

# AGENDA

## Greenwood City Council Worksession & Meeting



Wednesday, May 3, 2017  
20225 Cottagewood Road, Deephaven, MN 55331

### Worksession

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

- 6:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA
- 6:00pm 2. DISCUSS: Potential Ordinance Regarding Zoning Regulations Based on Lot Size
- 6:55pm 3. ADJOURNMENT

### Regular Meeting

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

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA
- 7:00pm 2. CONSENT AGENDA  
*Consent Agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove any Consent Agenda item for discussion and separate consideration under Other Business.*
  - A. Approve: 04-05-17 City Council Meeting Minutes
  - B. Approve: 04-19-17 City Council & Planning Commission Joint Worksession Minutes
  - C. Approve: March Cash Summary Report
  - D. Approve: March Certificates of Deposit Report
  - E. Approve: April Verifieds, Check Register, Electronic Fund Transfers
  - F. Approve: May Payroll Register
  - G. Approve: Public Access Procedures
- 7:05pm 3. MATTERS FROM THE FLOOR  
*This is an opportunity for the public to address the council regarding matters not on the agenda. Comments are limited to 3 minutes. Typically, the council will not take action on items presented at this time, but will refer items to staff for review, action, and / or recommendation for future council action.*
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
  - A. Chief Meehan: Quarterly Police Update
  - B. Lake Minnetonka Conservation District Executive Director Vickie Schleuning & Greenwood LMCD Board Representative Bill Cook: LMCD Update
  - C. City Engineer Dave Martini: Greenwood Park Drainage Improvement Project & 2017 Road Projects
- 8:15pm 5. PUBLIC HEARING
  - A. None
- 8:15pm 6. ACTION RELATED TO PUBLIC HEARING
  - A. None
- 8:15pm 7. PLANNING & ZONING ITEMS
  - A. Consider: Res 08-17, Findings of Fact for Variance Request and Res 09-17 Findings of Fact for Conditional Use Permit Request, Keith Schwartzwald, 5145 Weeks Road
- 8:30pm 8. UNFINISHED BUSINESS
  - A. Action: Potential Ordinance Regarding Zoning Regulations Based on Lot Size
- 8:45pm 9. NEW BUSINESS
  - A. Consider: Proposals for Weed Removal at City Docks
  - B. Consider: Res 10-17, Support of Sheriff's Drug Awareness & Prevention Campaign
  - C. Consider: Res 11-17, Appointment of Ex-Officio St. Alban's Bay Lake Improvement District Rep
  - D. 1st Reading: Ord 268, Update of Fee Schedule Regarding Subdivision and Building Fees
- 9:00pm 10. OTHER BUSINESS
  - A. None
- 9:00pm 11. COUNCIL REPORTS
  - A. Conrad: Planning Commission
  - B. Cook: Lake Minnetonka Conservation District, Public Works Committee
  - C. Fletcher: Lake Minnetonka Communications Commission, Fire, Administrative Committee
  - D. Kind: Police, Administrative Committee, Mayors' Meetings, Website
  - E. Quam: Minnetonka Community Education, Public Works Committee
- 9:20pm 12. ADJOURNMENT



# Worksession

Agenda Date: 05-03-17

Prepared by Deb Kind

## **Agenda Item:** Discuss Potential Ordinance Regarding Zoning Regulations Based on Lot Size

**Summary:** Since November 2016, the city council has been discussing the potential of amending the city's zoning code to regulate properties based on lot size rather than lot location. The city council has reviewed several iterations of proposed concepts for an ordinance. At their 02-15-17 meeting, the planning commission reviewed the ordinance and expressed general support for the concept. At the 04-19-17 joint worksession, the city council and planning commission discussed potential changes to the ordinance. Attached is the latest draft of the ordinance based on the joint worksession discussion.

The city zoning administrator and city attorney have been invited to attend the 05-03-17 worksession to participate in the discussion about the latest draft of the ordinance. Below is an updated timeline for the ordinance.

### **Proposed Timeline:**

- 05-03-17 City council approves the concept draft of ordinance and sends to planning commission for a public hearing and recommendation.
- 06-21-17 Planning commission holds public hearing and makes a recommendation to the city council.
- 07-05-17 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 07-06-17 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 07-13-17 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 08-02-17 City council considers 2nd reading of the ordinance (may make revisions).
- 08-03-17 The ordinance is submitted to the Sun-Sailor for publication.
- 08-10-17 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** No action may be taken at worksessions. The council will consider action under item 8A on the regular 05-03-17 agenda.

