WALL TRUSS BLOCKING DETAIL
SCALE: 1/4" = 1'-0"

- NOTES:
- 1) ALL INTERIOR & EXTERIOR HEADERS TO BE 2-2x10 UNLESS OTHERWISE NOTED
 - 2) STAIR TREAD CUT SHOWN @ 10" - 7 3/4" MAX RISE
 - 3) ALL ANGLED WALLS AT 45° UNLESS OTHERWISE NOTED
 - 4) ALL EXTERIOR DIMENSIONS TO OUTSIDE OF SHEATHING
 - 5) MAIN AND UPPER WINDOWS @ 6'-10" HGT. (TRANSOMS ABOVE) UNLESS OTHERWISE NOTED
 - 6) GARAGE WALL 2x6
 - 7) TRUSS & FLOOR JOIST MANUFACTURER TO VERIFY SIZE & SPACING OF JSTS. & TRUSSES
 - 8) 4 1/2" RETURNS ON ALL DOORS UNLESS OTHERWISE NOTED
 - 9) ROOM DIMENSIONS FOR FINISHED ROOMS ARE APPROXIMATE & USED FOR GENERAL PLANNING. EXACT ROOM DIMENSION WILL VARY.

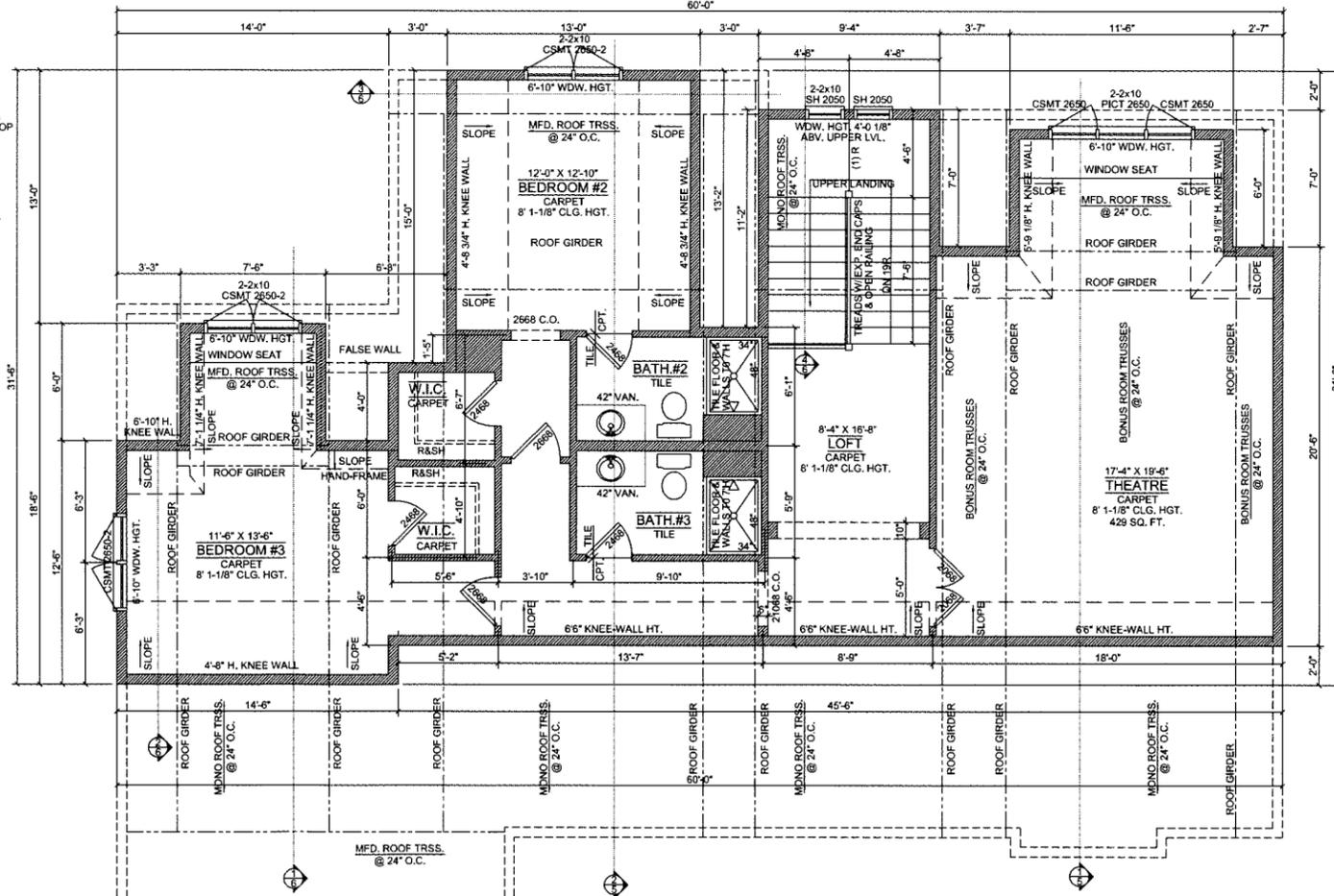


DETAIL
1/2" = 1'-0"
* FLOOR SYSTEM PERPENDICULAR TO FOUNDATION WALL
* FOUNDATION WALL HELD IN 2" FROM SHEATHING ABOVE
* PROVIDE ADDITIONAL BLOCKING AT POINT LOADS

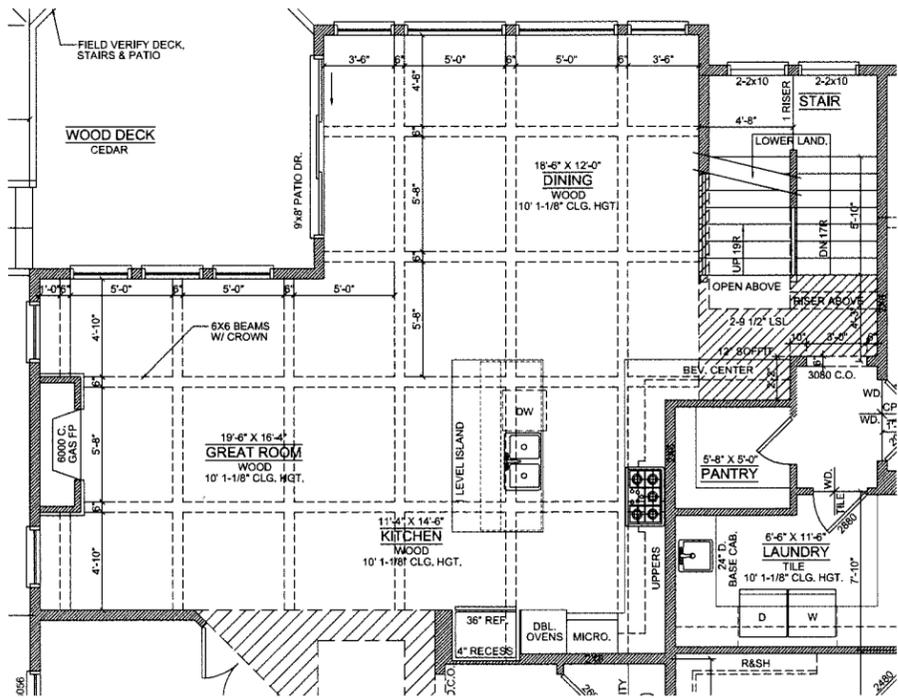


DOUBLE LADDER TRUSS DET.
1/2" = 1'-0"

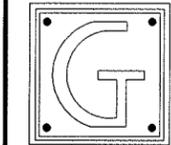
O.S.B. ENTIRE EXTERIOR OF HOUSE



UPPER LEVEL PLAN
SCALE: 1/4" = 1'-0"



DINING RM. CLG. COFFER PLAN
SCALE: 1/4" = 1'-0"



GONYEA HOMES
6102 OLSON MEMORIAL HWY.
GOLDEN VALLEY, MN 55422
OFFICE: 763-432-4500
FAX: 763-432-4501
BUILDER LICENSE #2459

REVISION RECORD	
1	3-2-15
2	3-4-15
3	3-16-15
4	3-23-15
5	4-3-15
6	4-17-15
7	4-23-15
8	4-28-15
9	6-12-15
10	6-15-15
11	6-17-15
12	7-2-15
13	7-24-15 PERMIT
14	8-14-15

KERLIN RESIDENCE
 6 MACLYNN ROAD
 GREENWOOD, MN 55331

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PROJECT	
FOUNDATION	1405
FINISHED SQ. FT.	
BASEMENT	1207
FIRST	2229
SECOND	1385
TOTAL	4821
PROJ. NO.	
GH0518	
SHEET	
4 OF 7	



GONYEA HOMES

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GOLDEN VALLEY, MN 55422
OFFICE: 763-432-4500
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BUILDER LICENSE #2459

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11	6-17-15
12	7-2-15
13	7-24-15 PERMIT
14	8-14-15

KERLIN RESIDENCE
6 MACLYNN ROAD
GREENWOOD, MN 55331

© 2015 GONYEA HOMES

PROJECT

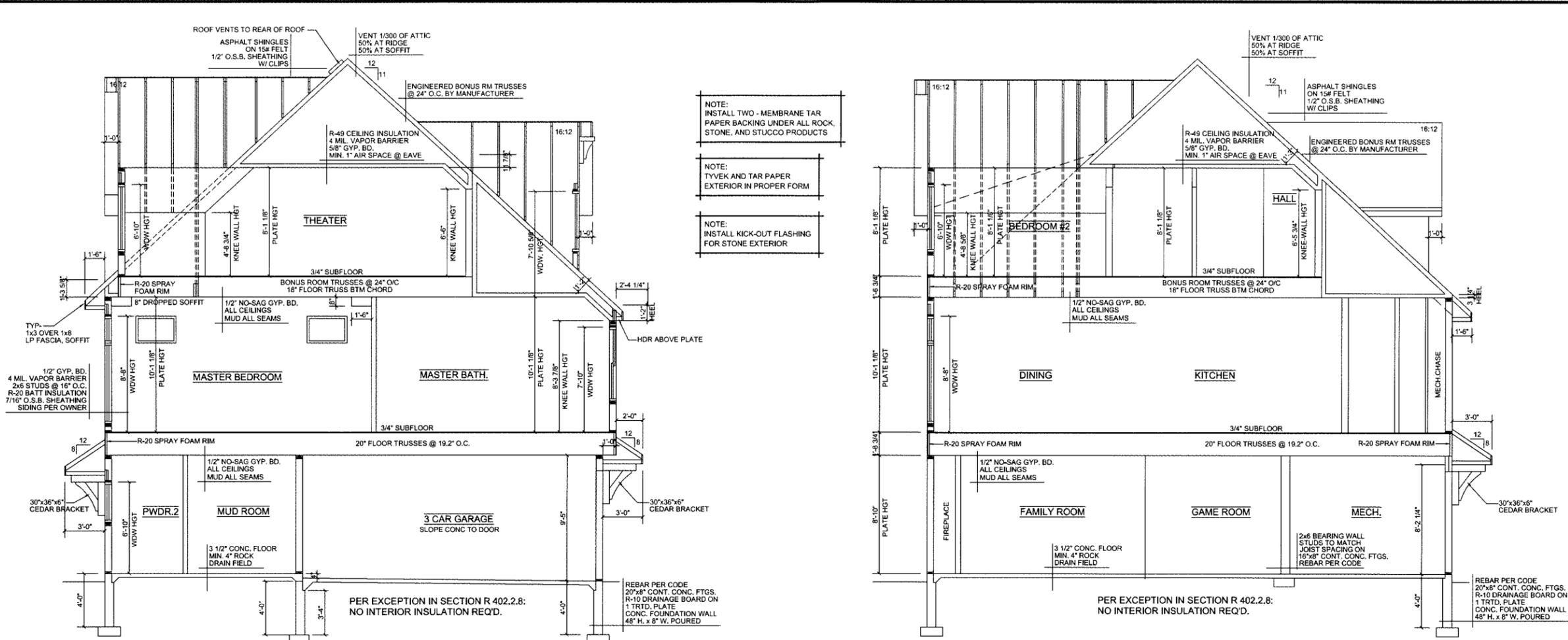
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PROJ. NO.

GH0518

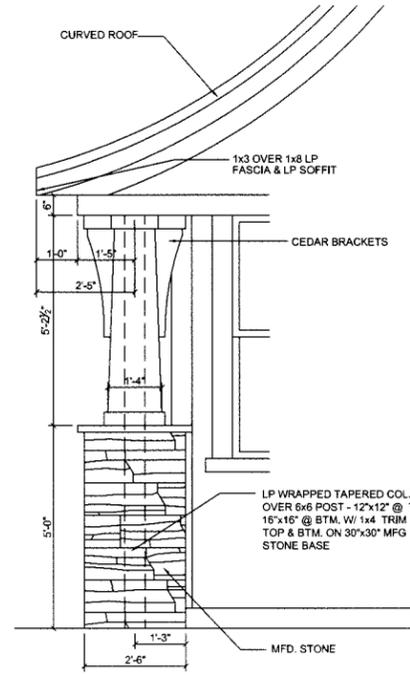
SHEET

5 OF 7

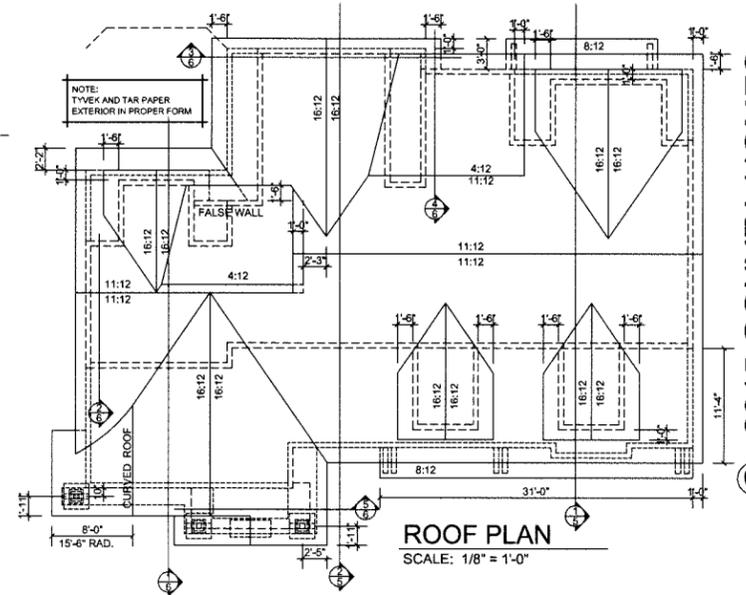
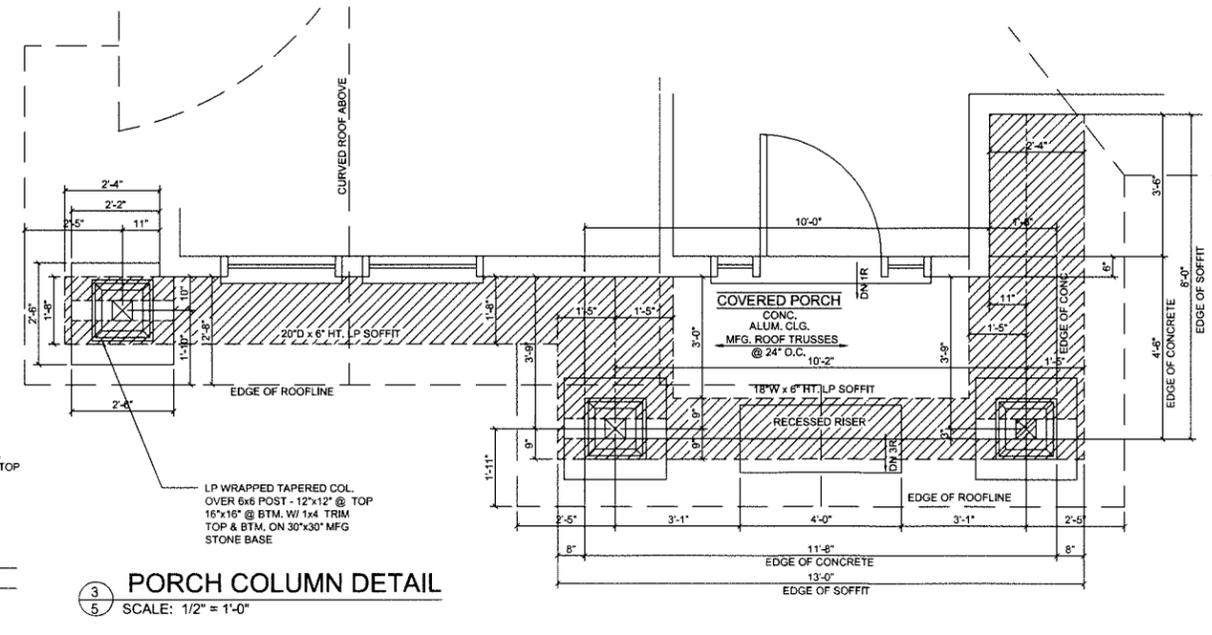


1 BUILDING SECTION
SCALE: 1/4" = 1'-0"

2 BUILDING SECTION
SCALE: 1/4" = 1'-0"



3 PORCH COLUMN DETAIL
SCALE: 1/2" = 1'-0"





GONYEA HOMES

6102 OLSON MEMORIAL HWY.
GOLDEN VALLEY, MN 55422
OFFICE: 763-432-4500
FAX: 763-432-4501

BUILDER LICENSE #2459

REVISION RECORD

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10	6-15-15
11	6-17-15
12	7-2-15
13	7-24-15 PERMIT
14	8-14-15

KERLIN RESIDENCE

6 MACLYNN ROAD
GREENWOOD, MN 55331

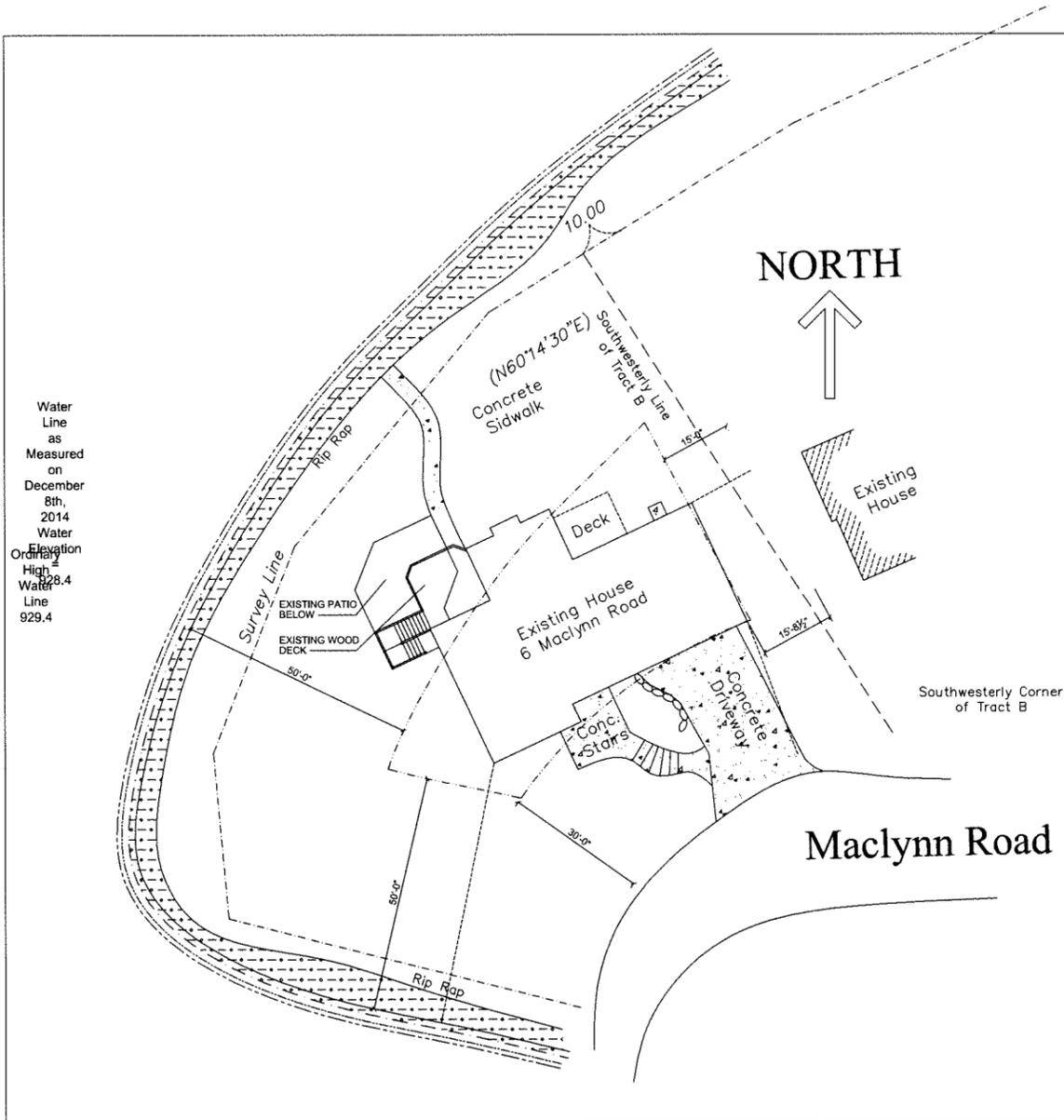
© 2015 GONYEA HOMES

PROJECT

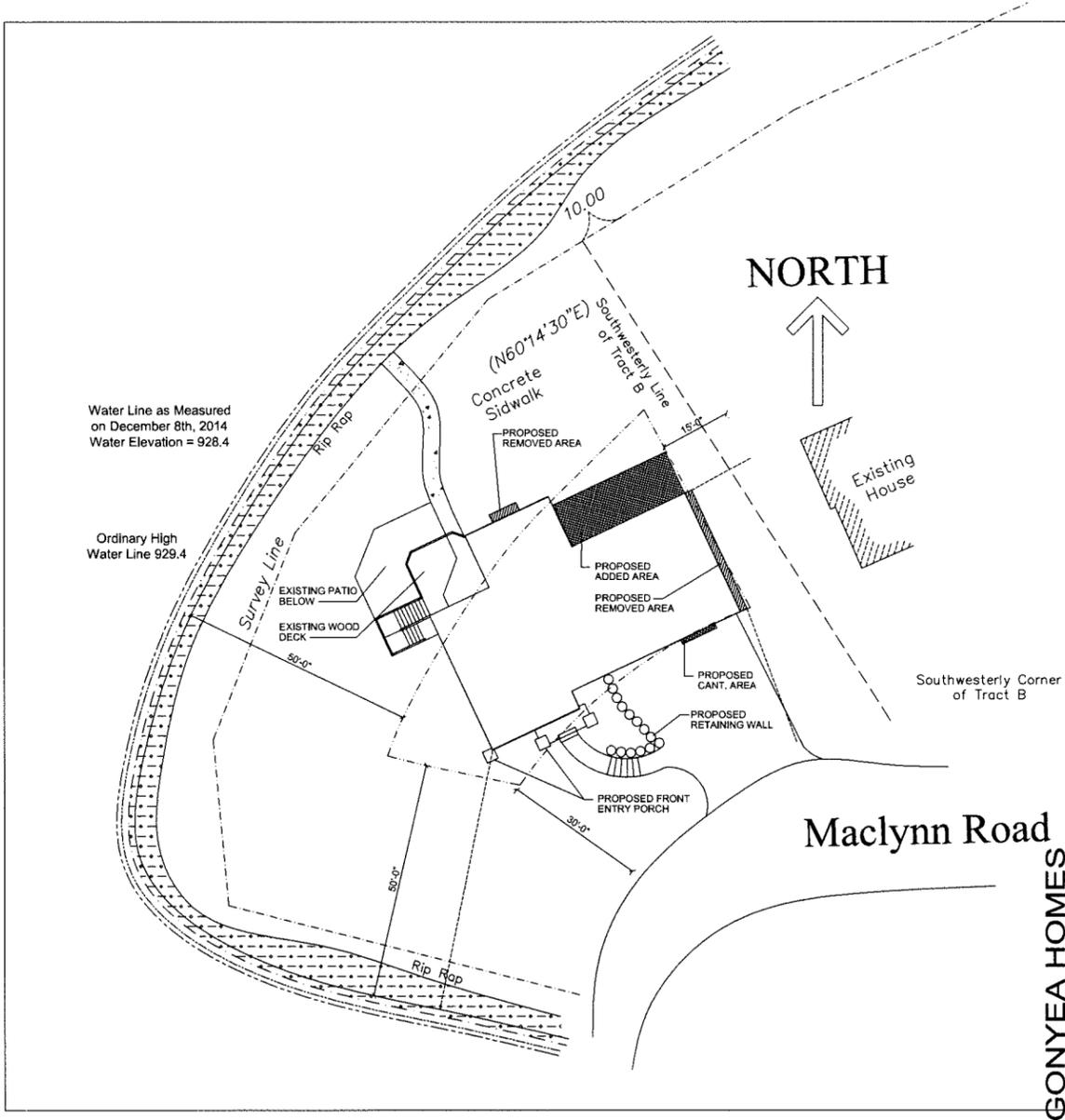
FOUNDATION	1405
FINISHED SQ. FT.	
BASEMENT	1207
FIRST	2229
SECOND	1385
TOTAL	4821

PROJ. NO.
GH0518

SHEET
7 OF 7



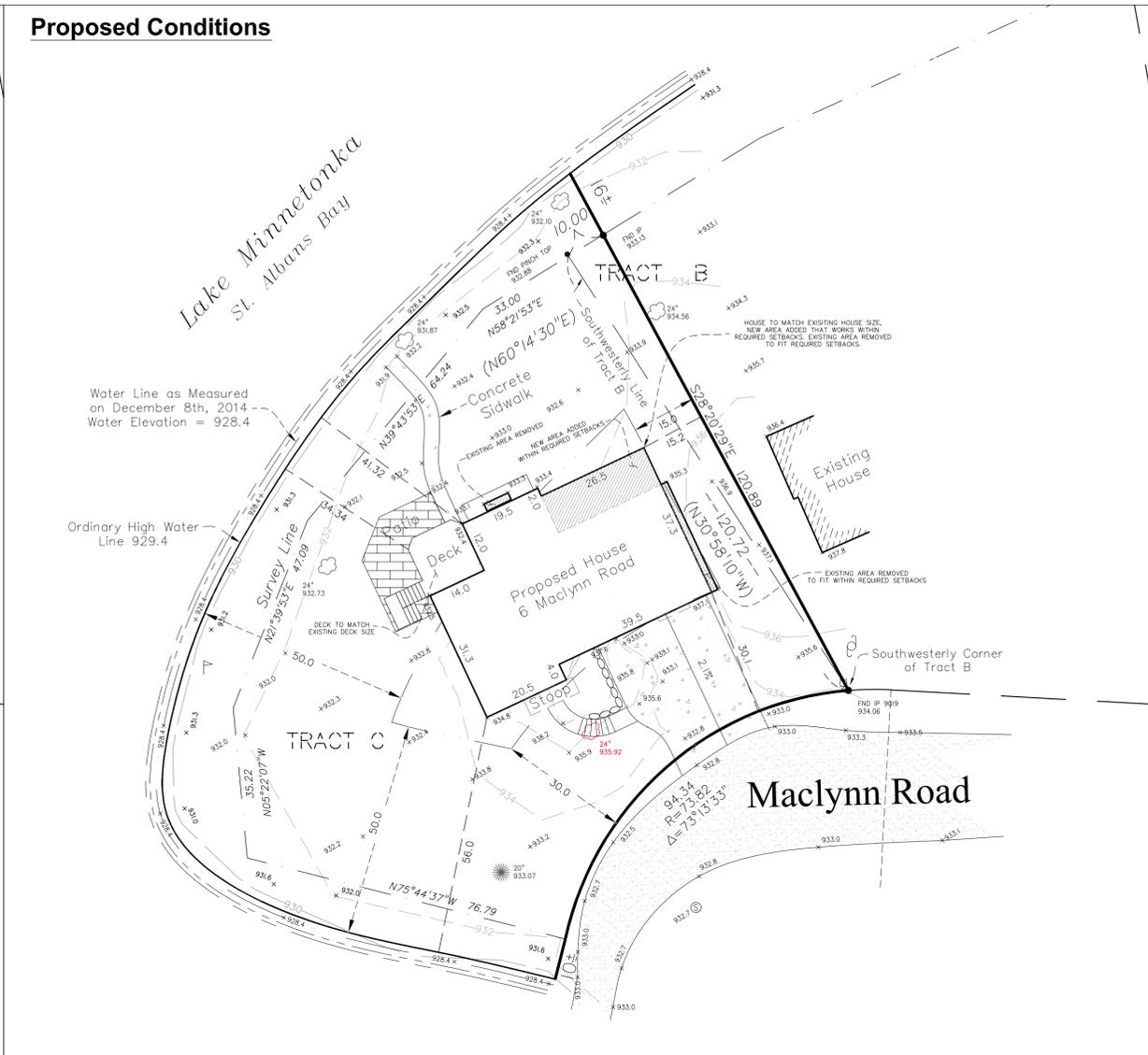
Water Line as Measured on December 8th, 2014
Water Elevation = 929.4
Ordinary High Water Line 929.4



Water Line as Measured on December 8th, 2014
Water Elevation = 928.4
Ordinary High Water Line 929.4

Existing Conditions

Proposed Conditions



NOTES:

- Existing utilities shown are shown in an approximate way only. The contractor shall determine the exact location of any and all existing utilities before commencing work. He agrees to be fully responsible for any and all damages arising out of his failure to exactly locate and preserve any and all existing utilities.
- Must maintain a minimum 2% slope gradient to accommodate positive drainage.
- All offset irons are measured to hundredths of a foot and can be used as benchmarks.
- The proposed driveway shown is conceptual only and does not purport to show exactly how the driveway shall be built.
- A title opinion was not furnished to the surveyor.
- Proposed grades shown adjacent to building foundation refers to top of black dirt.

Proposed Elevations

- Proposed Garage Floor Elevation = 933.6
- Proposed Top of Foundation Elevation = 941.8
- Proposed Basement Floor Elevation = 933.1

Setbacks

- Min. Front Yard Setback = 30'
- Min. Side Yard Setback = 15'
- Min. Rear Yard Setback = 35'
- Min. Lake Shore Setback = 50'

Existing Hardcover

Lot Area = 16,843 Sq.Ft.
House Area = 2,033 Sq.Ft.
Concrete Area = 1,041 Sq.Ft.
Deck Area = 256 Sq.Ft.
Patio Area = 270 Sq.Ft.
Rock Over Plastic Area = 718 Sq.Ft.
Total Impervious Surface = 4,318 Sq.Ft.
Coverage = 25.6%

Proposed Hardcover (30% Max)

Lot Area = 16,843 Sq.Ft.
House Area = 2,221 Sq.Ft.
Concrete Area = 1,000 Sq.Ft.
Deck Area = 256 Sq.Ft.
Patio Area = 270 Sq.Ft.
Stoop Area = 50 Sq.Ft.

Total Impervious Surface = 3,797 Sq.Ft.
Coverage = 22.5%

Tree Calculation

Total Calliper Inches = 116"
Total Calliper Inches Removed = 24"
Total Percentage Removed = 20.68%

SURVEY LEGEND

● CAST IRON MONUMENT	⊠ A/C UNIT	▨ BITUMINOUS
⊠ CATCH BASIN	⊠ CABLE TV PEDESTAL	— CTV — CABLE TV
◁ FLARED END SECTION	⊠ ELECTRIC TRANSFORMER	— CONCRETE CURB
⊠ GATE VALVE	⊠ ELECTRIC MANHOLE	— CONCRETE
< GUY WIRE	⊠ ELECTRIC METER	— CONTOUR EXISTING
⊠ HYDRANT	⊠ GAS METER	— CONTOUR PROPOSED
○ IRON PIPE SET	⊠ GAS VALVE	— DT — DRAIN TILE
● IRON PIPE FOUND	⊠ GUARD RAIL	— ELC — ELECTRIC UNDERGROUND
⊠ LIGHT POLE	⊠ HAND HOLE	— F — FENCE
⊠ POWER POLE	⊠ SOIL BORING	— FO — FIBER OPTIC UNDERGROUND
⊠ SANITARY MANHOLE	⊠ TREE CONIFEROUS	— GAS — GAS UNDERGROUND
⊠ SANITARY CLEANOUT	⊠ TREE DECIDUOUS	— OHU — OVERHEAD UTILITY
⊠ SIGN	⊠ TELEPHONE MANHOLE	— R — RAILROAD TRACKS
⊠ GROUND ELEVATION	⊠ TELEPHONE PEDESTAL	— S — SANITARY SEWER
⊠ STORM DRAIN	⊠ TRAFFIC SIGNAL	— SS — STORM SEWER
⊠ STORM MANHOLE	⊠ UTILITY MANHOLE	— TEL — TELEPHONE UNDERGROUND
⊠ YARD LIGHT	⊠ UTILITY PEDESTAL	— UTL — UTILITY UNDERGROUND
		— I — WATERMAIN



I hereby certify that this is a true and correct representation of a survey of the boundaries of:

That part of Tract B lying Southwesterly of a line drawn through said Tract B from the Southwesterly corner thereof to the shore of Lake Minnetonka, said line passing through a point distant 10 feet Northeastly measured along a line bearing North 60 degrees 14 minutes 30 seconds East from a point on the Southwesterly line of said Tract B distant 120.72 feet Northwestly of the Southwesterly corner of said Tract, said Southwesterly line of Tract B having a bearing of North 30 degrees 58 minutes 10 seconds West;

Tract C;
Registered Land Survey No. 1034

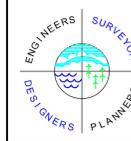
and the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land, as surveyed by me this 17th day of December, 2014.

