

AGENDA

Greenwood City Council Meeting

Wednesday, November 4, 2015
20225 Cottagewood Road, Deephaven, MN 55331



Worksession

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

- 6:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE WORKSESSION AGENDA
- 6:00pm 2. EMERALD ASH BORER DISCUSSION WITH CITY FORESTER MANUEL JORDAN
- 6:50pm 3. ADJOURNMENT

Regular Meeting

The public is invited to speak to items on the regular agenda. The public may speak regarding other items during Matters from the Floor. Agenda times are approximate.

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE REGULAR MEETING AGENDA
- 7:00pm 2. CONSENT AGENDA
Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.
 - A. Approve: 10-07-15 City Council Meeting Minutes
 - B. Approve: 10-17-15 City Council Special Meeting Minutes
 - C. Approve: 10-22-15 City Council Worksession Minutes
 - D. Approve: September Cash Summary Report
 - E. Approve: September Certificates of Deposit Report
 - F. Approve: October Verifieds, Check Register, Electronic Fund Transfers
 - G. Approve: November Payroll Register
- 7:05pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to 3 minutes.
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
 - A. City Engineer: Stormwater Drainage
- 7:10pm 5. PUBLIC HEARINGS
 - A. Simple Subdivision Request, Chuck Elliot, 4965 Sleepy Hollow Road
- 7:25pm 6. UNFINISHED BUSINESS
 - A. 2nd Reading: Ord 245, Regarding Accessory Structures, Recreational Improvements, and Miscellaneous Improvements / Uses; Res 18-15, Summary of Ord 245
 - B. 2nd Reading: Ord 246, Amending Sign Ordinance; Res 19-15, Summary of Ord 246
 - C. 1st Reading: Ord 247, Amending Municipal Watercraft Ordinance
 - D. Consider: St. Alban's Bay Lake Improvement District, Next Steps
- 8:00pm 7. NEW BUSINESS
 - A. Consider: Res 20-15, Simple Subdivision Request, Chuck Elliot, 4965 Sleepy Hollow Road
 - B. 1st Reading: Ord 248, Amending City Code Section 1215 to Allow Waiving of 2nd Readings of Ordinances
 - C. Discuss: Ord 249, Amending City Code Sections 510, 1140.60, 1150.20, and 1155 Regarding Security Deposits / Agreements for Landscaping and for Conditions of Approved Variances and Conditional Use Permits
- 8:25pm 8. OTHER BUSINESS
 - A. None
- 8:30pm 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
- 8:50pm 10. ADJOURNMENT
- 9:00pm **CLOSED SESSION** for attorney-client privilege to discuss Shorewood's partition action lawsuit regarding the Southshore Center.



Worksession

Agenda Date: 11-04-15

Prepared by Deb Kind

Agenda Item: Emerald Ash Borer Discussion with City Forester Manuel Jordan

Summary: City Forester Manuel Jordan will give a verbal update at the worksession.

Council Action: No action is allowed at worksessions.



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 Meeting

Wednesday, October 7, 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 Engineer Dave Martini

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

2. CONSENT AGENDA

- 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

3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

- A. Guest: Chief Michael Meehan, South Lake Minnetonka Police Department Update

No council action was taken. View the presentation on LMCC TV channel 8 or at www.lmcc-tv.org.

- B. Guest: Hennepin County Commissioner Jan Callison, Annual County Update

No council action was taken. View the presentation on LMCC TV channel 8 or at www.lmcc-tv.org.

- C. Guest: Prosecutor Greg Keller, Annual Prosecution Update

No council action was taken. View the presentation on LMCC TV channel 8 or at www.lmcc-tv.org.

- D. City Engineer Dave Martini: Smoke Testing, Road Projects, Stormwater Drainage (Meadville Street and St. Alban's Bay Rd)

Public Comment:

Bob Newman, 5230 Meadville Street, suggested the council consider placing a speed hump in the location where the new yellow striping is now located at the Meadville & Minnetonka Blvd intersection. Full comments may be viewed on LMCC TV channel 8 or at www.lmcc-tv.org.

No council action was taken. View the discussion on LMCC TV channel 8 or at www.lmcc-tv.org.

- E. Announcement: Excelsior - Lake Minnetonka Chamber of Commerce, State of the Cities Lunch, Thurs 10/15 11:30am Southshore Center

No council action was taken. View the announcement on LMCC TV channel 8 or at www.lmcc-tv.org.

5. PUBLIC HEARINGS

A. Delinquent Sewer, Stormwater, and Recycling Charges

Motion by Fletcher to open the public hearing. Second by Roy. Motion passed 5-0.

No one spoke during the public hearing.

Motion by Fletcher to close the public hearing. Second by Roy. Motion passed 5-0.

6. UNFINISHED BUSINESS

A. Consider: Res 17-15 Regarding Lighting and Landscaping Plans, Kam & Sara Talebi, 5570 Maple Heights Rd

Public Comments:

John Lang, 21120 Excelsior Blvd – Expressed concern regarding hardcover and bright lights that can be on all night. Suggested the city council consider removing the override allowance for lights to be on for guests and visitors and require that all lights be on a 10-minute timer.

John Beal, 5470 Maple Heights Rd – Asked if any of the existing trees would be removed on the property.

Kam Talebi's response: None of the existing trees will be removed as part of the landscaping project.

Marietta Jacobsen, 5530 Maple Heights Rd – Expressed concern regarding brightness of the wall-mounted lights.

Jeff Sagal, 21420 Excelsior Blvd – Expressed concern regarding the amount of grading that has changed on the property.

Miles Canning, 21100 Excelsior Blvd – Expressed concern regarding bright lights and spillage over the property line. Expressed concern regarding the number of trees that have been removed and the amount of grading that has changed on the property.

Steve Janousek, 21210 Excelsior Blvd – Expressed concern regarding the visibility of the wall-mounted lights from his property's perspective which is higher than the Talebi property.

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

Motion by Cook that the Greenwood city council extends the variance up to 60 days to allow time for the property owner to submit a complete lighting and landscaping plan to the city. Second by Kind. Motion passed 5-0.

B. 2nd Reading: Ordinance 244, Updating Chapter 5 Fee Schedule

Motion by Fletcher that the Greenwood city council approves the 2nd reading of ordinance 224 with 2% as the figure for the Landscaping Security Deposit percentage. Second by Cook. Motion passed 5-0.

C. Consider: St. Alban's Bay Lake Improvement District, Next Steps

No council action was taken.

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

Motion by Fletcher that the Greenwood 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, with the following addition to paragraph 6(d): "and the increased height of the house in the existing non-conforming footprint is felt to be a reasonable use of the property with an updated home." Second by Roy. Motion passed 5-0.

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

Motion by Quam that the Greenwood city council notify Mary McQuinn, 5025 Covington St, in writing that the city will take up to an additional 60 days to take action regarding her variance and conditional use permit request to allow time for the city engineer to review the plans. Second by Kind. Motion passed 3-2 with Cook and Fletcher voting against the motion.

- C. 1st Reading: Ordinance 245, Regarding Accessory Structures, Recreational Improvements, and Miscellaneous Improvements / Uses

Motion by Fletcher that the Greenwood city council approves the 1st reading of ordinance 245, regarding Accessory Structures, Recreational Improvements, and Miscellaneous Improvements / Uses with the following revisions: (1) In the section 1140.10 subd. 2 table, delete "up to 30 inches" in the description for decks and patios and change to "less than 30 inches." (2) In section 1140.10, delete subd. 5 regarding Water-Oriented Accessory Structures in its entirety. Second by Cook. Motion passed 4-1 with Kind voting against the motion.

- D. Discuss: Proposed Amendments to Municipal Watercraft Ordinance

Motion by Fletcher that the Greenwood city council continue the discussion regarding proposed amendments to the Municipal Watercraft Ordinance to the November 4, 2015 city council meeting. Second by Cook. Motion passed 5-0.

- E. Consider: Ongoing Weed Removal at City Docks

No council action taken.

- F. 1st Reading: Ordinance 246, Amending Sign Ordinance

Motion by Roy that the Greenwood city council approves the 1st reading of ordinance 246 amending the sign ordinance with the following directives: (1) Delete "front" from "front façade" in paragraph (a). (2) Revise paragraph (e) to state signs on canopies count towards 75 square foot total allowed. (3) Authorize Mayor Kind and Councilman Fletcher to review other cities' ordinances and make a recommendation regarding the maximum sign square footage allowed for multiple tenant buildings. Second by Quam. Motion passed 5-0.

- G. Consider: Resolution 16-15, Delinquent Sewer, Stormwater, and Recycling Charges

Motion by Fletcher that the Greenwood city council approves resolution 16-15 and the assessment roll for delinquent sewer, stormwater, and recycling charges. Second by Cook. Motion passed 5-0.

- H. Consider: Auditor Proposals

Motion by Roy that the Greenwood city council approves the auditing services proposal from CliftonLarsonAllen in the amount of \$9,600 to provide auditing services for 2015, \$9,700 to provide auditing services for 2016, \$9,800 to provide auditing services for 2017, and directs the city clerk to notify all proposers of the council's decision. Second by Cook. Motion passed 5-0.

- I. Consider: Hwy 7 / Christmas Lake Rd Traffic Signal Painting Project

Motion by Fletcher that the Greenwood 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. Second by Roy. Motion passed 5-0.

- J. Discuss: Bean's Greenwood Marina Environmental Assessment Worksheet

Motion by Roy that the Greenwood city council directs the mayor to send written letter of support regarding Bean's Greenwood Marina's Environmental Assessment Worksheet to the Lake Minnetonka Conservation District. Second by Quam. Motion passed 5-0.

8. OTHER BUSINESS

A. None

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

No council action was taken.

10. ADJOURNMENT

Motion by Roy to adjourn the meeting at 10:32pm. Second by Cook. Motion passed 5-0.

NOTE: The closed session to discuss Shorewood's partition action lawsuit regarding 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).



MINUTES

Greenwood City Council Special Meeting

Saturday, October 17, 2015

20225 Cottagewood Road, Deephaven, MN 55331

1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 9:00am.

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

Others Present: City Attorney Mark Kelly

Members Absent: Councilmembers Bob Quam and Rob Roy

Motion by Cook to approve the agenda. Second by Kind. Motion passed 3-0.

2. CONSIDER: Resolution 17-15 Regarding Landscaping and Lighting Plans for Kam & Sara Talebi, 5570 Maple Heights Rd

Motion by Fletcher to approve resolution 17-15 with revisions as discussed by the city council and subject to the applicant submitting a revised landscaping and lighting plan that includes light model numbers. Second by Kind. Motion passed 3-0.

Motion by Fletcher to approve the Landscaping Security Agreement for the Talebi property and authorize the city attorney and mayor to make non-substantive revisions. Motion passed 3-0.

3. ADJOURNMENT

Motion by Kind to adjourn the meeting at 9:35am. Second by Fletcher. Motion passed 3-0.



MINUTES

Greenwood City Council Worksession

Thursday, October 22, 2015

20225 Cottagewood Road, Deephaven, MN 55331

1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 4:03pm.

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

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

Members Absent: Councilmember Tom Fletcher

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

2. DISCUSSION WITH ASSESSORS: Fall Sales Ratio Study, Methodology, Etc.

The city council and assessors discussed the following documents:

- A. Spreadsheets showing the tax comparison for properties based on 2015 payable taxes compared with 2016 proposed payable taxes.
- B. Samples of 2016 Proposed Levies & Taxes statements.
- C. Residential Growth Chart with preliminary indicated market value change for the 2016 assessment for taxes payable in 2017. The document indicates that the 2016 assessment will decrease between -4.14% and -1.14% for Off-Shore Residential properties, increase between 6.74% and 10.85% for On-Lake Residential properties, and increase between 2.81% and 7.95% for Condos.
- D. List of 10-01-14 to 09-30-15 residential property sales.
- E. 2015 Fall Sales Study documents with Direct Ratio and Adjusted for Market Conditions Ratio for all Hennepin County cities.

The city council and assessors also discussed the following:

- A. What can and cannot be done with a mass appraisal system.
- B. The concept of creating On-Lake Residential "neighborhoods" based on lot size instead of by street address.
- C. The concept of valuing the 2nd 50 feet at a higher rate compared to the 1st 50 feet.
- D. Requested the assessors provide statewide information regarding county-by-county sales ratios.

3. ADJOURNMENT

Motion by Roy to adjourn the meeting at 5:05pm. Second by Quam. Motion passed 4-0.

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
11/01/15	PC	11/01/15	11011501	COOK, WILLIAM B.	37		001-10100	184.70
11/01/15	PC	11/01/15	11011502	Fletcher, Thomas M	33		001-10100	84.70
11/01/15	PC	11/01/15	11011503	Kind, Debra J.	34		001-10100	277.05
11/01/15	PC	11/01/15	11011504	Quam, Robert	32		001-10100	184.70
11/01/15	PC	11/01/15	11011505	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>

Check Issue Date(s): 10/01/2015 - 10/31/2015

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/15	10/06/2015	12134	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	388.90
10/15	10/06/2015	12135	762	CATALYST GRAPHICS INC	101-20100	80.50
10/15	10/06/2015	12136		Information Only Check	101-20100	.00 V
10/15	10/06/2015	12137	9	CITY OF DEEPHAVEN	101-20100	15,307.45
10/15	10/06/2015	12138	822	ECM PUBLISHERS INC	602-20100	94.44
10/15	10/06/2015	12139	52	EXCELSIOR FIRE DISTRICT	101-20100	31,587.94
10/15	10/06/2015	12140	68	GOPHER STATE ONE CALL	602-20100	71.05
10/15	10/06/2015	12141	3	KELLY LAW OFFICES	101-20100	2,050.00
10/15	10/06/2015	12142	105	METRO COUNCIL ENVIRO SERVICES	602-20100	1,912.42
10/15	10/06/2015	12143	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	27,166.42
10/15	10/06/2015	12144	745	Vintage Waste Systems	101-20100	1,628.25
10/15	10/06/2015	12145	145	XCEL ENERGY	602-20100	211.84
10/15	10/12/2015	12146	857	LECY BROS.	101-20100	750.00
10/15	10/27/2015	12147	51	BOLTON & MENK, INC.	403-20100	7,632.50
10/15	10/27/2015	12148	594	CITY OF EXCELSIOR	602-20100	125,671.02
10/15	10/27/2015	12149	858	CITY OF MINNETONKA	101-20100	200.00
10/15	10/27/2015	12150	822	ECM PUBLISHERS INC	101-20100	357.42
10/15	10/27/2015	12151	790	GMH ASPHALT CORPORATION	101-20100	18,635.04
10/15	10/27/2015	12152	784	HERITAGE SHADE TREE CONSULT	101-20100	1,637.50
10/15	10/27/2015	12153	850	KENNEDY, GRAVEN, CHARTERED	101-20100	582.55
10/15	10/27/2015	12154	99	LAKE MTKA CONSERVATION DISTRIC	605-20100	342.50
10/15	10/27/2015	12155	689	Mission Communications LLC	602-20100	1,737.00
10/15	10/27/2015	12156	859	PRIDE CONSTRUCTION & EXC INC	502-20100	2,100.00
10/15	10/27/2015	12157	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	150.00
10/15	10/27/2015	12158	745	Vintage Waste Systems	101-20100	1,628.25
10/15	10/27/2015	12159	145	XCEL ENERGY	101-20100	381.53
Totals:						<u>242,304.52</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