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. 4/5ths vote is required for publishing a summary of an ordinance. 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.*

Blue = New text added to the clean copy discussed at the 4/19 worksession  
~~Red Strikethrough~~ = Text deleted from the clean copy discussed at the 4/19 worksession

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE ZONING CODE CHAPTER 11 TO SIMPLIFY  
AND REGULATE BASED ON LOT SIZE**

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

SECTION 1.

Greenwood ordinance code sections 1115.00 through 1125.25 are amended to read as follows:

**“Section 1115.00. Zoning Districts.**

Subd. 1. Establishment of Districts. For the purpose of this ordinance, the city is divided into the following districts:

- R-1 Single-Family Residential District
- C-1 Office and Institutional District
- C-2 Lake Recreation District

Subd. 2. Zoning Map. The boundaries of the districts established by this ordinance are delineated on the zoning map; said map and all notations, references, and data shown thereon are hereby adopted and made part of this ordinance and will be on permanent file, and for public inspection, in the city office of the zoning administrator. It shall be the responsibility of the zoning administrator and staff to maintain said map, and amendments thereto shall be recorded thereon within 30 days after official publication of amendments.

Subd. 3. District Boundaries. The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the zoning map between a street and a district boundary line runs parallel to the street at a distance therefrom equivalent to the number of feet stated unless otherwise indicated.

(INSERT NEW MAP SHOWING ALL PREVIOUS R-1A, R-1B, R-1C,  
AND R-2 PROPERTIES IN THE NEW R-1 ZONING DISTRICT)

**SECTION 1120. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

**Section 1120.00. Purpose.**

The intent of this district is to provide a zone for single-family dwellings for the purpose of creating a quality residential community with regulations based on lot size.

**Section 1120.01. Development History & Community Character**

The city of Greenwood was originally developed early in the 20th century with a number of small lots with and without lakeshore to provide seasonal homes sites. These lots were intended to be developed with small homes and cabins to enhance the lake experience. As time passed, these seasonal properties were replaced by permanent homes, many with larger dimensions. This development pattern led to a number of unique lot shapes (e.g. small lots, flag lots, and long narrow lots) that do not easily fit into numeric standards.

The character of the initial development provided a natural setting on the lake or near the lake to allow property owners and others to enjoy the lake setting. Numeric requirements for lake yard setbacks and impervious surface percentages were established, in part, to maintain open spaces around the lake and to maintain the character and setting of the original development.

On December 1, 1992, the city adopted the shoreland management district ordinance (section 1176) to comply with Minnesota state law to protect the waters of Lake Minnetonka. The entire city is located within the shoreland management district.

**Section 1120.02. Public Health, Safety & Welfare**

Setbacks are established to provide important separation between adjacent structures, between structures and streets, and between structures and lakeshore. Reasons for setbacks include, but are not limited to: (1) Prevention of overhanging eaves and other above-ground encroachments onto adjacent properties. (2) To provide space for drainage requirements.

(3) To provide adequate access to structures for fire and police inspections and protection. (4) To provide adequate sight lines for vehicles and pedestrians on streets. (5) To protect water quality. (6) To maintain the character of the community.

**Section 1120.03. Existing Development Rights**

Existing lots with existing structures may have “grandfathered rights” that supersede those requirements listed in this zoning ordinance. The existing impervious surface percentage, setback dimensions, lot dimensions, volume, and building height dimensions may be accepted as “grandfathered,” but variances may be required to document these conditions when new construction or new additions are desired on these properties.

**Section 1120.05. R-1 Permitted Uses.**

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1120 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

- (a) Single-family detached dwellings (excluding the leasing or renting of rooms).
- (b) Open area, parks and playgrounds owned and operated by a public agency, or by a home association for a subdivision or neighborhood.
- (c) Residential subdivisions, including streets, lighting, sanitary sewer service, and water service.
- (d) Uses mandated in state statutes as permitted uses.

Subd. 2. Primary Accessory Uses.