David B. Pemberton

David B. Pemberton, PLS Minnesota License No. 40344
pemberton@sathre.com

FIELD CREW	NO.	BY	DATE	REVISIONS
	1	BDH	08/21/15	Added Existing Surface
DRAWN BY		BDH		
CHECKED BY		DBP		
DATE				
04/09/15				

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SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

TWP.117 - RGE.23 - SEC.06
HENNEPIN COUNTY
BOOK XXX/PAGE XXX
6 Maclynn Road,
Greenwood,
Minnesota

CERTIFICATE OF SURVEY
PREPARED FOR:
GONYEA HOMES

FILE NO.
31202-245
1
1

RESOLUTION NO 13-15

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

APPROVING

IN RE: The application of Jon Connolly of Gonyea Homes, architect for Chad and Kelly Kerlin of 6 Maclynn Road, for a variance from Greenwood ordinance code section 1120.15 for a reduced lakeshore setback for the construction of a new house.

WHEREAS, Chad and Kelly Kerlin are the owners of property commonly known as 6 Maclynn Road, Greenwood, Minnesota 55331 (PID No. 35-117-23-21-0025); and

WHEREAS, application was made for a variance to section 1120.15 to permit construction of a new house that encroaches into the lakeshore setback by 8 feet, 9 inches; 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 September 16, 2015; 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 6 Maclynn Road, Greenwood, Minnesota 55331 (PID No. 35-117-23-21-0025) is a single-family lot of record located within the R1A district.
- 2. The applicant proposes to construct a new house that encroaches into the lakeshore setback by 8 feet, 9 inches.
- 3. Greenwood ordinance code section 1120.15 states, "Subject to the provisions of section 1176 et seq., the following front side and rear yard setbacks shall be considered as minimum standards for buildings:

Land Use	Front Yard*** (ft.)	Lot, Interior - Side Yard (ft.)	Exterior Side Yard (ft.)	Rear Yard (ft.)	Lakeshore (ft.)
Single-Family Principal Structure	30	15	30	35	50
Municipal Park Equipment	50	50	50	50	—
Single-Family Accessory Structures	*	10	35	10	**

- 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.
- 6. The planning commission discussed the variance request and on a 5-0 vote recommended the council approve the application of Jon Connolly of Gonyea Homes for a variance of Greenwood Ordinance Section 1120:15 to encroach 8 feet, 9 inches into the required fifty foot lakeshore yard setback for the proposed single family home at 6 Maclynn Road, as presented. The proposal meets the practical difficulties standards outlined in section 1155.10(4) in that; a) The variance will be in harmony and keeping with the spirit and intent of the zoning ordinance because the variance is proposing to build upon the existing home’s non-conforming footprint and maintains the existing non-conforming setbacks. b) The variance will be consistent with the comprehensive plan’s guiding use for the subject property in the applicable zoning because of the character of the proposed use is consistent with the applicable zoning. c) Though the property owner’s proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because it is consistent with the applicable zoning. d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because the existing non-conforming footprint of the home currently encroaches into the lakeshore setback. e) The variance will not alter the essential character of the locality, because the house will not encroach any further than the existing footprint. f) The variance will not:
 - i. Impair an adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in the public street;
 - iii. Increase the danger of fire or endanger the public safety; or
 - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.
- 7. Based on the foregoing, the city council determined that variance request:
 - (a) Complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
 - (b) Is in harmony with the purpose and intent of the ordinance, which is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district.

And the city council has determined that the following conditions should be imposed on any variance grant:

- (a) The applicant shall comply with the conditions recommended by the city engineer:
 - (i) Perimeter erosion control measures should be installed by the Contractor and inspected by the City prior to any land disturbing activities. The Contractor must provide 24-hour notice prior to inspection.
 - (ii) The Contractor must exercise care during construction to not block traffic on Maclynn Road. A clear drive aisle must be maintained at all times to allow access to adjacent properties.
 - (iii) 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.

- (b) The project must be completed according to the specifications and design requirements in the submitted plans.
- (c) 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.

8. Subject to the stated conditions, the variance, if granted, will 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 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 to encroach 8 feet, 9 inches into the required 50-foot lakeshore yard setback should 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 Jon Connolly of Gonyea Homes, architect for Chad and Kelly Kerlin of 6 Maclynn Road, Greenwood, Minnesota 55331 (PID No. 35-117-23-21-0025) for:

A. A variance to section 1120.15 to encroach 8 feet, 9 inches into the required fifty foot lakeshore yard setback is **APPROVED** with the following conditions:

- (d) The applicant shall comply with the conditions recommended by the city engineer:
 - i. Perimeter erosion control measures should be installed by the Contractor and inspected by the City prior to any land disturbing activities. The Contractor must provide 24-hour notice prior to inspection.
 - ii. The Contractor must exercise care during construction to not block traffic on Maclynn Road. A clear drive aisle must be maintained at all times to allow access to adjacent properties.
 - iii. 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.
- (a) The project must be completed according to the specifications and design requirements in the submitted plans.
- (b) 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 _____, 2015 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: **7B**

Agenda Date: **10-07-15**

Prepared by Dale Cooney
City Zoning Administrator

Agenda Item: Res 14-15, Findings for Variance Request to Exceed 30% Hardcover, and Res 15-15, Findings for Grading Conditional Use Permit Request, Dale Gustafson on behalf of Mary McQuinn, 5025 Covington Street

Summary: Dale Gustafson of Greendale Design is requesting a variance to exceed impervious surface limitations and a grading conditional use permit on behalf of Mary McQuinn, 5025 Covington Street.

The hardcover proposal includes the creation of a second driveway that would allow for easy automobile ingress and egress for guests on the property. The proposal would also remove an existing parking area at the street. The applicant is proposing an impervious surface area of 35.1% for the property. Section 1176.04. (3)(3)(a) of the city zoning code states that impervious surface coverage in all residential districts as expressed as a percentage of the lot area, shall not exceed 30%. The applicant is proposing an impervious surface area of 35.1% for the property and is seeking a variance to exceed the maximum impervious surface area by 5.1%.

To mitigate the excess impervious surface area, the applicant proposes a number of water recapture / reuse systems, infiltration trenches, and rain gardens. As proposed, these systems could mitigate a one-inch rainfall event for an area covering the equivalent 34,319 square feet. This is far in excess of the proposed 7058 square feet of total hardcover for the site. The proposed grading for the driveway and stormwater mitigation systems, and other regrading on the property, the requires a conditional use permit. Section 1140.19 (2) of the city zoning code requires the a conditional use permit for any the grading or site / lot topography alteration request involving more than 200 square feet of surface area, and involving more than 20 cubic yards of material. The applicant is proposing to impact 16,023 square feet of surface area and 296 cubic yards of soil and is seeking a conditional use permit.

Planning Commission Action: Variance Request: Commissioner Bechtell made a motion to recommend that the city council **deny** the application of Dale Gustafson for a variance of Greenwood ordinance section 1176.04 (3)(3)(a) to exceed the maximum allowable impervious surface area of 30% by 5.1% for a total impervious surface area of 35.1% as presented, based on the following findings: The plight of the landowner-applicant is **NOT due** to circumstances unique to the property and is created by the landowner because previously approved plans currently allow for adequate driveway access for the property while also remaining under the allowable impervious surface area. Second by Commissioner Paeper. Motion passed 5-0.

Conditional Use Permit Request: Chairman Lucking made a motion to recommend that the city council **deny** the application of Dale Gustafson for a Conditional Use Permit required by Greenwood ordinance section 1140.19 (2) when grading or site / lot topography alteration involves more than 200 square feet of surface area or involves more than 20 cubic yards of material, based on the following findings: Absent the associated variance, the interest in the public health, safety, comfort, convenience and general welfare of the neighborhood **are NOT** being met because the proposed changes will unnecessarily alter the grade the property. Second by Commissioner Reeder. Motion passed 5-0.

Key Dates:

Application complete:	August 21, 2015
Notice of Public Hearing published:	September 3, 2015
Planning Commission Public Hearing:	September 16, 2015
City Council Consideration:	October 7, 2015
60-Day Deadline:	October 20, 2015
120-Day Deadline (if necessary):	December 19, 2015

Council Action: The city council must take action by 10-20-15. Suggested motions ...

1. I move the city council accepts the planning commissions recommendation and adopts resolutions 14-15 and 15-15, findings for **denial** of the variance and grading conditional use permit applications for Mary McQuinn, 5025 Covington Street as written (with the following revisions: _____).
2. I move the city council (1) directs the city attorney to draft findings for **approval** of the variance and conditional use permit requests for Mary McQuinn, 5025 Covington Street based on the council's discussion; (2) directs the findings for approval be placed on the 11-04-15 city council agenda; (3) directs the city attorney to provide written notice to the applicant to extend the 60-day time limit by 30 days, so the council may consider findings **approving and denying** the requests.

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

**CITY OF GREENWOOD
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Greenwood Planning Commission will hold a public hearing in the Council Chambers at Deephaven City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on **Wednesday September 16 at 7:00 P.M.**, or as soon thereafter as possible for the following purpose:

To consider the requests of Greendale Design for 5025 Covington Street for variances to exceed the maximum allowable impervious surface coverage and to exceed the maximum allowable grade alteration, and for a conditional use permit for grading more than 200 square feet in soil surface area and 20 cubic yards in soil volume.

All persons are invited to attend the public hearing and written testimony will be accepted. Such persons as desire to express their opinion with reference to this proposal will be heard at this meeting. Comments can be mailed to, City of Greenwood, 20225 Cottagewood Road, Deephaven, MN 55331, e-mailed to dalec@mediacombb.net or you can call (952) 358-9938.

Dale Cooney
Zoning Administrator

Publish:
MN Sun Publications
September 3, 2015

Variance Application



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

Date application submitted	August 18, 2015
Date application complete (office use only)	
Property address	5025 Covington Street
Property identification number (PID)	26-117-23-24-0032
Property owner's current mailing address	5225 Blake Road, Edina MN, 55435
Names of all property owners	Mary A McQuinn
Cell phone and email of property owner(s)	952-935-3698 jlander@quinstardlc.com
Name of builder / architect (if any)	Dale A. Gustafson
Company name of builder / architect	Greendale Design
Cell phone and email of builder / architect	763-286-5142
Company address	1845 Wisconsin Ave N Golden Valley MN, 55427
Present use of property	Home under construction
Property acreage	0.46 acres
Existing variances or conditional use permits	No Yes – please attach a copy
Request is for	New Construction Addition Remodel Replace Variance for hard cover
The variance(s) are being requested to (e.g. build a garden shed)	

Requested Variance(s) COTTAGEWOOD RD, DEEPHAVEN, MN 55331 • P: 952.474.6633 • F: 952.474.1274 • www.greenwoodmn.com

	Required*	Proposed	Difference
Side Yard (feet)			
Front Yard (feet)			
Rear Yard (feet)			
Lake Setback (feet)			
Building Height (feet)			
Structure Height (feet)			
Wetland Setback (feet)			
Bluff Setback (feet)			
Maximum Above Grade Building Volume (cubic feet)			
Hardcover (percentage)	70	35.1	5.11%
Other:			

* See page 2 of the CUP & Variance Checklist document for the requirements for various zoning districts.

Making your case for the grant of a variance

Per state law and city code section 1155 (view at city hall or at www.greenwoodmn.com) any persons may request variances from the literal provisions of the zoning ordinance, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. A variance shall only be permitted when it is in harmony with the purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone shall not constitute practical difficulties.

"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.

VARIANCE APPLICATION - Page 1 of 3

Establishing a "practical difficulty"

Please respond to each of the following questions. If you are unable to establish a "practical difficulty," please consider alternatives to your construction plans that may remove the need for a variance.

<p>Is the variance in harmony with the purposes and intent of the ordinance?</p>	<p><u>Yes</u> No Please explain: The additional hard cover will be more than compensated for by means addressed in the plan</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p>Yes <u>No</u> Please explain: It is not, but the mitigation and unique solutions will compensate to the increase in hard cover</p>
<p>Does the proposal put the property to use in a reasonable manner?</p>	<p><u>Yes</u> No Please explain: Yes, normal residential use</p>
<p>Are there unique circumstances to the property not created by the landowner? 100 PURLWOOD RD, DEEPHAVEN, MN 55331 • P: 952.474.6633 • F: 952.474.1274 • www.greenwoodmn.com</p>	<p><u>Yes</u> No Please explain: The original owners design did not adequately allow for normal family vehicle use. The limit of hard space left no room for modifications. This owner did not request the square footage of the home that was partially complete at the time of purchase.</p>
<p>Will the variance alter the essential character of the locality?</p>	<p>Yes <u>No</u> Please explain: When the project is complete none of the unique means of handling water runoff will be evident to the passer by.</p>
<p>Will the variance impair an adequate supply of light and air to adjacent property?</p>	<p><u>Yes</u> No Please explain: Yes, there should be no change in light or air to adjacent properties.</p>
<p>Will the variance unreasonably increase the congestion in the public street?</p>	<p>Yes <u>No</u> Please explain: There will be no congestion added to the public street, in fact it will reduce the regular congestion on the public street by providing space for the owner on their property in stead of the street.</p>
<p>Will the variance increase the danger of fire or endanger the public safety?</p>	<p>Yes <u>No</u> Please explain: There is not connection to fire in this case.</p>
<p>Will the variance unreasonably diminish or impair established property values within the neighborhood?</p>	<p>Yes <u>No</u> Please explain: It will be an exceptional home that will be expertly maintained and will add to the value of other houses in the neighborhood.</p>

Adjacent property owners' acknowledgement: It is not required by ordinance, but applicants are highly encouraged to review plans with adjacent property owners and secure signatures in this section. Attach another page if there are more than 2 adjacent neighbors.

The undersigned acknowledges that we have reviewed the plans for the proposed improvements or proposed use of the property listed on page 1 of this document. We understand that by signing this acknowledgement, that we NOT being asked to declare approval or disapproval of the proposal, but merely are confirming for the city council that we aware of the plans and that we understand that the proposed project requires city council approval.

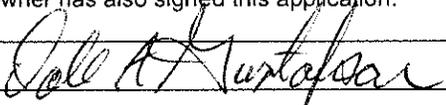
Neighbor #1 Address:	
Signature:	Date:
Print Name:	

Neighbor #2 Address:	
Signature:	Date:
Print Name:	

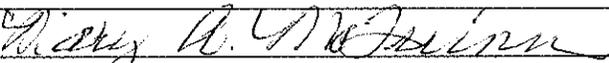
The undersigned contacted the following regulatory bodies and will seek approvals if required:

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

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

Signature: 	Date: 8-18-15
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Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	Date: 8-5-15
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Note: If the property owner is different than the applicant, signatures from the both the applicant and the property owner are required.

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

For Office Use Only	Fee Paid: Cash Check #:	Amount \$
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Permit #	FORM #8
Receipt #	Return this document to City Hall

Grading Permit Application

This form becomes a "permit" when city staff issues a permit number. If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	Mary A. McQuinn
Property Address	5025 Coventing Street, Greenwood, MN 55331

Person completing this form: Grading Contractor Property Owner Builder / Architect

This sheet is accompanied by a **Building Permit Application (Form #1)**: Yes (skip to section 2) No (complete section 1)

SECTION 1

Date Application Submitted	September 7, 2015
Property Owner's Mailing Address	5225 Blake Road, Edina MN 55435
Property Owner's Phone Number	952-935-4848 email jlander@quinstarllc.com
Property Owner's Email	<small>CITY OF GREENWOOD • 20225 COTTAGEWOOD RD, DEEPHAM, MN 55331 • P: 952.474.6633 • F: 952.474.1274 • www.greenwoodmn.com</small>
Contractor or Builder / Architect Name	Dale Gustafson
Contractor or Builder / Architect Address	1845 Wisconsin Ave N, Golden Valley, MN 55427
Contractor or Builder / Architect Phone	763-544-4215
Contractor or Builder / Architect Email	dalegus@earthlink.net

SECTION 2

Total surface area to be moved, disturbed, cut, or filled (square feet)	16,023 sq ft
Total volume of soil or earth to be moved, disturbed, cut, or filled (cubic feet)	296 cu yds (average of 6" per sq ft)
Estimated start date	September 2015

Work is required for: Remodeling of an existing structure Construction of a new structure Other: Completion of landscape

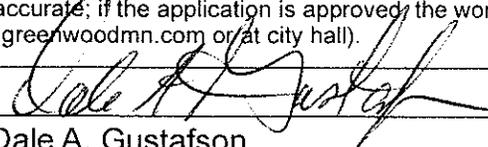
Work is due to circumstances not related to the land or existing drainage issues, but due to an election by the property owner to make an addition to a principal or accessory structure: Yes No

The average elevation of the land will increase / decrease by: Less than 1ft
1ft or more in a 100+ sq ft area (city engineer approval required) 2ft or more in a 300+ sq ft area (variance required)

Per code section 1140.19 subd 3, the following items must submitted with this application:

(1) Survey (2) Stormwater Management Plan prepared by a civil engineer

The undersigned hereby submits this application (including a survey and Stormwater Management Plan) for a grading permit and certifies the information provided on this permit application is true and correct to the best of my knowledge. The property owner(s) listed above are the sole fee title owner(s) of the described property; information provided on this application and submitted documents is true, complete and accurate; if the application is approved, the work will be in accordance with the application and city code section 1140.19 (view at www.greenwoodmn.com or at city hall).

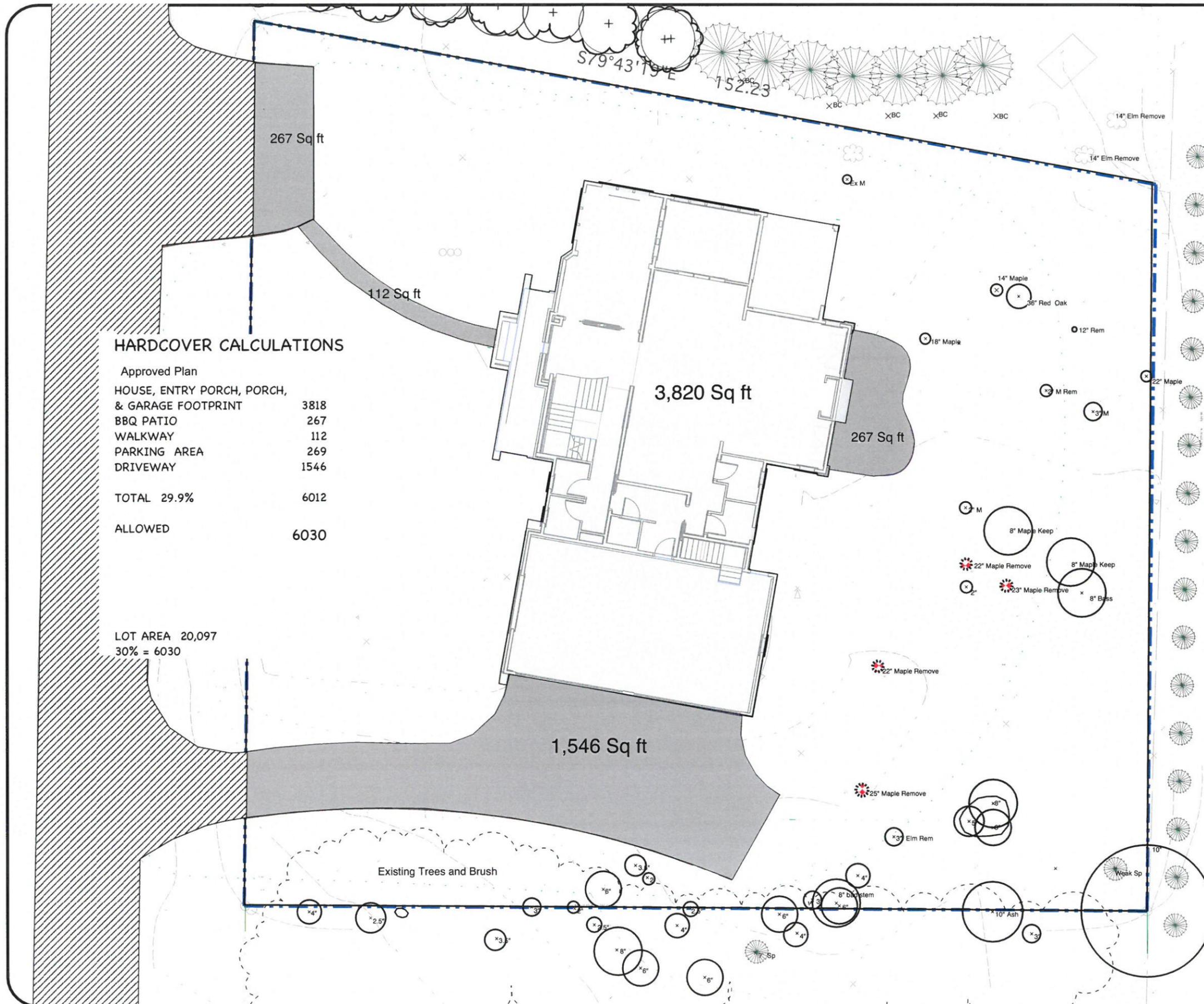
Signature		Date: September 7/2015
Print Name	Dale A. Gustafson	

This section completed if grading is NOT in conjunction with a building permit:

HARDCOVER CALCULATIONS

Approved Plan	
HOUSE, ENTRY PORCH, PORCH, & GARAGE FOOTPRINT	3818
BBQ PATIO	267
WALKWAY	112
PARKING AREA	269
DRIVEWAY	1546
TOTAL 29.9%	6012
ALLOWED	6030

LOT AREA 20,097
30% = 6030



Drive Approved 2014
Scale: 1 inch = 10 feet
August 3, 2015

McQuinn Residence
5025 Covington St
Greenwood, Min 55331

Green-Dale Design
old hands at new design

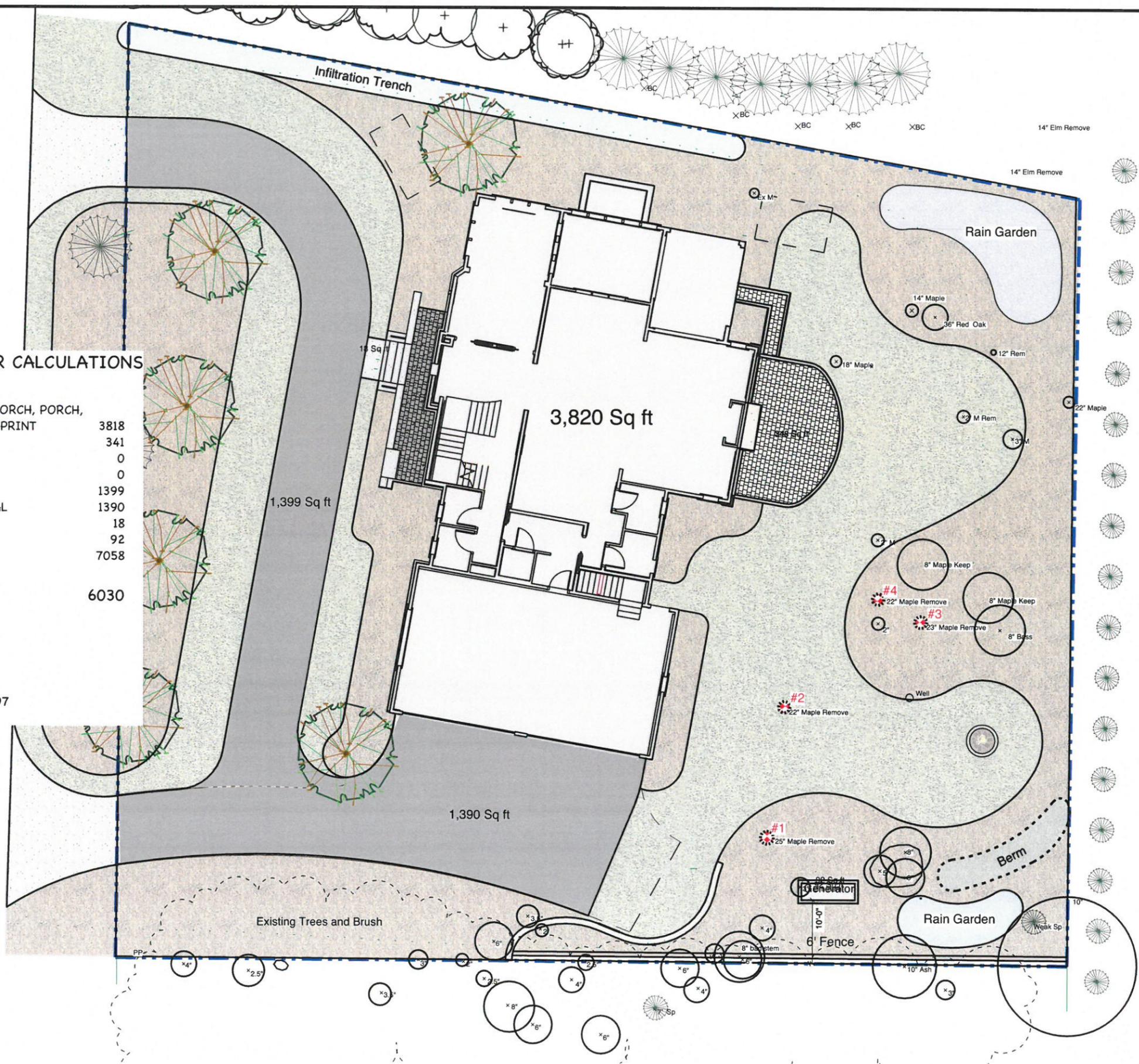


1845 Wisconsin Ave. No. Golden Valley, MN 55427 Tel. (763)544-4215

HARDCOVER CALCULATIONS

Proposed Plan	
HOUSE, ENTRY PORCH, PORCH, & GARAGE FOOTPRINT	3818
BBQ PATIO	341
WALKWAY	0
PARKING AREA	0
DRIVEWAY NEW	1399
DRIVE ORIGINAL	1390
FRONT WALK	18
GENERATOR	92
TOTAL 35.1%	7058
ALLOWED	6030

LOT AREA 20,097
30% = 6030

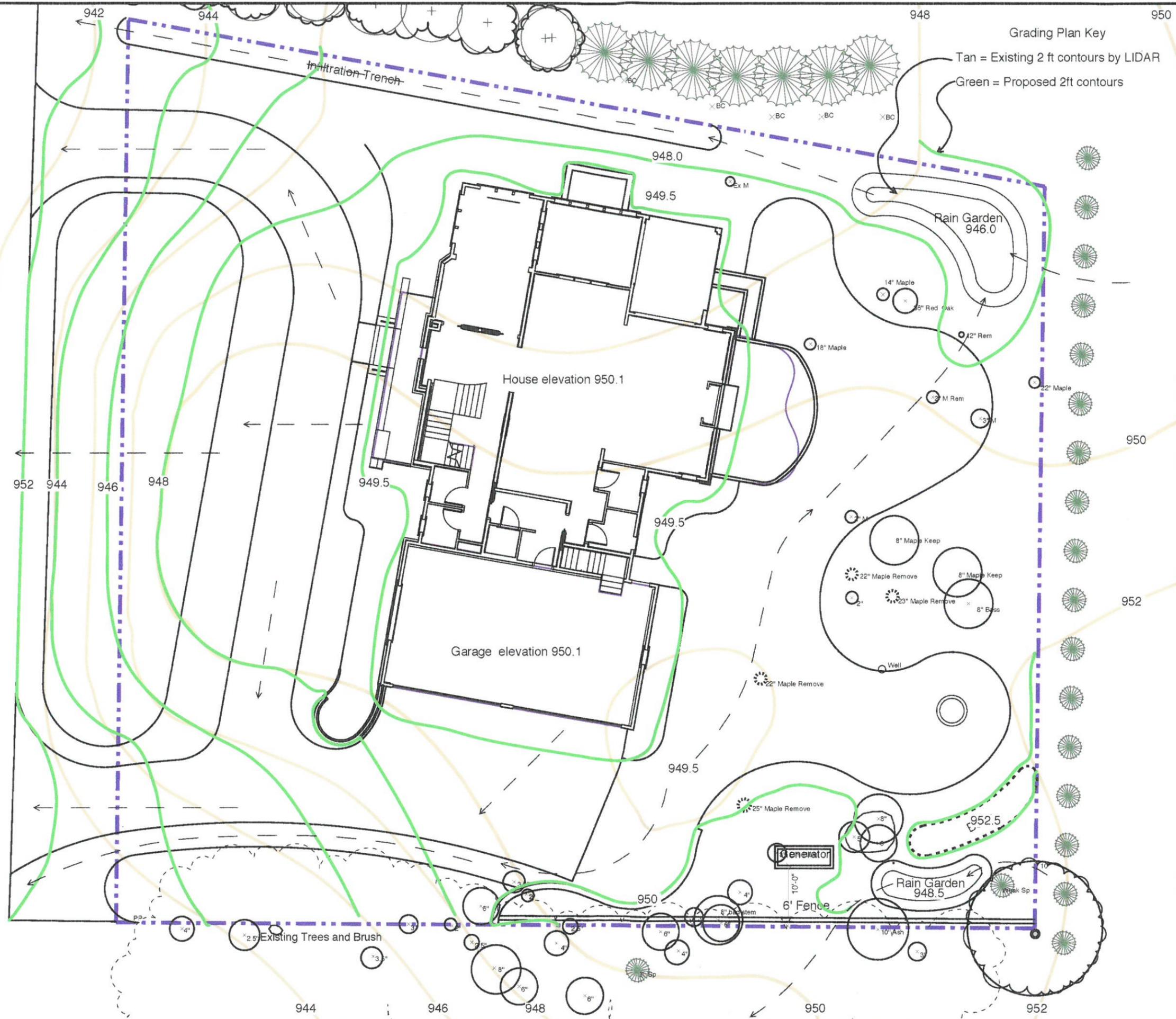


Green-Dale Design
old hands at new design

1845 Wisconsin Ave. No. Golden Valley, MN 55427 Tel. (763)544-4215

McQuinn Residence
5025 Covington St
Greenwood, Mn 55331

Drive Option 1-8/3/15
HARD SURFACE
Scale: 1 inch = 10 feet
August 18, 2015



Grading Plan Key
 Tan = Existing 2 ft contours by LIDAR
 Green = Proposed 2ft contours