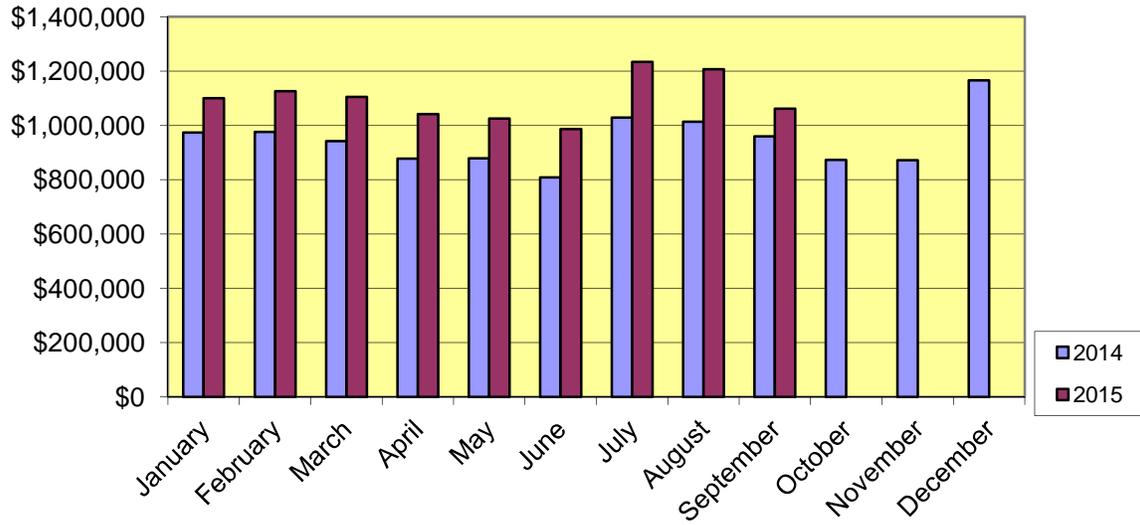
Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
ADVANTAGE SIGNS & GRAPHICS INC					
808	ADVANTAGE SIGNS & GRAPHIC	00026019	SIGNS	09/18/2015	388.90
Total ADVANTAGE SIGNS & GRAPHICS INC					388.90
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0182909	2014 I/I REDUCTION GRANT APP	09/30/2015	1,667.50
		0182910	2014 MS4 ADMN	09/30/2015	108.00
		0182911	2015 DEVELOPMENT REVIEW	09/30/2015	270.00
			2015 DEVELOPMENT REVIEW		810.00
		0182912	2015 MISC ENGINEERING	09/30/2015	516.00
			2015 MISC ENGINEERING		30.00
			2015 MISC ENGINEERING		60.00
			2015 MISC ENGINEERING		90.00
		0182913	2015 STREET IMPROVEMENTS	09/30/2015	4,081.00
Total BOLTON & MENK, INC.					7,632.50
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	13139	CITY NEWSLETTER	09/30/2015	80.50
Total CATALYST GRAPHICS INC					80.50
CITY OF DEEPHAVEN					
9	CITY OF DEEPHAVEN	SEPT 2015	RENT & EQUIPMENT	10/01/2015	487.45
			Postage		174.72
			COPIES		234.80
			SEWER		1,433.92
			STREETS		896.20
			WEED/TREE/MOWING		179.24
			PARK MAINTENANCE		358.48
			STORM SEWERS		537.72
			Clerk Services		2,747.20
			ZONING		1,226.59
			3RD QTR BLDG PERMITS		7,031.13
Total CITY OF DEEPHAVEN					15,307.45
CITY OF EXCELSIOR					
594	CITY OF EXCELSIOR	00201410	WTR CONNECTION CHARGE	10/13/2015	110,086.40
			ENG FEES FOR WTR CONNECTION		15,584.62
Total CITY OF EXCELSIOR					125,671.02
CITY OF MINNETONKA					
858	CITY OF MINNETONKA	101415	ADMN HEARING	10/14/2015	200.00
Total CITY OF MINNETONKA					200.00
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	260494	LEGAL NOTICE	09/24/2015	94.44
		267046	LEGAL NOTICE	10/15/2015	44.66
		269202	LEGAL NOTICE	10/22/2015	312.76
Total ECM PUBLISHERS INC					451.86
EXCELSIOR FIRE DISTRICT					
52	EXCELSIOR FIRE DISTRICT	4TH QTR 2015	4th Qtr. Operations	10/01/2015	17,368.52
			4th Qtr. Buildings		14,219.42

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total EXCELSIOR FIRE DISTRICT				<u>31,587.94</u>
GMH ASPHALT CORPORATION					
790	GMH ASPHALT CORPORATION	100515	2015 STREET IMPROVEMENTS	10/05/2015	<u>18,635.04</u>
	Total GMH ASPHALT CORPORATION				<u>18,635.04</u>
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	148115	Gopher State calls	09/30/2015	<u>71.05</u>
	Total GOPHER STATE ONE CALL				<u>71.05</u>
HERITAGE SHADE TREE CONSULT					
784	HERITAGE SHADE TREE CONSL	5497	URBAN FORESTRY CONSULTING	10/14/2015	<u>1,637.50</u>
	Total HERITAGE SHADE TREE CONSULT				<u>1,637.50</u>
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	6378	GENERAL LEGAL	09/29/2015	<u>2,050.00</u>
	Total KELLY LAW OFFICES				<u>2,050.00</u>
KENNEDY, GRAVEN, CHARTERED					
850	KENNEDY, GRAVEN, CHARTERED	GR625-001	B BURDICK CLOSED SESSION	08/31/2015	<u>276.30</u>
		GR625-002	BURDICK ZONING SUIT	08/31/2015	<u>306.25</u>
	Total KENNEDY, GRAVEN, CHARTERED				<u>582.55</u>
LAKE MTKA CONSERVATION DISTRIC					
99	LAKE MTKA CONSERVATION DI	102715	2016 MULTIPLE DOCK LICENSE	10/27/2015	<u>342.50</u>
	Total LAKE MTKA CONSERVATION DISTRIC				<u>342.50</u>
LECY BROS.					
857	LECY BROS.	101215	VARIANCE - REFUND	10/12/2015	<u>400.00</u>
			SUBDIVISION - REFUND		<u>150.00</u>
			SHORELAND FEE - REFUND		<u>200.00</u>
	Total LECY BROS.				<u>750.00</u>
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001048715	Monthly wastewater Charge	10/01/2015	<u>1,912.42</u>
	Total METRO COUNCIL ENVIRO SERVICES				<u>1,912.42</u>
Mission Communications LLC					
689	Mission Communications LLC	40032110	Annual Service Package	10/06/2015	<u>1,737.00</u>
	Total Mission Communications LLC				<u>1,737.00</u>
PRIDE CONSTRUCTION & EXC INC					
859	PRIDE CONSTRUCTION & EXC I	102015	EXCAVATING FEES - MEADVILLE ST	10/20/2015	<u>2,100.00</u>
	Total PRIDE CONSTRUCTION & EXC INC				<u>2,100.00</u>
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE	101515	Hennepin Co. Processing Fees	10/15/2015	<u>150.00</u>
		4TH QTR 2015	4th Quarter Lease	10/01/2015	<u>11,580.00</u>

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
		OCT 2015	2015 OPERATING BUDGET EXP	10/01/2015	15,586.42
	Total SO LAKE MINNETONKA POLICE DEPT				<u>27,316.42</u>
Vintage Waste Systems					
745	Vintage Waste Systems	092215	City Recycling Contract	09/22/2015	1,628.25
		102015	City Recycling Contract	10/20/2015	1,628.25
	Total Vintage Waste Systems				<u>3,256.50</u>
XCEL ENERGY					
145	XCEL ENERGY	092815	Sleepy Hollow Road *	09/28/2015	8.59
			SIREN		3.76
			4925 MEADVILLE STREET *		8.57
			LIFT STATION #1		36.84
			LIFT STATION #2		33.55
			LIFT STATION #3		22.52
			LIFT STATION #4		32.97
			LIFT STATION #6		65.04
		100515	Street Lights *	10/05/2015	381.53
	Total XCEL ENERGY				<u>593.37</u>

Total Paid: 242,304.52
 Total Unpaid: -
 Grand Total: 242,304.52

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	\$1,061,011	-\$146,283	\$100,928
October	\$872,707	\$0	-\$1,061,011	-\$872,707
November	\$871,871	\$0	\$0	-\$871,871
December	\$1,165,931	\$0	\$0	-\$1,165,931

Bridgewater Bank Money Market	\$474,170
Bridgewater Bank Checking	\$19,118
Beacon Bank CD	\$406,795
Beacon Bank Money Market	\$156,192
Beacon Bank Checking	\$4,736
	\$1,061,011

ALLOCATION BY FUND

General Fund	\$325,285
Special Project Fund	\$0
General Fund Designated for Parks	\$22,685
Bridge Capital Project Fund	\$117,203
Road Improvement Fund	\$40,000
Stormwater Fund	\$12,163
Sewer Enterprise Fund	\$474,542
Marina Enterprise Fund	\$69,133
	\$1,061,011

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 9/30/15

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10412	Beacon Bank	09/22/14	13 month	10/22/15	0.70%	\$ 80,561.97
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%	\$ 80,420.62
101-10409	Beacon Bank	08/05/15	13 month	09/05/16	0.40%	\$ 61,359.73
					TOTAL	\$ 406,794.64

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.



Agenda Number: 4A

Agenda Date: 11-04-15

Prepared by Deb Kind

Agenda Item: City Engineer Dave Martini, Street Drainage

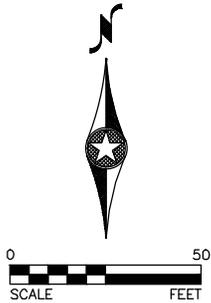
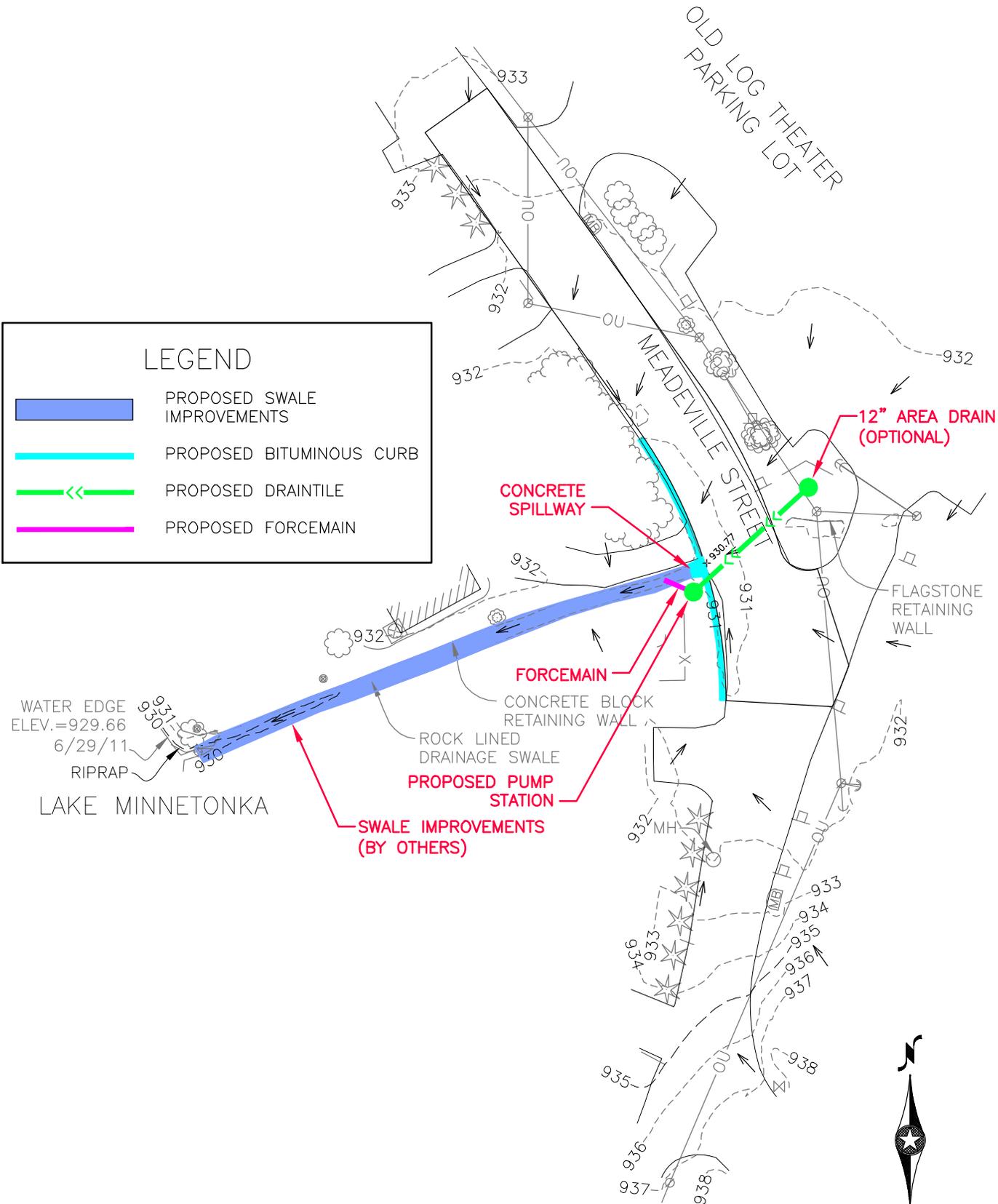
Summary: City Engineer Dave Martini will give a verbal update at the city council meeting.

Council Action: No action required.

**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

LEGEND	
	PROPOSED SWALE IMPROVEMENTS
	PROPOSED BITUMINOUS CURB
	PROPOSED DRAINTILE
	PROPOSED FORCEMAIN



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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,

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DESIGNING FOR A BETTER TOMORROW
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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.