Grading Plan 2015
 Scale: 1 inch = 10 feet
 Sep 4, 2015

McQuinn Residence
 5025 Covington St
 Greenwood, Min 55331

Green-Dale Design
 old hands at new design



1845 Wisconsin Ave. No. Golden Valley, MN 55427 Tel: (763)544-4215

952

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946

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952

954

GENERAL NOTES

- SHARRATT DESIGN & COMPANY MAKES NO WARRANTY AS TO THE EXACT CONDITIONS TO BE ENCOUNTERED ON SITE. THESE DRAWINGS ARE PROVIDED TO DELINEATE THE DESIGN INTENT ONLY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND SUB-CONTRACTORS TO PERFORM FIELD INVESTIGATION BEFORE UNDERTAKING ANY DEMOLITION OR RECONSTRUCTION ACTIVITY.
- THE DEMOLITION NOTES AS SHOWN IN THESE DRAWINGS GENERALLY OUTLINE VARIOUS ITEMS OF DEMOLITION WORK. IT IS NOT TO BE CONSTRUED AS ALL INCLUSIVE OF ALL CUTTINGS, DEMOLITION OF FINISHES AND REQUIRED PATCHING.
- G.C. AND ALL SUB-CONTRACTORS SHALL COMPLETELY FAMILIARIZE THEMSELVES WITH EXISTING CONDITIONS BY VISITING THE SITE PRIOR TO SUBMITTING THEIR PROPOSALS. ALL TRADES ARE EXPECTED TO READ ALL DEMOLITION NOTES.
- WARRANTIES SHALL BE IN ACCORDANCE WITH STATE MINIMUM STANDARDS OR GREATER. REGISTERED BUILDER PROGRAMS AND/OR PRODUCT WARRANTIES. LIABILITY AND WORKERS COMPENSATION CERTIFICATE OF INSURANCE WILL BE REQUIRED FROM ALL SUBCONTRACTORS.
- GENERAL CONTRACTOR AND ALL SUBCONTRACTORS TO VERIFY AND COORDINATE ALL CONDITIONS AND DIMENSIONS PRIOR TO WORK THROUGH THE ENTIRE BUILDING PROCESS. G.C. TO CONTACT Gopher ONE TO VERIFY LOCATIONS OF ALL UNDERGROUND ELECTRICAL, UTILITIES, SEWER, GAS, ETC. PRIOR TO COMMENCING WORK. IMMEDIATELY REPORT AND/OR REVIEW ALL QUESTIONS, DISCREPANCIES AND CONDITIONS WITH THE OWNER/ARCHITECT PRIOR TO PROCEEDING WITH WORK.
- ALL CONSTRUCTION AND/OR MATERIALS AS INDICATED SHALL BE AT OR ABOVE INDUSTRY STANDARDS FOR SIMILAR CUSTOM RESIDENTIAL CONSTRUCTION.
- ALL CONSTRUCTION WORK SHALL CONFORM TO ALL APPLICABLE CODES.
- ALL SURVEY DATA, SOIL DATA, MECHANICAL, ELECTRICAL, AND STRUCTURAL ENGINEERING OF SYSTEMS, SIZES AND LAYOUTS (INCLUDING TRUSS, FRAMING, AND GROUND DESIGN) SHALL BE BY THE RESPECTIVE SUBCONTRACTOR AND/OR SUPPLIER OF THOSE SYSTEMS OR BY OTHER NECESSARY CONSULTANTS AND SHALL BE COORDINATED BY THE GENERAL CONTRACTOR. INFORMATION SHOWN IN REGARD TO THESE CONCERNS IS ONLY DIAGNOSTIC AND IS INTENDED TO PROVIDE AN INDICATION OF THE DESIGN INTENT ONLY. USE OF CONSULTANT DATA BY SDC DOES NOT INFER OR ENDORSE THE ACCURACY OF THE DATA. EACH CONSULTANT AND CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTNESS AND ACCURACY OF DATA SUPPLIED BY THE RESPECTIVE CONSULTANT AND/OR CONTRACTOR.
- GENERAL CONTRACTOR SHALL COORDINATE AND SITE THE BUILDING ON THE OWNERS LEGAL SURVEY. GENERAL CONTRACTOR TO NOTIFY OWNER AND/OR ARCHITECT OF ANY DISCOVERED DISCREPANCIES PRIOR TO ANY SITE WORK.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR SHORING AND BRACING AND FOR ALL TEMPORARY FACILITIES & SERVICES INCLUDING BUT NOT LIMITED TO POWER, WATER, TELEPHONE, FAX, SANITATION FACILITIES AND FIRE FIGHTING EQUIPMENT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED EROSION CONTROL MEASURES AND ANY SPECIFIC ENVIRONMENTAL IMPACT ISSUES ARISING FROM CONSTRUCTION ON THE SITE.
- THE CONTRACTOR SHALL MAINTAIN THE SITE IN FIRST-CLASS CONDITION DURING THE PROJECT. ALL WASTE AND DEBRIS SHALL PROMPTLY BE REMOVED. CONSTRUCTION SHALL BE GIVEN TO MATERIAL STORAGE ON THE SITE AND ITS IMPACT ON ADJOINING NEIGHBORS.
- THE CONTRACTOR SHALL PROVIDE FINAL CLEANING OF ALL INTERIOR AND EXTERIOR SURFACES. ALL TRANSPARENT MATERIALS ARE TO BE LEFT IN A POLISHED CONDITION. REMOVE ALL LABELS THAT ARE NOT INTENDED TO REMAIN AS PERMANENT INSTRUCTION INFORMATION.
- GENERAL CONTRACTOR SHALL PROVIDE INSTRUCTIONS TO THE OWNER PERTAINING TO OPERATION AND MAINTENANCE OF MECHANICAL AND ELECTRICAL EQUIPMENT. COMPARE AND FORWARD TO THE OWNER ALL MAINTENANCE AND OPERATIONS DATA AND WARRANTIES IN THE FORM OF A WELL-ORGANIZED OWNERS NOTEBOOK.
- ROOF TRUSS ENGINEERING AND DESIGN TO BE PROVIDED BY TRUSS SUPPLIER. TRUSS SUPPLIER TO FIELD-VERIFY ALL FRAMED DIMENSIONS AND CONDITIONS PRIOR TO TRUSS FABRICATION. TRUSS SUPPLIER TO COORDINATE FINAL TRUSS SOLUTION WITH PROJECT STRUCTURAL ENGINEER AND/OR GENERAL CONTRACTOR. TRUSS SUPPLIER TO COORDINATE TRUSS DESIGN WITH ENERGY CODE REQUIREMENTS.
- ALL WINDOW DESIGNATIONS ARE FOR MARVIN WINDOWS. SIMILAR LOWEN OR ANDERSON WINDOWS MAY BE USED. CONTRACTOR TO MATCH EXISTING WINDOWS AS POSSIBLE. WINDOWS ARE TO BE PREFINISHED METAL CLAD WINDOWS WITH DOUBLE-PANE, LOW-E INSULATED GLASS STANDARD PREFINISHED COLOR AND STANDARD HARDWARE FINISH AS SELECTED BY OWNER. WINDOWS TO BE SIMILAR IN SIZE AND SPECIFICATION TO THOSE INDICATED ON THE PLAN. WINDOW MANUFACTURER SHALL SUBMIT WINDOW SCHEDULE AND SHOP DRAWINGS OF ALL CUSTOM WINDOWS AND GLAZING TO G.C. AND OWNER REVIEW PRIOR TO FABRICATION. GENERAL CONTRACTOR AND WINDOW SUPPLIER TO CONFIRM TEMPERED GLASS LOCATIONS, EGRESS AND VENT WINDOW REQUIREMENTS, LITE PATTERNS, WINDOW SIZES, WINDOW OPERATION, JAMB SIZES, EXTENSION JAMBS, ETC. WITH OWNER.
- CABINET DRAWINGS... (TBD)... ARE NOT CABINET SHOP DRAWINGS, BUT DEPICT DESIGN INTENT ONLY. CABINET MANUFACTURER TO COORDINATE FINAL CABINET DESIGN WITH AS-BUILT DIMENSIONS (FIELD-VERIFY). WITH FIELD CHANGES MADE DURING CONSTRUCTION. WITH FINAL MILLWORK PROFILES. WITH FINAL COUNTERTOP THICKNESS AND DESIGN, AND WITH FINAL APPLIANCE AND FIXTURE SELECTIONS. CABINET MAKER TO VERIFY END PANEL DESIGNS AND CABINET CLEARANCES WITH OWNER PRIOR TO CABINET FABRICATION. CABINET MAKER TO MEET WITH OWNERS TO DISCUSS AND VERIFY ALL DRAWER AND CABINET DIVISIONS AND USES, INCLUDING PULLOUT LOCATIONS, SPOKE PARTITION LOCATIONS, LAZY SUSAN LOCATIONS, CUTTING BOARD LOCATIONS, COST RAMIFICATIONS, AND ANY OTHER SUGGESTIONS THE CABINET MAKER OR OWNER MAY HAVE FOR MAXIMIZING CABINETRY EFFICIENCY AND EASE OF USE. ALSO CONFIRM CABINET HARDWARE QUANT AND OPERATIONS / DRAWER FINISHES AND KNOB LOCATIONS. SUBCONTRACTORS TO REFER TO APPROVED CABINET SHOP DRAWINGS PRIOR TO ROUGH FRAMING FOR CABINETS/BUILT-INS. REPORT ANY DISCREPANCIES TO G.C., OWNER AND CABINET MAKER PRIOR TO PROCEEDING WITH WORK.
- GENERAL CONTRACTOR TO COORDINATE OWNERS, REVIEW AND APPROVAL OF SAMPLES OF ALL INTERIOR AND EXTERIOR FINISH MATERIALS INCLUDING PROFILES, SIZES, SPECIES, MORTAR AND GROUT COLORS, JOINT SIZES, FINISHES AND COLORS PRIOR TO OPENING OF SAME. SAMPLES SHALL BE PROVIDED ON-SITE. HOMEOWNER DEEMS NECESSARY, AND IN SIZE LARGE ENOUGH TO SEE IN THE FINAL SPACE (E.G. 4X4 WALL PAINT SAMPLES, AND STAINED AND FINISHED WOOD FLOOR SAMPLES). G.C. TO COORDINATE OWNERS REVIEW AND APPROVAL OF MOCKUPS OF INTERIOR AND EXTERIOR CASINGS, TRIM, NEVELLS, AND RAILINGS PRIOR TO CONTRACTOR ORDERING OF SAME (ON SITE WHEN OWNER DEEMS NECESSARY). OWNER TO REVIEW AND APPROVE MOCKUPS OF ALL STONE ON SITE, INCLUDING SIZE & SPECIES, MORTAR JOINT SIZE, MORTAR COLOR, STONE STACK, CAP SPECIES AND SIZE. STONE SAMPLES SHALL BE DISPLAYED ALONGSIDE RELEVANT INTERIOR AND EXTERIOR FINISH MATERIALS AS REQUIRED FOR FINISH COORDINATION. G.C. SHALL COORDINATE OWNERS COUNTERTOP SELECTIONS, AND SHALL VERIFY THAT NATURAL STONE GLASS THAT OWNER SELECTS ARE PROPERLY STORED, AND USED IN THE FINAL PROJECT.

19. DIMENSIONS LOCATING EXTERIOR WALLS ARE TO THE EXTERIOR FACE OF STUD AND/OR FACE OF FOUNDATION WALLS, UNLESS NOTED OTHERWISE. DIMENSIONS LOCATING INTERIOR WALLS ARE TO CENTERLINE OF STUD, UNLESS NOTED OTHERWISE. DIMENSIONS LOCATING DOORS AND WINDOWS ARE TO CENTERLINE OF OPENING, UNLESS NOTED OTHERWISE.

20. ALL EXTERIOR WALLS SHALL BE 2x6 AS PER BUILDING SECTIONS, U.N.O. ALL BEARING WALLS, PLUMBING WALLS AND WALLS WITH POCKET DOORS TO BE 2x6 CONSTRUCTION, U.N.O. ALL OTHER WALLS TO BE 2x4 CONSTRUCTION TO THICKNESS SHOWN ON ARCHITECTURAL AND STRUCTURAL DRAWINGS, U.N.O. HEADERS SHALL BE SIZED PER STRUCTURAL PLANS, OR COORDINATED WITH STRUCTURAL ENGINEER OR SUPPLIER.

21. SITE PLAN AND RELATED INFORMATION PROVIDED BY SURVEYOR IS USED HERE TO SHOW DESIGN INTENT ONLY. VERIFY ALL CONDITIONS AND DIMENSIONS W/ SURVEYOR.

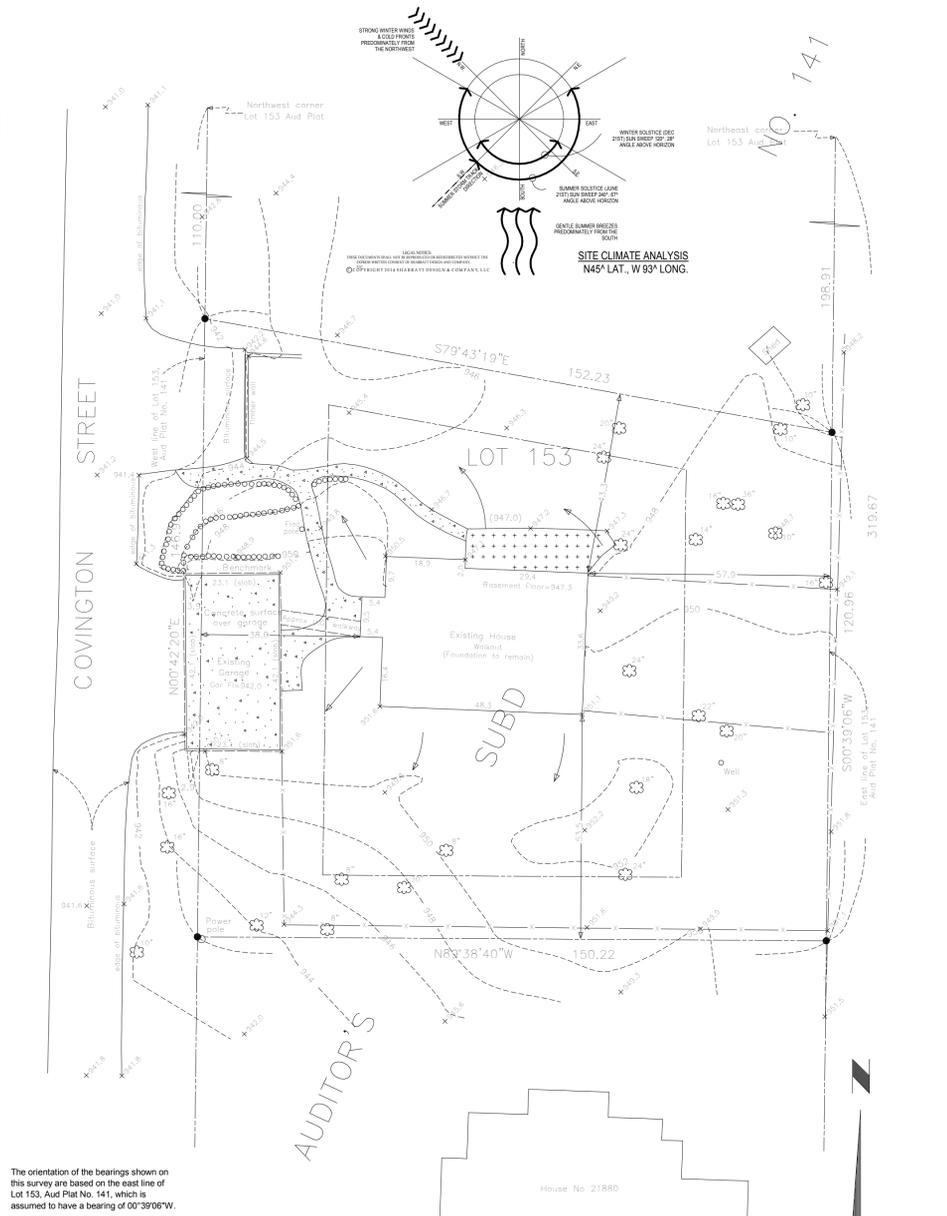
22. CONTRACTOR TO VERIFY ACOUSTIC INSULATION LOCATIONS W/ OWNER PRIOR TO VAPOR BARRIER & DRYWALL INSTALLATION. ACOUSTIC CONSIDERATION TO BE GIVEN TO HVAC DUCT LAYOUTS AND PLUMBING LOCATIONS, AND ACOUSTIC DAMPENING TO BE PROVIDED TO HVAC SYSTEM AND PLUMBING WASTE STACKS AS REQUIRED TO MINIMIZE SOUND TRANSMISSION.

23. PLUMBING ROUGH-IN DIMENSIONS ARE PROVIDED FOR REFERENCE ONLY. ALL PLUMBING DIMENSIONS ARE TO BE COORDINATED BY THE GENERAL CONTRACTOR AND/OR PLUMBING SUBCONTRACTOR WITH SPECIFIC FIXTURE SELECTIONS AND FINAL CABINET DESIGN. ALL FLOOR DRAINS CONNECTED TO SANITARY SEWER TO HAVE BACK-FLOW PREVENTERS INSTALLED.

24. MECHANICAL EQUIPMENT & CONTROL LOCATIONS TO BE VERIFIED WITH OWNER PRIOR TO INSTALLATION. SEE DRAWINGS FOR PROPOSED LOCATIONS. MAKEUP AIR TO BE PROVIDED AS PER I.R.C. AND ANY OTHER APPLICABLE CODES. SUPPLY AND RETURN REGISTER COVERS TO BE APPROVED BY OWNER. ASSUME FLUSH WOOD VENTS TO MATCH WOOD FLOOR SPECIES & FINISH FOR B.O. WHERE AFFECTED BY MECHANICAL DUCTS AND EQUIPMENT. CEILING HEIGHTS AND SOFFIT SIZES AND LOCATIONS TO BE APPROVED BY OWNER PRIOR TO INSTALLATION OF HVAC DUCTS AND EQUIPMENT ALL VENT AND GRILLE LOCATIONS WITH OWNER PRIOR TO INSTALLATION.

25. GENERAL CONTRACTOR SHALL PROVIDE INSTRUCTIONS TO THE OWNER PERTAINING TO OPERATION AND MAINTENANCE OF MECHANICAL AND ELECTRICAL EQUIPMENT. AT COMPLETION OF CONSTRUCTION COMPARE AND FORWARD TO THE OWNER ALL MAINTENANCE AND OPERATIONS DATA AND WARRANTIES IN THE FORM OF A WELL-ORGANIZED OWNERS NOTEBOOK.

26. DOOR & WINDOW HARDWARE & WINDOW SCHEDULE SHALL BE BY GENERAL CONTRACTOR. SUBMIT SHOP DRAWINGS FOR OWNER AND ARCHITECT REVIEW AND APPROVAL PRIOR TO FABRICATION.



2. EXISTING SITE
1" = 20'-0"

1. PROPOSED ARCHITECTURAL SITE PLAN
1" = 20'-0"

ORIGINAL SURVEY PROVIDED BY PELLINEN LAND SURVEYING, INC. HUTCHINSON, MN 55350 PH. 320-587-4789 UNDATED (SHOWN FOR REFERENCE ONLY)

2. EXISTING SITE
1" = 20'-0"

1. PROPOSED ARCHITECTURAL SITE PLAN
1" = 20'-0"

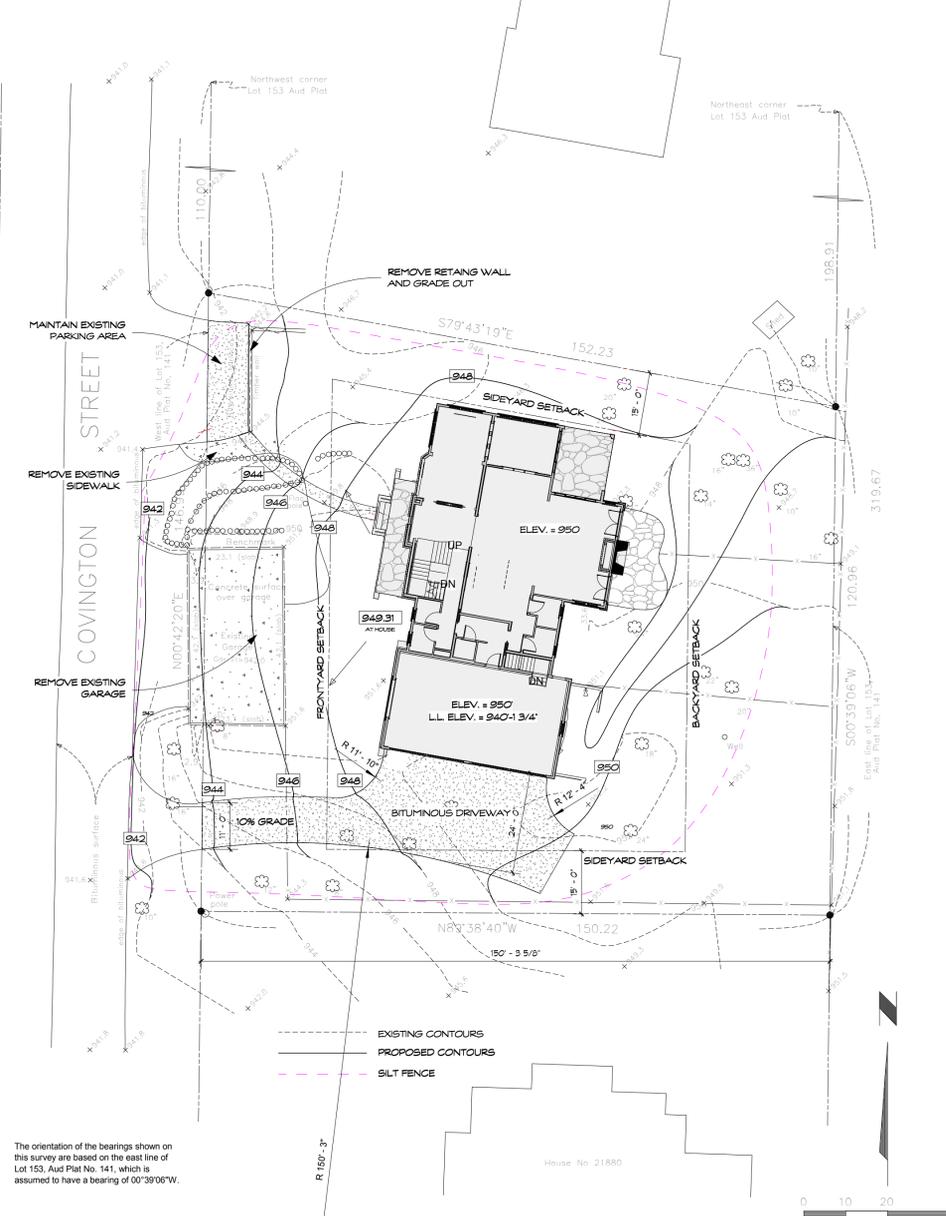
ORIGINAL SURVEY PROVIDED BY PELLINEN LAND SURVEYING, INC. HUTCHINSON, MN 55350 PH. 320-587-4789 UNDATED (SHOWN FOR REFERENCE ONLY)

HARDCOVER CALCULATIONS

HOUSE, ENTRY PORCH, SCREEN PORCH & GARAGE FOOTPRINT	3096
880 PATIO	287
WALKWAY	102
PARKING AREA	369
DRIVEWAY	1546
TOTAL	6012
ALLOWED	6030

VOLUME CALCULATION

VOLUME TOTAL	84,168 CU.FT.
ALLOWABLE VOLUME	85,268 CU.FT. (0.048 CU.FT.)



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1" = 20'-0"

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sharratt design & company

464 Second Street Suite 100 Excelsior, MN 55331
Phone: 952.470.9750 Fax: 952.767.5859
Info@sharrattdesign.com

SHEET INDEX

- A1 SITE PLAN
- A2 FOUNDATION PLAN
- A3 LOWER LEVEL FLOOR PLAN
- A4 MAIN LEVEL FLOOR PLAN
- A5 UPPER LEVEL FLOOR PLAN
- A6 ROOF PLAN
- A7 SOUTH & WEST ELEVATIONS
- A8 NORTH & EAST ELEVATIONS
- A9 BUILDING SECTIONS
- A10 BUILDING SECTIONS
- A11 BUILDING SECTIONS
- A12 BUILDING SECTIONS
- A13 BUILDING SECTIONS
- A14 INTERIOR ELEVATIONS
- A15 INTERIOR ELEVATIONS
- A16 INTERIOR ELEVATIONS
- A17 INTERIOR ELEVATIONS
- A18 SCHEDULES
- A19 DETAILS
- A20 BRACKETS AND DETAILS
- A21 TRUSSES & DETAILS
- E1 LOWER LEVEL ELECTRICAL
- E2 MAIN LEVEL ELECTRICAL
- E3 UPPER LEVEL ELECTRICAL
- S1 STRUCTURAL FOUNDATION PLAN
- S2 MAIN LEVEL FRAMING PLAN
- S3 UPPER LEVEL LOW ROOF FRAMING
- S4 ROOF FRAMING PLAN
- S5 STRUCTURAL DETAILS
- S6 STRUCTURAL DETAILS AND NOTES

PROJECT TEAM

ARCHITECT
SHARRATT DESIGN & CO. LLC.
CONTRACT: RICK HENRIKSEN

STRUCTURAL ENGINEER

CONTACT: STEVE EIKER
AM STRUCTURAL
112 EAST MAPLE STREET
RIVER FALLS, WI 54222
715-426-4430

GENERAL CONTRACTOR

CONTACT: ANDY VASEK
MATHEW VASEK CONSTRUCTION
10713 201st. COURT
SILVER LAKE, MN 55381
320-523-4541

ISSUED FOR

ISSUE DATE	CHECK	CLIENT	MEETING SET	ESTIMATES	REVISION	PERMIT	BID SET	ADDITION	CONSTRUCTION SET	CHANGE ORDER
10-29-14				X						PROGRESS SET
11-4-14			X							
11-13-14				X						PROGRESS SET
11-13-14									X	CD
11-18-14				X						CLEARIFICATION 5
12-18-14				X						TRUSS CLR
1-12-15				X						CLEARIFICATION 7
1-15-15				X						CL 7 - TRUSS ITEMS
3-25-15				X						CL 8
3-30-15				X						CL 9
4-2-15			X							
4-20-15				X						RESTART

PROPOSED NEW CONSTRUCTION FOR THE

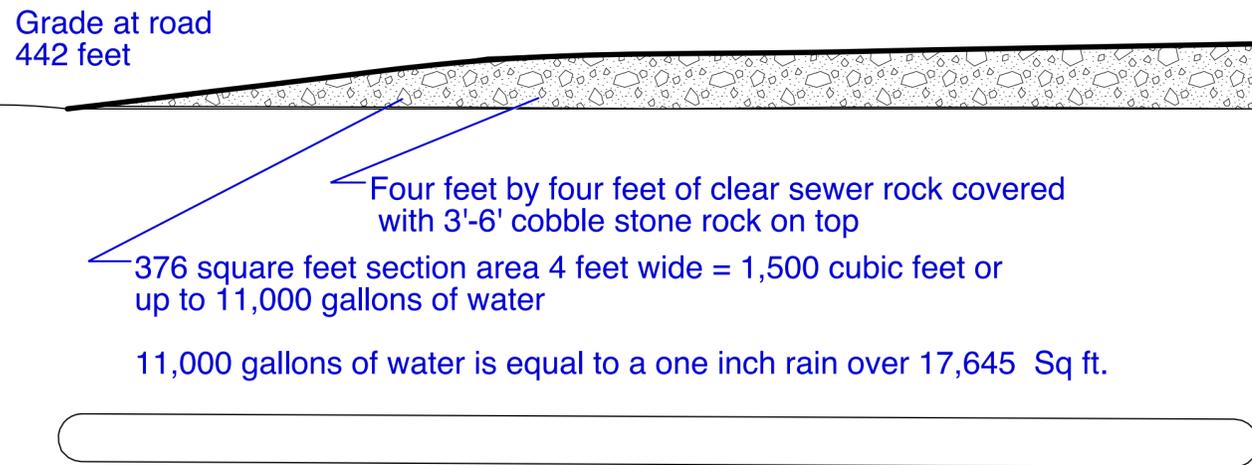
McQUINN HOME

5025 COVINGTON STREET
GREENWOOD, MN 55331

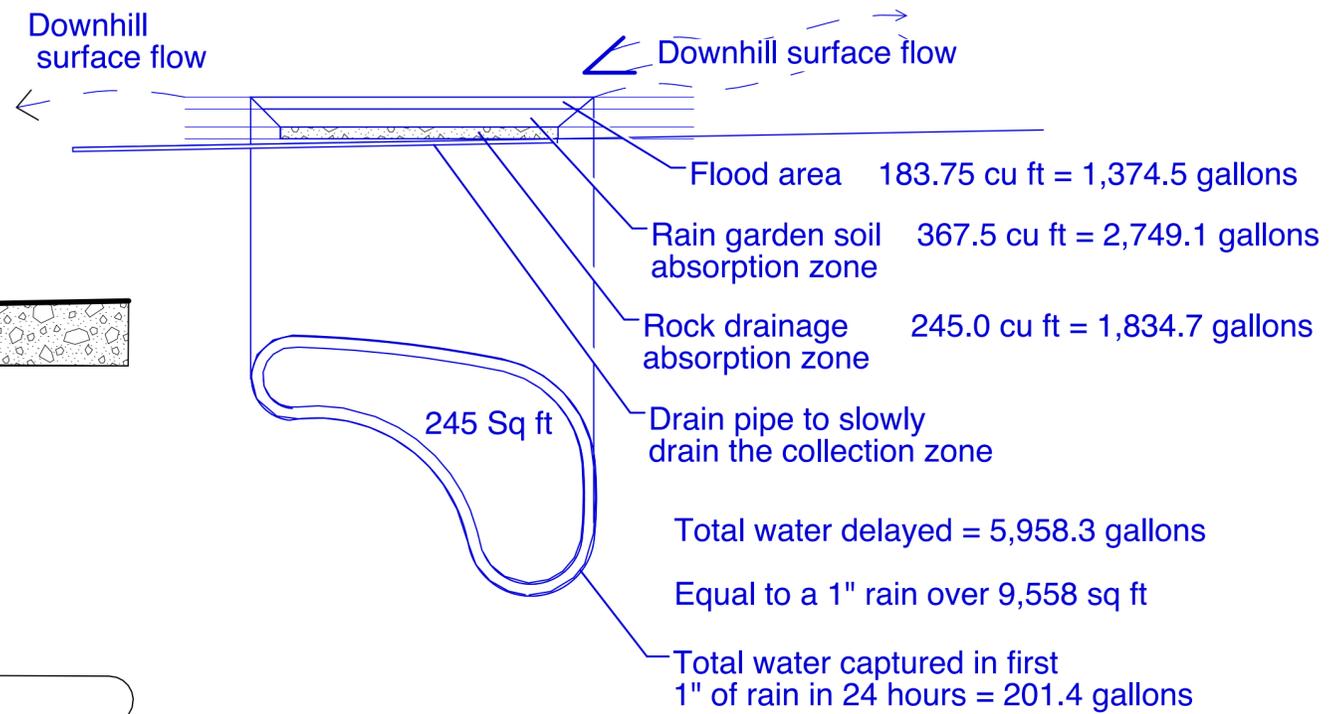
SHEET **A1** NUMBER

LEGAL NOTICE
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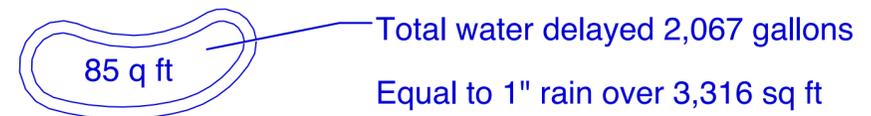
Infiltration Trench



North Rain Garden



South Rain Garden



Total Rain Capture

Water delay totaled by square feet for a 1" rain

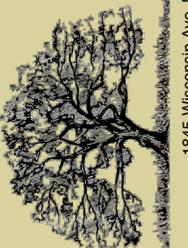
Infiltration trench	17,625 sq ft
North rain garden	9,558 sq ft
South rain garden	3,316 sq ft
Roof of house	3,820 sq ft
Total run off delay	34,319 sq ft
Lot area	20,037 sq ft

Runoff savings 2015
Scale: 1 inch = 10 feet
Sep 4, 2015

McQuinn Residence
5025 Covington St
Greenwood, Mn 55331

Green-Dale Design
old hands at new design

1845 Wisconsin Ave. No. Golden Valley, MN 55427 Tel. (763)544-4215





BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

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

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

www.bolton-menk.com

September 9, 2015

Dale Cooney, Zoning Coordinator
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331

**RE: 5025 Covington Street
Engineering Review #1**

Dear Mr. Cooney,

I have completed review of the plans submitted for 5025 Covington Street. Following are my comments for your consideration:

1. The proposed layout and grading design will maintain existing drainage patterns. Stormwater runoff will continue to drain from east to west along the north and south property lines. Proposed raingardens on each property line and an infiltration trench will provide rate control and volume reduction.
2. Grades will not be altered by more than 2' in an area greater than 300 square feet, so no variance for grade alteration is necessary.
3. If raingardens and infiltration trench are proposed to mitigate excess hardcover, calculations should be submitted verifying required volume reduction is provided.
4. Typical sections for the proposed raingardens and infiltration trench should be submitted for review. Sections should include an underdrain. Underdrain should be daylighted near west property line with 6" concrete headwall and rodent guard.
5. If gutters and roof drains are to be installed, drains should be routed to proposed raingardens and infiltration trench to maximum extent possible.
6. In order to not block flow of stormwater runoff, a 6" clear space should be provided between the ground and bottom of the proposed fence on the south property line.