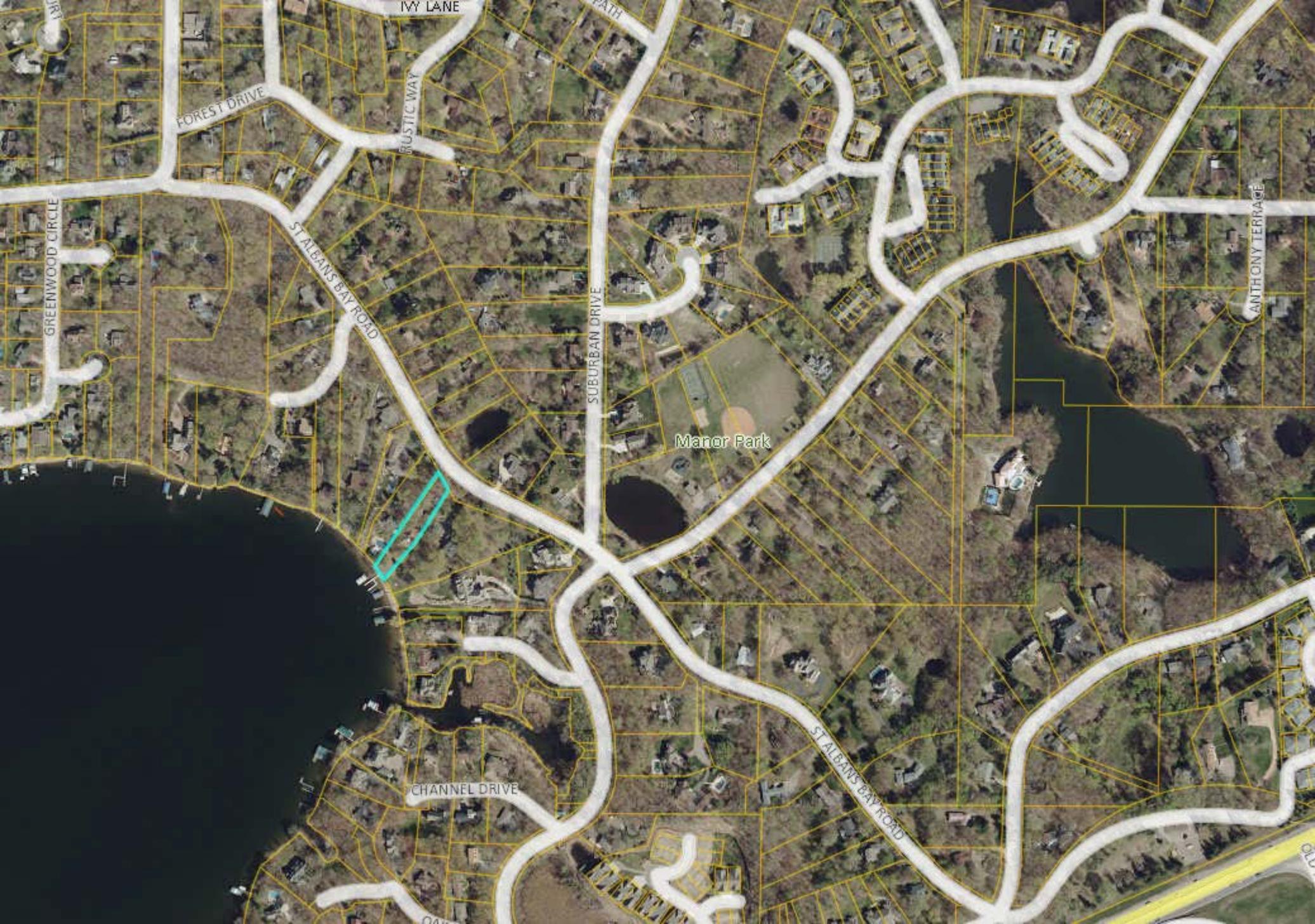
The total estimated cost of the proposed drainage improvements is **\$66,500** as detailed on the attached tabulation. This includes contingency and soft costs. The pump station will have annual costs including electrical costs, equipment maintenance and staff time for operation.

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 style.

David P. Martini, P.E.
Principal Engineer



FOREST DRIVE

RUSTIC WAY

ST ALBANS BAY ROAD

GREENWOOD CIRCLE

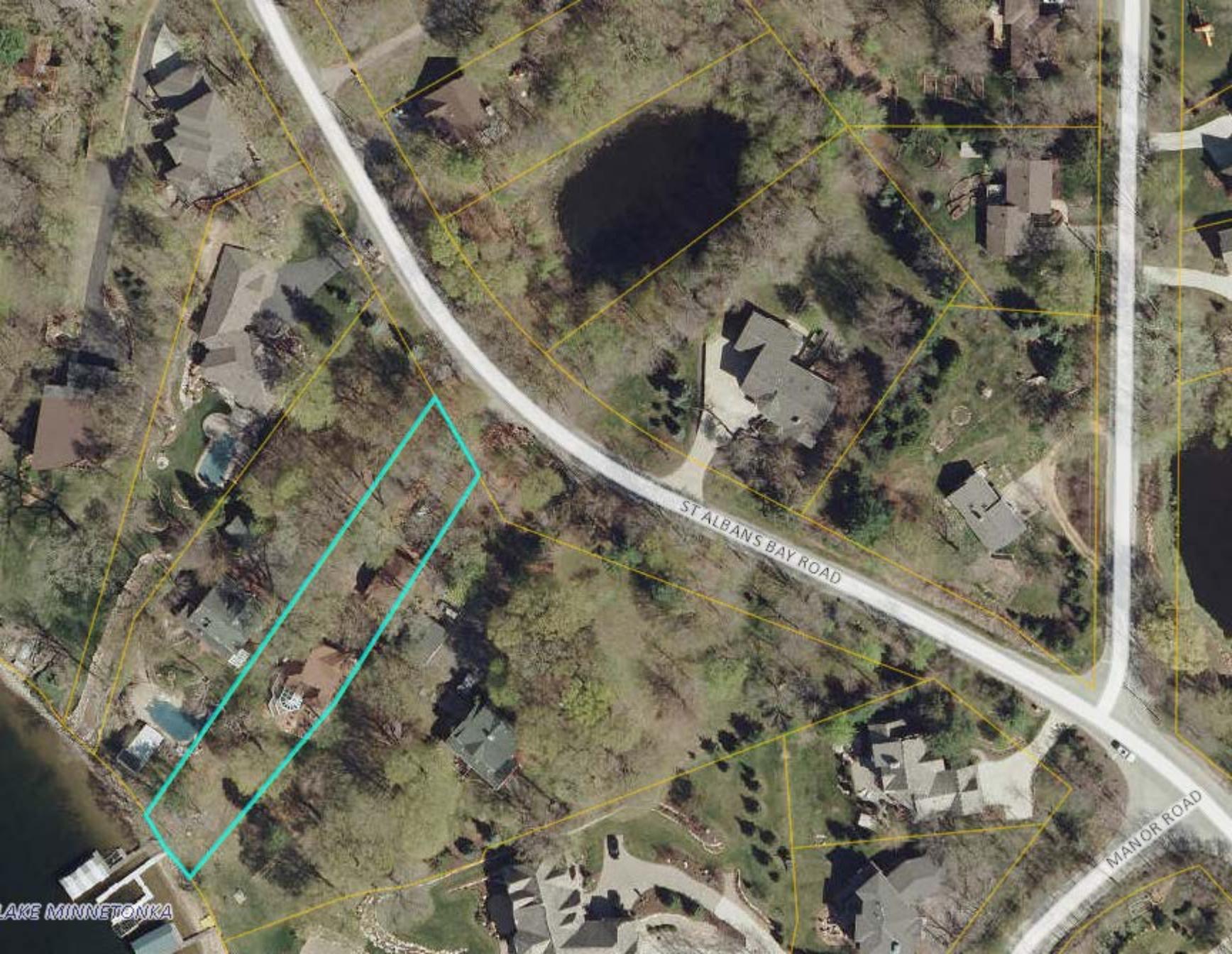
SUBURBAN DRIVE

Manor Park

ANTHONY TERRACE

CHANNEL DRIVE

ST ALBANS BAY ROAD



ST ALBANS BAY ROAD

MANOR ROAD

LAKE MINNETONKA



Agenda Number: 5A

Agenda Date: 11-04-15

Prepared by Deb Kind

Agenda Item: Public Hearing, Simple Subdivision Request, Chuck Elliot, 4965 Sleepy Hollow Road

Summary: The city council will be considering the resolution for the findings of fact for the 4965 Sleepy Hollow Road simple subdivision request later on the agenda. Prior to taking action, a public hearing needs to held. Since the subdivision section is in chapter 6 and is not in the zoning chapter 11 of the city code, the city council will hold the public hearing. The notice for the public hearing was published in the Sun-Sailor on 10-15-15. As of the council packet deadline no written comments have been received by the city. See 7A in the city council packet for more details about the application.

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

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

The council will take action regarding the application under item 7A on the agenda.



Agenda Number: **6A**

Agenda Date: **11-04-15**

Prepared by *Deb Kind*

Agenda Item: Ordinance 245, Regarding Accessory Structures, Recreational Improvements, and Miscellaneous Improvements / Uses AND Res 18-15, Summary of Ord 245

Summary: The 1st reading of the ordinance was approved with revisions at the 10-07-15 city council meeting. The attached draft of the ordinance includes revisions made at the 10-07-15 meeting. Also attached is resolution 18-15, a summary of ordinance 245 for publication.

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 2nd reading of ordinance 245 regarding accessory structures, recreational improvements, and miscellaneous improvements / uses as written (with the following revisions: _____).
2. I move the city council approves resolution 18-15, a summary of ordinance 245 for publication.
3. Do nothing or other motion?

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. 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 CHAPTER 11 REGARDING ACCESSORY STRUCTURES,
RECREATIONAL IMPROVEMENTS, AND MISCELLANEOUS IMPROVEMENTS / USES**

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

SECTION 1.

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

"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 2.

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:

"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 3.

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

"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 4.

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

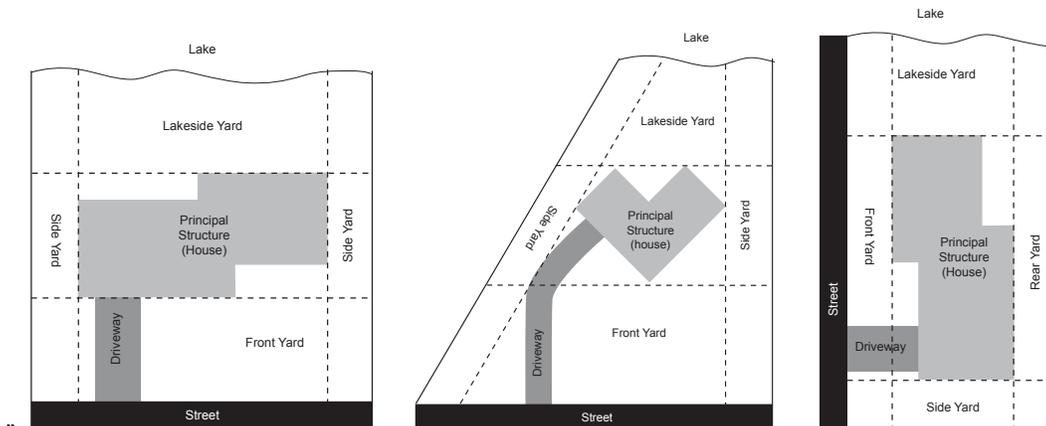
"Structure (Water-Oriented Accessory) Pursuant to Minnesota state rule 6120.2500, water-oriented accessory structure means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature,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

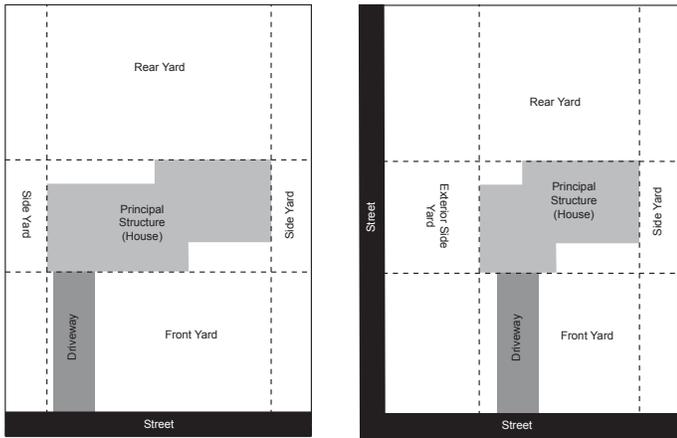
SECTION 5.

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

"Yard means the space on the same lot with a building, lying between the principal structure and the lot lines.

The following illustrations show examples of yard locations:





SECTION 6.

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

“*Yard (Front)* means 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.

SECTION 7.

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 8.

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

“*Yard (Lake or Lakeside)* means the space extending the full width of the lot and lying between the ordinary high water 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 9.

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

“*Yard (Rear)* means 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 10.

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

“*Yard (Side)* means 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 11.

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 12.

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 13.

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.
- 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 14.

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 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. *Setback 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 <small>(see sections 1120.20, 1122.20, 1123.20, 1125.20 for more regulations)</small>	50 feet	10 feet	30 feet	10 feet	50 feet
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 – less than 30 inches in height, excluding railings <small>(attached or detached from principal structure, with or without footings)</small>	50 feet	5 feet	30 feet	10 feet	35 feet
Decks – 30+ inches in height, excluding railings <small>(attached or detached from principal structure, with or without footings)</small>	50 feet	10 feet	30 feet	10 feet	50 feet
Driveways	0 feet	5 feet	0 feet	10 feet	50 feet
Driveway Entry Monuments <small>(6ft maximum height from grade including lights and finials, 3ft maximum depth, 3ft maximum width)</small>	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 Poles <small>(40ft maximum height from grade)</small>	0 feet	5 feet	0 feet	10 feet	0 feet

Light Poles (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 – less than 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

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.”

SECTION 15.

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: October 7, 2015
Second reading: _____, 2015
Publication: _____, 2015

RESOLUTION 18-15

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 245 BY TITLE AND SUMMARY**

WHEREAS, on November 4, 2015 the city council of the city of Greenwood adopted “Ordinance 245 amending Greenwood ordinance code chapter 11 regarding accessory structures, recreational improvements, and miscellaneous improvements / uses.”

WHEREAS, the city council has prepared a summary of ordinance 245 as follows:

1. The purpose of this ordinance is to clarify definitions and setbacks for accessory structures, recreational improvements, and miscellaneous improvements / uses. To preserve (1) the public safety and welfare, (2) the 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 setback requirements are necessary to protect the public welfare of the city.
2. The ordinance includes new definitions for Structure, Structure (Accessory), Structure (Principal), Structure (Water-Oriented Accessory), Structure (Floodplain), Yard, Yard (Front), Yard (Exterior Side), Yard (Lake or Lakeside), Yard (Rear), Yard (Side), and Recreational Improvement.
3. The ordinance includes new drawings showing the locations of Yard (Front), Yard (Exterior Side), Yard (Lake or Lakeside), Yard (Rear), and Yard (Side).
4. The ordinance includes a new table that lists setback standards for the following: Accessory Structures; Air Conditioners, Generators; Benches; Bird Feeders, Bird Houses; Decks; Driveways; Driveway Entry Monuments; Fireplaces, Grills, Outdoor Kitchens; Fire Pits; Flag Poles; Light Poles; Monument Signs, V-Shaped Signs; Patios, Slabs; Pergolas, Arbors; Planters, Raised Garden Beds; Recreational Improvements, In-Ground Swimming Pools, In-Ground Spas, Sport Courts, Tennis Courts; Sidewalks, Paths, Walkways; Storage Chests, Storage Sheds; Swimming Pools, Hot Tubs (above ground); Swing Sets, Play Systems, Playhouses; Tents, Canopies; and Tree Houses.