Please do not hesitate to contact me if you have any questions or comments. Thank you.

Sincerely,

Robert E. Bean, Jr., P.E.

BOLTON & MENK, INC.

Dale Cooney

From: Stafford, Sharla K <skstafford@cbburnet.com>
Sent: Wednesday, September 16, 2015 4:25 PM
To: DaleC@mediacombb.net
Cc: eric@staffordfamilyrealtors.com; sharla@staffordfamilyrealtors.com
Subject: Feedback for Public Hearing Notice for the McQuinn Residence

Dale –

Please confirm receipt and share this email with the council for tonight's meeting.

Eric and I are neighbors directly to the south of the McQuinn property. We are writing because we are primarily concerned about the change in grade and hardcover as our backyard will be directly and negatively impacted.

The only impervious structure at present on the McQuinn property is their house. The driveway is currently gravel so this large area is absorbing rain and eventually any standing water. We are also protected from runoff and erosion by a silt fence that runs between our properties. In addition, four very mature maple trees were just removed between our property lines and this may further impact drainage. Once a driveway and retaining walls are installed, and the silt fence is removed, water will flow off their property and directly onto ours.

The McQuinn's garage is at an elevation of 950.1 and our property is at an elevation of 948, 946 and 944 where it abuts their yard. Water would route directly down from the McQuinn driveway to our property. This area of our property is the flattest area in our yard and where our three young children play soccer, softball and kickball. We do not want this to become a drainage ditch.

We welcome a solution (trench or French drain?) that would provide a water diversion or runoff from their property and protect the playable area on our yard from being chronically wet. We want the McQuinn's to be able to make this property work for them, we just don't want to be negatively impacted by the current plan. The current plan has an infiltration Trench along the north end of their property – would that be a solution for the south edge to manage water flow?

We are sorry we can't attend the meeting tonight. Eric is showing homes and I am running our three daughters to Soccer practice and Youth Group.

Thank you for considering our concerns.

Best regards,

Sharla Stafford / on behalf of Eric and Sharla Stafford

Sharla Stafford • Coldwell Banker Burnet • Distinctive Homes Division
O: 952.470.2578 • M: 612.282.6895 • StaffordFamilyRealtors.com
International President's Premier • Top 1% of Agents in the Nation
Awarded Super Real Estate Agent for Exceptional Ability & Service 2005 - 2013

RESIDENT COMMENT FORM - This form will become part of the public record and therefore may be viewed by anyone.

GENERAL COMMENTS ON REQUEST:

I RESPECTFULLY REQUEST THAT THE COMMISSION AND THE COUNCIL APPROVE THIS APPLICATION. MY PROPERTY ABUTS THIS PROPERTY AND WE ARE VERY PLEASED WITH THE HOME THEY ARE BUILDING. IT IS A GREAT IMPROVEMENT OVER WHAT WAS THERE AND A REAL PLUS FOR THE NEIGHBORHOOD.

SPECIFIC ISSUES or CONCERNS:

NONE. PLEASE GIVE THIS APPLICATION "THE GREEN LIGHT".

Name: FRANK & SUZIE BRIXIUS

Address: 21720 FAIRVIEW

952-474-3583

Please return completed form to the attention of Dale Cooney @ 20225 Cottagewood Road, Deephaven MN 55331 or fax to (952) 474-1274.

RESOLUTION NO 14-15

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

DENYING

IN RE: The application of Dale Gustafson, representing Mary McQuinn of 5025 Covington Street, for a variance to Greenwood ordinance code section 1176.04(3)(3)(a) to exceed the maximum allowable impervious surface area by 5.1% in order to construct a second driveway.

WHEREAS, Mary McQuinn is the owner of property commonly known as 5025 Covington Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0032); and

WHEREAS, application was made for variance to section 1176.04(3)(3)(a) to permit construction of a second driveway that would exceed the maximum allowable impervious surface area by 5.1%; 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 September 16, 2015; 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 5025 Covington Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0032) is a single-family lot of record located within the R1A district.
2. The applicant proposes to construct a second driveway that exceeds the maximum allowable impervious surface area.
3. Greenwood ordinance code section 1176.04(3)(3)(a) states, "Impervious surface coverage in all residential districts as expressed as a percentage of the lot area, shall not exceed 30%"
4. The applicant proposes to have a total impervious surface area of 35.1% and seeks a variance to exceed the maximum allowable impervious surface area by 5.1%.
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.
- 7. The planning commission discussed the variance request and on a 5-0 vote recommended the council deny the application of application of Dale Gustafson, representing Mary McQuinn of 5025 Covington Street, for variances to Greenwood ordinance code section 1176.04(3)(3)(a) to exceed the maximum allowable impervious surface area by 5.1% in order to construct a second driveway, as presented. The proposal does not meet the practical difficulties standards outlined in section 1155.10(4) in that the plight of the landowner-applicant is not due to circumstances unique to the property and is created by the landowner because previously approved plans currently allow for adequate driveway access for the property while also remaining under the allowable impervious surface area.
- 8. Based on the foregoing, the city council determined that variance request:
 - (a) Does not comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
 - (b) The plight of the landowner-applicant is not due to circumstances unique to the property and is created by the landowner because previously approved plans currently allow for adequate driveway access for the property while also remaining under the allowable impervious surface area.

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 **not** made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of a variance and therefore a variance to section 1176.04(3)(3)(a) to exceed the maximum allowable impervious surface area by 5.1% 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 Dale Gustafson, representing Mary McQuinn of 5025 Covington Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0032) for a variance to section 1176.04(3)(3)(a) to exceed the exceed the maximum allowable impervious surface area by 5.1% is **DENIED**.

PASSED this ___ day of _____, 2015 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk

RESOLUTION NO 15-15

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

DENYING

In Re: Application of Dale Gustafson, representing Mary McQuinn of 5025 Covington Street, for a conditional use permit under Greenwood ordinance code section 1140.19(2) and 1150.20 to permit grading or site / lot topography alterations involving more than 200 square feet of surface area, and involving more than 20 cubic yards of material.

WHEREAS, Mary McQuinn is the owner of property commonly known as 5025 Covington Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0032) in conformance with Greenwood ordinance code sections 1140.19(2) and 1150.20 has made application for a conditional use permit (CUP); and

WHEREAS, the applicant proposes to regrade the property in order to accommodate a second driveway and several stormwater mitigation systems; 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 September 16, 2015; 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 5025 Covington Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0032) is a single-family lot of record located within the R1A district.
2. Pursuant to Greenwood ordinance code 1140.19(2), the property owner proposes to regrade the property in order to accommodate a second driveway and several stormwater mitigation systems which would require grading or altering site / lot topography involving more than 200 square feet of surface area, and involving more than 20 cubic yards of material, 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.
7. The planning commission discussed the CUP request and on a 5-0 vote recommended **denial** because the proposed CUP request **does not** comply with the CUP standards in Greenwood ordinance section 1150.20, subd 1, because:
 - a. Absent the associated variance, the interest in the public health, safety, comfort, convenience and general welfare of the neighborhood are not being met because the proposed changes will unnecessarily alter the topography of the property.
8. Based on the foregoing, the city council determined that the proposed CUP request CUP request does not comply with the CUP standards in Greenwood ordinance section 1150.20, subd 1, because:
 - a. Absent the associated variance, the interest in the public health, safety, comfort, convenience and general welfare of the neighborhood are not being met because the proposed changes will unnecessarily alter the topography of the property.

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 **not** made an adequate demonstration of facts meeting the standards of sections 1140.19(2) and 1150.20 necessary for the grant of a CUP.

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 **deny** a Conditional Use Permit to the applicant for the subject property to regrade the property in order to accommodate a second driveway and several stormwater mitigation systems which would require grading or altering site / lot topography involving more than 200 square feet of surface area, and involving more than 20 cubic yards of material.

PASSED this ____ day of _____, 2015 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: **7C**

Agenda Date: **10-07-15**

Prepared by Deb Kind

Agenda Item: 1st Reading: Ordinance 245, Regarding Accessory Structures, Recreational Improvements, and Miscellaneous Improvements / Uses

Summary: At the August city council meeting, the city council appointed a committee to draft an ordinance to amend the city code and clarify the definitions of "structure," "accessory structure," and "personal property" to address frost footings, structure footings, at-grade decks, patios, sidewalks, walkways, driveways, swing sets, play systems, above ground hot tubs, above ground pools, outdoor kitchens, fire pits, outdoor fireplaces, pergolas, tent canopies, etc. and designate setbacks / hardcover* for these items. The committee members were Mayor Kind, Councilman Cook, Councilman Fletcher and Planning Commission Chairman Pat Lucking. City zoning administrator Dale Cooney participated one of the committee worksessions. City attorney Mark Kelly commented on an initial draft of the ordinance.

The draft of the ordinance is attached. *Note: During committee discussions, the group decided to remove the "hardcover" column from the table.

Planning Commission Action: On 09-16-15, the planning commission held a public hearing and made the following recommendation to the city council:

Motion by Chairman Lucking to recommend the city council adopts ordinance 245 regarding accessory structures etc. with suggestions for revisions to be sent to the city zoning administrator. Second by Commissioner Conrad. Motion passed 5-0. Note: As of the city council packet deadline, no suggestions had been sent to the zoning administrator.

See the FYI section of the city council packet to view the 09-16-15 planning commission minutes.

Timeline:

- ~~09-09-15 Deadline for the draft of the ordinance for inclusion in the planning commission packet.~~
- ~~09-16-15 Planning commission holds public hearing and makes a recommendation to the city council.~~
- 10-07-15 City council considers 1st reading of the ordinance (may make revisions).
- 11-04-15 City council considers 2nd reading of the ordinance (may make revisions).
- 11-05-15 The ordinance is submitted to the Sun-Sailor for publication.
- 11-12-15 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

1. I move the city council approves the 1st reading of ordinance 245 regarding accessory structures, recreational improvements, and miscellaneous improvements / uses as written.
2. I move the city council approves the 1st reading of ordinance 245 regarding accessory structures, recreational improvements, and miscellaneous improvements / uses with the following revisions: _____.

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

On pages 1-3, Underlined text = new text, ~~Strikethrough text~~ = text to be deleted
On pages 4-5, all text is new

ORDINANCE NO. 245

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTERS 11 & 12 REGARDING ACCESSORY STRUCTURES,
RECREATIONAL IMPROVEMENTS, AND MISCELLANEOUS IMPROVEMENTS / USES**

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

SECTION __.

Greenwood ordinance code section 1102.00 Definitions, "Structure" is amended to read as follows:

~~"Structure When used in the context of the shoreland management district ordinance section 1176, "structure" means any water-oriented accessory structure and appurtenances thereto, except aerial or underground utility lines, such as sewer, electric, telegraph, or gas lines, including towers, poles, and other supporting appurtenances. When used in the context of the floodplain ordinance section 1174, "structure means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in section 1174 and other similar items. In all other contexts of this code "structure" means anything that is constructed or erected on the ground, including any piece of work artificially built up or composed of parts jointed together in some definite manner, whether temporary or permanent in character. The word "structure" includes the word "building" as defined in the zoning code.~~
Structure means anything constructed or erected, the use of which requires a location on the ground or attachment to something having a location on the ground. The word "structure" includes the word "building" as defined in this section.

SECTION __.

Greenwood ordinance code section 1102.00 Definitions, "Accessory Use, Building or Structure" is hereby deleted and the following definition of "Structure (Accessory)" is adopted to read as follows:

~~"Accessory Use, Building, or Structure means a use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or structure, including but not limited to, decks, garages, sheds or storage buildings, swimming pools, spas, and tennis courts. Structure (Accessory) means an uninhabited subordinate building or other subordinate structure that is located on the same lot as a principal building, the use of which is clearly subordinate to the use of the principal building and is physically attached to the ground via footings, piers, concrete slab, etc. Examples of accessory structures include, but are not limited to, detached garages, sheds, and storage buildings."~~

SECTION __.

Greenwood ordinance code section 1102.00 Definitions, "Principal Structure, Principal Building" is amended to read as follows:

~~"Principal Structure, Principal Building means the structure or building which represents the primary building or use of a given lot as permitted under this code. Nothing herein shall prohibit separate commercial premises within a multiple use building being recognized as lawful sites for individual sign permits. Structure (Principal) means the structure or building which represents the primary building or use of a given lot as permitted under the zoning code."~~

SECTION __.

Greenwood ordinance code section 1102.00 Definitions, "Water-Oriented Accessory Structure" is amended to read as follows:

~~"Water-Oriented Accessory Structure means a small, above ground building or other improvement, except stairways and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include docks and bathouses. Structure (Water-Oriented Accessory) Pursuant to Minnesota state rule 6120.2500, water-oriented accessory structure means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures include, but are not limited to, bathouses, gazebos, screen houses, fish houses, pump houses, and detached decks."~~

SECTION __.

Greenwood ordinance code section 1102.00 Definitions, “Yard” is amended to read as follows:

“*Yard* means an open ~~the~~ space on the same lot with a building, lying between the principal structure and the lot lines, otherwise unobstructed or unoccupied from the ground to the sky, except for fences, permitted accessory structures, or trees and shrubs.

The following illustrations show examples of yard locations:



SECTION __.

Greenwood ordinance code section 1102.00 Definitions, “Yard (Front)” is amended to read as follows:

“*Yard (Front)* means an open, unoccupied the space, extending across the full width of the lot and lying between the edge of the public right-of-way open and actually used for travel and the nearest building line of the principal structure. The front property line, not the street pavement, shall be used for measuring the front yard setback. ~~Corner lots must have two front yards.~~

SECTION __.

Greenwood ordinance code section 1102.00 Definitions, is amended by the addition of the following definition:

“*Yard (Exterior Side)* means the space extending across the full width of the lot and lying between the edge of a second public right-of-way open and used for travel or an unimproved public right-of way and the nearest building line of the principal structure. The property line, not the street pavement, shall be used for measuring the setback. Properties with exterior side yards are commonly called “Corner Lots.”

SECTION __.

Greenwood ordinance code section 1102.00 Definitions, “Yard (Lake or Lakeside)” is amended to read as follows:

“*Yard (Lake or Lakeside)* means an open, unoccupied the space extending the full width of the lot and lying between the ordinary high water mark level of the lake and the nearest building line of the principal structure. In no event shall the lakeside yard be interpreted to coincide with definition of front yard contained herein.

SECTION ____.

Greenwood ordinance code section 1102.00 Definitions, "Yard (Side)" is amended to read as follows:

"Yard (Rear) means ~~an open, unoccupied~~ the space between the rear property line and the nearest building line of the principal structure, for the full width of the lot. The rear yard typically is located opposite that of the front yard. The zoning administrator shall determine the location of the rear yard for lots that front on two or more streets.

SECTION ____.

Greenwood ordinance code section 1102.00 Definitions, "Yard (Side)" is amended to read as follows:

"Yard (Side) means ~~an open, unoccupied~~ the space between the side property line of the lot and the nearest building line of the principal structure extending the full length of the property."

SECTION ____.

Greenwood ordinance code section 1102.00 Definitions is amended by the addition of the following definitions:

"Recreational Improvement means an improvement that is attached to the ground and is used for recreational purposes. Examples of recreational improvements include, but are not limited to, in-ground swimming pools, in-ground spas, sport courts, and tennis courts. Recreational improvements may or may not have frost footings or structural footings."

"Structure (Floodplain) When used in the context of the floodplain ordinance section 1174, structure means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers / vehicles not meeting the exemption criteria specified in section 1174 and other similar items."

SECTION ____.

Greenwood ordinance code sections 1120.15 R-1A Setbacks, 1122.15 R-1B Setbacks, 1123.15 R-1C Setbacks, 1125.15 and R-2 Setbacks are amended to remove "Accessory Structures" from the tables and remove accessory structure related footnotes from below the tables.

SECTION ____.

Greenwood ordinance code section 1140.20 subd 6 is amended to read as follows:

Subd. 6. Permitted Obstructions in Required Yards: The following shall not be considered to be obstructions when located in the required yards specified:

- a. *In Front Yards:* 1-story bay windows projecting 3 feet or less into the yard; and overhanging eaves and gutters projecting 2-1/2 feet or less into the yard.
 1. A landing place or uncovered porch may extend into the required front yard to distance not exceeding 6 feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than 3 feet may be placed around such place.
 2. The required front yard of a corner shall not contain any wall, fence, or other structure, tree, shrub, or other growth that may cause danger to traffic on a street or public road by obscuring the view.
 3. On double frontage lots, the required front yard shall be provided on both streets.
 4. ~~Air conditioning units, excluding window units, shall be located a minimum of 20 feet from all lot lines, but not within the front yard.~~
- b. *In Side Yards:* Overhanging eaves and gutters projecting into the yard for a distance of 2 inches per foot of required side yard.
- c. *In Rear Yards:* Enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory structures, tool rooms, and similar buildings or structures for domestic storage; balconies; breezeways and open porches; 1-story bay windows projecting 2-1/2 feet or less into the yard; and overhanging eaves and gutters projecting 2-1/2 feet or less into the yard.

SECTION __.

Greenwood ordinance code section 1140.10 is amended to read as follows:

“Section 1140.10. Accessory Structures, Recreational Improvements, and Miscellaneous Improvements / Uses.

Subd. 1. *Purpose.* Accessory structures, recreational improvements, and miscellaneous improvements / uses provide an important means for owners to enjoy their property. To preserve (1) the public safety and welfare, (2) the quiet and peaceful enjoyment of property, (3) property values, and (4) to prevent adverse impacts arising from overcrowding or competing uses associated with the placement, location, or use of accessory structures, recreational improvements, and miscellaneous improvements / uses, the city has determined that the setbacks set forth in subdivision 2 below are necessary to protect the public welfare of the city.

Subd. 2. *Standards for Accessory Structures, Recreational Improvements, and Miscellaneous Improvements / Uses.* The setbacks for the uses identified below shall be the applicable minimum setback standards for each identified use. See section 1102 for definitions.

	Front Yard Setback	Side Yard Setback	Exterior Side Yard Setback (Corner Lot)	Rear Yard Setback	Lakeside Yard Setback
Accessory Structures (see sections 1120.20, 1122.20, 1123.20, 1125.20 for more regulations)	50 feet	10 feet	30 feet	10 feet	See water-oriented accessory structures below
Air Conditioners, Generators	50 feet	5 feet	30 feet	20 feet	45 feet
Benches (built-in)	0 feet	5 feet	0 feet	10 feet	10 feet
Bird Feeders, Bird Houses	0 feet	5 feet	0 feet	10 feet	0 feet
Decks – up to 30 inches in height, excluding railings (attached or detached from principal structure, with or without footings)	50 feet	5 feet	30 feet	10 feet	35 feet
Decks – 30+ inches in height, excluding railings (attached or detached from principal structure, with or without footings)	50 feet	10 feet	30 feet	10 feet	50 feet See subd 5 below for exception for small detached decks
Driveways	0 feet	5 feet	0 feet	10 feet	50 feet
Driveway Entry Monuments (6ft maximum height from grade including lights and finials, 3ft maximum depth, 3ft maximum width)	0 feet	5 feet	0 feet	Not applicable	Not applicable
Fireplaces, Grills, Outdoor Kitchens (built-in or free-standing)	50 feet	5 feet	30 feet	10 feet	35 feet
Fire Pits (built-in or free-standing)	50 feet	5 feet	30 feet	10 feet	10 feet
Flag Pole (40ft maximum height from grade)	0 feet	5 feet	0 feet	10 feet	0 feet
Light Pole (12ft maximum height from grade)	0 feet	5 feet	0 feet	10 feet	10 feet
Monument Signs, V-Shaped Signs (commercial properties and conditional use permitted commercial properties only, see section 1140.40 subd 8(d) for more regulations)	0 feet	10 feet	0 feet	Not allowed	Not allowed
Patios, Slabs – up to 30 inches in height, excluding railings (pervious or impervious, with or without footings)	50 feet	5 feet	30 feet	10 feet	35 feet
Patios, Slabs – 30+ inches in height, excluding railings (pervious or impervious, with or without footings)	50 feet	10 feet	30 feet	10 feet	50 feet
Pergolas, Arbors	0 feet	5 feet	0 feet	10 feet	35 feet
Planters, Raised Garden Beds	0 feet	0 feet	0 feet	0 feet	0 feet
Recreational Improvements: In-Ground Swimming Pools, In-Ground Spas, Sport Courts, Tennis Courts (see subd. 4 below for in-ground pools)	50 feet	10 feet	30 feet	10 feet	50 feet
Sidewalks, Paths, Walkways (6ft width maximum, pervious or impervious, with or without frost footings)	0 feet	5 feet	0 feet	10 feet	0 feet
Storage Chests, Storage Sheds (free-standing)	30 feet	5 feet	30 feet	10 feet	10 feet
Swimming Pools, Hot Tubs (above ground)	30 feet	5 feet	30 feet	10 feet	10 feet
Swing Sets, Play Systems, Playhouses	30 feet	5 feet	30 feet	10 feet	10 feet
Tents, Canopies	30 feet	5 feet	30 feet	10 feet	10 feet
Tree Houses	50 feet	10 feet	30 feet	10 feet	50 feet
Water-Oriented Accessory Structures: Boathouses, Gazebos, Screen Houses, Fish Houses, Pump Houses, Detached Decks (as regulated in subd. 5 below)	Not applicable	10 feet	10 feet	Not applicable	10 feet

Subd. 3. *Proximity and Attachment of Accessory Structures to Principal Structures.* If an accessory structure is attached or physically connected to the main principal structure by any means, utility connections excepted, it shall be deemed a part of the main principal structure and shall comply in all respects with the requirements of the zoning ordinance applicable to the principal structure. No accessory structure shall be closer than 5 feet to the principal structure. No accessory structure may be attached to and / or made a part of the principal structure, if so doing would cause the principal structure to become noncompliant with the setbacks applicable to the principal structure.

Subd. 4. *Pools.* A conditional use permit is required for all in-ground, at-grade swimming pools.

Subd. 5. *Water-Oriented Accessory Structures.* A conditional use permit is required for all water-oriented accessory structures. Pursuant to Minnesota rule 6120.3300 subpart B(3), water-oriented accessory structures may have the lowest floor placed lower than the elevation if the structure is constructed of flood-resistant materials to the elevation, electrical, and mechanical equipment is placed above the elevation, and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris. Pursuant to Minnesota rule 6120.3300 subpart H, each residential lot may have one water-oriented accessory structure if all of the following standards are met:

- 1) The structure must not exceed 10 feet in height, excluding safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed 8 feet above original grade at any point. At some point, the deck must be within 30 inches of the original grade.
- 2) The setback of the structure from the ordinary high water level must be at least 10 feet.
- 3) The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the city.
- 4) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
- 5) The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- 6) Water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.”

SECTION __.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2015.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk

First reading: _____, 2015
Second reading: _____, 2015
Publication: _____, 2015

**CITY OF GREENWOOD
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Greenwood Planning Commission will hold a public hearing in the Council Chambers at Deephaven City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on **Wednesday September 16 at 7:00 P.M.**, or as soon thereafter as possible for the following purpose:

To consider revisions to the city's sign ordinance, Section 1140.40 of the zoning code, regarding measurements of signage; and to consider revisions to the city's zoning ordinance regarding accessory structures, personal property, and miscellaneous improvements.

All persons are invited to attend the public hearing and written testimony will be accepted. Such persons as desire to express their opinion with reference to this proposal will be heard at this meeting. Comments can be mailed to, City of Greenwood, 20225 Cottagewood Road, Deephaven, MN 55331, e-mailed to dalec@mediacombb.net or you can call (952) 358-9938.

Dale Cooney
Zoning Administrator

Publish:
MN Sun Publications
September 3, 2015



Agenda Number: **7C**

Agenda Date: **10-07-15**

Prepared by *Deb Kind*

Agenda Item: Discuss Proposed Amendments to Municipal Watercraft Ordinance

Summary: At the August city council meeting, the city council approved the following motion:

Motion by Fletcher that the Greenwood city council authorizes Mayor Kind and Councilman Cook to review the dock ordinance, make recommendations for revisions, and report back to the city council. Second by Roy. Motion passed 5-0.

Attached is a draft of the municipal watercraft ordinance with revisions recommended by Mayor Kind and Councilman Cook.

Timeline: Below is a proposed timeline for the ordinance.

- 10-07-15 City council discusses ordinance (may make revisions).
- 11-04-15 City council considers 1st reading of the ordinance (may make revisions).
- 12-02-15 City council considers 2nd reading of the ordinance (may make revisions).
- 12-03-15 The ordinance is submitted to the Sun-Sailor for publication.
- 12-10-15 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

1. I move the city council directs that the draft of the municipal watercraft ordinance be placed on the November 4, 2015 city council agenda for a 1st reading.
2. I move the city council directs that the draft of the municipal watercraft ordinance be placed on the November 4, 2015 city council agenda for a 1st reading with the following revisions: _____.

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

Underlined text = new text, ~~Strikethrough text~~ = text to be deleted

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 425 REGARDING MUNICIPAL WATERCRAFT SPACES**

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

SECTION 1.

Greenwood ordinance code chapter 12 is amended to add the following:

“SECTION 425. MUNICIPAL WATERCRAFT SPACES.

Section 425.00. Purpose.

The city maintains municipal docks, sailboat slips, and canoe racks on and adjacent to Lake Minnetonka to provide watercraft facilities primarily for residents of the city who do not own lakeshore properties.

Section 425.05. Definitions.

See chapter 12 for definitions.

Section 425.10. Priority Schedule for Space Permits.

Space permits for the St. Alban's Bay municipal docks, Meadville sailboat slips, and Meadville canoe racks are granted based on the following priority schedule:

1. *First Priority:* Off-shore Greenwood residents immediate past watercraft space permit holders.
2. *Second Priority:* Off-shore Greenwood residents on the waiting list.
3. *Third Priority:* Lakeshore Greenwood residents immediate past watercraft space permit holders.
4. *Fourth Priority:* Lakeshore Greenwood residents on the waiting list.
5. *Fifth Priority:* Non-residents.

Section 425.15. Process.

The following outlines the process for issuance of watercraft space permits:

- (a) *Get on the waiting list:* Residents and non-residents must complete a "waiting list" application and deliver by mail or in person to the ~~city clerk~~ marina clerk who will put up to 2 names per household per position on the appropriate waiting list in the order they are received. Separate lists will be maintained for the St. Alban's Bay docks, Meadville sailboat slips, and Meadville canoe rack locations for the 5 priority categories listed in section 425.10. An address is allowed to appear only once per waiting list. Once a household is assigned a watercraft space, the address may not appear on the same waiting list. ~~Waiting list applications for the Meadville canoe rack spaces will be accepted beginning October 1, 2012 at 8 a.m.~~
- (b) *Past permittees must submit an application by March 15:* The ~~city clerk~~ marina clerk will mail "slip renewal" applications to past ~~permittees~~ watercraft space permit holders ("permittees") before February 1 each year. The applicant shall cause the application form, all required information, and the required non-refundable fee to be delivered to the ~~city clerk~~ marina clerk no later than March 15. Failure to meet the March 15 deadline shall cause immediate past permittees to lose their priority and their name will go to the bottom of the appropriate waiting list. If a past permittee misses the March 15 deadline, they may appeal to the city council by submitting a written request to the marina clerk by March 25. If the city council reinstates the permittee, the city council may require the permittee to pay 50% the permit fee as a penalty and set a deadline for payment. If the reinstatement payment deadline is missed, the permittee will lose their space and their name will go to the bottom of the appropriate waiting list.
- (c) *Slips are assigned to past permittees first:* Past permittees will be assigned the same slip as the previous year.
- (d) *Open spaces assigned to past permittees who request relocation:* After March 15 open spaces will be assigned to past permittees who request relocation on their application. Open spaces will be assigned based on seniority. Seniority is determined by the year the permittee was assigned a space.
- (e) *Open spaces assigned to waiting list:* The ~~city clerk~~ marina clerk will offer remaining open spaces to the person(s) at the top of the waiting list in writing. New permittees must complete the application requirements in section 425.25 within 10 days of the date of mailing. Failure to meet the 10-day deadline shall be treated the same as if the space was declined. If the person(s) at the top position on the waiting list declines to take a watercraft space, their name(s) shall go to the bottom of the waiting list, and the offer will go to the next person(s) on the list. If more than one

space opens up in a given year, a letter (A, B, C, etc.) is added to the year for seniority purposes. The letter corresponds to the order the new permittee's name appeared on the waiting list.

- (f) *Adding or deleting names:* A second name may be added or changed, as long as the second person resides at the same household. If either person moves from the city, their name shall be removed from the list. In the case of one person moving to another household in the city, the person staying at the original household shall keep the priority position on the list and the other person will go to the bottom of the appropriate waiting list. In the case of death, the priority position can only go to a second person if their name was on the list with the deceased. In other words, a child cannot move back into the home and take over the priority rights. No one under the age of 18 is allowed to be on a dock list or waiting list. All requests for name changes must be in writing and establish residency by including a photocopy of a Minnesota driver's license or Minnesota state identification card.

Section 425.20 Additional Provisions for the Meadville Sailboat Slips.

Subd. 1. The city holds interest in various public right-of-way and other properties that abut public waters of Lake Minnetonka (apart from the St. Alban's Bay municipal dock site). The subdivisions set forth below state special conditions and provisions related to the identified lake access lots.

Subd. 2. *Terms and Conditions.* The use of that certain public access lying westerly of Meadville Street located between property tax ID parcels 261172332-0004 and 261172332-0011 (commonly called the Meadville [boat launch sailboat slips](#)) is subject to the following terms and conditions:

- (a) The city may offer watercraft permits for up to 2 watercraft.
- (b) Watercraft spaces shall be for sailboats only.
- (c) The city shall not be responsible for providing any docking facilities at this site.
- (d) Boatlifts supplied by the permittee may be used. The [city marina clerk](#) may refuse permits for boatlifts because of size considerations. Any watercraft space permittee that desires to place a boatlift at this assigned site shall request preapproval from the [city-clerk marina clerk](#).

Subd. 3. *Meadville sailboat permits are not transferrable to the St. Alban's Bay municipal docks.* Holders of a Meadville sailboat permit shall be entitled to renewal, but shall not obtain rights of priority to a permit at the St. Alban's municipal dock site on St. Alban's Bay. Nothing herein shall prevent the holder of a Meadville sailboat permit from being on the waiting list for a permit at the municipal dock site on St. Alban's Bay. In the event a Meadville sailboat permit holder is granted a permit for the municipal dock site on St. Alban's Bay, such person shall not also be entitled keep their Meadville sailboat permit.

Section 425.25. Application Requirements.

An applicant for a watercraft space permit must:

- (a) Complete the application form and pay the requisite non-refundable fee (set forth in chapter 5).
- (b) Establish residency by submitting a photocopy of a Minnesota driver's license or Minnesota state identification card to the [city-clerk marina clerk](#). If 2 names are on the application, both must prove residency and live at the same residence.
- (c) Submit a photocopy of the watercraft title and registration card indicating that at least one of the applicants is the owner of the watercraft. Maximum of 2 names (both must reside at the same residence) may appear on the title and registration card. If a watercraft does not have a title or registration card, this requirement ~~will~~ [may](#) be waived [by the marina clerk](#).
- (d) Provide a complete description of the watercraft including make, model, length (St. Alban's Bay dock maximum 23 ft.), beam (St. Alban's Bay dock maximum of 8.5 ft.), and Minnesota Department of Natural Resources (DNR) registration number. Note: Immediate past St. Alban's Bay dock permit holders whose watercraft identified on their 1997 watercraft space permit violates the size requirements of this paragraph shall not be denied renewal of the permit for non-conformance of the same watercraft. If a watercraft does not require registration, the requirement for a DNR registration number ~~will~~ [may](#) be waived [by the marina clerk](#).
- (e) All watercraft owners must sign an acknowledgement and waiver of claims against the city.
- (f) If an applicant does not have a boat, [the applicant must provide the information listed in \(c\) and \(d\) above prior to placing a boat in the assigned space.](#) ~~they may request a 30-day extension from the application deadline in writing to provide items c, d, e above. Failure to secure a boat within 30 days shall result in loss of the fee, space assignment, and the applicant's name shall go to the bottom of the appropriate waiting list.~~

Section 425.26. Additional Provisions for Canoe Rack Spaces.

- (a) Canoe rack permit holders may place one canoe, or up to two kayaks / paddleboards within their designated space provided that doing so does not impede the usage of adjacent spaces.
- (b) Private locks may be used to secure watercraft, but must be removed by October 15.

Section 425.30. Use of Watercraft Space and General Regulations.

Subd. 1. *Rights Not Assignable.* A watercraft space permit is not assignable. No watercraft space permit holder may sell, assign, lease, sublet, or otherwise transfer any rights in the waiting list, or under a watercraft space permit, nor allow any watercraft other than that designated on the watercraft space permit holder's application to be moored or kept within the designated watercraft space.

Subd. 2. *Watercraft Use.* No person may keep a watercraft within a watercraft space except with a valid watercraft space permit first issued pursuant to this ordinance. Watercraft space permit holders who desire to change the watercraft authorized to use a watercraft space shall submit all of the information required to the [city clerk marina clerk](#) in advance for review and confirmation of compliance. No watercraft shall be moored in a watercraft space until the [city clerk marina clerk](#) approves such watercraft as the identified watercraft in the owner's application. In the event a watercraft is sold during mid-boating season, the successor in interest shall have no right to use the watercraft space.

~~Subd. 3. *Non-Use of Watercraft Space.* The permittee's watercraft shall occupy the watercraft space on or before June 15 of the boating season. In the event a permittee fails to place the authorized watercraft within the assigned watercraft space by midnight on June 15, the permittee shall lose their watercraft space for the current and future seasons, and the space shall be offered to the next person on the waiting list (there will be no refund of the fee paid). If the permittee fails to employ the assigned watercraft space for a term of 60 days or greater during the boating season, the city shall not renew the watercraft space permit for future boating seasons. The determination by the city, not to renew a watercraft space permit for non-use shall be final.~~

~~Subd. 4.~~ [Subd. 3.](#) *Permittee Assumption of Liability and Indemnification.* The acceptance of a watercraft space permit by the permittee shall constitute the acknowledgment and agreement by the applicant / permittee that they shall be responsible for any and all damages caused by the permittee, their guests and invitees, or the watercraft itself, to the watercraft space, the dock in general, any other watercraft, persons or property which may arise as a result of storm, vandalism, accident, negligence, intentional act, or act of God. By accepting a watercraft space permit, the permittee agrees to hold the city harmless against any and all claims, directly or indirectly, connected with their watercraft.

~~Subd. 5.~~ [Subd. 4.](#) *Fees.* Fees paid in conjunction with the issuance of a permit are non-refundable. Watercraft space permit fees shall be established, from time to time by the city council and set forth in chapter 5 of this code. Fees may be prorated for permits issued mid-season.

~~Subd. 6.~~ [Subd. 5.](#) *Cooperation.* Permit holders shall cooperate with city officials in all inquiries, verifications, directions or orders that the city makes or issues to permit holders or applicants. Failure to cooperate with inquiries, verifications, directions, or orders made or issued by [the city a city official](#) shall be cause to bar a ~~watercraft space permit holder,~~ permittee, or applicant from applying for or obtaining a watercraft space permit for up to 3 boating seasons.

~~Subd. 7.~~ [Subd. 6.](#) *Final Decisions.* All determinations by the [city clerk marina clerk](#) relating to prioritization of the waiting lists, the issuance of permits, and space assignments shall be final.

~~Subd. 8.~~ [Subd. 7.](#) *Limit on Permits.* No more than 1 St. Alban's Bay dock permit may be issued per single-family residence / applicant, per boating season. St. Alban's Bay dock permit holders may not have a Meadville sailboat slip and vice versa, but St. Alban's Bay dock and Meadville sailboat slip permit holders may have a canoe rack space permit. There is no limit to the number of canoe rack space permits issued per single-family residence / applicant, per boating season.

~~Subd. 9.~~ [Subd. 8.](#) *Common / Collective Ownership or Commercial Use.* Watercraft owned by partnerships, corporations, associations, or used or licensed for commercial purposes shall not be eligible to receive a watercraft space permit.

~~Subd. 10.~~ [Subd. 9.](#) *Additional Watercraft Permit Regulations.* The city may adopt, by resolution, watercraft and watercraft space permit regulations regarding use of municipal docks, watercraft spaces, proper mooring, hours of use, conduct of persons on or about municipally owned, operated, or controlled watercraft spaces or other related topics. A violation of said regulations shall be a petty misdemeanor. Failure to abide by regulations shall be cause for the city to revoke or elect not to renew a permittee's watercraft space permit for the coming boating season and the loss of all waiting list priority.

~~Subd. 11.~~ [Subd. 10.](#) *Quiet Enjoyment.* No person, permittee, or watercraft operator shall disturb the quiet enjoyment of municipal watercraft spaces by other persons, permittees, or the general public in or about any watercraft space, nor otherwise obstruct the use of watercraft spaces, nor allow a watercraft owned, operated, or under their control, to go unattended or improperly tied or secured. ~~A violation of this paragraph shall be a misdemeanor. If a permittee violates this paragraph, the marina clerk shall notify the permittee in writing with the time, date, and nature of the violation and state that the permittee will lose their watercraft space permit for the current boating season and their name(s) will go to the bottom of the appropriate waiting list, unless they appeal to the city council within 2 weeks of the written notification. If the city council reinstates the permittee, the city council may require the permittee to pay 50% of the current permit fee as a penalty and set a deadline for payment. If the reinstatement payment deadline is missed, the permittee will lose their space and their name will go to the bottom of the appropriate waiting list.~~

~~Subd. 12.~~ Subd. 11. *Acknowledgment of City Code.* As a pre-condition to the issuance of any watercraft space permit by the ~~city clerk~~ marina clerk, the permittee shall ~~be given a copy of code section 425 et. seq. and shall~~ sign an acknowledgment that they ~~have received the copy and~~ understand that they are subject to the provisions ~~thereof~~ of city code section 425 regarding municipal watercraft spaces.

~~Subd. 13.~~ Subd. 12. *Watercraft Parking and Beaching.* Only permittees are allowed to park watercraft at municipal docks, slips, or racks. No watercraft is allowed to beach or pull up on municipal shoreline.

(SECTION 425 UPDATED TO ADD PROVISIONS FOR CANOE RACKS SEPT. 2012, ORD. 212)

Section 425.35. Boating Season, Expiration of Permit, and Removal of Watercraft.

The boating season is May 15 to October 15. All watercraft space permits shall expire at the end of the boating season. Watercraft shall be removed from watercraft space permits on or before the end of the boating season. Subsequent to the end of the boating season, the city may impound all watercraft remaining in watercraft spaces. All impoundment and storage cost incurred by the city shall be payable by the permittee and may be certified to taxes if unpaid. Failure to pay impoundment and storage costs shall be cause for the city to revoke or elect not to renew a permittee's watercraft space permit for the coming boating season and the loss of waiting list priority.

Section 425.40. Parking.

Subd. 1. It shall be unlawful to park any trailer or vehicle used in the transportation of boats upon any public parking space or adjacent to any public ground within the city, without obtaining written permission of the city council. Any vehicle used for the transportation of boats or any boat dock, trailer or fish house which shall be parked, placed, kept, or abandoned on, or which shall obstruct any public street, highway, or other public property, may be seized and impounded by any authorized officer or employee of the city.

Subd. 2. Permittees must park vehicles on the city street while using or repairing their watercraft. Permittees shall not park vehicles on the public ground or in the no-parking zones on the streets adjacent to the St. Alban's Bay docks. Permittees shall not park within the Meadville launch area. If a permittee violates this paragraph, the marina clerk shall notify the permittee in writing with the time, date, and nature of the violation and state that the permittee will lose their watercraft space permit for the current boating season and their name(s) will go to the bottom of the appropriate waiting list, unless they appeal to the city council within 2 weeks of the written notification. If the city council reinstates the permittee, the city council may require the permittee to pay 50% of the current permit fee as a penalty and set a deadline for payment. If the reinstatement payment deadline is missed, the permittee will lose their space and their name will go to the bottom of the appropriate waiting list.

Section 425.45. Launching.

No person shall launch or remove from the waters of Lake Minnetonka any watercraft requiring or utilizing a trailer of similar conveyance for the transportation when such launching or removal requires crossing over or through property owned by the city, except as specifically authorized by the city, and then upon such fees as may be established by the city council from time to time and set forth in chapter 5 of this code book.

Section 425.50. Swimming, Fishing.

No person shall swim or water ski from the municipal docks. Fishing is permitted, provided proper precautions are taken so as not to interfere with the normal operation of watercraft, or otherwise damage watercraft moored or docked at the municipal docks.

Section 425.55. Littering.

No person shall deposit, throw, or leave any refuse, cans, bottles, paper, or other discarded material of whatsoever kind or nature on or near the municipal docks or the public lands from which the municipal docks emanate nor throw said materials into the waters of Lake Minnetonka."

SECTION 2.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2015.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk

First reading: _____, 2015
Second reading: _____, 2015
Publication: _____, 2015



Agenda Number: 7E

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: Discuss Ongoing Weed Removal at City Docks

Summary: At the September city council meeting, the council approved the following motion ...

Motion by Cook that the Greenwood city council (1) approves the Waterfront Restoration proposal of \$800 to harvest weeds and remove floating weeds by the city docks on St. Alban's Bay; (2) authorizes the city clerk to sign the proposal; (3) directs that the work be done as soon as possible. Second by Kind. Motion passed 5-0.

Waterfront Restoration completed the harvesting and floating weed removal in September and now more weeds have accumulated on the shore. Is there city council interest in getting a recommendation for frequency and pricing for ongoing harvesting and floating weed removal at the city docks? If so, below is a suggested motion.

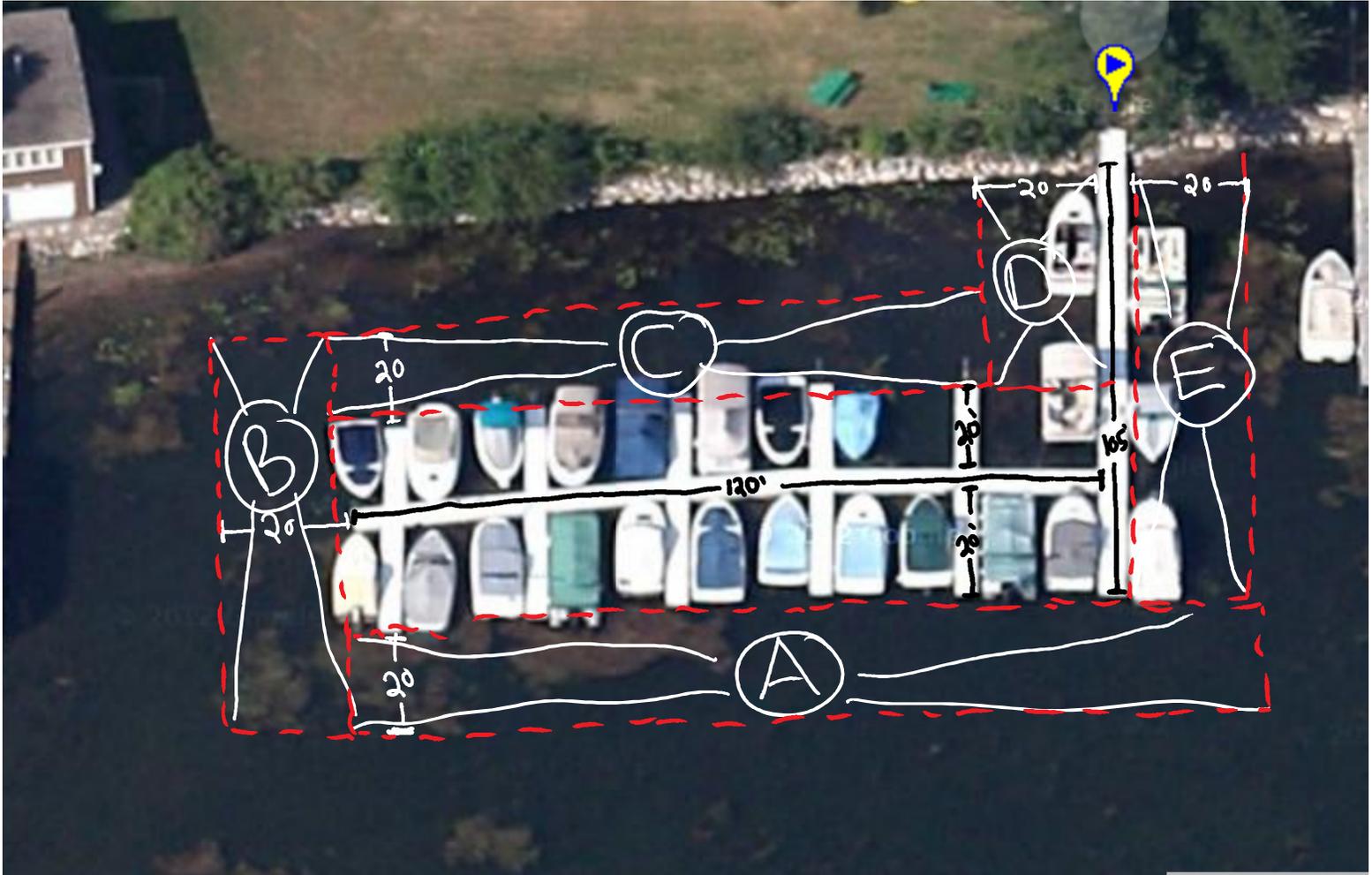
Council Action: No action required. Potential motions ...

1. I move the city council directs the city clerk to secure proposals for ongoing harvesting and floating weed removal at the St. Alban's Bay city docks to begin in the fall of 2015.
2. Do nothing or other motion ???

City of Greenwood Dock Slips- St. Albans Bay - 2015 Lakeshore Management Proposal- 5205 Greenwood Circle, Excelsior



By-The-Root Lake Weed Control Instantly Weed Free • Lasting Results • Chemical Free & Lake-Friendly



	Man hour Rate	Estimated Man hours	Section Subtotal
Harvesting in Sections A, B, C, D, E = cut weeds 5ft below surface + Floating weed cleanup = 20ft perimeter around dock	\$ 275	2	= \$ 550
Scuba diving assistance to clean up areas closer to the docks A, B, C, D, E = 20ft perimeter around dock	\$ 85	18	= \$ 1,530
Disposal Offsite			= \$ 225

Service Visit Scheduling		
	Date Range	
Visit 1:	8/27	9/3
Visit 2:		
Visit 3:		

Estimated Subtotal (Includes 1 Visit): \$ 2,305

50% down payment due upfront, Remaining Payment due at time of completion

NOTE: MAN HOURS OUTLINED ARE ESTIMATES ONLY. EXACT TIME MAY VARY FROM PROJECTED FIGURES

If chemicals have been recently applied, within the area outlined, divers cannot enter the water until the date of drinking water restriction outlined on the posted sign.

Please sign and date here to accept the terms of this proposal: _____



Agenda Number: **7C**

Agenda Date: **10-07-15**

Prepared by Deb Kind

Agenda Item: Ordinance 246, Amending Sign Ordinance

Summary: At the August city council meeting, the city council directed that the planning commission review the sign ordinance to clarify measuring methods and make a recommendation regarding other potential revisions to the city council. Since the planning commission did not meet in August, the ordinance committee (Mayor Kind, Councilman Cook, Councilman Fletcher, and Planning Commission Chairman Pat Lucking) expanded their scope to include drafting revisions to the sign ordinance.

The draft of the ordinance is attached.

Planning Commission Action: On 09-16-15, the planning commission held a public hearing and made the following recommendation to the city council:

Motion by Commissioner Paeper to recommend the city council adopts ordinance 246 regarding signage, with the following suggested revisions:

1. Consider removing the front facade limitation in the ordinance since a building might want to have signs on multiple facades.
2. Clarify paragraph I regarding multiple tenants having 75 square feet each.
3. Clarify paragraph C regarding business identification graphics that are allowed by rights.

Second by commissioner Bechtell. Motion passed 5-0.

See the FYI section of the city council packet to view the 09-16-15 planning commission minutes.

Timeline:

- ~~09-09-15~~ Deadline for the draft of the ordinance for inclusion in the planning commission packet.
- ~~09-16-15~~ Planning commission holds public hearing and makes a recommendation to the city council.
- 10-07-15 City council considers 1st reading of the ordinance (may make revisions).
- 11-04-15 City council considers 2nd reading of the ordinance (may make revisions).
- 11-05-15 The ordinance is submitted to the Sun-Sailor for publication.
- 11-12-15 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

1. I move the city council approves the 1st reading of ordinance 246 regarding signs as written.
2. I move the city council approves the 1st reading of ordinance 246 regarding signs with the following revisions:
_____.

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

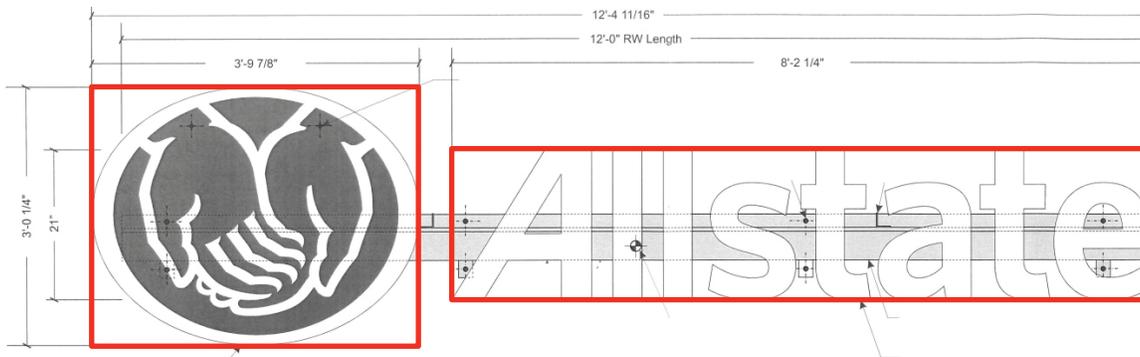
**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1140.40 REGARDING SIGNAGE**

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

SECTION 1.

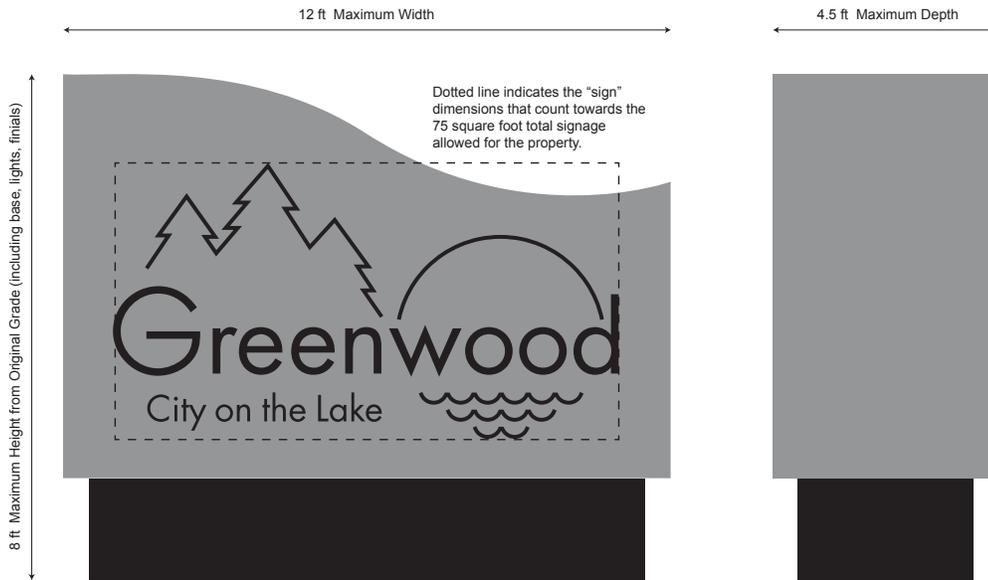
Greenwood ordinance code section 1140.40 subd 8 is amended to read as follows:

- “(a) The size of a sign may not exceed 15% of the wall area of the front façade of the structure in which it is located and in no case exceed 75 square feet for all types of signs.
- (b) For wall signs, the area within including the frame shall be used to calculate the square footage, except that the width of a frame exceeding 12 inches shall constitute the sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame, the dimensions for calculating the square footage shall be the area extending 6 inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. If letters or graphics are mounted directly on a wall or fascia in such a way as to be without a frame, the dimensions for calculating the square footage shall be the rectangle formed around the letters and / or graphics (see example A below). Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall 75 square footage allowed.



A. 25.87 square feet

- (c) Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicle, or placed within a structure and visible from outside the structure shall be considered a sign and are included in calculation the overall square footage.
- (d) Monument and V-shaped monument sign structures shall be permitted only by conditional use permit. ~~Monument signs shall not exceed 75 total square feet of display area and shall not exceed 8 feet in height as measured from grade 5 feet from the base of the monument or V shaped sign. The total permitted square foot display area includes all faces of a monument or V shaped sign.~~ Monument and V-shaped structures shall not exceed 12 feet in width, 8 feet in height (measured from the original grade, including base, lights, finials), and 4.5 feet in depth (2.25 feet for each leg of a V-shaped monument structure). The V in V-shaped monument structures shall not exceed 30 degrees. The dotted line in the below example indicates the “sign” dimensions that shall count towards the 75 square foot total signage allowed for the property. Lettering or graphics on all faces of the monument or V-shaped structure shall count towards the 75 square foot total signage allowed for the property.



Monument Signage Maximum Measurements

- (e) Canopies and fixed awnings are to be considered an integral part of the structure to which they are attached. They will be permitted only by conditional use permit provided they meet the following requirements;
1. The awning or canopy may not project into the public right-of-way.
 2. Awnings or canopies may have no part of the structure other than supports nearer the ground surface than 7 feet.
 3. The architectural style of the awning or canopy must be consistent with the building being served.
 4. Awnings and canopies proposed to be built as to encroach into a required yard setback must obtain a conditional use permit.
- (f) The installation of electrical signs shall be subject to the state's electrical code. Electrical service to such signs shall be underground.
- (g) The owner or agent of the building and / or property shall remove any sign that has become obsolete by reason of termination of the business or vacation of the premises.
- (h) The owner, lessee, or manager of the property where a sign is located shall remove or correct a sign within 30 days of the receipt of written notice from the zoning administrator that the sign is in violation or prohibited by the ordinance.
- (i) Separate commercial premises within a multiple use building shall be recognized as lawful sites for individual sign permits.

SECTION 3.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2015.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk

First reading: _____, 2015
Second reading: _____, 2015
Publication: _____, 2015

**CITY OF GREENWOOD
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Greenwood Planning Commission will hold a public hearing in the Council Chambers at Deephaven City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on **Wednesday September 16 at 7:00 P.M.**, or as soon thereafter as possible for the following purpose:

To consider revisions to the city's sign ordinance, Section 1140.40 of the zoning code, regarding measurements of signage; and to consider revisions to the city's zoning ordinance regarding accessory structures, personal property, and miscellaneous improvements.

All persons are invited to attend the public hearing and written testimony will be accepted. Such persons as desire to express their opinion with reference to this proposal will be heard at this meeting. Comments can be mailed to, City of Greenwood, 20225 Cottagewood Road, Deephaven, MN 55331, e-mailed to dalec@mediacombb.net or you can call (952) 358-9938.

Dale Cooney
Zoning Administrator

Publish:
MN Sun Publications
September 3, 2015



Agenda Number: 7G

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: Resolution 16-15, Delinquent Sewer, Stormwater, and Recycling Charges

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

Council Action: Required. Suggested motions ...

1. I move the council approves resolution 16-15 and the assessment roll for delinquent sewer, stormwater, and recycling charges.
2. Other motion ???

**CITY OF GREENWOOD
RESOLUTION NO. 16-15**

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

WHEREAS, the city council of the city of Greenwood has caused a notice to be published fixing the time and place of the council meeting to pass upon the proposed assessment roll for delinquent sewer, stormwater, and recycling charges, more specifically described in the "Notice of Public Hearing" published September 15, 2015 and September 22, 2015 in the Sun-Sailor publication; and

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

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

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

1. That the assessment roll, as prepared by the city clerk, is hereby approved, and the assessments therein contained are hereby determined to be the special assessments for the services herein included.
2. That said assessments are found to be properly assessed upon the properties so served.
3. That each of such unpaid assessments shall bear interest at the rate of 12% per annum accruing on the full amount from December 1, 2015.
4. Prior to certification of the assessment to the county auditor, the owner of any lot, piece or parcel of land assessed hereby may at any time pay the whole of such assessment inclusive of the penalties, to the city treasurer, prior to 4:30pm on November 20, 2015.
5. That the city utility clerk is hereby directed to certify such assessment to the county auditor for collection and remittance to the city treasurer in the same manner as assessments for local improvements.

ADOPTED by the city council of Greenwood, Minnesota this ___ day of _____, 2015.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk

GREENWOOD 2015 TAX CERTIFICATION				
PID #	PROPERTY OWNER	House Number	Street Name	Total Due
26-117-23-13-0066	Brandel, J & E Devney-Brandel	4763	Lyman Ct	\$424.55
26-117-23-31-0018	Brost, M L & S R Brost	5110	Curve St	\$424.55
26-117-23-42-0025	Eggert, David H and A R	5050	Highview Pl	\$201.88
26-117-23-12-0015	Felt, Dawn Marie Lecuyer	4800	Lodge Ln	\$100.94
26-117-23-34-0026	Johnson, Douglas L. / Davis, Joel	21795	Minnetonka Blvd	\$424.55
26-117-23-13-0017	Nomura Home Equity Loan, Inc.	21200	Minnetonka Blvd	\$204.91
26-117-23-42-0048	Page, Jr. Howard Kelsey	5055	Kings Ct	\$100.94
26-117-23-42-0011	Pastor, J T & EM	5100	Greenwood Cir	\$208.03
35-117-23-11-0038	Quackenboss, Michael E	21030	Excelsior Blvd	\$312.00
35-117-23-11-0018	Sullwold, Gregory M	20880	Excelsior Blvd	\$100.94
26-117-23-42-0050	Weseman, Ronald & Mary	5165	Queens Cir	\$100.94
	Grand Total Delinquent Due			\$2,604.23



Agenda Number: 7H

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: Consider Auditor Proposals

Summary: At the 08-05-15 city council meeting, the city council directed the city clerk to issue a request for proposals for auditing services. The RFP is attached. Three auditing firms responded to the RFP and submitted proposals (inserted into the city council packet and available for viewing at city hall).

Below are the proposal costs for the 2015 audit ...

1. CliftonLarsonAllen \$9,600 -- CliftonLarsonAllen has provided Greenwood's auditing services for the past 3 years.
2. Abdo, Eick & Meyers \$10,200
3. BerganKDV \$16,250

Council Action: Required. Suggested motions ...

1. I move the city council approves the auditing services proposal from _____ in the amount of \$_____ to provide auditing services for 2015, and directs the city clerk to notify all proposers of the council's decision.
2. Other motion ???

CITY OF GREENWOOD
REQUEST FOR PROPOSALS
FOR
PROFESSIONAL AUDITING SERVICES

September 1, 2015

Contact Information
Dana H. Young, Greenwood City Clerk
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
952-358-9939
DanaYoung@mchsi.com

A. General Information

The City of Greenwood is requesting proposals from qualified firms of certified public accountants to audit its financial statements for the fiscal year ending December 31, 2015, with the option of auditing its financial statements in future years. These audits are to be performed in accordance with generally accepted auditing standards.

There is no implied obligation for the City of Greenwood to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

Any inquiries concerning the request for proposals should be addressed to Dana H. Young, City Clerk, City of Greenwood, 20225 Cottagewood Road, Deephaven, MN 55331. Telephone: 952-358-9939, email: DanaYoung@mchsi.com.

To be considered, an electronic copy of the proposal must be emailed to DanaYoung@mchsi.com and seven (7) hard copies of the proposal must be received by the office of the City Clerk by 1:00 p.m. on Tuesday, September 29, 2015. Mailing address:

City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
Attn: 2015 Audit Proposal

The City of Greenwood reserves the right to reject any or all proposals submitted.

The proposals will be reviewed and evaluated by the Greenwood City Council on Wednesday, October 6, 2015.

During the evaluation process, the Greenwood City Council reserves the right, where it may serve the City of Greenwood's best interest, to request additional information or clarifications or to permit the correction of errors or omissions. At the discretion of the City of Greenwood, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

The City of Greenwood reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Greenwood and the firm selected.

It is anticipated that the selection of a firm will be completed no later than Wednesday, November 4, 2015. Following the notification of the selected firm, a contract will be executed between both parties immediately thereafter.

B. Term of Engagement

The year of the audit will be for fiscal year ending December 31, 2015, with the option of performing future years' audits subject to the annual review and recommendation of the Greenwood City Council and the satisfactory negotiation of terms.

C. Scope of Services

The City of Greenwood is soliciting the services of qualified firms of certified public accountants to prepare and audit its financial statements for the fiscal year ending 2015, with the option to prepare and audit the City of Greenwood's financial statements for future years and to express an opinion as to whether the City's financial statements are fairly represented in all material respects, in conformity with the accrual basis of accounting generally accepted in the United States of America and in compliance with the reporting requirements for the Minnesota Cities over 2,500 population in compliance with Minnesota State Statute, Section 471.698, and generally accepted auditing standards and the provisions of the Minnesota Legal Compliance Audit Guide for Local Government, according to the State Auditor pursuant to Minnesota State Statute, Section 6.65 and will include test of the accounting records and other procedures deemed necessary to enable the auditor to express such an opinion.

D. City Information

The City of Greenwood, situated in Hennepin County, is located on the south shore of Lake Minnetonka and is part of the Seven-County Metropolitan Area. The City is primarily a residential community with a limited number of commercial establishments located on Minnetonka Boulevard and State Highway 7. There are approximately 700 residents and 350 households. The City has no employees and contracts with surrounding cities for the provision of municipal services.

The City of Greenwood's fiscal year begins on January 1 and ends on December 31. The City's cash balance at the end of December 31, 2014 was \$1,166,073.

The City of Greenwood has four Governmental Funds and two Proprietary Funds. A summary of the 2015 Budget is as follows:

Fund	2015 Budget
General Fund	764,819
Stormwater Fund	12,252
Road Improvement Fund	40,000
Bridge Fund	26,000
Sewer Enterprise Fund	104,737
Marina Enterprise Fund	29,343
Total	977,151

The City of Greenwood has no outstanding debt. More detailed information on the government and its finances can be found in the Annual Financial Audit Report for the year ended December 31, 2014. Contact City Clerk Dana H. Young to obtain a copy of the report.

E. Assistance Provided

The City of Greenwood will provide the auditor with reasonable workspace and administrative staff during the audit to assist the firm by providing information, documentation and explanations. The preparation and confirmations will be the responsibility of the auditor.

F. Proposal Requirement

Inquiries concerning the request for proposals must be made to:

Dana H. Young, City Clerk
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
(952) 358-9939
DanaYoung@mchsi.com



Agenda Number: 71

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: Hwy 7 / Christmas Lake Rd Traffic Signal Painting Project

Summary: The traffic signal located at the intersection of Hwy 7 and Christmas Lake Road operates under a 1997 agreement between MnDOT, Shorewood, and Greenwood. The agreement states that Shorewood is responsible for maintenance and Shorewood and Greenwood each pay 50% of the cost for maintenance. The traffic signal has been rusting for many years and needs to be repainted. Initial estimates anticipated the cost for repainting to be \$16,000, so the Greenwood city council anticipated using up to \$8,000 in contingency funds to pay for our share of the cost. Actual bids from Pole Painting Plus came in lower (see the attached memo from the Shorewood city engineer). At their 09-28-15 meeting, the Shorewood city council approved the attached resolution authorizing Pole Painting Plus to paint the traffic signal dark bronze (brown) in the amount of \$11,900. Shorewood's approval of the resolution was contingent on the Greenwood city council also approving the project. The project is anticipated to be completed the fall of 2015.