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

1. The city council finds that the above title and summary of ordinance 245 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 245 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

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

___ AYES ___ NAYS

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Dana Young, City Clerk

First reading: October 7, 2015

Second reading: _____, 2015

Publication: _____, 2015



Agenda Number: 6B

Agenda Date: 11-04-15

Prepared by Deb Kind

Agenda Item: Ordinance 246, Amending Sign Ordinance AND Res 19-15, Summary of Ord 246

Summary: The 1st reading of the ordinance was approved with revisions at the 10-07-15 city council meeting. The attached draft of the ordinance includes revisions made at the 10-07-15 meeting. Also attached is resolution 19-15, a summary of ordinance 246 for publication.

For the council's information ...

1. Deephaven allows 100 square feet total signage for all commercial properties (does not make a distinction between single and multi-tenant properties).
2. Shorewood determines the maximum signage square footage for commercial properties (single and multi-tenant) by calculating 10% of the gross area of the front face of the building (both faces allowed if a corner building).
3. Excelsior's link to their code book was offline for maintenance when checked.

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 2nd reading of ordinance 246 amending the sign ordinance section 1140.40 (with the following revisions: _____).
2. I move the city council approves resolution 19-15, a summary of ordinance 246 for publication.
3. Do nothing or other motion?

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. 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. 246

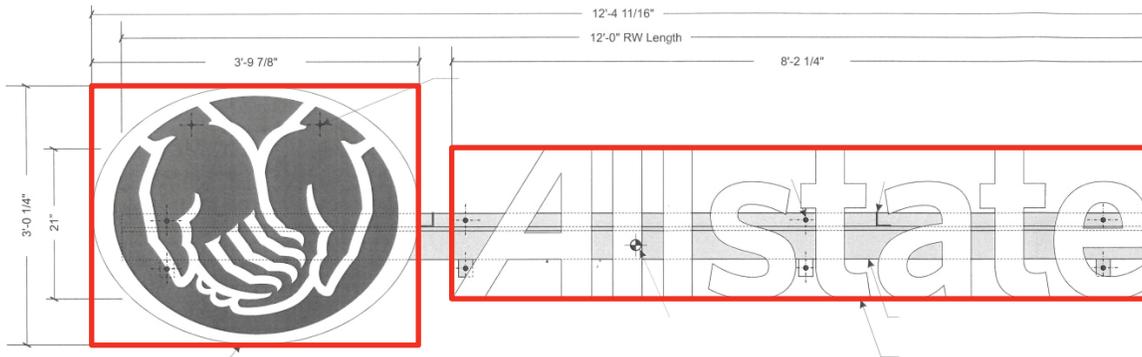
**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1140.40 REGARDING SIGNAGE**

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

SECTION 1.

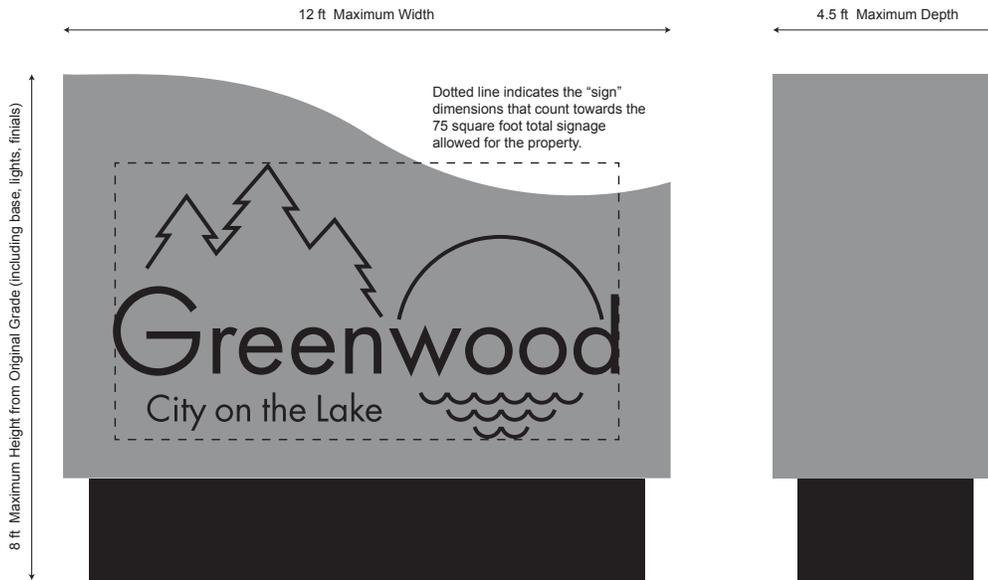
Greenwood ordinance code section 1140.40 subd 8 is amended to read as follows:

- “(a) The size of a sign may not exceed 15% of the wall area of the 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 including the frame shall be used to calculate the square footage. 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 and V-shaped structures shall not exceed 12 feet in width, 8 feet in height (measured from the original grade, including base, lights, fineals), 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) Signs located on canopies and fixed awnings shall be measured using the same method in (b) for wall signs. Lettering or graphics on all faces of canopies and awnings shall count towards the 75 square foot total signage allowed for the property.
- (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) A multiple tenant commercial property shall be allowed 100 square feet of total signage for the property."

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: October 7, 2015
Second reading: _____, 2015
Publication: _____, 2015

RESOLUTION 19-15

**A RESOLUTION APPROVING PUBLICATION
OF ORDINANCE NUMBER 246 BY TITLE AND SUMMARY**

WHEREAS, on November 4, 2015 the city council of the city of Greenwood adopted "Ordinance 246 amending Greenwood ordinance code section 1140.40 regarding signage."

WHEREAS, the city council has prepared a summary of ordinance 246 as follows:

1. The purpose of this ordinance is to clarify sign measurements.
2. The ordinance includes drawings showing how wall signs and monument signs are measured.
3. The ordinance sets 100 square feet as the total signage allowed for multiple tenant commercial properties.

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

1. The city council finds that the above title and summary of ordinance 246 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 246 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

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

___ AYES ___ NAYS

CITY OF GREENWOOD
Debra J. Kind, Mayor
Attest: Dana Young, City Clerk
First reading: October 7, 2015
Second reading: _____, 2015
Publication: _____, 2015



Agenda Number: 6C

Agenda Date: 11-04-15

Prepared by Deb Kind

Agenda Item: 1st Reading, Amendments to Municipal Watercraft Ordinance

Summary: At the August city council meeting, the city council authorized Mayor Kind and Councilman Cook to review the watercraft ordinance and make recommendations for revisions. Attached is are redlined and clean copies of the watercraft ordinance with revisions recommended by Mayor Kind and Councilman Cook.

For the council's reference, a "map" showing 2015 watercraft space locations is attached.

Timeline:

- ~~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 approves the 1st reading of the amended municipal watercraft ordinance as written (with the following revisions: _____.)
2. Do nothing or other motion?

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. 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. 247

**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 section 425 is amended to read as follows:

“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~~ Previous year's 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~~ Third Priority: Lakeshore Greenwood residents on the waiting list.
5. ~~Fifth~~ Fourth Priority: Non-residents on the waiting list.

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 A maximum of 2 names per household address per position space may appear on the appropriate each waiting list in the order they are received. Separate lists will be maintained for each of the watercraft space locations the (St. Alban's Bay docks, Meadville sailboat slips, and Meadville canoe rack) ~~locations~~ for the 5 4 priority categories listed in section 425.10. An address is allowed to appear only once per waiting list. Once ~~a household is an address has been~~ assigned a watercraft space for a location, the address may not appear on the ~~same~~ waiting list for that location. ~~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 submit a watercraft space permit application to the the application form, all required information, and the required nonrefundable 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 date year the permittee was first 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 ~~40~~ 15 days of the date of mailing. Failure to meet the ~~40~~ 15-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~~ of the dates on the waiting list application.

- (f) *Adding or deleting names:* A second name may be added or changed, as long as the second person resides at the same [household address](#). 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 address](#) in the city, the person staying at the original [household address](#) 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. Any watercraft space permittee that desires to place a boatlift at this assigned site shall request preapproval from the [city clerk marina clerk](#). The [city marina clerk](#) may [limit the size and location of the proposed lift](#). ~~refuse permits for boatlifts because of size considerations.~~

~~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 425.23 Municipal Watercraft Space Permits Not Transferrable to Other Locations.

Permittees shall be entitled to renewal at the same location, but shall not obtain rights of priority to a permit at any other location. Permittees at the Meadville sailboat slips or canoe rack, may be on the waiting list for a permit at the St. Alban's Bay docks. In the event a Meadville sailboat permittee is granted a permit for the St. Alban's Bay docks, such person shall not also be entitled keep their Meadville sailboat permit. However, Meadville canoe rack space permittees, may keep their space if they are granted a permit for a space on the St. Alban's Bay docks or Meadville sailboat slip.

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 [address residence](#).
- (c) Submit a photocopy of the watercraft title and [Department of Natural Resources \(DNR\)](#) 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 address](#)) 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. Watercraft with continuous permits each year since 1997 shall be exempt from length and width (beam) requirements.~~ 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.

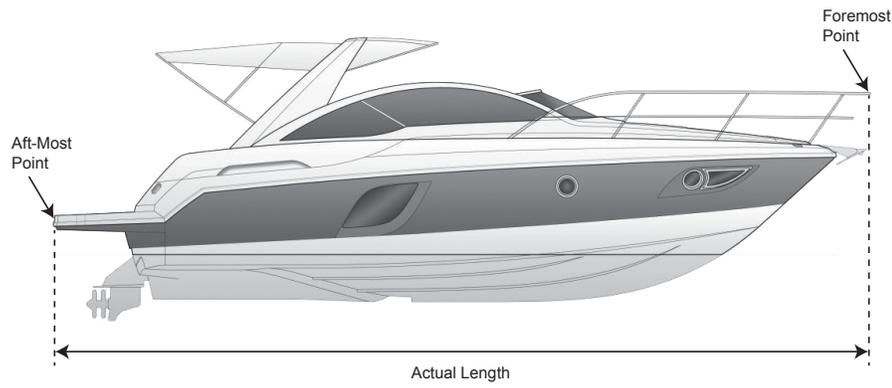
Subd. 1. *Rights Not Assignable.* A watercraft space permit is not assignable. No watercraft space permit holder may sell, assign, lease, sublet, or otherwise transfer any rights in the waiting list, or under a watercraft space permit, nor allow any watercraft other than that designated on the watercraft 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~~ [Permittees](#) who desire to change ~~the watercraft authorized to use a watercraft space shall submit all of the information to a new watercraft~~ [are](#) required to [submit a new application 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-season, ~~the successor in interest~~ [new watercraft owner](#) 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. 3. *Watercraft Size Regulations.* The actual length of all watercraft must comply with the maximum measurements listed on the table below. The watercraft manufacturer’s length or the length listed on the DNR registration card may not be the actual length of the watercraft. The watercraft’s length is the distance between the foremost point and aft-most point with all equipment in operating position \(see the below illustration\). Swim platforms, bow pulpits, bow rails, outboard / stern drives, bow anchors all must be included in the measurement. The watercraft’s width \(beam\) also must be measured from the outer-most side points. Tip for measuring: When the watercraft is out of the water, hang a string with a metal nut attached from the aft-most and foremost points \(length\) and from the outer-most side points \(width\), then measure the distance between the metal nuts with a tape measure.](#)

	Maximum Length	Maximum Width (Beam)
St. Alban's Bay Dock Slips 1A, 1B, 1C, 1-11	23 feet	8 feet, 6 inches
St. Alban's Bay Dock Slips 1D, 12-22	26 feet	8 feet, 6 inches



Subd. 4. *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. *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. *Cooperation.* ~~Permit holders~~ Permittees shall cooperate with city officials in all inquiries, verifications, directions, or orders that the city official makes or issues. ~~to permit holders or applicants. Failure to cooperate with inquiries, verifications, directions, or orders made or issued by the city 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. If a permittee violates this paragraph, 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. 7. *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. *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. *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. *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. *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. *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. *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 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. The notification shall inform the permittee that they 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

**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 section 425 is amended to read as follows:

“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:* Previous year's watercraft space permit holders.
2. *Second Priority:* Off-shore Greenwood residents on the waiting list.
3. *Third Priority:* Lakeshore Greenwood residents on the waiting list.
4. *Fourth Priority:* Non-residents on the waiting list.

Section 425.15. Process.

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

- (a) *Get on the waiting list:* Complete a "waiting list" application and deliver by mail or in person to the marina clerk. A maximum of 2 names per address per space may appear on each list in the order they are received. Separate lists will be maintained for each of the watercraft space locations (St. Alban's Bay docks, Meadville sailboat slips, and Meadville canoe rack) for the 4 priority categories listed in section 425.10. An address is allowed to appear only once per list. Once an address has been assigned a watercraft space for a location, the address may not appear on the waiting list for that location.
- (b) *Past permittees must submit an application by March 15:* The marina clerk will mail "slip renewal" applications to past watercraft space permit holders ("permittees") before February 1 each year. The applicant shall submit a watercraft space permit application to the marina clerk no later than March 15. Failure to meet the March 15 deadline shall cause 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 date the permittee was first assigned a space.
- (e) *Open spaces assigned to waiting list:* The 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 15 days of the date of mailing. Failure to meet the 15-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 of the dates on the waiting list application.
- (f) *Adding or deleting names:* A second name may be added or changed, as long as the second person resides at the same address. If either person moves from the city, their name shall be removed from the list. In the case of one

person moving to another address in the city, the person staying at the original address 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. 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.

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) 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. Any watercraft space permittee that desires to place a boatlift at this assigned site shall request preapproval from the marina clerk. The marina clerk may limit the size and location of the proposed lift.

Section 425.23 Municipal Watercraft Space Permits Not Transferrable to Other Locations.

Permittees shall be entitled to renewal at the same location, but shall not obtain rights of priority to a permit at any other location. Permittees at the Meadville sailboat slips or canoe rack, may be on the waiting list for a permit at the St. Alban's Bay docks. In the event a Meadville sailboat permittee is granted a permit for the St. Alban's Bay docks, such person shall not also be entitled keep their Meadville sailboat permit. However, Meadville canoe rack space permittees, may keep their space if they are granted a permit for a space on the St. Alban's Bay docks or Meadville sailboat slip.

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 marina clerk. If 2 names are on the application, both must prove residency and live at the same address.
- (c) Submit a photocopy of the watercraft title and Department of Natural Resources (DNR) 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 address) may appear on the title and registration card. If a watercraft does not have a title or registration card, this requirement may be waived by the marina clerk.
- (d) Provide a description of the watercraft including make, model, length, beam (width). Watercraft with continuous permits each year since 1997 shall be exempt from length and beam (width) requirements. If a watercraft does not require registration, the requirement for a DNR registration number 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.