Council Action: Required. Suggested motions ...

1. I move the city council affirms the city of Shorewood's approval of the bid from Pole Painting Plus to paint the Hwy 7 / Christmas Lake Road traffic signal with dark bronze paint in the amount of \$11,900, and further directs the city treasurer to disburse payment from the general fund contingency line #101-49000-439 for one half of the cost to the city of Shorewood upon completion of the project.
2. Other motion ???



City of Shorewood Council Meeting Item

#9A

MEETING TYPE
Regular Meeting

Title / Subject: Accept Quotes and Award Contract – TH 7 and Christmas Lake Road Traffic Signal Re-Painting Project, City Project 15-07.

Meeting Date: September 28, 2015

Prepared by: Paul Hornby, City Engineer

Reviewed by:

Attachments Resolution Accepting Quotes and Awarding Contract

Background: The traffic signal located at the intersection of TH 7 and Christmas Lake Road needs to be re-painted and is included under the maintenance agreement between Shorewood, Greenwood and MnDOT. The Cities of Shorewood and Greenwood are working cooperatively to perform this maintenance project.

The City requested quotes from three specialty contractors for this maintenance project and received one quote from Pole Painting Plus, Inc. In accordance with the request for quotes, Pole Painting Plus, Inc. provided a quote for:

Option 1. Two-color painting (Yellow/Silver pole and mast arm) in the amount of \$12,900.00.

Option 2. One-color painting (Dark Bronze pole and mast arm) in the amount of \$11,900.00

Resolutions are provided (one for Option 1, and for Option 2) for Council consideration.

Staff recommends approval from the City of Greenwood prior to entering into a contract for this project.

Financial Considerations: The City has budget \$8,000 in the street maintenance fund and the City of Greenwood has budget \$8,000 to cover their portion of the cooperative project.

Options:

1. Approve the Resolution accepting quotes and awarding the contract to the lowest responsible bidder for Option 1, two-color painting
2. Approve the Resolution accepting quotes and awarding the contract to the lowest responsible bidder for Option 2, one-color painting
3. Reject the quote and provide staff with alternative direction.
4. Take no action at this time

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

Recommendation: Staff recommends Council approve Resolution 15-____, Accepting Quotes and Awarding the Construction Contract for the lowest responsive bid received, Pole Painting Plus, Inc. of Monticello, Minnesota, for the TH 7 and Christmas Lake Road Traffic Signal Re-Painting Project, City Project 15-07, ***contingent upon approval from the City of Greenwood. The Council Action is to state the award for Option 1 or Option 2 as part of the motion.***

CITY OF SHOREWOOD

RESOLUTION NO. 15-069

**A RESOLUTION ACCEPTING QUOTES AND AWARDING CONTRACT
TH 7 / CHRISTMAS LAKE ROAD SIGNAL RE-PAINTING PROJECT
CITY PROJECT 15-07**

WHEREAS, pursuant to an invitation to provide quotes for local improvements designated as the TH 7 / Christmas Lake Road Signal Re-Painting Project, City Project 15-07, quotes were received, opened on September 23, 2015, tabulated according to law; and

WHEREAS, the City Council has determined that Pole Painting Plus, Inc. of Monticello, Minnesota is the lowest quote in compliance with the quote documents.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shorewood as follows:

1. That the Mayor and City Clerk are hereby authorized and directed to enter into a contract with Pole Painting Plus, Inc. in the name of the City of Shorewood, Project No. 15-07, according to the plans and specifications therefore approved by the City Council on file in the office of the City Clerk for single-color paint (dark bronze).

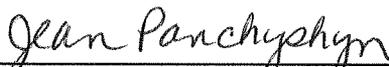
2. That the City Clerk is hereby authorized and directed to return forthwith to all contractors providing quotes the deposits made with their quotes, except for the deposits of the successful quote and the next two lowest quotes, which shall be retained until a contract has been signed.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 28th day of September, 2015.

ATTEST:



Scott Zerby, Mayor



Jean Panchyshyn, City Clerk



Agenda Number: 7J

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: Discuss: Bean's Greenwood Marina Environmental Assessment Worksheet

Summary: The city received a copy of the Environmental Assessment Worksheet dated 09-21-15 and related documents regarding the final phase of the dock project at Bean's Greenwood Marina. The Lake Minnetonka Conservation District is requesting Greenwood's written comments (if any) be sent by 10-28-15. The city council will discuss the EAW at the 10-07-15 city council meeting.

Council Action: None required. Suggested motions ...

1. I move the city council directs the mayor to send written comments regarding Bean's Greenwood Marina's Environmental Assessment Worksheet based on the city council discussion to the Lake Minnetonka Conservation District.
2. Do nothing or other motion ???



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

September 21, 2015

TO: Interested Parties

FROM: Judd J. Harper, Administrative Technician

SUBJECT: Mandatory Environmental Assessment Worksheet (EAW)
Bean's Greenwood Marina, 21945 Minnetonka Blvd., Greenwood, MN
St. Alban's Bay, Lake Minnetonka

On behalf of the Lake Minnetonka Conservation District (LMCD), we are providing a copy of the mandatory EAW document for Bean's Greenwood Marina. The applicant has submitted a new multiple dock license application for the proposed project with the LMCD.

A notice of availability of the EAW will be published in the Environmental Quality Board Monitor, publication date of September 28, 2015. The official 30 day public comment period will continue through October 28, 2015.

Comments are requested in writing at:

**Lake Minnetonka Conservation District
5341 Maywood Road (Suite 200)
Mound, MN 55364**

Please ensure that comments are received in the LMCD office on or before the comment period deadline of October 28, 2015.

ENVIRONMENTAL ASSESSMENT WORKSHEET

This Environmental Assessment Worksheet (EAW) form and EAW Guidelines are available at the Environmental Quality Board's website at: The EQB webpage of Environmental Review Guidance Documents / <http://www.eqb.state.mn.us/EnvRevGuidanceDocuments.htm>. The EAW form provides information about a project that may have the potential for significant environmental effects. The EAW Guidelines provide additional detail and resources for completing the EAW form.

Cumulative potential effects can either be addressed under each applicable EAW Item, or can be addresses collectively under EAW Item 19.

Note to reviewers: Comments must be submitted to the RGU during the 30-day comment period following notice of the EAW in the *EQB Monitor*. Comments should address the accuracy and completeness of information, potential impacts that warrant further investigation and the need for an EIS.

1. Project title: Bean's Greenwood Marina

2. Proposer: Bean's Greenwood Marina

3. RGU: Lake Minnetonka Conservation District

Contact person: **Aaron Bean**
Title: **Authorized Agent**
Address: **21945 Minnetonka Blvd.**
City, State, ZIP: **Greenwood, MN 55331**
Phone: **(952) 474-7942**
Fax:
E-mail: **greenwoodmarina@gmail.com**

Contact person: **Judd Harper**
Title: **Administrative Technician**
Address: **5341 Maywood Road, Suite 200**
City, State, ZIP: **Mound, MN 55364**
Phone: **(952) 745-0789**
Fax: **(952) 745-9085**
E-mail: **jharper@lmcd.org**

4. Reason for EAW Preparation (check one)

Required:

- EIS Scoping
- Mandatory EAW

Discretionary:

- Citizen petition
- RGU discretion
- Proposer initiated

If EAW or EIS is mandatory give EQB rule category subpart number(s) and name(s):

4410.4300, subpart 25 and subpart name: Marinas & Harbors.

Construction or expansion of a marina or harbor that results in a 20,000 or more square foot total or a 20,000 or more square foot increase of water surface area used temporarily or permanently for docks, docking, or maneuvering of watercraft; the local government shall be the RGU.

5. Project Location

County: Hennepin

City/Township: Greenwood

PLS Location (1/4, 1/4, Section, Township, Range):

SE 1/4 of the SW 1/4 of Section 26, Township: 117, Range: 23

Watershed (81 major watershed scale): **Minnehaha Creek Watershed District**

GPS Coordinates: **N: Latitude 44° , 54.3702' , W: Longitude 93° , 33.4062'**

Tax Parcel Number: **26-117-23-34-0013**

At a minimum attach each of the following to the EAW:

- County map showing the general location of the project;
- U.S. Geological Survey 7.5 minute, 1:24,000 scale map indicating project boundaries (photocopy acceptable); and
- Site plans showing all significant project and natural features. Pre-construction site plan and post-construction site plan.

6. Project Description

- a. Provide the brief project summary to be published in the *EQB Monitor*, (approximately 50 words).

The Lake Minnetonka Conservation District (LMCD) has received a new multiple dock license application from Bean's Greenwood Marina. The proposal is to reconfigure and reconstruct a portion of the permanent dock at the Commercial Marina facility on St. Albans Bay at 21945 Minnetonka Blvd., Greenwood, MN.

- b. Give a complete description of the proposed project and related new construction, including infrastructure needs. If the project is an expansion include a description of the existing facility. Emphasize: **1)** construction, operation methods and features that will cause physical manipulation of the environment or will produce wastes, **2)** modifications to existing equipment or industrial processes, **3)** significant demolition, removal or remodeling of existing structures, and **4)** timing and duration of construction activities.

Bean's Greenwood Marina has proposed to reconfigure its multiple dock facility on St. Albans Bay. Currently, the facility is approved for 120 Boat Storage Units (BSUs) on approximately 870 feet of continuous shoreline. Ten of the 120 BSUs are transient BSUs and the remaining 110 are overnight BSUs. The site has a BSU density of one for each 7 feet of continuous shoreline. The applicant has submitted new multiple dock license application for the proposed expansion project utilizing LMCD Ordinance 217 for Qualified Commercial Marinas. The proposed project would not increase the number of BSUs. The applicant is proposing to reconfigure and reconstruct the dock on the eastern side of the facility. The main walkway will be straightened which will extend at portion of the dock up to 200' from shore. The applicant proposes to make small changes throughout the entire facility such as relocating two slips (14 & 40) to the end of the northern dock and relocating tie-on BSUs. The applicant also proposes to reconstruct the gas dock and widen it from 7.4' to 10' wide.

A "Qualified Commercial Marina" is a privately owned, revenue producing business that rents storage for 13 or more watercraft on Lake Minnetonka. A facility does not qualify as a "Qualified Commercial Marina" unless all rented BSUs on the Lake are freely available to the public without requiring membership in any organization and without providing any priority or preferences to members of any organization.

Additional BSUs may be used for purposes other than rental to the general public, subject to the following limitations:

- No more than 20% of all BSUs may be used for any combination of the following uses (watercraft held for sale by the marina owner, watercraft being repaired by the marina owner, rental watercraft, emergency storage of a disabled watercraft for up to three business days, or BSUs made available under a priority or preference to owners of specified real property under real estate interests created prior to 1995).
- No more than the number of BSUs rented to the general public may be used for any combination of the following uses (transient use, storage of commercial or government lake maintenance watercraft, or storage of governmental watercraft for emergency response or law enforcement uses).

This mandatory EAW is directed exclusively to the multiple dock facility on St. Albans Bay. It does not address issues other than those associated with the water and the environment at or below 929.4 N.G.V.D. on the Lake, the ordinary high water mark established by the State of Minnesota for Lake Minnetonka. Construction of the proposed expansion project will consist of permanent machine-installed pilings for structure support, with installation to occur in early 2016 through the ice. Noise from the pile driving will occur during the construction of the proposed expansion project, with limited impact on surrounding neighbors.

A portion of the existing permanent dock will be removed from the lake in the fall by barge. The new portion of the dock will be installed on the ice in January or February. The new pilings installed below the water line will be ACZA pressure treated Red Pine pilings. The remaining dock materials will be pressure treated wood installed above the waterline. The timing and method of removal and installation will minimize the amount of sediment disruption.

Lake Minnetonka is a designated infested water containing Eurasian Watermilfoil, zebra mussels, and flowering rush. Proper measures will be taken to mitigate spread by thoroughly inspecting and cleaning all equipment prior to placement into the water, as well as after the removal. The contractors that will be used for the project are MN DNR licensed lake service providers and will utilize equipment that remains on Lake Minnetonka.

LMCD records indicate that a mandatory EAW has not been previously prepared for this multiple dock facility. Water surface area occupied by the proposed docks, including dock structure and maneuvering space, is 93,592 square feet. Further details of these calculations are outlined in Attachment One.

c. Project magnitude:

Construction/ Infrastructure Elements	Size
Total Project Acreage	
Linear project length	

Number and type of residential units	
Commercial building area (in square feet)	
Industrial building area (in square feet)	
Institutional building area (in square feet)	
Other uses – specify (in square feet)	
Structure height(s)	

This Section deals with land construction information that is not related to docks placed in the water. The project area is applicable to the extent of the water surface covered by the dock structure and maneuvering space identified in Section 6b. Total project area of water surface occupied by the proposed expansion project is 93,592 square feet.

- d. Explain the project purpose; if the project will be carried out by a governmental unit, explain the need for the project and identify its beneficiaries.

The proposed expansion project will reconstruct the dock and provides access to the Lake for the public.

- e. Are future stages of this development including development on any other property planned or likely to happen?

Yes No

If yes, briefly describe future stages, relationship to present project, timeline and plans for environmental review.

- f. Is this project a subsequent stage of an earlier project?

Yes No

If yes, briefly describe the past development, timeline and any past environmental review.

In 2013, 2014 & 2015 the applicant reconfigured and reconstructed other portions of their multiple dock facility. They did not expand the square footage of the dock structures or boat storage units. (this was because of previous LMCD code restrictions on expansion of non-conforming facilities) In this proposal, the applicant is proposing to expand the total square footage of the docks and boat storage and extend some portions of the docks up to 200' from shore. This is the final phase of the reconstruction of the docks.

7. Cover types

Estimate the acreage of the site with each of the following cover types before and after development:

Cover Type	Before	After	Cover Type	Before	After
Wetlands			Lawn/landscaping		
Deep water/streams			Impervious surface		
Wooded/forest			Stormwater Pond		
Brush/Grassland			Other (describe)		
Cropland					
			TOTAL		

This entire section is N/A.

8. Permits and approvals required

List all known local, state and federal permits, approvals, certifications and financial assistance for the project. Include modifications of any existing permits, governmental review of plans and all direct and indirect forms of public financial assistance including bond guarantees, Tax Increment Financing and infrastructure. *All of these final decisions are prohibited until all appropriate environmental review has been completed. See Minnesota Rules, Chapter 4410.3100.*

Unit of Government	Type of Application	Status
LMCD	New Multiple Dock License	Pending EAW
MN DNR	General Permit with LMCD	Pending EAW
City of Greenwood	Comments to LMCD	Pending EAW

Note: Cumulative potential effects may be considered and addressed in response to individual EAW Item Nos. 9-18, or the RGU can address all cumulative potential effects in response to EAW Item No. 19. If addressing cumulative effect under individual items, make sure to include information requested in EAW Item No. 19.

The RGU will conduct extensive review of this proposal with the proposer during the general review of the multiple dock license application. The RGU will hold a public hearing, with the further discussion and analysis by the Board of Directors scheduled pending results of this EAW.

9. Land use

a. Describe:

- i. Existing land use of the site as well as areas adjacent to and near the site, including parks, trails, prime or unique farmlands.

The property is a residential site with commercial marina activities such as slip rental and fuel sales. The site is an island and is adjacent to two residential sites with multiple dock licenses. There is also commercial marina across the bay from this facility.

- ii. Plans: describe planned land use as identified in comprehensive plan (if available) and any other applicable plan for land use, water, or resources management by a local, regional, state, or federal agency.

Dock structures on Lake Minnetonka are subject to a water resources management plan of the RGU, namely its "Management Plan for Lake Minnetonka", dock structure ordinances, and boat density policies. As detailed in Item 6B, the site is a grandfathered multiple dock facility in terms of boat density at a 1:7' of shoreline. Although the site cannot increase the total number of Boat Storage Units (BSUs), as a qualified commercial marina, the facility can increase the total square footage of the structure and BSUs and can extend the docks further out up to 200' from shore. The RGU has additional ordinances that establish an authorized dock use area, including length limitations and side setback requirements.

- iii. Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.

This section is N/A.

- b. Discuss the project's compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.

The adjacent residential properties are used for similar activities including docking and boat storage. The proposal will not increase the watercraft density but will reconstruct and reconfigure the docks to be more uniform. The marina activity has been at this site for over 40 years. The uses have been compatible.

- c. Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 9b above.

The majority of the marina docking is located to the southeast of the island, away from the nearby residential sites.

10. Geology, soils and topography/land forms

- a. Geology - Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.
- b. Soils and topography - Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability or other soils limitations, such as steep slopes, highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 11.b.ii.

NOTE: For silica sand projects, the EAW must include a hydrogeologic investigation assessing the potential groundwater and surface water effects and geologic conditions that could create an increased risk of potentially significant effects on groundwater and surface water. Descriptions of water resources and potential effects from the project in EAW Item 11 must be consistent with the geology, soils and topography/land forms and potential effects described in EAW Item 10.

This entire section is N/A.

11. Water resources

- a. Describe surface water and groundwater features on or near the site in a.i. and a.ii. below:
- i. Surface water – lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within 1 mile of the project. Include DNR Public Waters Inventory number(s), if any.
The project is in St. Albans Bay, part of Lake Minnetonka (27013300).
 - ii. Groundwater – aquifers, springs, seeps. Include: **1)** depth to groundwater; **2)** if project is within a MDH wellhead protection area; **3)** identification of any onsite and/or nearby wells, including unique numbers and well logs if available. If there are no wells known on site or nearby, explain the methodology used to determine this.

This section is N/A.

- b. Describe effects from project activities on water resources and measures to minimize or mitigate the effects in Item b.i. through Item b.iv. below.

- i. Wastewater - For each of the following, describe the sources, quantities and composition of all sanitary, municipal/domestic and industrial wastewater produced or treated at the site.
 - (1) If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.
 - (2) If the wastewater discharge is to a subsurface sewage treatment systems (SSTS), describe the system used, the design flow, and suitability of site conditions for such a system.
 - (3) If the wastewater discharge is to surface water, identify the wastewater treatment methods and identify discharge points and proposed effluent limitations to mitigate impacts. Discuss any effects to surface or groundwater from wastewater discharges.

This section is N/A.

- ii. Stormwater – Describe the quantity and quality of stormwater runoff at the site prior to and post construction. Include the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss any environmental effects from stormwater discharges. Describe stormwater pollution prevention plans including temporary and permanent runoff controls and potential BMP site locations to manage or treat stormwater runoff. Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction.

This section is N/A.

- iii. Water appropriation - Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation.

This section is N/A.

- iv. Surface Waters

- (1) Wetlands - Describe any anticipated physical effects or alterations to wetland features such as draining, filling, permanent inundation, dredging and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed, and identify those probable locations.
- (2) Other surface waters- Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.

The proposed expansion project will not increase the number of watercraft stored at this multiple dock facility.

12. Contamination/Hazardous Materials/Wastes

- a. Pre-project site conditions - Describe existing contamination or potential environmental hazards on or in close proximity to the project site such as soil or ground water contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.

- b. Project related generation/storage of solid wastes - Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.
- c. Project related use/storage of hazardous materials - Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spill or release of hazardous materials. Identify measures to avoid, minimize or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.
- d. Project related generation/storage of hazardous wastes - Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of hazardous waste including source reduction and recycling.

This entire section is N/A.

13. Fish, wildlife, plant communities, and sensitive ecological resources (rare features)

- a. Describe fish and wildlife resources as well as habitats and vegetation on or in near the site.
- b. Describe rare features such as state-listed (endangered, threatened or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number (LA) and/or correspondence number (ERDB) from which the data were obtained and attach the Natural Heritage letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe the results.
- c. Discuss how the identified fish, wildlife, plant communities, rare features and ecosystems may be affected by the project. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.
- d. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to fish, wildlife, plant communities, and sensitive ecological resources.

The proposed expansion project would have little to no impact on fish, wildlife resources, and habitats on or near the site. Fish, wildlife, and habitats on or near the site are consistent with other areas of Lake Minnetonka. The majority of the area where the new docks and slips will be installed is where the existing structures have been in existence for over 40 years. To minimize or avoid impacts, the MN DNR does not allow for the installation of mechanically driven permanent pilings on Lake Minnetonka between April 1st and June 30th of each year. The docks will be

installed through the ice in January or February. MCBS Sites of Biodiversity Significance, MCBS Native Plant Communities, MCBS Railroad Right-of-Ways Prairies and Scientific and Natural Area Boundaries GIS datasets were utilized to produce a map and these features were not found at or near the project site. The preparer has also contacted the Endangered Species Review Coordinator to perform a further Natural Heritage Review.

14. Historic properties

Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include: 1) historic designations, 2) known artifact areas, and 3) architectural features. Attach letter received from the State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.

There are no properties listed in the Register of Historic Places and no known archaeological properties in the area that will be affected by this project.

15. Visual

Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.

Lights may be visible from dock lighting. The extent of the light which may be used on a licensed multiple dock facility is a matter for control by the RGU.

16. Air

- a. Stationary source emissions - Describe the type, sources, quantities and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health or applicable regulatory criteria. Include a discussion of any methods used assess the project's effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.

This section is N/A.

- b. Vehicle emissions – Describe the effect of the project's traffic generation on air emissions. Discuss the project's vehicle-related emissions effect on air quality. Identify measures (e.g. traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.

This section is N/A.

- c. Dust and odors – Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby

sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.

This section is N/A.

17. Noise

Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area, 2) nearby sensitive receptors, 3) conformance to state noise standards, and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.

Noise will be generated during the installation of the mechanically driven permanent pilings for the proposed expansion project.

18. Transportation

- a. Describe traffic-related aspects of project construction and operation. Include: 1) existing and proposed additional parking spaces, 2) estimated total average daily traffic generated, 3) estimated maximum peak hour traffic generated and time of occurrence, 4) indicate source of trip generation rates used in the estimates, and 5) availability of transit and/or other alternative transportation modes.
- b. Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional transportation system. *If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared as part of the EAW.* Use the format and procedures described in the Minnesota Department of Transportation's Access Management Manual, Chapter 5 (available at: Minnesota Department of Transportation Access Management Resources <http://www.dot.state.mn.us/accessmanagement/resources.html>) or a similar local guidance.
- c. Identify measures that will be taken to minimize or mitigate project related transportation effects.

This entire section is N/A.

19. Cumulative potential effects

Note: Preparers can leave this item blank if cumulative potential effects are addressed under the applicable EAW Items.

- a. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.
- b. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.
- c. Discuss the nature of the cumulative potential effects and summarize any other available

information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.

20. Other potential environmental effects

If the project may cause any additional environmental effects not addressed by items 1 to 19, describe the effects here, discuss how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.

RGU CERTIFICATION

*The Environmental Quality Board will only accept **SIGNED** Environmental Assessment Worksheets for public notice in the EQB Monitor.*

I hereby certify that:

- The information contained in this document is accurate and complete to the best of my knowledge.
- The EAW describes the complete project; there are no other projects, stages or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively.
- Copies of this EAW are being sent to the entire EQB distribution list.

Signature:



Date: **September 18, 2015**

Title:

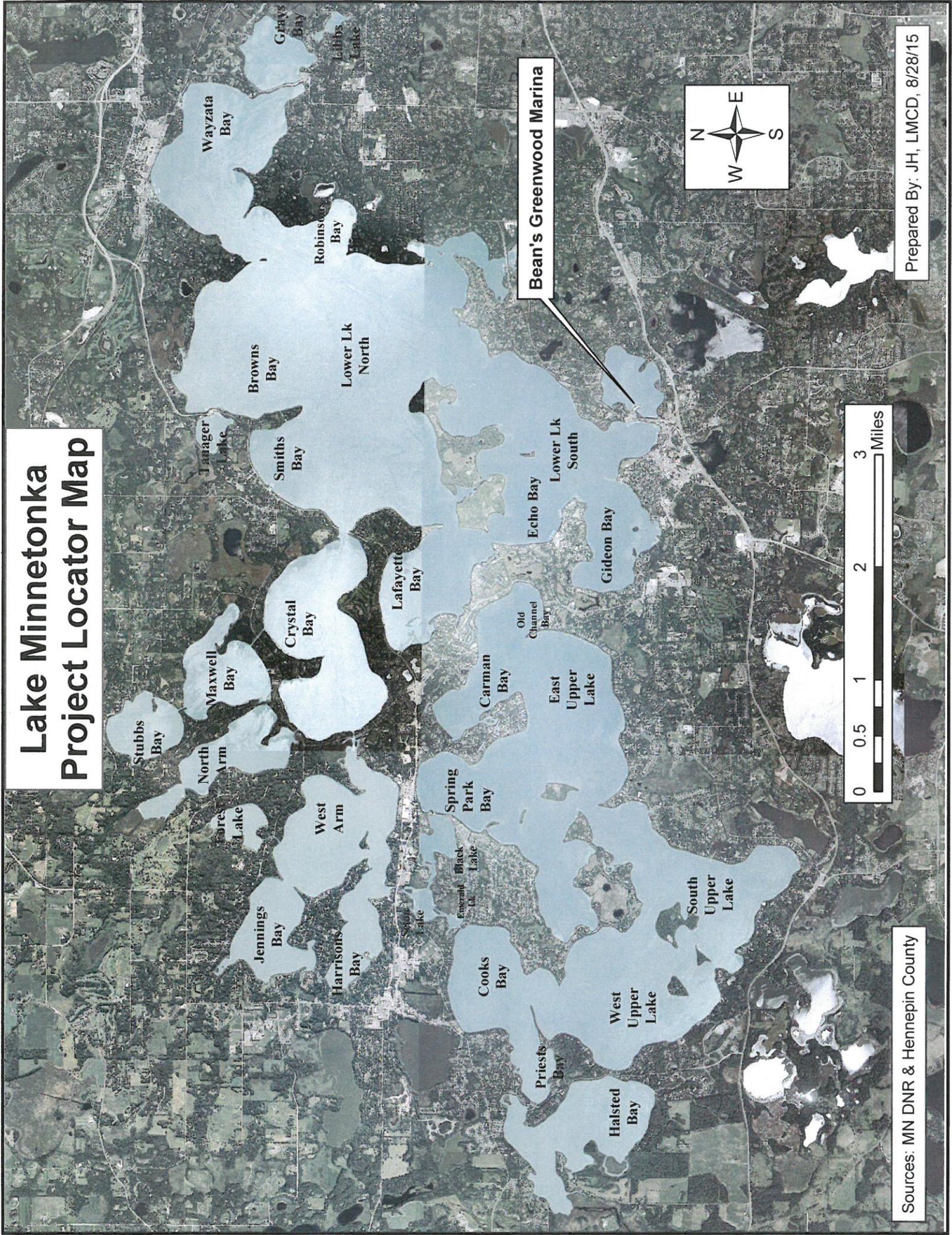
Judd J. Harper
Administrative Technician
Lake Minnetonka Conservation District

Attachment One

Bean's Greenwood Marina EAW Square Footage Calculations

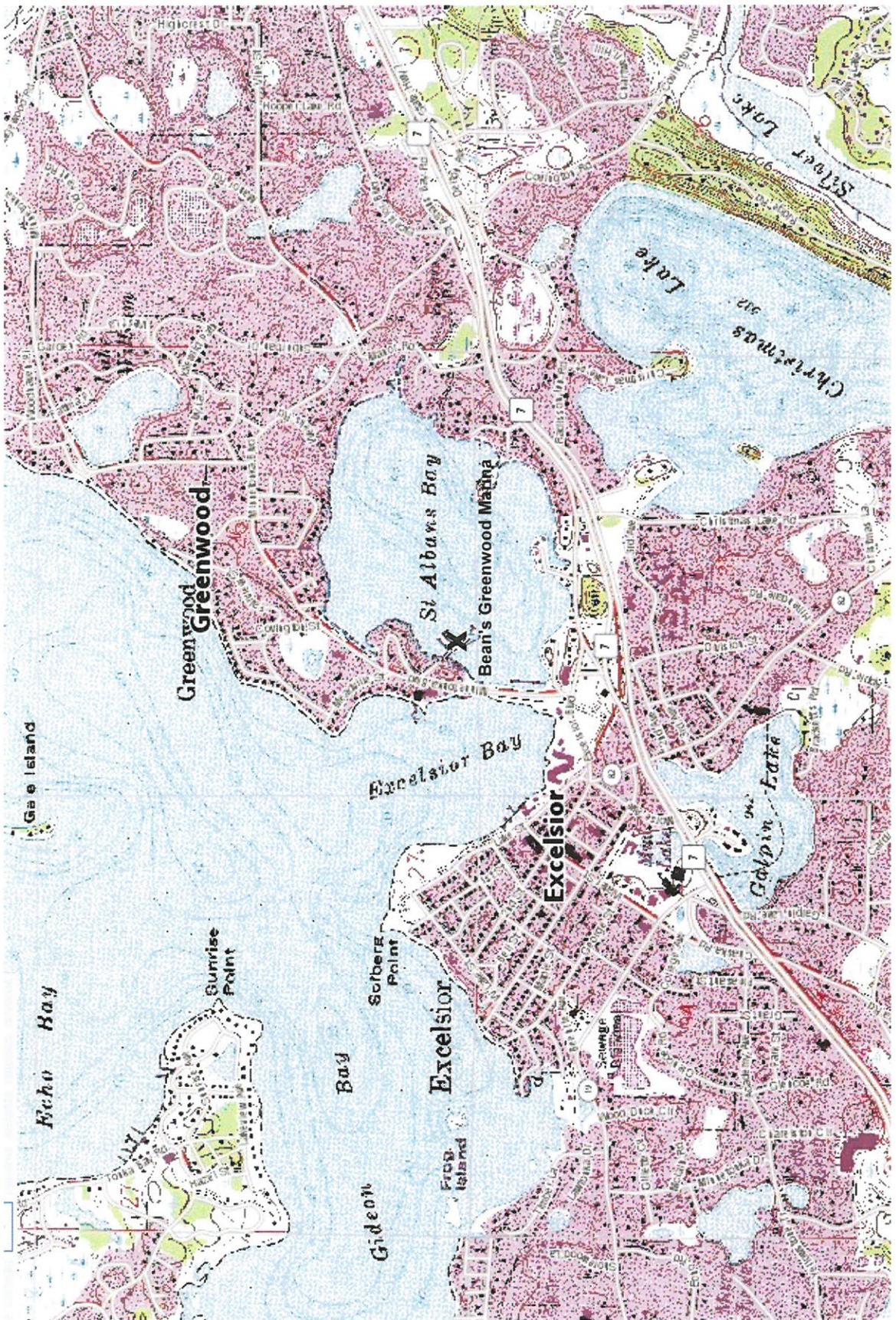
BSU #'s	Structure (W x L) Ft.	Structure (Sq. Ft.)	Manuevering Space (Sq. Ft.)
1-6	28 X 103.36	2,894	1,932
Walkway	4 X 100	400	N.A.
7-12	24 X 79.67	1,912	1,440
14-23 & 40	24 X 140	3,360	2,616
25-30	28 X 81.85	2,292	2,052
24 & 31	34 X 31.34	1,066	884
32-39	24 X 99	2,376	1,896
Walkway	4.33 X 24	104	N.A.
43-53	32 X 162.975	5,215	4,432
54	13.5 X 27	364	252
Walkway	4.33 X 226	979	N.A.
Walkway	3 X 12.9	39	N.A.
55-58	28 X 54.68	1,531	1,232
Walkway	4 X 85	340	N.A.
59-71	28 X 173	4,844	3,421
72-80, 99 & 100	26 X 145	3,770	2,912
103, 104, 106-109	26 X 81	2,106	1,560
Walkway	41 X 317	1,268	N.A.
81-84	36 X 72	2,592	2,016
85-95 & 105	34 X 190	6,460	5,304
96, 41 & 42	32 X 49	1,568	1,248
97 & 98	28 X 28	784	616
Walkway	4.67 X 337	1,574	N.A.
Gas Dock	30 X 87.5	2,625	N.A.
Make Ready Dock	3.5 X 24	84	N.A.
Tie-Ons (Overnight)			
13	13 X 32	416	416
101	14 X 40	560	560
102	14 X 40	560	560
110	14 X 40	560	560
Tie-Ons (Transient)			
T111-T119	10 X 24 X 9	2,160	2,160
T120	12 X 30	360	360
Dock Structure Total		55,163	
Manuevering Space			38,429
Total Square footage		93,592	