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.

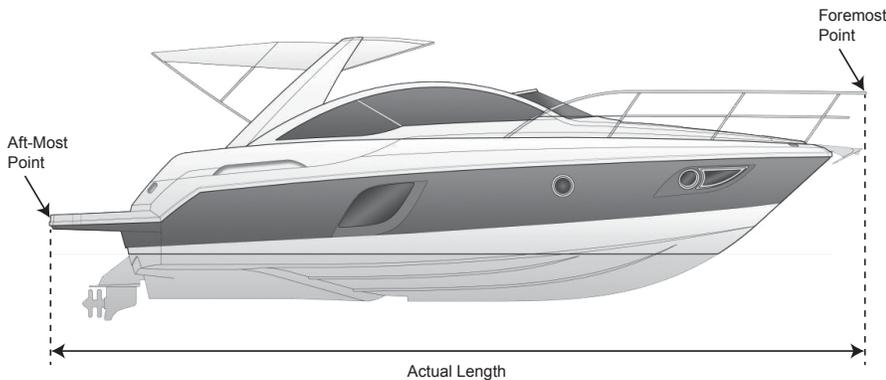
Section 425.30. Use of Watercraft Space and General Regulations.

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. Permittees who desire to change to a new watercraft are required to submit a new application to the marina clerk in advance for confirmation of compliance. No watercraft shall be moored in a watercraft space until the marina clerk approves such watercraft as the identified watercraft in the owner's application. In the event a watercraft is sold during mid-season, new watercraft owner shall have no right to use the watercraft space.

Subd. 3. *Watercraft Size Regulations.* The actual length of all watercraft must comply with the maximum measurements listed on the table below. The watercraft manufacturer's length or the length listed on the DNR registration card may not be the actual length of the watercraft. The watercraft's length is the distance between the foremost point and aft-most point with all equipment in operating position (see the below illustration). Swim platforms, bow pulpits, bow rails, outboard / stern drives, bow anchors all must be included in the measurement. The watercraft's width (beam) also must be measured from the outer-most side points. Tip for measuring: When the watercraft is out of the water, hang a string with a metal nut attached from the aft-most and foremost points (length) and from the outer-most side points (width), then measure the distance between the metal nuts with a tape measure.

	Maximum Length	Maximum Width (Beam)
St. Alban's Bay Dock Slips 1A, 1B, 1C, 1-11	23 feet	8 feet, 6 inches
St. Alban's Bay Dock Slips 1D, 12-22	26 feet	8 feet, 6 inches



Subd. 4. *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. *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. *Cooperation.* Permittees shall cooperate with city officials in all inquiries, verifications, directions, or orders that the city official makes or issues. If a permittee violates this paragraph, 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. 7. *Final Decisions.* All determinations by the marina clerk relating to prioritization of the waiting lists, the issuance of permits, and space assignments shall be final.

Subd. 8. *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. *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. *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. *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. 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. *Acknowledgment of City Code.* As a pre-condition to the issuance of any watercraft space permit by the marina clerk, the permittee shall sign an acknowledgment that they understand that they are subject to the provisions of city code section 425 regarding municipal watercraft spaces.

Subd. 13. *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 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. The notification shall inform the permittee that they 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: 6D

Agenda Date: 11-04-15

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.

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

~~09-02-15 Greenwood approves the 2016 SABLID budget.~~

~~09-21-15 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 ???

presented. The recommendation is based upon findings from the review criteria found in Section 600.07 of the Greenwood Code of Ordinances:

1. No additional buildable lots are proposed, and therefore the proposed sub-lot does not need to conform to the minimum requirements of the zoning ordinance;
2. Each buildable lot that abuts upon a public street or upon an existing easement or private street provides satisfactory ingress and egress;
3. The subdivision will not lend itself to future subdivision;
4. The smaller piece that is to be joined with the 4965 Sleepy Hollow parcel would not increase the impervious surface area to over 30% for that property;
5. Since the non-conforming garage has been removed, the remainder lot is zoning code and shoreland management district code compliant in matters of location of accessory structures, hard cover maximums and side yard setbacks relative to both principal and accessory structures;
6. The city may impose such additional conditions as it deems necessary and appropriate.

Staff's recommendation is based upon the following condition:

1. That the parcel created as a part of the subdivision share the same Property Identification Number as that of 4965 Sleepy Hollow Road.

City Council Action: Action required by December 2, 2015. Possible motions ...

1. I move the City Council accepts the recommendation and findings of staff and adopts resolution 20-15, **approving** the simple subdivision request of Chuck Elliot, 4965 Sleepy Hollow Road.
2. I move the City Council continues action regarding the simple subdivision request of Chuck Elliot, 4965 Sleepy Hollow Road to the 12-02-15 City Council meeting to give staff time to draft findings for **denial** because the applicant has not met the criteria as required by the ordinance in that _____.

CHAPTER 6: SUBDIVISIONS & RIGHT-OF-WAYS

SECTION 600. SUBDIVISIONS.

SECTION 610. STREET NAMES.

SECTION 620. HOUSE NUMBERING.

SECTION 630. PUBLIC RIGHT-OF-WAYS.

SECTION 640. EXCAVATIONS: STREET AND SEWER.

SECTION 600. SUBDIVISIONS.

Section 600.00. General Provisions.

Subd. 1. Title. This ordinance shall be known as the “subdivision ordinance.”

Subd. 2. Purpose. Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivisions, without correlation to the community’s plans and planning standards, will bring a disastrous, disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services, and safe streets, all subdivisions hereafter platted within the city shall fully comply with the regulations hereinafter set forth in this ordinance.

Subd. 3. Interpretation. In their interpretation and application the provisions of this ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

Subd. 4. Scope. Except in the case of re-subdivision, this ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the county recorder or registrar of titles. Nor is it intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provision of other laws or ordinances except those specifically repealed by, or in conflict with, this ordinance, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the city is a party. Where this ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

Section 600.05. Definitions.

See chapter 12 for definitions.

Section 600.07. Simple Subdivision.

One lot may be subdivided into: two separate buildable lots; or smaller pieces may be severed for the purpose of accretion onto neighboring parcels, provided the severed portion does not make the balance of the remaining lot a nonconforming lot; and provided:

1. The size of the newly created buildable lots conform to the minimum requirements of the zoning ordinance;
2. Each buildable lot abuts upon a public street or upon an existing easement or a private street access that is determined by the city council as providing satisfactory ingress and egress;
3. The subdivision will not lend itself to future subdivision for the creation of additional properties within the applicable zone;
4. All existing structures and/or uses found on the new buildable lot shall be removed and if a smaller piece has been severed for accretion onto a neighboring parcel, the severed portion shall not increase the hardcover on the property to which it is accreted;

5. The remainder lot, (after severance of a buildable lot or a smaller piece for accretion onto a neighboring parcel) shall be zoning code and shoreland management district code compliant in matters of location of accessory structures, hard cover maximums and sideyard setbacks relative to both principal and accessory structures; and
6. The city may impose such additional conditions as it deems necessary and appropriate, including requiring the applicant to enter into a developer's agreement with the city, in form meeting the approval of the city attorney.

A dimensional map of such subdivision must be filed with the city clerk before the division is submitted to the council for approval. A fee set by the city council and recorded in chapter 5 of this code book, together with actual costs of publication of notice, provided that any other fees required under the section 600 et seq shall be paid by the applicant including those due toward the city park fund contribution as set by the city code, as well as payment for all sewer hookup charges which might be due. The subdivider shall conform with all other applicable requirements of section 600 et seq including public right-of-way and easement dedication that may be required.

As further limitation to the authorized division of one parcel of land into two tracts, no such division shall be approved if there is any provision or authorization as a result of the division to allow and permit by easement access to Lake Minnetonka from off-shore lake lots; should there be a desire to provide such access, the subdivider shall be required to plat the property pursuant to the terms of section 600 et seq and apart from the provisions of this section governing simple subdivision.

Section 600.10. Preliminary Plat.

Subd. 1. Procedure.

- A. The subdivider shall submit to the city clerk:
 - (1) 14 hard copies and 1 electronic copy of the preliminary plat.
 - (2) A cash down payment toward all costs including investigation, inspection, publication, consultant fees, engineering fees, and attorney fees incurred in the timely review of the proposed subdivision by the city. The subdivider shall be liable to the city for these costs incurred. No permits or licenses shall issue until all expenses incurred are paid to the city by the subdivider. The downpayment amount shall be determined by the city council and set forth in chapter 5 of this code book.
- B. The city clerk shall then:
 - (1) Set a public hearing before the planning commission on the preliminary plat, which shall be held at the next regular meeting of the planning commission on, but not earlier than 10 days after submission of the preliminary plat. Notice of said hearing shall be published in the official city newspaper at least 5 days prior to the hearing. The newspaper notice shall include an easily understood description of the area to be subdivided. The cost of the notice shall be paid by the subdivider in addition to the cash fee for other expenses.
 - (2) Refer 1 copy of the preliminary plat to the planning commission and 1 copy to the city engineer.
- C. The city engineer shall submit their report to the planning commission on or before the hearing on the preliminary plat. This report shall be on the feasibility of street location and construction and on any drainage problems that might be encountered.
- D. The planning commission shall conduct the hearing on the preliminary plat and shall make its report within 5 days after such hearing. The primary function of the planning commission in reviewing a preliminary plat is to determine whether such plat conforms to the design standards set forth in the ordinance. The planning commission may approve a preliminary plat subject to certain revisions and may delegate its staff or one of its members to see that the further revisions conform to the intent of the planning commission.
- E. The council shall act on the preliminary plat within 60 days of the date on which it was filed with the city clerk. If the report of the planning commission has not been received in time to meet this requirement, the council may act without such report.

Approval of a preliminary plat by the council is tentative only involving merely the general acceptability of the layout. Subsequent approval will be required of the engineering proposals, pertaining to storm drainage, grading, gradients and roadway widths and the surfacing of streets, which will be considered in connection with the final plat.

If the preliminary plat is not approved by the council, the reasons for such action shall be recorded in the proceedings of the council and transmitted to the applicant.

Generic Application Form

(this form is not a permit or license)



Person completing form: Property Owner Business Manager Builder Other:

If you prefer to complete this form electronically, it is available for downloading at www.greenwoodmn.com.

Use this form if a specific form does not exist for the permit or license desired.

Date form completed	10-19-2015
Applicant (first name, full middle name, last name)	Charles Joseph Elliott / Tonka Shore, LLC
Property address	4965 Sleepy Hollow Road Greenwood, MN. 55331
Mailing address (if different than property address)	875 Deerwood Drive Chaska, MN 55318
Cell phone	952`607`6706
Email address	Cje.461@gmail.com
MN license number (if applicable)	NA

Type of permit Sub-division

Please attach a narrative description or drawing to this application cover sheet.

The undersigned hereby makes this application for a the above listed permit / license and acknowledges the following:

- I certify information submitted on this form is true and correct to the best of my knowledge. I understand that giving false information on this application constitutes cause for the immediate revocation of any permit / license issued hereunder.
- I am familiar with the provisions of the applicable Greenwood ordinance(s) for this application agree to operate in accordance with the code book of ordinances of the city of Greenwood (available for viewing at city hall and at www.greenwoodmn.com), and with the laws of the state of Minnesota.

The permit / license fee is non-refundable and must be submitted at the time of application. Fees are listed in chapter 5, section 510 of the city code book available for viewing at city hall or at www.greenwoodmn.com.

Signature of applicant **Charles J. Elliott**

Date: 10-19-2015

For Office Use Only	Approved By: Dale	Fee Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check	Amount \$ 150	Approval Date:
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Form Updated 06.02.15

QUIT CLAIM DEED
Individual(s) to Individual(s)

Minnesota Uniform Conveyancing Blanks
Form 10.3.1 (2013)

eCRV number _____

DEED TAX DUE \$ 1.70 _____

DATE: _____
(month/day/year)

FOR VALUABLE CONSIDERATION, Kenneth L. Parsons and Luba M. Parsons, Husband and Wife
(insert name and marital status of each Grantor)

_____ ("Grantor"),
hereby conveys and quitclaims to Carolyn Jane Dinsmore, her successors and assigns, ("Grantee"), an easement in real property in
(insert name of each Grantee)

Hennepin County, Minnesota, legally described as follows: _____ ("Grantee"), real property
in _____ County, Minnesota, legally described as follows:

An easement of ingress and egress for driveway, landscaping and physical maintenance purposes over and across the Southerly 80 feet of Lot 3, Block 2, McCarthys Addition, Hennepin County, Minnesota for the benefit of Lots 20 and 21, Block 13, Minnetonka Manor, Hennepin County, Minnesota, (being the land legally described in Hennepin County Registrar of Titles Certificate of Title No. 785351).

Total consideration for this transaction was less than \$500.