Lake Minnetonka Project Locator Map



Sources: MN DNR & Hennepin County

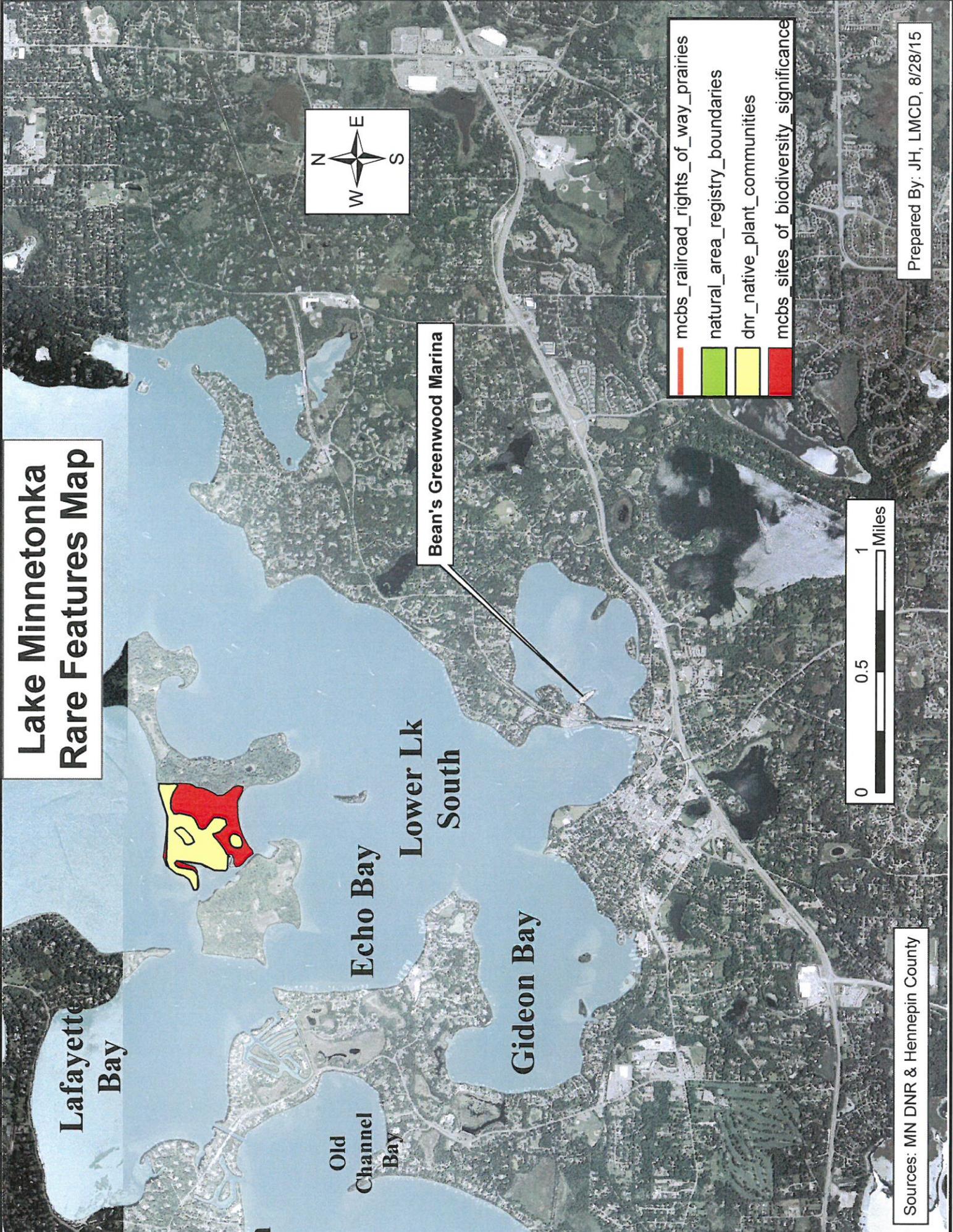
Prepared By: JH, LMCD, 8/28/15



**Bean's Greenwood Marina, 21945 Minnetonka Blvd., Greenwood, MN 55331
St. Albans Bay, Lake Minnetonka**



Lake Minnetonka Rare Features Map



Bean's Greenwood Marina

- mcbs_railroad_rights_of_way_prairies
- natural_area_registry_boundaries
- dnr_native_plant_communities
- mcbs_sites_of_biodiversity_significance



Sources: MN DNR & Hennepin County

Prepared By: JH, LMCD, 8/28/15

APPROVED

PROPOSED PHASE 3 DOCK PLAN FOR BEANS GREENWOOD MARINA

OF LOT 6, SOLBERGS POINT
HENNEPIN COUNTY, MINNESOTA

LAKE
MINNETONKA
ST. ALBAN'S BAY

GRONBERG & ASSOCIATES, PC
CIVIL ENGINEERS, LAND SURVEYORS, LAND PL
445 N. WILLOW DRIVE LONG LAKE, MN
PHONE: 952-473-4141 FAX: 952-473-4141



DATE: 4-23-13
SCALE: 1"=20'
JOB NO: 14-0055A
SHEET: 2

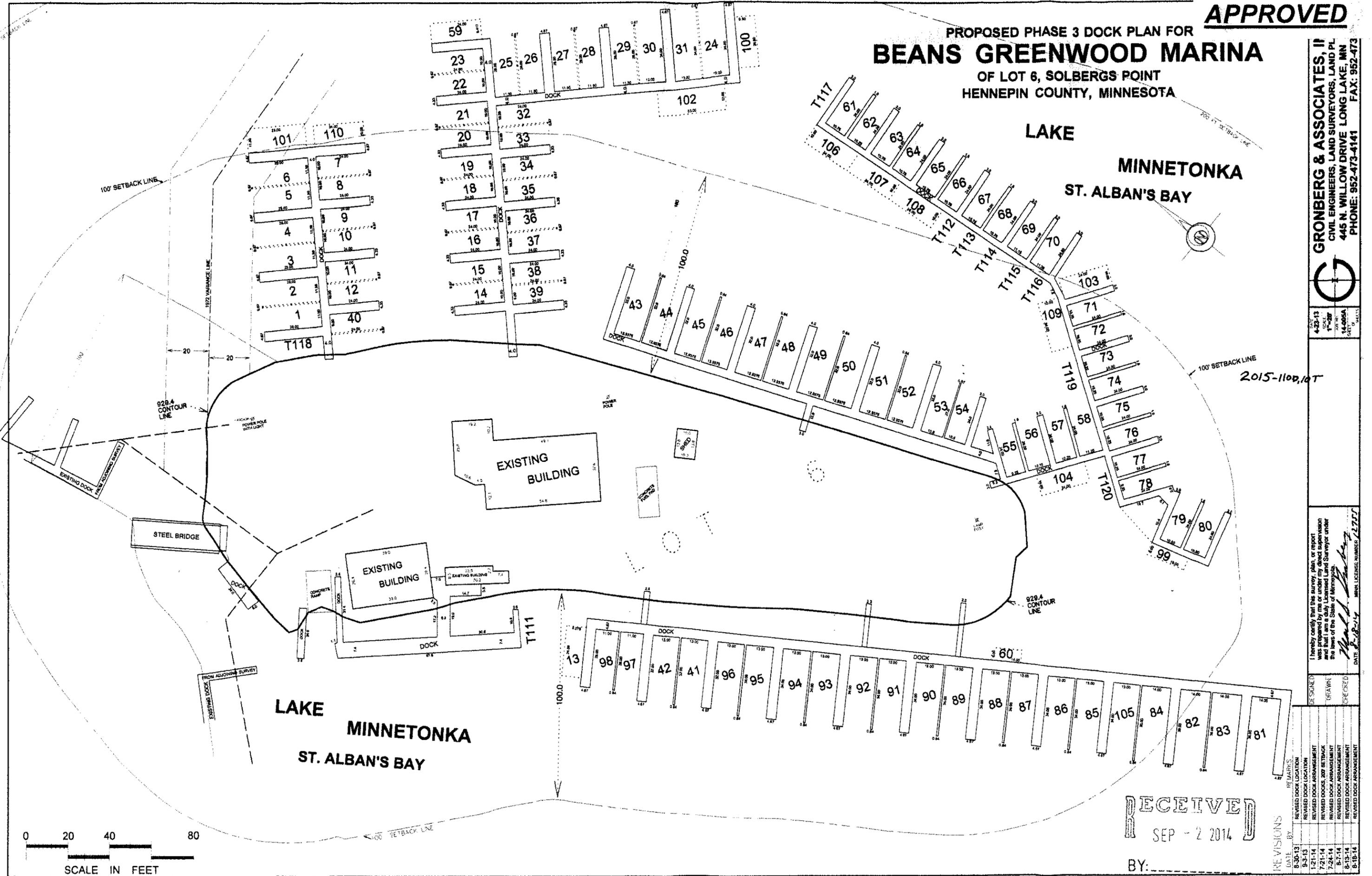
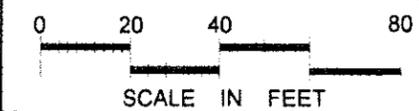
2015-1109, 10T

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer or Land Surveyor under the laws of the State of Minnesota.
M. J. Gronberg
DATE: 8-2-14 MINN. LICENSE NUMBER: 12755

DATE	BY	REVISIONS
8-30-13		REVISED DOCK LOCATION
9-5-13		REVISED DOCK LOCATION
1-21-14		REVISED DOCK ARRANGEMENT
7-21-14		REVISED DOCKS, 200' SETBACK
7-24-14		REVISED DOCK ARRANGEMENT
8-7-14		REVISED DOCK ARRANGEMENT
8-13-14		REVISED DOCK ARRANGEMENT
8-18-14		REVISED DOCK ARRANGEMENT

RECEIVED
SEP - 2 2014

BY: _____



PROPOSED

BEANS GREENWOOD MARINA

OF LOT 6, SOLBERGS POINT
HENNEPIN COUNTY, MINNESOTA

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNER
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435

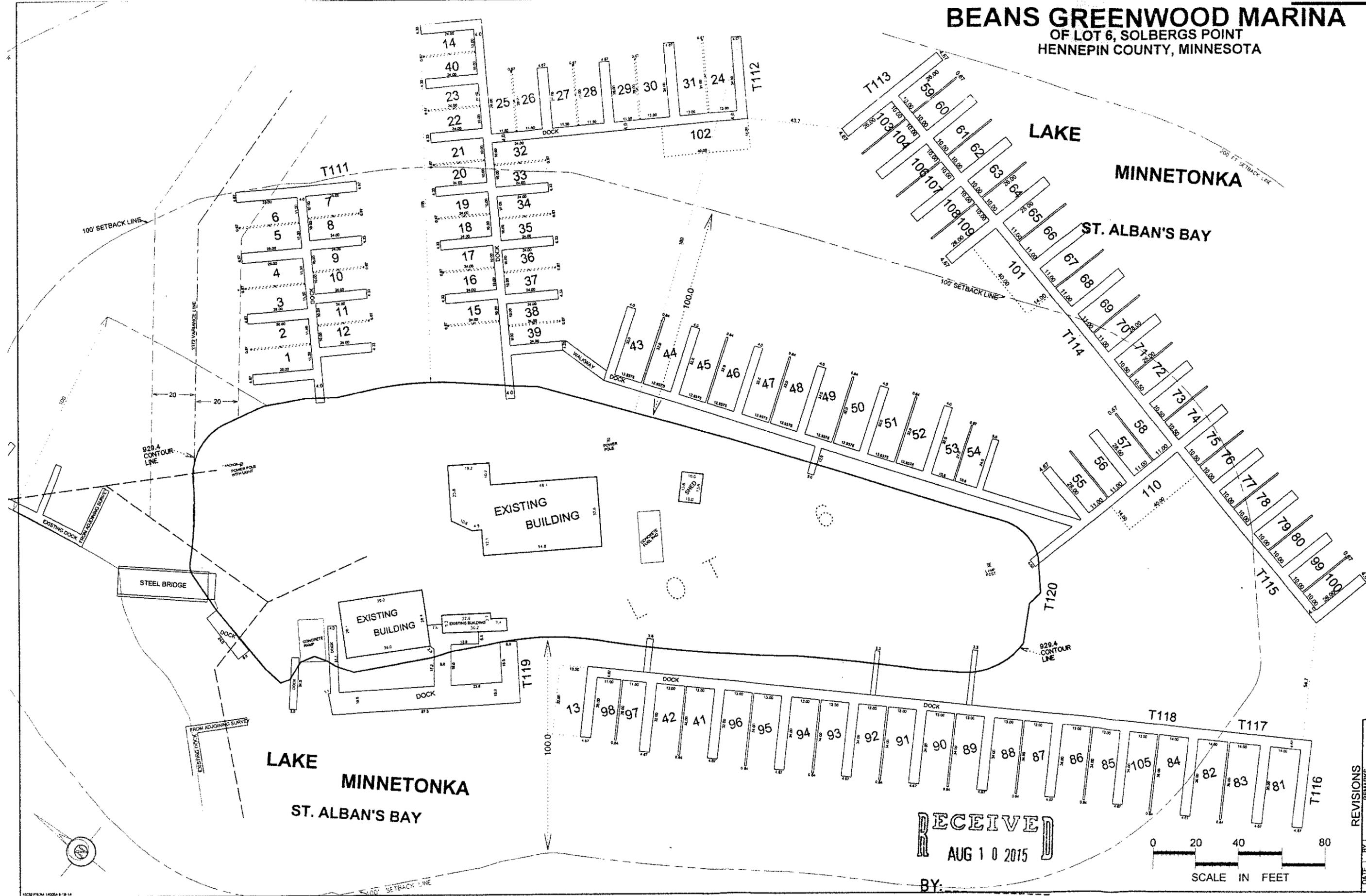


2-12-15
1"=20'
15-039
SHEET 1

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer or Land Surveyor under the laws of the State of Minnesota.
DATE: 8/10/15 MINN. LICENSE NUMBER: 12725

DESIGNER: [Signature]
DRAWN: [Signature]
CHECKER: [Signature]

DATE	REVISIONS	REMARKS
8-10-15	1	REVISED DOCK ARRANGEMENT
8-10-15	2	REVISED DOCK ARRANGEMENT
8-10-15	3	REVISED DOCK ARRANGEMENT
8-10-15	4	DOCKS ADDED



RECEIVED
AUG 10 2015

BY: _____



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 memo.

Council Action: None required.

Site Statistics

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

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

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

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End Date	<input type="text" value="9/15/2015"/>
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Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	4257	44.66%
Agendas, Etc.	507	5.32%
Assessments & Taxes	414	4.34%
Welcome to Greenwood	404	4.24%
City Departments	295	3.09%
Lake Minnetonka	294	3.08%
Mayor & City Council	264	2.77%
Comp Plan & Maps	243	2.55%
Planning Commission	239	2.51%
Photo Gallery	237	2.49%
What's New?	182	1.91%
Code Book	172	1.8%
St. Alban's Bay Lake Improvement District	171	1.79%
Crime Alerts	158	1.66%
Forms & Permits	153	1.61%
Budget & Finances	142	1.49%
Smoke Testing	116	1.22%
Garbage & Recycling	105	1.1%
Search Results	102	1.07%
Links	85	0.89%
Meetings	83	0.87%
Parks & Trails	79	0.83%
Public Safety	77	0.81%
Spring Clean-Up Day	76	0.8%
Watercraft Spaces	65	0.68%

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.

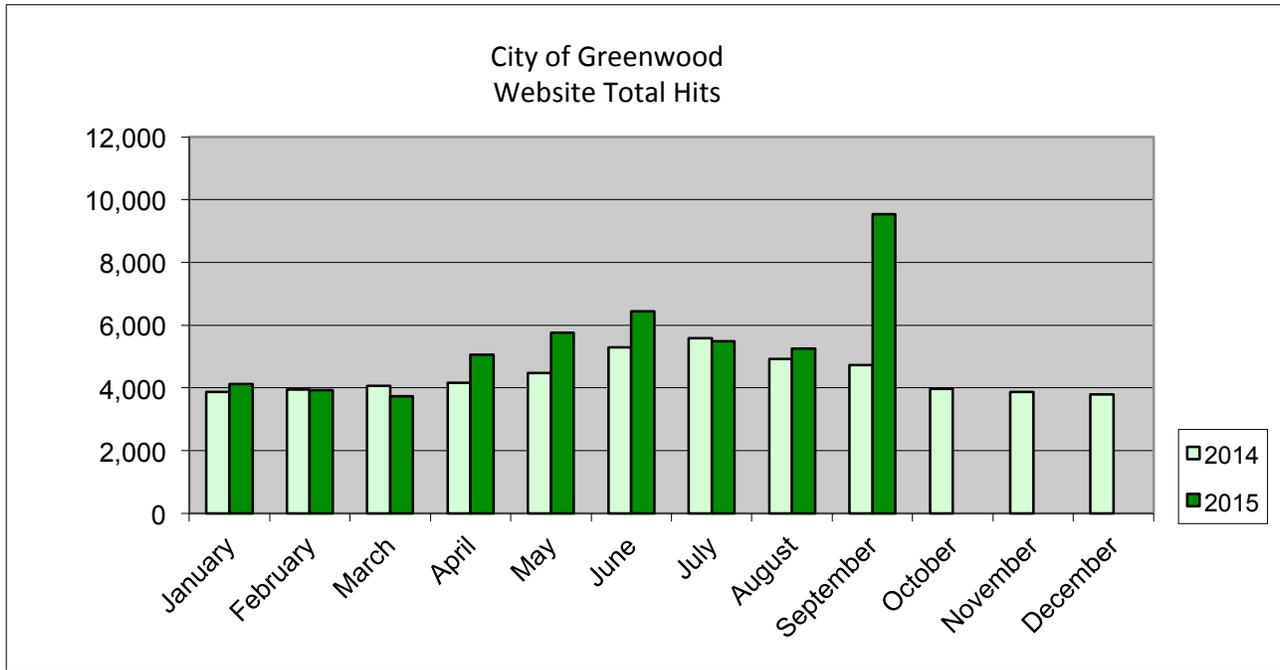
In the Page View by Section report, sections are listed in the order they appear in the navigation menu and are reported regardless of their traffic level.

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.

Old Log Events	61	0.64%
Well Water	58	0.61%
RFPs & Bids	56	0.59%
Meetings on TV	53	0.56%
Swiffers NOT Flushable	50	0.52%
Animal Services	49	0.51%
Elections	48	0.5%
Community Surveys	48	0.5%
Southshore Center	47	0.49%
Email List	45	0.47%
Trees	45	0.47%
Unsubscribe	39	0.41%
---	13	0.14%
TOTAL	9532	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	2615	41.44%
Welcome to Greenwood	345	5.47%
Lake Minnetonka	251	3.98%
City Departments	220	3.49%
Agendas, Etc.	207	3.28%
Comp Plan & Maps	199	3.15%
Mayor & City Council	194	3.07%
Assessments & Taxes	189	3%
Photo Gallery	181	2.87%
What's New?	160	2.54%
Crime Alerts	144	2.28%
St. Alban's Bay Lake Improvement District	140	2.22%
Planning Commission	113	1.79%
Forms & Permits	96	1.52%
Code Book	91	1.44%
Garbage & Recycling	77	1.22%
Smoke Testing	74	1.17%
Budget & Finances	73	1.16%
Links	69	1.09%
Search Results	67	1.06%
Parks & Trails	66	1.05%
Meetings	63	1%
Public Safety	56	0.89%
Spring Clean-Up Day	54	0.86%
Watercraft Spaces	53	0.84%
Old Log Events	51	0.81%
Well Water	49	0.78%
Swiffers NOT Flushable	45	0.71%
Animal Services	44	0.7%
Meetings on TV	43	0.68%
Email List	43	0.68%
Trees	42	0.67%
Community Surveys	41	0.65%
Elections	41	0.65%
Southshore Center	41	0.65%
RFPs & Bids	32	0.51%
Unsubscribe	28	0.44%
---	13	0.21%
TOTAL	6310	100%



Month	2014	2015	Variance with Prior Month	Variance with Prior Year	Bulk Email List
January	3,876	4,123	337	247	166
February	3,943	3,928	-196	-16	166
March	4,057	3,732	-196	-325	166
April	4,170	5,058	1,326	888	165
May	4,468	5,753	695	1,285	165
June	5,291	6,448	695	1,157	158
July	5,579	5,481	-967	-98	160
August	4,922	5,249	-232	327	160
September	4,723	9,532	4,283	4,809	
October	3,969		-9,532	-3,969	
November	3,878		0	-3,878	
December	3,786		0	-3,786	
AVERAGE	4,388	5,478			

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

POPULATION: 693
EMAIL ADDRESSES % OF POPULATION: 23.09%

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



Closed Session

Agenda Date: 10-07-15

Prepared by Deb Kind

Agenda Item: Closed session for attorney-client privilege to discuss Shorewood's partition action lawsuit regarding the Southshore Center

Summary: On 09-08-15, Shorewood submitted a partition action summons and complaint document to the district court. On 09-28-15, Shorewood amended the complaint document (see attached). On 09-20-15, George Hoff (the attorney representing the cities of Deephaven, Excelsior, Greenwood, and Tonka Bay) submitted the attached answer to Shorewood's amended complaint. On 10-07-15, the Greenwood city council will hold a closed session for attorney-client privilege to discuss the case with the city attorney.

Council Action: The city council must take action to open and end the closed session. Suggested motions ...

1. I move the city council convenes a closed session pursuant to MN statute 13D.05 Subd 3b to discuss Shorewood's partition action lawsuit regarding the Southshore Center.
2. I move the city council adjourns the closed session.

13D.05 Subd. 3(a) is for closed meetings to evaluate the performance of an individual who is subject to the city council's authority. The city council shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the city council shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. 13D.05 Subd. 1(d) The meeting must be electronically recorded. The recordings must be preserved for at least 3 years after the date of the meeting.

13D.05 Subd. 3(b) is for closed meetings for attorney-client privilege. 13D.05 Subd. 1(d) All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded.

13D.05 Subd. 3(c) is for closed meetings to (1) determine the asking price for real or personal property to be sold by the city, (2) review confidential or protected nonpublic appraisal data, (3) develop or consider offers or counteroffers for the purchase or sale of real or personal property. Before holding a closed meeting to under this paragraph, the city council must identify on the record the particular real or personal property that is the subject of the closed meeting. The proceedings of a meeting closed under this paragraph must be tape recorded. The recording must be preserved for 8 years after the date of the meeting and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the city council has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the city council at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or city council's internal procedures, and the purchase price or sale price is public data.

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
Case Type: Partition Action

City of Shorewood, a municipal corporation,

Court File No. 27-CV-15-15681

Plaintiff,

AMENDED COMPLAINT

vs.

City of Deephaven, a municipal corporation;
City of Excelsior, a municipal corporation;
City of Greenwood, a municipal corporation;
City of Tonka Bay, a municipal corporation;
and all other persons unknown having or
claiming an interest in the property in the
complaint herein,

Defendants.

Plaintiff, the City of Shorewood, for its Complaint against Defendants above-named, state and allege as follows:

THE PARTIES AND VENUE

1. Plaintiff City of Shorewood, is a municipal corporation organized under the laws of the State of Minnesota located in Hennepin County, Minnesota (Shorewood).
2. Defendant City of Deephaven, is a municipal corporation organized under the laws of the State of Minnesota located in Hennepin County, Minnesota (Deephaven).
3. Defendant City of Excelsior, is a municipal corporation organized under the laws of the State of Minnesota located in Hennepin County, Minnesota (Excelsior).
4. Defendant City of Greenwood, is a municipal corporation organized under the laws of the State of Minnesota located in Hennepin County, Minnesota (Greenwood).
5. Defendant City of Tonka Bay, is a municipal corporation organized under the laws of the State of Minnesota located in Hennepin County, Minnesota (Tonka Bay).
6. Shorewood, Deephaven, Excelsior, Greenwood, and Tonka Bay (collectively, the Cities) are the owners in fee simple of, and each has an undivided one-fifth interest in that real property in Hennepin County, Minnesota legally described in the attached Exhibit A (the Property).

7. The Property is commonly known as the Southshore Community Center located at 5735 Country Club Road, Shorewood, MN, PID No. 33-117-23-14-0047.

8. Venue is proper in this Court as the Property is located in Hennepin County, State of Minnesota.

FACTUAL BACKGROUND

9. The Property is improved with a community center and parking lot consisting of an improved structure of 7,608 square feet of gross building area and 47 parking stalls.

10. The Cities entered in to that certain Cooperative Agreement for the Southshore Senior/Community Center dated March 4, 1996, (the Cooperative Agreement) for purposes of the creation and construction of a community center to serve the residents of the Cities, attached as Exhibit B.

11. The Cooperative Agreement provided for contributions of funds from the Cities for the development and construction of the Southshore Center remitted to Shorewood.

12. The initial contributions of the Cities are set forth in the amounts and percentages set forth in Exhibit A to the Cooperative Agreement (for Initial Contributions).

13. The Cooperative Agreement provided that the Southshore Center was to be constructed on property previously owned by Shorewood and Shorewood would serve as the finance manager and manager of the construction of the Southshore Center.

14. The Cooperative Agreement provided that the Property on which the Southshore Center was constructed would be conveyed by the City of Shorewood to the Cities, each of which took an undivided interest in the Property.

15. On January 12, 1998, Shorewood deeded an undivided interest in the Property to the contributing cities of Deephaven, Excelsior, Greenwood and Tonka Bank.

16. The Cooperative Agreement contemplated the Cities would enter into a 25 year lease agreement with the Friends of the South Lake Minnetonka Senior Community Center, (the Friends Lease) a Minnesota nonprofit and tax exempt corporation ("Friends").

17. The Cooperative Agreement provided that the Friends would operate and maintain the Southshore Center for the term of 25 years.

18. In 2008 the Friends defaulted on the Friends Lease. The Friends are now defunct and no longer exist as a legal entity.

19. Since 2008, Shorewood has continued to operate and maintain the Southshore Center entirely at its own expense.

20. Over the life of the Cooperative Agreement, Shorewood has at various times requested contributions toward maintenance and capital expenses from Deephaven, Excelsior, Greenwood and Tonka Bay.

21. Despite these requests for contributions, Shorewood has received no contributions from Deephaven, Excelsior, Greenwood and Tonka Bay.

22. Over the last 19 years, Deephaven, Excelsior, Greenwood and Tonka Bay have made no payments or contributions toward the upkeep, maintenance, decorating, replacement or repair of critical systems.

23. Shorewood continues to solely maintain the Property to the benefit of Deephaven, Excelsior, Greenwood and Tonka Bay.

24. The estimated market value of the Property as appraised by Insight Realty Advisors, Inc. for the City of Shorewood dated March 15, 2015, is \$130,000.

25. On May 14, 2014, Shorewood offered to purchase the undivided interest in the Property from each of the participating cities for a total of \$130,000.

26. Thereafter, Deephaven, Excelsior, Greenwood and Tonka Bay each rejected the Shorewood offer to purchase.

27. Despite Shorewood's best efforts to reach a resolution, the Cities have reached a stalemate as to how to proceed forward to maintain, fund, operate or divide the interest in the Property.

28. Without resolution to the impasse, the Property is at risk to lay waste or fall into disrepair.

COUNT ONE – PARTITION

29. Shorewood restates and realleges the paragraphs set forth above.

30. Shorewood brings this partition action pursuant to Minn. Stat. §558.01.

31. The parties have reached a stalemate in efforts to agree upon the ongoing maintenance or disposition of the Property.

32. The Property is situated and improved such that the interest of the five parties cannot be physically separated and can only be accomplished by order of this court.

33. Shorewood requests this Court to order title to the Property vest in Shorewood with the compensation rights of the parties to be established pursuant to Minn. Stat. §558.04.

34. Shorewood has prepared a report and budget identifying capital replacement/repair estimates for essential components of the Property including roof systems, siding, mechanical systems, kitchen systems, fire protection systems, doors and windows.

35. It is in the best interest of the residents and taxpayers of the parties that the Property continues to be maintained and operated by Shorewood.

WHEREFORE, Plaintiff Shorewood requests judgment of this Court in their favor and against Defendants Deephaven, Excelsior, Greenwood and Tonka Bay as follows:

1. Ordering the partition of interest and conveyance of title to the Property to the City of Shorewood pursuant to Minn. Stat. §558.04, and appointment of three dedicated and judicious citizens of the County to serve as referees;
2. Ordering that the costs, charges, disbursements, and attorneys' fees with respect to the claim for partition be paid in equal shares by Deephaven, Excelsior, Greenwood and Tonka Bay.
3. Awarding Shorewood such other and further relief as the Court deems just and equitable.

Dated: September ~~20~~²², 2015

Kutak Rock LLP

By: 

Thomas K. Klosowski (1763210)

Timothy J. Keane (1763210)

Suite 1750

U.S. Bank Plaza South

220 South Sixth Street

Minneapolis, MN 55402-4511

Attorneys for Plaintiffs

VERIFICATION AND ACKNOWLEDGEMENT OF WILLIAM JOYNES

- A. I am the City Administrator for the City of Shorewood. I have read this document. To the best of my knowledge, the information contained in the document is grounded in fact and is warranted by existing law.
- B. The city has not been determined by any court in Minnesota or in any other State to be a frivolous litigant or subject to an Order precluding me from serving and filing this document.
- C. This document is not being served for any improper purpose, such as to harass the other party or to cause delay or needless increase in the cost of litigation or to commit a fraud on the Court.
- D. I understand that if I am not telling the truth or if I am misleading the court or if I am serving of filing this document for any improper purpose, the court can order the plaintiff to pay money to the other party, including reasonable expenses incurred by the other party because of the serving of filing of this document such as court costs, and reasonable attorneys fees.

PLAINTIFF: City Of Shorewood

BY:

William Joynes Sr.

Its: City Administrator

5755 County Club Road
Shorewood, MN 55331
(952) 474-3236

Subscribed and Sworn to before me
this 28th day of September, 2015

Jean Panchyshyn

NOTARY PUBLIC

MY COMMISSION EXPIRES Jan 31, 2020

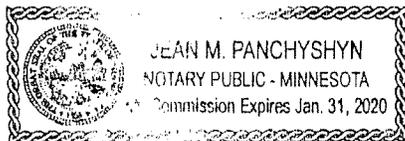


Exhibit A

EXHIBIT A

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.

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.

Exhibit B

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: Nandini 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

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	100.00%

COOPERATIVE AGREEMENT
EXHIBIT B

DESCRIPTION OF PARCEL TO BE DEEDED TO THE SENIOR COMMUNITY
CENTER

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.

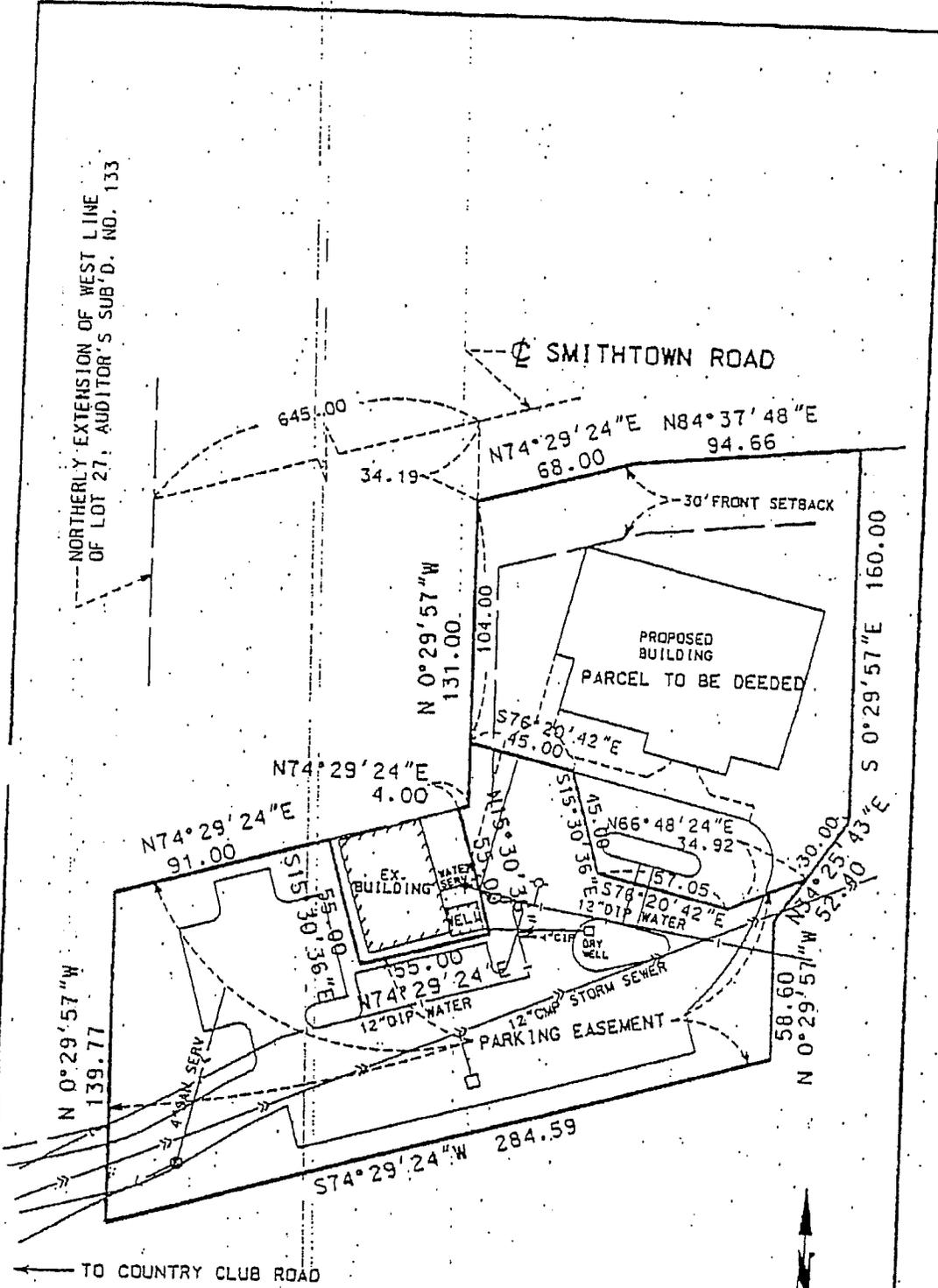
Together with a permanent easement for parking purposes over, under and across that part of said Lots 12 and 27 described as follows:

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 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.