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

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

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

Grantor

Kenneth L. Parsons
(signature) Kenneth L. Parsons

Luba M. Parsons
(signature) Luba M. Parsons

State of Minnesota, County of Hennepin

This instrument was acknowledged before me on December 4, 2013 by Kenneth L. Parsons and Luba M. Parsons,
(month/day/year)
husband and wife
(insert name and marital status of each Grantor)

(Stamp)



Tari K. Haunty
(signature of notarial officer)
Title (and Rank): Notary
My commission expires: 1/31/2015
(month/day/year)

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

Kelly Law Offices
357 Second Street
Excelsior, MN 55331

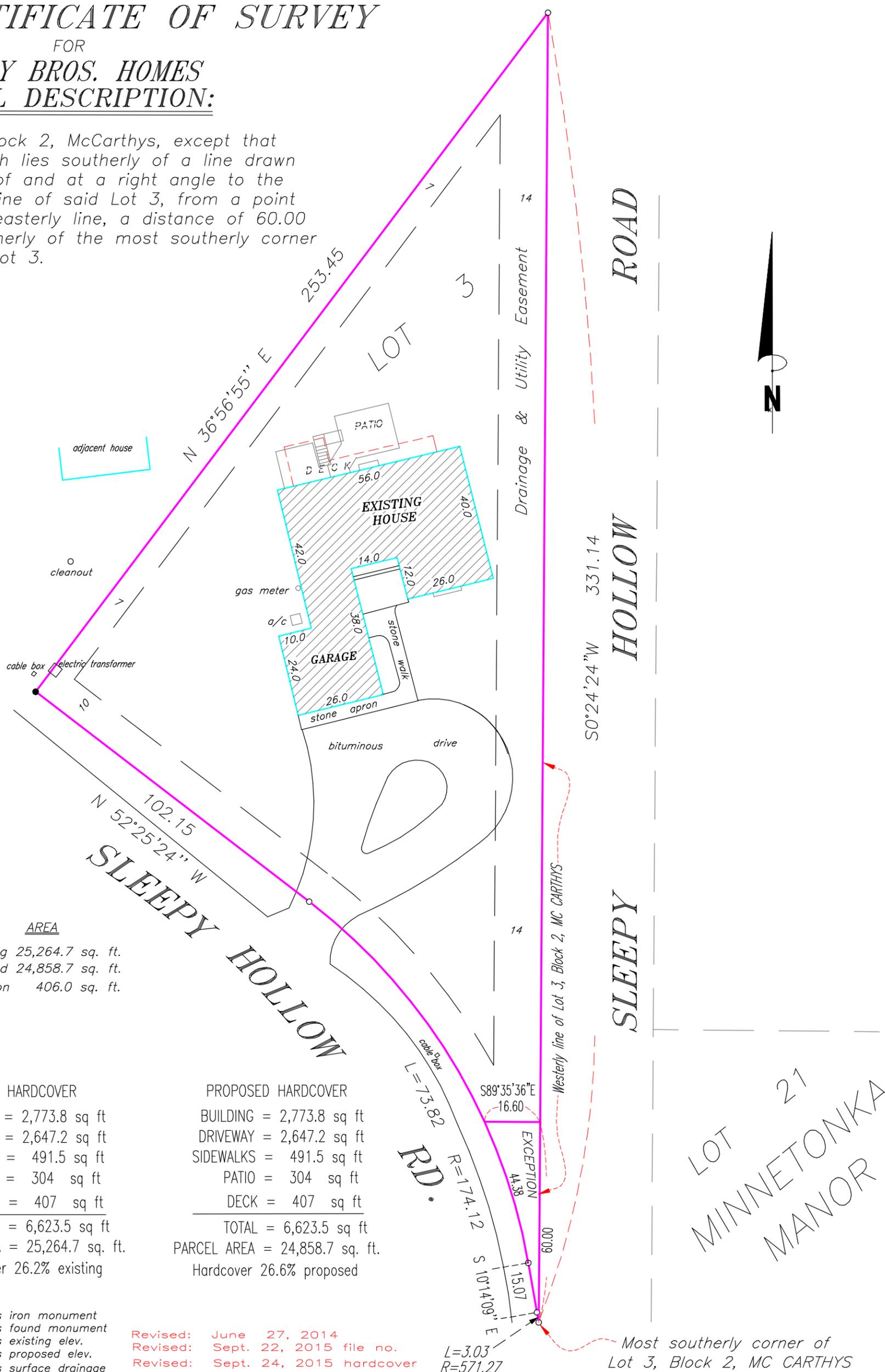
TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

Kenneth L. Parsons
Luba M. Parsons
4945 Sleepy Hollow Road
Greenwood, MN 55331

CERTIFICATE OF SURVEY

FOR LECY BROS. HOMES LEGAL DESCRIPTION:

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



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

EXISTING HARDCOVER	PROPOSED HARDCOVER
BUILDING = 2,773.8 sq ft	BUILDING = 2,773.8 sq ft
DRIVEWAY = 2,647.2 sq ft	DRIVEWAY = 2,647.2 sq ft
SIDEWALKS = 491.5 sq ft	SIDEWALKS = 491.5 sq ft
PATIO = 304 sq ft	PATIO = 304 sq ft
DECK = 407 sq ft	DECK = 407 sq ft
TOTAL = 6,623.5 sq ft	TOTAL = 6,623.5 sq ft
PARCEL AREA = 25,264.7 sq. ft.	PARCEL AREA = 24,858.7 sq. ft.
Hardcover 26.2% existing	Hardcover 26.6% proposed

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

Revised: June 27, 2014
Revised: Sept. 22, 2015 file no.
Revised: Sept. 24, 2015 hardcover

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

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

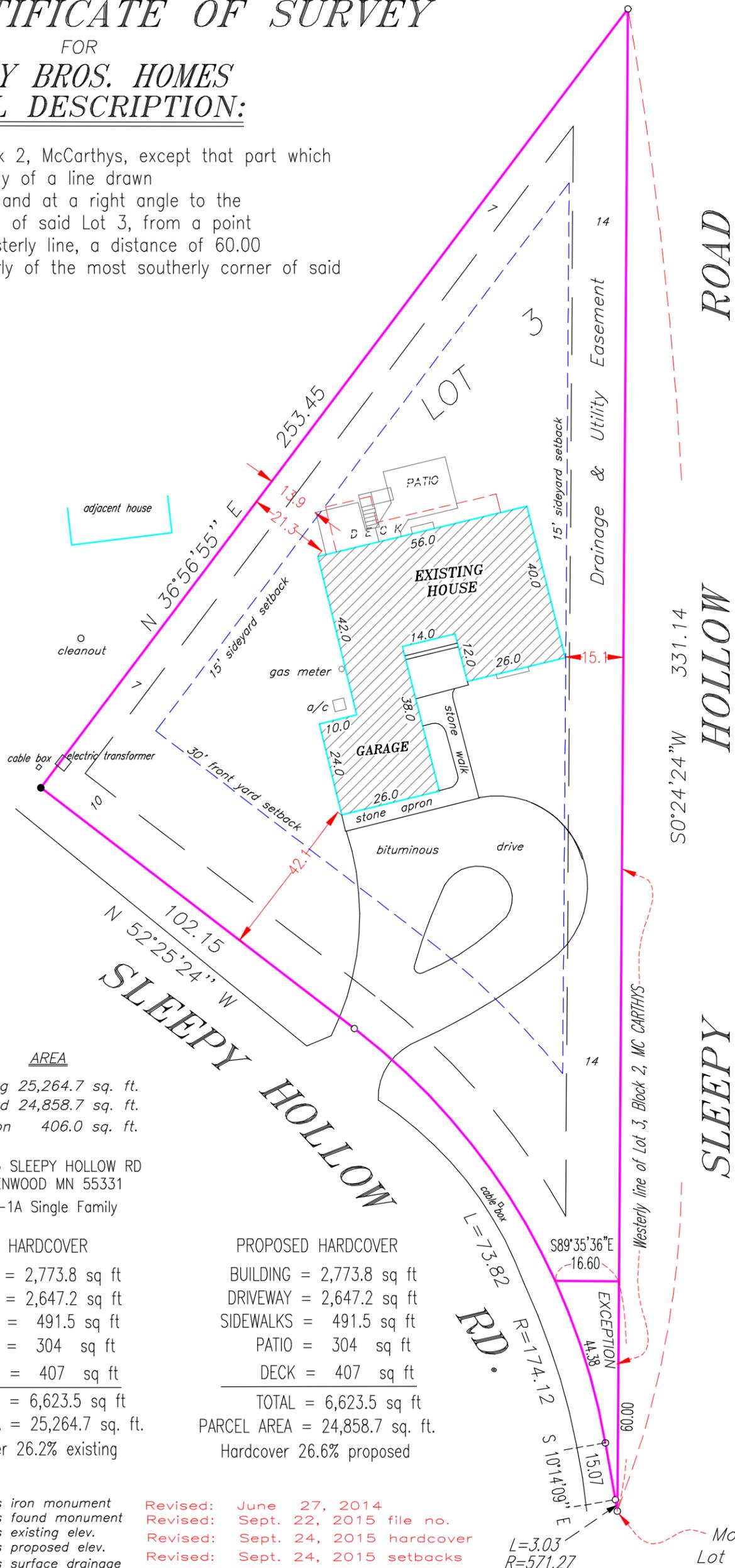
David E. Crook
David E. Crook
Date: May 12, 2014

File No.
14157MC
Book-Page
Scale
1"=30'

CERTIFICATE OF SURVEY

FOR LECY BROS. HOMES LEGAL DESCRIPTION:

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



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

4945 SLEEPY HOLLOW RD
GREENWOOD MN 55331
R-1A Single Family

EXISTING HARDCOVER	PROPOSED HARDCOVER
BUILDING = 2,773.8 sq ft	BUILDING = 2,773.8 sq ft
DRIVEWAY = 2,647.2 sq ft	DRIVEWAY = 2,647.2 sq ft
SIDEWALKS = 491.5 sq ft	SIDEWALKS = 491.5 sq ft
PATIO = 304 sq ft	PATIO = 304 sq ft
DECK = 407 sq ft	DECK = 407 sq ft
TOTAL = 6,623.5 sq ft	TOTAL = 6,623.5 sq ft
PARCEL AREA = 25,264.7 sq. ft.	PARCEL AREA = 24,858.7 sq. ft.
Hardcover 26.2% existing	Hardcover 26.6% proposed

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

- Revised: June 27, 2014
- Revised: Sept. 22, 2015 file no.
- Revised: Sept. 24, 2015 hardcover
- Revised: Sept. 24, 2015 setbacks

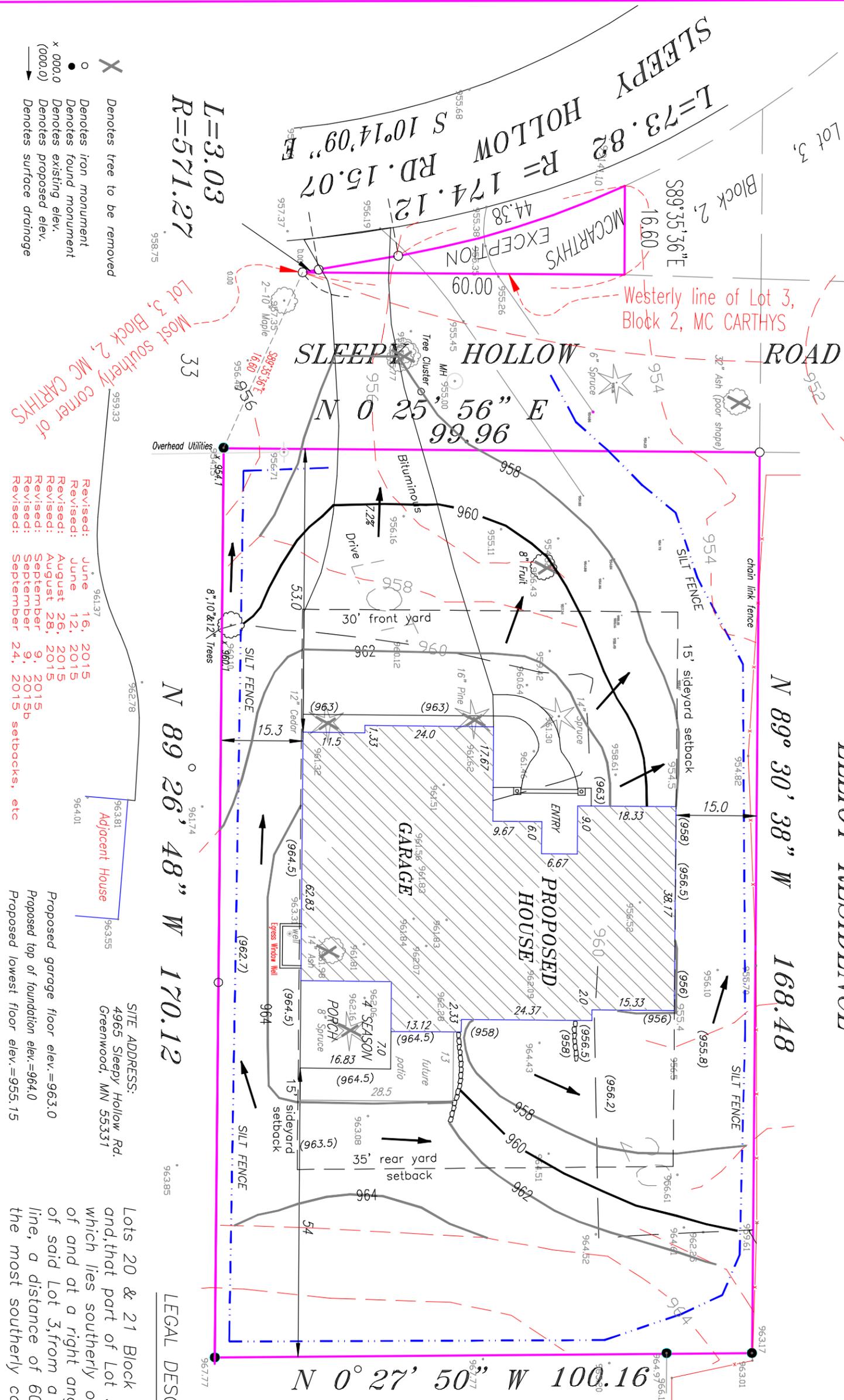
**DEMARS-GABRIEL
LAND SURVEYORS, INC.**
6875 WASHINGTON AVE. SO.
SUITE 209
Edina, MN 55439
Phone:(952) 559-0908
Fax: (952) 767-0490

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

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

File No.
14157MC
Book-Page
Scale
1"=30'

ELLIOT RESIDENCE



$L=3.03$
 $R=571.27$

$L=73.82$
 $R=174.12$
 $S 10^{\circ}14'09'' E$

$N 0^{\circ}25'56'' E$
 99.96

$N 89^{\circ}26'48'' W$
 170.12

$N 0^{\circ}27'50'' W$
 100.16

EXISTING HARDCOVER (PREVIOUS STRUCTURE & IMPROVEMENTS)	
Buildings	1,097 Sq.Ft.
Patios & Decks	165 Sq.Ft.
Conc. Walks & Drive	1,934 Sq.Ft.
Total Hardcover	3,196 Sq.Ft.
Lot Area	16,935 Sq.Ft.
% of Hardcover	= 18.9 %

PROPOSED HARDCOVER	
Buildings	3,406 Sq.Ft.
Patios (future)	253 Sq.Ft.
Conc. Walks & Drive	1,386 Sq.Ft.
Total Hardcover	5,045 Sq.Ft.
Lot Area (existing)	16,935 Sq.Ft.
% of Hardcover	= 29.8 %

PROPOSED HARDCOVER (WITH ADDITIONAL PROPERTY)	
Buildings	3,406 Sq.Ft.
Patios (future)	253 Sq.Ft.
Conc. Walks & Drive	1,386 Sq.Ft.
Total Hardcover	5,045 Sq.Ft.
Lot Area (proposed)	17,341 Sq.Ft.
% of Hardcover	= 29.1 %

LEGAL DESCRIPTION:

Lots 20 & 21 Block 13, MINNETONKA MANOR, and that part of Lot 3, Block 2, McCarthys, which lies southerly of a line drawn westerly of and at a right angle to the easterly line of said Lot 3, from a point on said easterly line, a distance of 60.00 feet northerly of the most southerly corner of said Lot 3.

SITE ADDRESS:
4965 Sleepy Hollow Rd.
Greenwood, MN 55331

Proposed garage floor elev.=963.0
Proposed top of foundation elev.=964.0
Proposed lowest floor elev.=955.15

- X Denotes tree to be removed
- Denotes iron monument
- Denotes found monument
- Denotes existing elev.
- Denotes proposed elev.
- (000.0) Denotes surface drainage

- Revised: June 16, 2015
 - Revised: June 12, 2015
 - Revised: August 26, 2015
 - Revised: August 28, 2015
 - Revised: September 9, 2015
 - Revised: September 24, 2015
- setbacks, etc

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

DLK

David E. Crook

Date: September 5th, 2013

Minn. Reg. No. 22414

File No.	14157 B
Book-Page	96643

Scale
1"=20'

CERTIFICATE OF SURVEY FOR:

LECY BROTHERS HOMES

**DEMARS-GABRIEL
LAND SURVEYORS, INC.**
6875 WASHINGTON AVE. SO.
SUITE 209
Edina, MN 55439
Phone: (763) 559-0908
Fax: (952) 767-0490

RESOLUTION NO 20-15

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

APPROVING

IN RE: The application of Chuck Elliot, 4965 Sleepy Hollow Road for a Simple Subdivision pursuant to Greenwood ordinance code section 600.07 to subdivide 406 square feet from 4945 Sleepy Hollow Road and convey it to 4965 Sleepy Hollow Road

WHEREAS, Chuck Elliot is the owner of property commonly known as 4965 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-13-0028), being real property located in Hennepin County Minnesota, legally described as follows: See Exhibit A attached; and

WHEREAS, Kenneth and Luba Parsons are the owners of property commonly known as 4945 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-13-0042), being real property located in Hennepin County Minnesota, legally described as follows: See Exhibit B attached; and

WHEREAS, application was made for a Simple Subdivision pursuant to section 600.07 to subdivide 406 square feet from 4945 Sleepy Hollow Road and convey it to 4965 Sleepy Hollow Road; and

WHEREAS, notice of a public hearing was published, and a public hearing was held before the city council to consider the application; and

WHEREAS, public comment was taken at the public hearing before the city council on November 4, 2015; and

WHEREAS, the city council of the city of Greenwood has received the staff report, 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 does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 4965 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-13-0028) is a single-family lot of record located within the R1A district.
2. That the real property located at 4945 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-13-0042) is a single-family lot of record located within the R1A district.
3. The applicant proposes to subdivide 406 square feet from 4945 Sleepy Hollow Road and convey it to 4965 Sleepy Hollow Road.
4. Kenneth and Luba Parsons, the owners of property commonly known as 4945 Sleepy Hollow Road, have consented to the proposed subdivision as evidenced by a quit-claim deed signed by the Parsons.
5. Greenwood ordinance code section 600.07 states that one lot may be subdivided into: two separate buildable lots; or smaller pieces may be severed for the purpose of accretion onto neighboring parcels, provided the severed portion does not make the balance of the remaining lot a nonconforming lot; and provided:
 - A. The size of the newly created buildable lots conform to the minimum requirements of the zoning ordinance;
 - B. Each buildable lot abuts upon a public street or upon an existing easement or a private street access that is determined by the city council as providing satisfactory ingress and egress;

- C. The subdivision will not lend itself to future subdivision for the creation of additional properties within the applicable zone;
 - D. All existing structures and/or uses found on the new buildable lot shall be removed and if a smaller piece has been severed for accretion onto a neighboring parcel, the severed portion shall not increase the hardcover on the property to which it is accreted;
 - E. The remainder lot, (after severance of a buildable lot or a smaller piece for accretion onto a neighboring parcel) shall be zoning code and shoreland management district code compliant in matters of location of accessory structures, hard cover maximums and sideyard setbacks relative to both principal and accessory structures; and
 - F. The city may impose such additional conditions as it deems necessary and appropriate, including requiring the applicant to enter into a developer's agreement with the city, in form meeting the approval of the city attorney.
6. The proposed subdivision allows the property at 4965 Sleepy Hollow Road to obtain ownership of what is currently a driveway easement.
 7. No encroachments or non-conformities would be created by the proposal.
 8. Based on the foregoing, the city council determined that Simple Subdivision request complies with the criteria in Greenwood ordinance section 600.07:
 - A. The new lot created would not be buildable and is not required to conform to the minimum requirements of the zoning ordinance;
 - B. Each buildable lot that abuts upon a public street or upon an existing easement or private street provides satisfactory ingress and egress;
 - C. The subdivision will not lend itself to future subdivision;
 - D. The smaller piece that is to be joined with the 4965 Sleepy Hollow parcel would not increase the impervious surface area to over 30% for that property;
 - E. The remainder lot is zoning code and shoreland management district code compliant in matters of location of accessory structures, hard cover maximums and side yard setbacks relative to both principal and accessory structures;

And the city council has determined that the following conditions should be imposed on the subdivision request:

- A. That the parcel created as a part of the subdivision share the same Property Identification Number as that of 4965 Sleepy Hollow Road.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council makes the following conclusions of law:

The applicant has made an adequate demonstration of facts meeting the standards of section 600.07 necessary for a Simple Subdivision and therefore:

1. The Simple Subdivision application to subdivide 406 square feet from 4945 Sleepy Hollow Road and convey it to 4965 Sleepy Hollow Road should be approved.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota:

That the application of Chuck Elliot, 4965 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-13-0028) for:

1. The Simple Subdivision pursuant to Greenwood ordinance code section 600.07 to subdivide 406 square feet from 4945 Sleepy Hollow Road and convey it to 4965 Sleepy Hollow Road is APPROVED with the following conditions:
 - A. That the parcel created as a part of the subdivision share the same Property Identification Number as that of 4965 Sleepy Hollow Road.

B. The property owner shall attach the legal description of the properties as Exhibit A & B and 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 4th day of November, 2015 by the city council of 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: 11-04-15

Prepared by Deb Kind

Agenda Item: 1st Reading, Ordinance 248, Amending Section 1215.06 to Allow Waiving of 2nd Readings of Ordinances

Summary: Often an ordinance concept is discussed by the council prior to ordering the drafting of the actual ordinance. Then 2 readings of the ordinance are required at separate city council meetings. And then the ordinance must be published in the designated paper before it goes into effect. Since the city council only meets once a month, this entire process can take awhile. There are times when ordinances are routine or when the council may wish to speed up the implementation of an ordinance.

A draft of the ordinance is attached for the council's consideration.

Timeline:

- 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: None required. Suggested motions ...

1. I move the city council approves the 1st reading of ordinance 248 which allows the city council to waive the 2nd reading of ordinances with a unanimous vote of the city council members present at the meeting.
2. Do nothing or other motion?

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

ORDINANCE NO. 248

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1215.06
TO ALLOW WAIVING OF 2ND READINGS OF ORDINANCES**

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

SECTION 1.

Greenwood ordinance code section 1215.06 is amended to read as follows:

“Section 1215.06. Two Readings of Ordinances.

There shall be 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting.”

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: 7C

Agenda Date: 11-04-15

Prepared by Deb Kind

Agenda Item: Ordinance 249, Amending Greenwood Ordinance Sections 510, 1140.60, 1150.20, and 1155 Regarding Security Deposits / Agreements for Landscaping and for Conditions of Approved Variances and Conditional Use Permits

Summary: In October, the city council approved the 2nd reading of the updated fee schedule which increased the Landscaping Security Deposit amount to 2% of the building permit value and also added language to allow the property owner to sign a Landscaping Security Agreement as an alternative to a Deposit. The city attorney advises that body of the city code also needs to be revised. A draft of the ordinance is attached for the council's consideration. Since the changes affect the zoning code (chapter 11), the planning commission must review and make a recommendation to the city council. Below is the timeline for the process.

Timeline:

- 11-04-15 City council discusses the ordinance (may make revisions).
- 11-18-15 Planning commission reviews and makes a recommendation regarding the ordinance.
- 12-02-15 City council considers 1st reading of the ordinance (may make revisions).
- 01-06-16 City council considers 2nd reading of the ordinance (may make revisions).
- 01-07-16 The ordinance is submitted to the Sun-Sailor for publication.
- 01-14-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

Council Action: None required. Suggested motions ...

1. I move the city council directs that ordinance 249 regarding security deposits / agreements be sent to the planning commission for their review and recommendation (with the following changes: _____).
2. Do nothing or other motion?

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. 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 SECTIONS 510, 1140.60, 1150.20, AND 1155 REGARDING SECURITY
DEPOSITS / AGREEMENTS FOR LANDSCAPING AND FOR CONDITIONS OF APPROVED VARIANCES AND
CONDITIONAL USE PERMITS**

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

SECTION 1.

Greenwood ordinance code section 1140.60, subd. 2 is amended to read as follows:

"Subd. 2. Landscaping.

- A) *Landscaping Required.* Within all zoning districts, exposed ground areas surrounding a principal or accessory use, including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental landscaping material deemed adequate by the zoning administrator to secure the top soils and prevent accelerated or undue runoff. The property owner shall maintain all landscaped areas to be compatible with the neighborhood. No landscaped area in the C-1 and C-2 districts shall be used for the parking of vehicles or the storage or display of materials, supplies, or merchandise.
- B) *Landscaping Security Deposit.* No "occupancy permit" (new construction) or "final inspection" (remodeling) shall be issued unless landscaping required hereunder is completed or the property owner first submits to the city clerk a Landscaping Security Deposit by cashier's check or certified check in the amount of set forth in chapter 5 payable to the city as security for the completion of the required landscaping within 12 months from the date of the occupancy permit / final inspection to be then issued. The deposit is refundable if the required landscaping is completed within 12 months.
- C) *Landscaping Security Agreement.* As an alternative to a Landscaping Security Deposit as provided in paragraph B above, the property owner may enter into a Landscaping Security Agreement in form as provided by the city. By entering into Security Agreement the property owner agrees that if the landscaping is not completed within 12 months of the issuance of the occupancy permit (new construction) or final inspection (remodeling projects), whichever is applicable, then all applicable fees and fines may be certified to the county to be collected with property taxes. No fees or fines will be certified to the county if the required landscaping is completed within 12 months.
- D) *Non-Performance.* In the event a property owner fails to complete the required landscaping within 12 months of the date of the Landscaping Security Deposit or Landscaping Security Agreement, a portion of said deposit / security amount shall be deemed forfeited to the city as a fine in the amount set forth in chapter 5 and shall be duly imposed and due and payable to the city for lack of timely performance. For each month thereafter (or part thereof) during which the required landscaping remains uncompleted in a manner satisfactory to the city zoning administrator, the city may impose a like fine and forfeit same to the city. The property owner shall, within 10 days of written demand directed to the property owner's last known address of record, pay said amount to the city. In the event the property owner fails to timely pay, the fine amount shall be certified to the county for assessment and collection with the property taxes due on the subject property. In that event, the city may add thereto an administrative processing fee as provided in chapter 5. The annual public hearing held prior to certification of unpaid assessments and service fees shall be the due process hearing at which the property owner may object to the fine / forfeiture / assessment hereunder in whole or part.
- E) *Prosecution, Civil Enforcement, and Injunctive Relief for Non-Performance.* Non-performance of the required landscaping is hereby deemed a violation of the zoning code and is subject to prosecution. No term or condition of a Security Deposit or Security Agreement shall bar the city from prosecuting individuals for non-performance of the terms and conditions of the required landscaping. The city may take such enforcement action as it deems necessary and appropriate to prosecute violations of same and also may seek civil injunctive relief, including an order for specific performance, for failure to complete the required landscaping as the city may deem necessary. The fact that a property owner has entered into a Security Deposit or Security Agreement shall not be a defense to, nor bar or prevent municipal prosecution or civil court action against same in the event of a property owner's non-performance of required landscaping."

SECTION 2.

Greenwood ordinance code section 1150.20 in the Conditional Use Permits section of the code is amended to add the following subdivisions:

"Subd. 4. *Completion of Conditions Required.* Timely completion and performance of conditions, including but not limited to landscaping and lighting plans, required and / or imposed as a condition of the grant of a conditional use permit are necessary to (1) preserve and protect the public health, safety, and welfare of the city, and (2) for the protection of the

neighboring property owners and the public in general from the adverse affects, physical and / or visual impacts of conditionally authorized improvements if required / imposed conditions are allowed to be left unfinished or incomplete.

Subd. 5. *Security Deposit.* The city is not obligated to issue an occupancy permit (new construction) or final inspection (remodeling) for a property prior to satisfactory completion of all conditions which may have been imposed upon an approved conditional use permit. Prior to the issuance of an occupancy permit / final inspection, the property owner shall complete all required conditions or submit a Security Deposit in the form of cashier's check or certified check in the amount set forth in chapter 5 payable to the city as security to assure timely performance and full implementation of any and all conditions of an approved conditional use permit within 12 months from the date the occupancy permit / final inspection to be then issued. The deposit is refundable if the required conditions are completed within 12 months.

Subd. 6. *Security Agreement.* As an alternative to a Security Deposit as provided in subdivision 5 above, the property owner may enter into a Security Agreement in form as provided by the city. By entering into Security Agreement the property owner agrees that if the conditions are not completed within 12 months of the issuance of the occupancy permit (new construction) or final inspection (remodeling projects), whichever is applicable, then all applicable fees and fines may be certified to the county to be collected with property taxes. No fees or fines will be certified to the county if the required conditions are completed within 12 months.

Subd. 7. *Non-Performance.* In the event a property owner fails to complete the required conditions within 12 months of the date of the Security Deposit or Security Agreement, a portion of said deposit / security amount shall be deemed forfeited to the city as a fine in the amount set forth in chapter 5 and shall be duly imposed and due and payable to the city for lack of timely performance. For each month thereafter (or part thereof) during which the required conditions remain uncompleted in a manner satisfactory to the city zoning administrator, the city may impose a like fine and forfeit same to the city. The property owner shall, within 10 days of written demand directed to the property owner's last known address of record, pay said amount to the city. In the event the property owner fails to timely pay, the fine amount shall be certified to the county for assessment and collection with the property taxes due on the subject property. In that event, the city may add thereto an administrative processing fee as provided in chapter 5. The annual public hearing held prior to certification of unpaid assessments and service fees shall be the due process hearing at which the property owner may object to the fine / forfeiture / assessment hereunder in whole or part.

Subd. 8. *Prosecution, Civil Enforcement, and Injunctive Relief for Non-Performance.* Non-performance of the terms and conditions of a conditional use permit are hereby deemed violations of the zoning code and are subject to prosecution. No term or condition of a Security Deposit or Security Agreement shall bar the city from prosecuting individuals for non-performance of the terms and conditions of a conditional use permit. The city may take such enforcement action as it deems necessary and appropriate to prosecute violations of same and also may seek civil injunctive relief, including an order for specific performance, for failure to comply with or perform the terms and conditions of a conditional use permit as the city may deem necessary. The fact that a property owner has entered into a Security Deposit or Security Agreement shall not be a defense to, nor bar or prevent municipal prosecution or civil court action against same in the event of a property owner's non-performance of the underlying terms and conditions of a conditional use permit.”

SECTION 3.

Greenwood ordinance code section 1155 regarding Variances is amended to add the following section:

“1155.17. Completion of Conditions, Security Deposit, and Security Agreement.