NORTHERLY EXTENSION OF WEST LINE OF LOT 27, AUDITOR'S SUB D, NO. 133



SCALE: 1" = 50 FEET

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

D. Edward Jones 9/22/95

D. EDWARD JONES REG. NO. 11200 DATE

Drawn By: J.J.M.

Date: 09/22/95

REV: 09/21/95

OSM Orr, Schelen, Mayeron & Associates, Inc.

Engineers & Architects - Planners & Surveyors

308 Park Place Court • 5775 Vayzata Boulevard

Minneapolis, MN 55416-1228 • 612-505-1775

Drawing Title

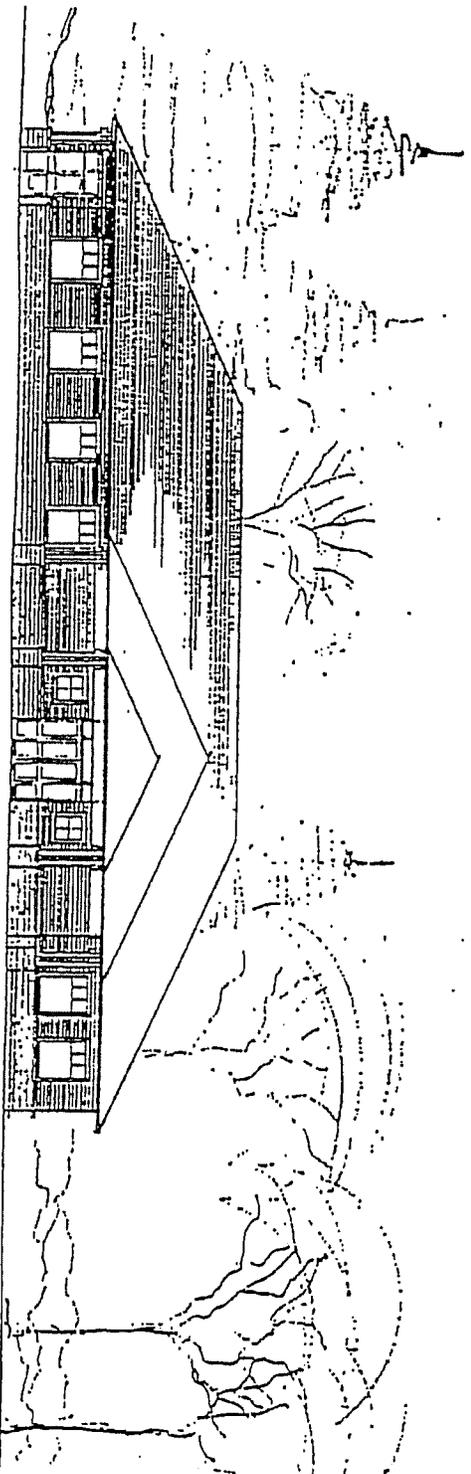
EXHIBIT

SHOREWOOD, MINNESOTA

Comm. No. 5572.00

Sheet No.

Thank You for your support

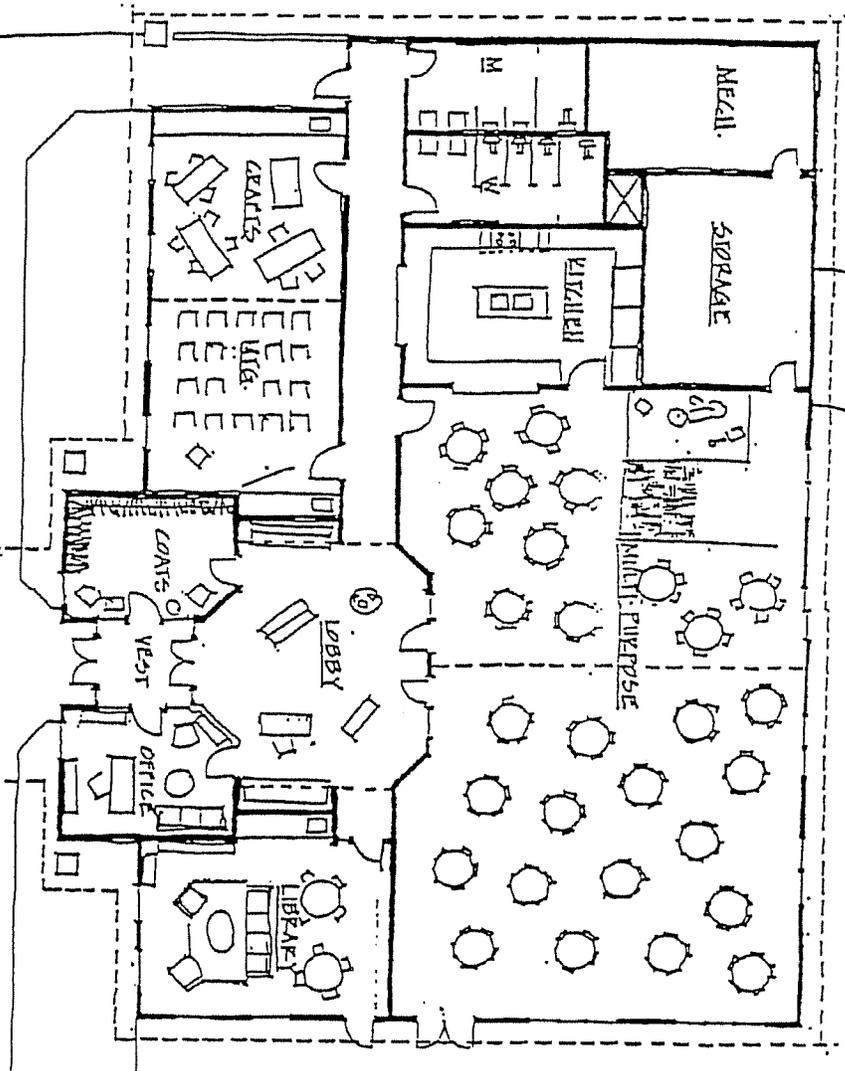


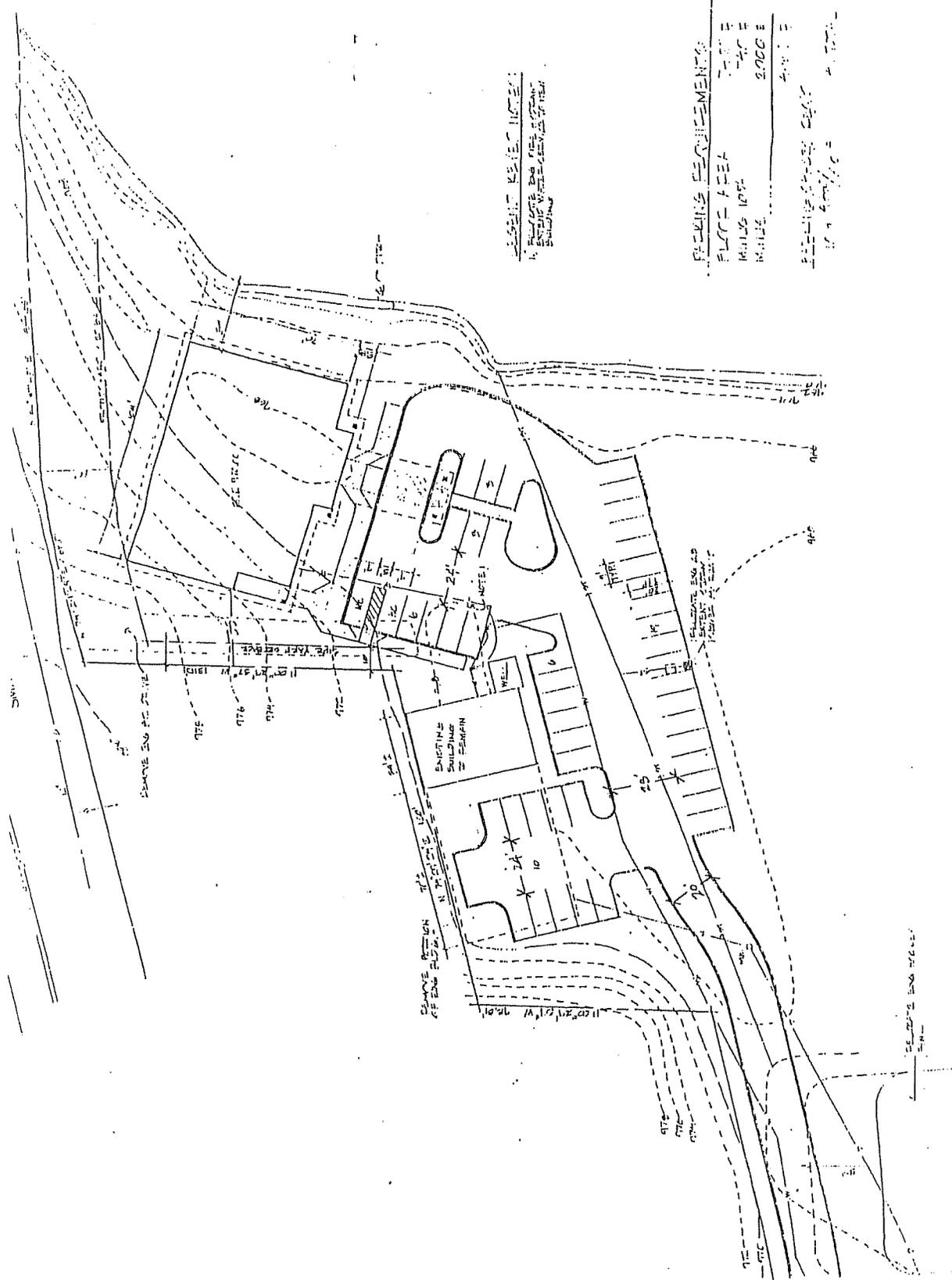
PROPOSED SOUTHSHORE SENIOR COMMUNITY CENTER

A
Eos
ARCHITECTURE

Southshore Senior Center Task Force

PROPOSED SOUTHSHORE SENIOR COMMUNITY CENTER





SCALE: 1/4" = 10'

PERMITS REQUIREMENTS

PLANS	2,000
PERMITS	2,000
INSURANCE	2,000
TOTAL	6,000

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

City of Shorewood, a municipal corporation,
Plaintiff,

Case Type: Partition Action
Court File No:

v.

City of Deephaven, a municipal corporation;
City of Excelsior, a municipal corporation;
City of Greenwood, a municipal corporation;
City of Tonka Bay, a municipal corporation;
and all other persons unknown having or
claiming an interest in the property in the
complaint herein,

**DEFENDANTS CITY OF
DEEPHAVEN, CITY OF
EXCELSIOR, CITY OF
GREENWOOD, AND CITY
OF TONKA BAY'S
ANSWER TO PLAINTIFF'S
AMENDED COMPLAINT**

Defendants.

Defendants City of Deephaven, City of Excelsior, City of Greenwood, and City of Tonka Bay (collectively, the "Cities"), for their Answer to the Amended Complaint in the above-captioned matter, hereby state:

1. Except as hereinafter admitted or otherwise qualified, the Cities deny each and every allegation of Plaintiff's Amended Complaint and puts it to its proof thereon.
2. ADMIT paragraphs 1-5, inclusive.
3. With respect to paragraph 6 of the Amended Complaint, ADMIT the Cities are the owners in fee simple of the Property and affirmatively allege each City's ownership interest is as stated in the 1996 Cooperative Agreement between the Cities and Shorewood (the "Cooperative Agreement") (Deephaven 22.45%, Excelsior 14.6%, Greenwood 3.95%, Shorewood 50%, and Tonka Bay 9%).
4. ADMIT paragraphs 7-8, inclusive.

5. With respect to paragraph 9 of the Amended Complaint, ADMIT the improvements to the Property and affirmatively allege the Property as a whole consists of a building and land containing approximately 26,000 square feet of space together with a permanent easement for the non-exclusive use of forty-seven parking stalls adjacent to the Property and the right of ingress and egress to and from Country Club Road per the Cooperative Agreement.

6. With respect to paragraph 10 of the Amended Complaint, admit the Cooperative Agreement attached to the Complaint as Exhibit B, provides for the creation, construction, and disposition of the Property, and speaks for itself.

7. ADMIT paragraphs 11 and 12 and affirmatively allege that the Cities are under no obligation to provide any contributions of funds for the Southshore Center in excess of their Initial Contributions.

8. ADMIT paragraph 13.

9. With respect to paragraph 14 of the Amended Complaint, ADMIT the Property on which the Southshore Center was constructed would be conveyed by Shorewood to the Cities, and affirmatively allege each City and Shorewood took an ownership interest as stated in the Cooperative Agreement (Deephaven 22.45%, Excelsior 14.6%, Greenwood 3.95%, Shorewood 50%, and Tonka Bay 9%).

10. ADMIT paragraphs 15-18, inclusive.

11. With respect to paragraph 19 of the Amended Complaint, ADMIT that Shorewood has operated and maintained the Southshore Center since 2008, DENY the remaining allegations in the paragraph, and affirmatively allege that a) some of the Cities have contributed funds in excess of their Initial Contributions for operating and maintaining the Southshore Center

despite having no obligation for such additional contributions under the Cooperative Agreement, and b) Shorewood is solely responsible for the operation and maintenance of the Southshore Center pursuant to the Agreement for the Lease and Operation of the Southshore Community Center, dated June 25, 2009, between Shorewood and Cities (the “Lease”).

12. ADMIT paragraph 20 and affirmatively allege that some of the Cities have contributed funds in excess of their Initial Contributions for operating and maintaining the Southshore Center despite having no obligation for such additional contributions under the Cooperative Agreement.

13. DENY paragraphs 21 and 22.

14. Admit paragraph 23, affirmatively allege that maintenance is the obligation of Shorewood under the Lease.

15. With respect to paragraph 24, ADMIT an appraisal was done for Shorewood, DENY that valuation represents the market value of the Property.

16. ADMIT paragraph 25 of the Amended Complaint and affirmatively allege that disposition of the Property and the parties’ rights to compensation are governed by the terms of the Cooperative Agreement.

17. ADMIT paragraph 26.

18. DENY paragraph 27 and affirmatively allege that a) Shorewood is solely responsible for the operation and maintenance of the Southshore Center pursuant to the Lease, b) the Cities are under no obligation to provide any contributions of funds for the Southshore Center in excess of their Initial Contributions, and c) disposition of the Property and the parties’ rights to compensation are governed by the terms of the Cooperative Agreement.

19. DENY paragraph 28.

20. Paragraph 29 contains reallegations of prior paragraphs in the Amended Complaint and no further response is required.

21. With respect to paragraph 30 of the Amended Complaint, ADMIT this action is purportedly brought under Minn. Stat. § 558.01, DENY that Plaintiff is entitled to the relief it seeks, and affirmatively allege that disposition of the Property is governed by the terms of the Cooperative Agreement.

22. DENY paragraph 31 and affirmatively allege that a) Shorewood is solely responsible for the operation and maintenance of the Southshore Center pursuant to the Lease and b) disposition of the Property is governed by the terms of the Cooperative Agreement.

23. ADMIT paragraph 32.

24. With respect to paragraph 33 of the Amended Complaint, ADMIT Plaintiff seeks the requested relief, DENY that Plaintiff is entitled to such relief, and affirmatively allege that a) the process provided in Minn. Stat. § 558.04 is inapplicable and unnecessary and b) disposition of the Property and the parties' rights to compensation are governed by the terms of the Cooperative Agreement.

25. Cities are without knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in paragraph 34 of the Amended Complaint; affirmatively allege that the Cities are under no obligation to provide any contributions of funds for the Southshore Center in excess of their Initial Contributions.

26. DENY paragraph 35.

27. As and for affirmative defenses, the Cities state:

a. Plaintiff has failed to state a claim upon which relief can be granted.

- b. Plaintiff's claims for utilization of the Minn. Stat. § 558.04 process are barred in whole or part by the terms and conditions of the Cooperative Agreement.
- c. Plaintiff's claims are barred in whole or part by the terms and conditions of the Lease.
- d. Plaintiff's harm, if any, was caused by its own actions or the actions of persons other than the Cities.
- e. Plaintiff's claims are barred in whole or part by the doctrines of waiver, estoppel, merger, laches, mootness, and ripeness.
- f. Damages, if any, claimed by Plaintiff are barred by immunities granted to the Cities, including, without limitation, statutory immunities found in Minn. Stat. § 466.03 and vicarious official immunity.
- g. The court lacks jurisdiction over some or all of Plaintiff's claims.

WHEREFORE, Defendants City of Deephaven, City of Excelsior, City of Greenwood, and City of Tonka Bay respectfully request judgment of the above-captioned Court granting Plaintiff's request for conveyance of the Property to it by the Cities, but only upon payment by Plaintiff to the Cities of the amounts to be paid to each of them as provided in Paragraph 6(a) of the Cooperative Agreement, and otherwise dismissing Plaintiff's cause of action and awarding to them their costs and disbursements herein.

Dated: September _____, 2015

s/ George C. Hoff
George C. Hoff (#45846)
Shelley M. Ryan (#348193)
Hoff, Barry & Kozar, P.A.
160 Flagship Corporate Center
775 Prairie Center Drive
Eden Prairie, MN 55344

(952) 941-9220
ghoff@hbklaw.com
sryan@hbklaw.com

*Attorneys for Defendants City of Deephaven,
City of Excelsior, City of Greenwood, and
City of Tonka Bay*

ACKNOWLEDGEMENT

The undersigned, as attorney for Defendants City of Deephaven, City of Excelsior, City of Greenwood, and City of Tonka Bay, acknowledges that sanctions may be imposed for violation of Minn. Stat. § 549.211.

Dated: September ____, 2015

s/ George C. Hoff

George C. Hoff (#45846)
Shelley M. Ryan (#348193)
Hoff, Barry & Kozar, P.A.
160 Flagship Corporate Center
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Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

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

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

Letter to Editor

Star-Tribune published on 09-15-15

Sun-Sailor published on 09-17-15

Lakeshore Weekly News published on 09-22-15

On behalf of the city of Greenwood, I extend a heartfelt thank-you for the outstanding police work regarding the Short family tragedy in Greenwood. I am grateful that the South Lake Minnetonka Police Department, Hennepin County Sheriff's Office, and Deephaven Police resources were available to come together during this unspeakable tragedy. Thank you for keeping the public informed and thank you for your professional calmness as the facts of the case unfolded. It is comforting to know that "the finest" are working for us.

On behalf of the city of Greenwood, I also extend condolences to the friends and relatives of the Short family, co-workers, neighbors, and Minnetonka High School students and staff at this difficult time. The loss of an entire family in our community is heartbreaking.

Debra J. Kind

Mayor, City of Greenwood



September 13, 2015

Interim Chief Mike Siitari and the South Lake Minnetonka Police Department
Sheriff Rich Stanek and the Hennepin County Sheriff's Office
Chief Corey Johnson and the Deephaven Police Department

Re: Short Family Tragedy in Greenwood

Dear Chief Siitari, Sheriff Stanek, and Chief Johnson,

On behalf of the Greenwood city council and the residents of Greenwood, I am writing to extend a heartfelt THANK-YOU for the outstanding police work regarding the Short family tragedy in Greenwood.

The city of Greenwood is grateful that the SLMPD, county, and neighboring police resources were available to come together during this unspeakable tragedy. Thank you for keeping the public informed and thank you for your professional calmness as the facts of the case have unfolded.

It is comforting to know that "the finest" are working for us.

Sincerely,

A handwritten signature in black ink that reads "Debra J. Kind". The signature is written in a cursive, flowing style.

Mayor Debra J. Kind
and the Greenwood City Council

CC: Deephaven, Excelsior, Tonka Bay, and Shorewood City Councils

From: Debra Kind dkind100@gmail.com
Subject: Thank You!
Date: September 24, 2015 at 2:03 PM
To: Scott Gerber sgerber@excelsiorfire.org
Cc: Dana Young danayoung@mchsi.com



Chief Gerber —

I noticed in today's Sun-Sailor "blotter" that the EFD provided police assistance on 9/10 at Channel Drive. Interim Chief Siitari did not mention the EFD in his press conference, so I did not include the EFD in my thank-you letter to the editors of the Sun-Sailor, Lakeshore Weekly News, and Star-Tribune. At this point, I don't think it makes sense to send an after-the-fact letter to the editor. So please consider this email to be my heartfelt THANK YOU on behalf of the residents of Greenwood for providing assistance on 9/10 during the investigation of the Short family tragedy.

With much appreciation,

Deb

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

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 16, 2015
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 Dale Cooney.

2. MINUTES – July 21, 2015

Commissioner Conrad made two corrections to page 8 of the minutes regarding the nature of her comments. Commissioners Bechtell moved to approve the minutes of July 21, 2015 with the noted corrections. Commissioner Conrad seconded the motion. Motion carried 7-0.

3. PUBLIC HEARINGS

3a. Consider Variance Request, Jon Connolly of Gonyea Homes for 6 Maclynn Road

Chairman Lucking introduced the agenda item and opened the public hearing. He stated that Jon Connolly of Gonyea Homes, the architect, is requesting a variance from the lakeshore setback for the construction of a new house at 6 Maclynn Road. Lucking said that Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet and that the applicant is requesting a variance of eight feet, nine inches of the required lakeshore setback.

Bill Kaufmann of Gonyea Homes said that he and the homeowners were available for questions but that they agreed with the conclusion of the staff report.

Commissioner Conrad asked if the City Engineer's comments had been addressed yet. Zoning Coordinator Cooney said that they had not been addressed.

Chairman Lucking opened the public hearing.

Councilmember Cook said that, for the sake of consistency, staff should bring any non-conformities through the variance process. City Attorney Mark Kelly said this was how the city would monitor if a proposal was an expansion of a non-conformity or not.

Chairman Lucking asked if there were any comments. Hearing none, Chairman Lucking closed the public hearing.

Chairman Lucking asked for any comments from the commissioners. Commissioner Reeder said that it was a good attempt to meet the existing footprint of the home. Several other commissioners stated that they agreed with Reeder's comments.

Chairman Lucking entertained a motion to approve the proposal as submitted conditioned on compliance with the City Engineer's comments. Motion to approve by Commissioner Reeder, seconded by Commissioner Paeper. Motion carried 5-0.

Councilmember Cook asked that the hardcover on the survey be recalculated to remove the gravel area from the hardcover calculation.

3b. Consider Variance Request and Conditional Use Permit Request, Dale Gustafson for 5025 Covington

Chairman Lucking introduced the agenda item and opened the public hearing. He stated that the request is for the issuance of a variance to exceed maximum allowable hardcover of 30% and a conditional use permit to alter the site/lot topography involving more than 200 square feet of surface area, and involving more than 20 cubic yards of material use permit for improvements at 5025 Covington Street.

Dale Gustafson, the applicant, said that they were asking for an impervious surface variance to increase the driving surfaces on the property. Gustafson said that the house was created for another owner and that the remaining hardcover left little room for drivable surfaces, and that there is no other parking at the garage level. Gustafson said there is not a good area on the property for senior visitors.

Gustafson said that the planning commission might not feel that the application met the hardship standard, but that the applicant was proposing a significant reduction in hardcover through a number of mitigation measures. Gustafson discussed the number of mitigation measures including an infiltration trench, raingardens, and water storage. Gustafson said that the mitigation measures could handle 1.7 times the runoff area of the property. He said that mitigating the property to this degree could offer a precedent setting environmental standard in exchange for consideration of the variance.

Councilmember Cook asked if there were any soil borings done on the property and how that would impact the raingarden maintenance. Cook said that the Planning Commission should be careful about setting a precedent allowing for mitigation, particularly on a property that has so much square footage.

Commissioner Bechtell said that raingardens are temporary solutions and that there was no way to follow-up. Gustafson said that raingardens could be rebuilt.

Gustafson said that there would be a 10,000 gallon storage tank and that the storage tank could hold all of the water from a 1" rainfall for the property for every month but one. He said that the storage tank would then be used to irrigate the lawn.

Commissioner Reeder said that we were beating a dead horse if the city were not going to address mitigation. Chairman Lucking said that the mitigation efforts were not attempting to address the runoff to the neighbor on the south who would be most impacted by the proposal. Lucking asked why the trench was not put in along the front of the driveway.

Gustafson said that he didn't think there was room to do it on that side.

Commissioner Bechtell said that he liked what they were trying to do, but that there is not a precedent for this. Chairman Lucking said that it was hard to find a practical difficulty. Councilmember Cook said that the Planning Commission and City Council need to consider what role mitigation plays, if any.

Chairman Lucking said that, based upon the age of the owners, the city could be looking at new owners in 15 years.

City Attorney Kelly said that the biggest problem for the city would be monitoring the property going forward to that the mitigation systems are functioning properly. Councilmember Cook said it was the role of the city to take care of the property, not the property owners.

Chairman Lucking closed the public hearing. Chairman Lucking asked the Planning Commissioners if they had any comments.

**GREENWOOD PLANNING COMMISSION
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Commissioner Bechtell said that he liked the idea but that the city couldn't do anything in this case. Commissioner Paeper agreed that he liked the concept and recognized the need but did not think the city had a vehicle to approve this concept.

Councilmember Cook said that the house was made as big as it could be and that he did not think approval was appropriate for the planning commission.

Commissioners Reeder and Conrad said that they did not see a practical difficulty argument.

Chairman Lucking said that, while he believed that the current owners would keep the mitigation systems running, he was skeptical that future owners would be as diligent.

Commissioner Conrad asked if the Planning Commission would act on both the variance and the conditional use permit with one motion.

Zoning Coordinator Cooney said that the Planning Commission could deny the variance but approve the conditional use permit if the applicant wanted to maintain the grading as proposed.

Commissioner Reeder asked if it made any sense to approve the new plan without the variance. Commissioner Conrad said that the new grading might be an improvement over the previously approved plan. Chairman Lucking said that the variance and Conditional Use Permit are so closely tied that it would be hard to separate them.

Commissioner Bechtell asked the applicant if they wanted to consider withdrawing the application. City Attorney Kelly said that the applicant would have to wait a year to reapply, or that the city could extend their timeline by sixty days.

Gustafson said that the plan previously approved by the city was workable as approved, and that he would continue on to review by the City Council.

Chairman Lucking entertained a motion for the variance request. Commissioner Bechtell motioned to deny the plan as presented. Motion was seconded by Commissioner Paeper. Motion carried 5-0.

Chairman Lucking motioned that, as proposed, the Conditional Use Permit was too closely tied to the variance request to move forward on its own merits. City Attorney Kelly made a friendly amendment to the motion to say that without the variance, the interest in the public health, safety and welfare are not being met. Commissioner Reeder seconded the motion. Motion carried 5-0.

3c. Consider Draft Ordinances of the City of Greenwood, Minnesota amending Greenwood City Code Chapter 11: Zoning regarding Signage and Accessory Structures

Chairman Lucking introduced the agenda item. Councilmember Cook pointed out that this was the public hearing for these amendments and that recommendations should be submitted to the City Council.

City Attorney Kelly suggested a Conditional Use Permit for items between 5 and 10 feet from the lot line. Kelly said that 5 feet back from the lot line would be a clear zone. Kelly said that the Conditional Use Permit would allow for these things to be reviewed by the Planning Commission and City Council.

Councilmember Cook said that, as proposed, the ordinance would allow for boat houses. He said this is a big change and that this is a conversation that needs to be had.

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Councilmember Conrad asked if this is was something the city would want to do. Kelly said that the ordinance could be as restrictive as the city wants. Councilmember Conrad said that most lots are narrow at the lakeshore and that, because of this, boathouses could significantly block views to the lake. City Attorney Kelly suggested that this section of proposed code might need to be moved to the Shoreland Management District.

Chairman Lucking said that the Planning Commission should look at the proposed sign ordinance first.

Councilmember Cook said that, as proposed, the ordinance would end up increasing the sizes of the signs. Cook said that if the 6" frame requirement is removed, the signs would get bigger. Councilmember Cook said that there were also revised limitations on monument signs.

Cook said the Planning Commission should make recommendations tonight, but that the City Council may also incorporate changes at the first reading and second reading.

Commissioner Paeper asked if we should remove the front facade limitation in the ordinance since a building might want to have signs on multiple facades. Commissioner Paeper asked if subdivision I of the sign ordinance would allow for multiple tenants to have 75 square feet each.

Commissioner Conrad asked if subdivision C would disallow business identification graphics that are allowed by rights. Councilmember Cook said that he thought this should be modified.

Councilmember Cook suggested that the Planning Commission recommend approval of the ordinances with revisions. Cook said that suggestions could be passed on to the City Council prior to the meeting.

Chairman Lucking entertained a motion to pass the sign ordinance with revisions. Commissioner Paeper motioned to pass the sign ordinance with revisions. Motion was seconded by Commissioner Bechtell. Motion carried 5-0.

Chairman Lucking introduced the ordinance related to accessory structures.

Councilmember Cook said that he was a little nervous about some of the detail in the ordinance related to things such as bird feeders since could generate more complaints. Cook said that the city needs to be careful in how these items are characterized and if the item should be on the list. Cook said that variances would be required to deviate from anything that is put in the ordinance.

City Attorney Kelly said that he thought there should be a list of items that can be within the setbacks, those that are conditionally allowed, and those that are not allowed.

Councilmember Cook said that one of the problems when you start talking about accessory structures is that everything is an accessory structure. He said the city's definition is so broad that it makes almost anything in the yard an accessory structure. Cook said that the point of the ordinance is to have degrees of structures.

Attorney Kelly said that perhaps there should be a 5 foot greenspace buffer along the property lines. He said the goal is to keep intense uses out of the side yards. Kelly said that he is concerned about the difficulties of managing a list of items, since inevitably there will be something that is not on the list that falls into a gray area. Kelly said that it could be problematic to have at-grade improvements that go right to the lot line.

Chairman Lucking said to send any comments or changes to Zoning Coordinator Cooney.

Chairman Lucking motioned to pass the sign ordinance with revisions. Motion was seconded by Commissioner Conrad. Motion carried 5-0.

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7:00 P.M.**

4. LIAISON REPORT

Council Liaison Cook said that the city wanted to install a median on Meadville Street to slow traffic. Cook said that there was opposition to the median, so the city decided to paint the median instead. Cook said that smoke testing was postponed and will instead take place next week. Cook said that the Talebi household had submitted their landscaping plan for 5570 Maple Heights road. Cook also addressed proposed revisions to dock rules in an effort to simplify them.

5. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Bechtell seconded the motion. Motion carried 5-0. The meeting was adjourned at 9:36 pm.

Respectively Submitted,
Dale Cooney - Zoning Administrator