Subd. 1. *Completion of Conditions Required.* Timely completion and performance of conditions, including but not limited to landscaping and lighting plans, required and / or imposed as a condition of the grant of a variance are necessary to (1) preserve and protect the public health, safety, and welfare of the city, and (2) for the protection of the neighboring property owners and the public in general from the adverse affects, physical and / or visual impacts of conditionally authorized improvements if required / imposed conditions are allowed to be left unfinished or incomplete.

Subd. 2. *Security Deposit.* The city is not obligated to issue an occupancy permit (new construction) or final inspection (remodeling) for a property prior to satisfactory completion of all conditions which may have been imposed upon an approved variance. Prior to the issuance of an occupancy permit / final inspection, the property owner shall complete all required conditions or submit a Security Deposit in the form of cashier's check or certified check in the amount set forth in chapter 5 payable to the city as security to assure timely performance and full implementation of any and all conditions of an approved variance within 12 months from the date the occupancy permit / final inspection to be then issued. The deposit is refundable if the required conditions are completed within 12 months.

Subd. 3. *Security Agreement.* As an alternative to a Security Deposit as provided in subdivision 2 above, the property owner may enter into a Security Agreement in form as provided by the city. By entering into Security Agreement the property owner agrees that if the conditions are not completed within 12 months of the issuance of the occupancy permit (new construction) or final inspection (remodeling projects), whichever is applicable, then all applicable fees and fines may be certified to the county to be collected with property taxes. No fees or fines will be certified to the county if the required conditions are completed within 12 months.

Subd. 4. *Non-Performance*. In the event a property owner fails to complete the required conditions within 12 months of the date of the Security Deposit or Security Agreement, a portion of said deposit / security amount shall be deemed forfeited to the city as a fine in the amount set forth in chapter 5 and shall be duly imposed and due and payable to the city for lack of timely performance. For each month thereafter (or part thereof) during which the required conditions remain uncompleted in a manner satisfactory to the city zoning administrator, the city may impose a like fine and forfeit same to the city. The property owner shall, within 10 days of written demand directed to the property owner's last known address of record, pay said amount to the city. In the event the property owner fails to timely pay, the fine amount shall be certified to the county for assessment and collection with the property taxes due on the subject property. In that event, the city may add thereto an administrative processing fee as provided in chapter 5. The annual public hearing held prior to certification of unpaid assessments and service fees shall be the due process hearing at which the property owner may object to the fine / forfeiture / assessment hereunder in whole or part.

Subd. 5. *Prosecution, Civil Enforcement, and Injunctive Relief for Non-Performance*. Non-performance of the terms and conditions of a variance grant are hereby deemed violations of the zoning code and are subject to prosecution. No term or condition of a Security Deposit or Security Agreement shall bar the city from prosecuting individuals for non-performance of the terms and conditions of a variance grant. The city may take such enforcement action as it deems necessary and appropriate to prosecute violations of same and also may seek civil injunctive relief, including an order for specific performance, for failure to comply with or perform the terms and conditions of a variance grant as the city may deem necessary. The fact that a property owner has entered into a Security Deposit or Security Agreement shall not be a defense to, nor bar or prevent municipal prosecution or civil court action against same in the event of a property owner's non-performance of the underlying terms and conditions of a variance grant.”

SECTION 4.

Greenwood ordinance code section 510 table is amended to revise the Landscaping Security Deposit section to read as follows:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Security Deposit / Security Agreement for Landscaping or for Performance of Conditions of a Variance or Conditional Use Permit Grant	1140.60 1150.20 1155.17	The greater of \$1500 or 2% of the building value submitted on the building permit application. The fine is \$1000 for each month (or part thereof) after 12 months the landscaping or conditions remain uncompleted.	See sections 1140.60 (landscaping), 1150.20 (conditional use permits), or 1155.17 (variances)

”

SECTION 5.

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

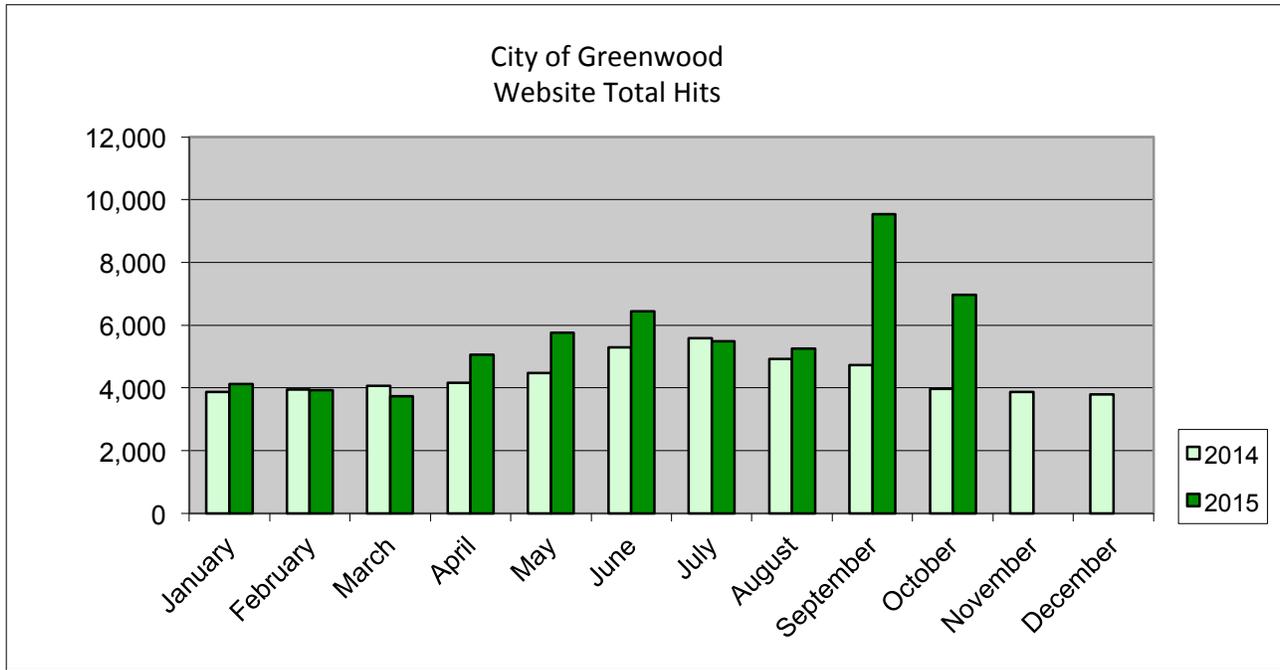


Agenda Number: **9A-E**

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.



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	160
October	3,969	6,969	-2,563	3,000	160
November	3,878	-6,969	-6,969	-3,878	160
December	3,786	0	0	-3,786	
AVERAGE	4,388	5,627			

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

Site Statistics

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

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

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

Begin Date	<input type="text" value="9/15/2015"/>
End Date	<input type="text" value="10/15/2015"/>
Report Name	<input type="text" value="Page Views (Default)"/>
<input type="button" value="Get Report"/>	

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	3378	48.47%
Agendas, Etc.	511	7.33%
Planning Commission	261	3.75%
City Departments	248	3.56%
Assessments & Taxes	168	2.41%
Mayor & City Council	163	2.34%
Code Book	160	2.3%
Forms & Permits	153	2.2%
Welcome to Greenwood	116	1.66%
Budget & Finances	114	1.64%
Photo Gallery	108	1.55%
Lake Minnetonka	101	1.45%
Garbage & Recycling	98	1.41%
Crime Alerts	89	1.28%
Links	87	1.25%
Meetings	80	1.15%
Comp Plan & Maps	79	1.13%
Smoke Testing	78	1.12%
St. Alban's Bay Lake Improvement District	76	1.09%
What's New?	73	1.05%
Spring Clean-Up Day	71	1.02%
RFPs & Bids	65	0.93%
Email List	62	0.89%
Watercraft Spaces	59	0.85%
Animal Services	57	0.82%

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.

Elections	55	0.79%
Swiffers NOT Flushable	51	0.73%
Old Log Events	50	0.72%
Public Safety	48	0.69%
Parks & Trails	46	0.66%
Search Results	43	0.62%
Meetings on TV	42	0.6%
Community Surveys	41	0.59%
Trees	37	0.53%
Well Water	34	0.49%
Southshore Center	32	0.46%
Unsubscribe	25	0.36%
---	10	0.14%
TOTAL	6969	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	1121	33.73%
Agendas, Etc.	203	6.11%
City Departments	154	4.63%
Mayor & City Council	114	3.43%
Planning Commission	105	3.16%
Code Book	88	2.65%
Welcome to Greenwood	85	2.56%
Forms & Permits	81	2.44%
Assessments & Taxes	73	2.2%
Photo Gallery	73	2.2%
Crime Alerts	68	2.05%
Comp Plan & Maps	65	1.96%
Lake Minnetonka	64	1.93%
Smoke Testing	63	1.9%
Budget & Finances	62	1.87%
What's New?	60	1.81%
Links	60	1.81%
Garbage & Recycling	59	1.78%
Meetings	56	1.69%
St. Alban's Bay Lake Improvement District	52	1.56%
Elections	47	1.41%
Email List	47	1.41%
Spring Clean-Up Day	46	1.38%
Swiffers NOT Flushable	43	1.29%
Watercraft Spaces	41	1.23%
Animal Services	41	1.23%
Parks & Trails	38	1.14%
Public Safety	36	1.08%
Meetings on TV	35	1.05%
RFPs & Bids	34	1.02%
Community Surveys	34	1.02%
Old Log Events	34	1.02%
Well Water	31	0.93%
Trees	31	0.93%
Southshore Center	27	0.81%
Unsubscribe	23	0.69%
Search Results	19	0.57%
---	10	0.3%
TOTAL	3323	100%



Closed Session

Agenda Date: 11-04-15

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. On 09-20-15, George Hoff (the attorney representing the cities of Deephaven, Excelsior, Greenwood, and Tonka Bay) submitted an answer to Shorewood's amended complaint. The city council may hold a closed session on 11-04-15 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 for attorney-client privilege 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.



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.



October 13, 2015

Lake Minnetonka Conservation District Board
Attn: Judd Harper, Administrative Technician
5341 Maywood Road, Suite 200
Mound, MN 55364

SENT VIA EMAIL
jharper@lmcd.org

**Re: EAW for Bean's Greenwood Marina
21945 Minnetonka Blvd, Greenwood, MN 55331
St. Alban's Bay, Lake Minnetonka**

Dear Lake Minnetonka Conservation District Board,

The city of Greenwood received the LMCD's September 21, 2015 letter and Environmental Assessment Worksheet (EAW) document regarding Bean's Greenwood Marina's multiple dock license application. The letter stated the deadline for public comment is October 28, 2015.

The Greenwood city council discussed the EAW at our October 7, 2015 meeting and concluded that the city council wholeheartedly supports Bean's Greenwood Marina's multiple dock license application. The improvements to the marina to date are an asset to our community. We are looking forward to the completion of the final phase of improvements.

Sincerely,

A handwritten signature in black ink that reads "Debra J. Kind".

Mayor Debra J. Kind
and the Greenwood City Council

CC: Aaron Bean, Greenwood City Councilmembers, Property File



October 19, 2015

City of Greenwood
Attn: Dale Cooney
20225 Cottagewood Rd,
Deephaven, MN 55331

Re: City Court Hearing

Dear Mr. Cooney:

Enclosed is the hearing officer's decision following the October 19, 2015 appeal hearing.

I am also previously mailed the invoice for the administrative hearing. The invoice reflects the terms of the agreement which is \$50 for the city of Minnetonka and \$150 which is what we pay the hearing officer.

Sincerely,

A handwritten signature in cursive script that reads "Moranda Zimmer".

Moranda Zimmer
Projects and Innovations Specialist
City of Minnetonka

Enclosure

Robert W. Reutiman, Jr.

ATTORNEY AT LAW

PHONE: (952) 473-7328

305 EAST RICE STREET
POST OFFICE BOX 367
WAYZATA, MINNESOTA 55391

October 15, 2015

City of Minnetonka
ATTN: Ms. Moranda Zimmer
14600 Minnetonka Blvd.
Minnetonka, MN 55345

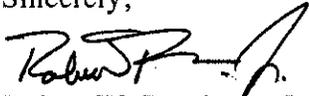
Re: City of Greenwood v. Reut

Dear Ms. Zimmer:

Enclosed for your review and processing is my Hearing Officer Decision in this matter and a Statement for Services.

Thank you for letting me to be of service in this matter.

Sincerely,



Robert W. Reutiman, Jr.

RWR:kh

Encls.

STATE OF MINNESOTA

CITY OF GREENWOOD

COUNTY OF HENNEPIN

CITY COURT

City of Greenwood,
A Municipal corporation,

vs.

HEARING OFFICER DECISION

Richard and Bethany Reut
Appellants.

The undersigned hearing officer received evidence regarding this matter at a hearing held on Tuesday, October 13, 2015, at Minnetonka City Hall, 14600 Minnetonka Boulevard, Minnetonka, MN 55345. Present were the undersigned, representatives of the Cities of Greenwood and Minnetonka, and Bethany Reut.

Appellants were cited three times for tree harvest without permit in violation of Section 1140.80 of the Greenwood City Zoning Code. Each of the three trees referenced below were treated as a separate violation for a total fine of \$3,000.00.

Dale Cooney, the Zoning Administrator for the City of Greenwood, in support of the three citations he issued, furnished photographs and a plat drawing indicating that five trees on the premises owned by appellants had been cut, three of which were in the shore impact zone (25 feet of the original high water level of the lakeshore). He further indicated no conditional use permit had been obtained prior to the cutting. He also testified that such a permit, if issued, with appropriate fees, would cost \$600.00. Assumedly one permit would be issued for all trees removed on each occasion.

Bethany Reut did not dispute the foregoing but indicated first that she was unaware of the requirement for a conditional use permit and, second, she regarded a fine of \$3,000.00 as excessive under the circumstances. She also stated the reason for the tree removal was to be able to plant in their place vegetation that would prevent erosion of the bank leading to the lake.

FINDING

Ignorance of the requirement for a permit is not an excuse for failing to obtain a permit. Assumedly the contractor who was hired to cut the trees would have been aware of the requirement and would have advised appellant of the same. That said it seems to the undersigned this was one behavioral incident and

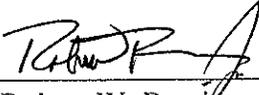
I will take Ms. Reut at her word that she was unaware of the requirement for a permit. Some exercise of discretion as to the fine imposed is appropriate on the facts.

I find sufficient evidence to support the citations.

CONCLUSION

Appellants appeal is denied, and a fine of \$3,000.00 is imposed on each appellant, jointly and severally, of which sum the amount of \$1,500.00 is stayed for a period of one year from date of this decision, the remaining \$1,500.00 of which is to be paid within 30 days hereof. The condition of the stay is payment within the time stated as well as conditioned upon there being no citation for a violation of Chapter 11 of the Greenwood Ordinance Code within that one year period.

Dated: October 15, 2015



Robert W. Reutman, Jr.
Hearing Officer