- (a) Private detached garages.
- (b) Tool house, sheds, and similar storage areas for domestic supplies.
- (c) Commonly accepted municipal playground equipment, and park shelter buildings.
- (d) Boat docks.
- (e) Home occupations as regulated by section 480.
- (e) Signs as regulated in section 1140 et seq.

Subd. 3. Secondary Accessory Uses.

- (a) Off-street parking, driveways, parking pads.
- (b) Play structures, swing sets.
- (c) Patios, decks, slabs, sidewalks.
- (d) Air conditioners, generators.
- (e) Fire pits, outdoor fireplaces, outdoor kitchens for the use and convenience of the resident and their guests.
- (f) Freestanding swimming pools, hot tubs, spas for the use and convenience of the resident and their guests.
- (g) Pergolas, arbors, trellises.

Subd. 4. Conditional Uses.

- (a) Public utilities including such items as electrical distribution station or any such similar structure located above ground.
- (b) Permanent in-ground swimming pools and spas for the use and convenience of the resident and their guests.
- (c) Tennis courts, sport courts.
- (d) Signs as regulated in section 1140 et seq.
- (e) Churches, chapels, synagogues, temples, and similar religious buildings.
- (f) Uses mandated in state statutes as conditional uses.
- (g) Theater with attached restaurant for the following lot: Hennepin County PID 26-117-23-31-0028 (see section 1123 for further regulations).

**Section 1120.10. R-1 Lot Dimensions.**

The following required lot area, width, and depth regulations shall be considered as minimum standards for lot dimensions:

	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth
Minimum sizes for lots <b>after subdivision</b> (see subdivision section 600)	15,000sf	75ft	150ft
Minimum sizes for remaining lot when a portion is <b>accreted</b> onto a neighboring lot (see simple subdivision section 600.07)	15,000sf	75ft	150ft
Minimum sizes for <b>existing</b> lots of record for building a single-family home (see section 1120.22)	7,000sf 4,500sf subject to a shoreland conditional use permit per section 1176.04 subd 10.	40ft at the building line per section 1176.04 subd 10.	No minimum lot depth

## Section 1120.15. R-1 Setbacks & Impervious Surfaces.

The following shall be considered as setback and impervious surface standards:

	Front* Yard Setback	Side Yard Setback	Exterior Side Yard Setback (Corner Lot)*	Rear Yard Setback	Lake Yard Setback	Impervious Surface Coverage
Single-Family Principal Structure	30ft  15ft for properties with a lake yard	<del>15ft for lots 15,000sf +</del> <del>Lot size x .001 for lots</del> <del>less than 15,000sf **</del> OR 7.5ft plus 0.1ft for each foot of lot width up to 75ft *** (8ft min)	30ft for lots 15,000sf +  Lot size x .002 for lots less than 15,000sf **** (16ft min)	30ft  15ft for properties with a lake yard	50ft	30% for lots 15,000sf +  15,000 minus lot size x .001 + 30% for lots less than 15,000sf **** (40% max)
Accessory Structures	See section 1140.10 for Accessory Structures and Uses (primary and secondary) Setbacks and General Regulations					

\* If the property abuts two public right-of-ways (corner lots), the city zoning administrator will determine which yard is the front yard and which yard is the exterior side yard. For properties with a lake yard, the front yard typically is the yard with the driveway.

~~\*\* For example, the minimum side yard setback for a 10,700sf lot would be 10.7ft:  
10,700 x .001 = 10.7~~

\*\*\* For example, the minimum side yard setback for a lot that is 50ft wide at the building line would be 12.5ft:  
50 x 0.1 = 5 + 7.5 = 12.5

\*\*\*\* For example, the minimum exterior side yard setback for a 10,700sf lot would be 21.4 ft:  
10,700 x .002 = 21.4

\*\*\*\*\* For example, the maximum hardcover for a 10,700sf lot would be 34.3%:  
(15,000 – 10,700 = 4,300) x .001 = 4.3% + 30% = 34.3%

## Section 1120.20. R-1 Building Standards.

Subd. 1. Principal structures (new construction or new additions) in the district shall:

- not exceed 28 feet in building height and 42 feet in structure height;
- ~~not exceed one level above the foundation level~~ not have a wall height that exceeds double the setback distance within 15 feet of the side property line (e.g. the maximum wall height for a principal structure located 8 feet from the property line is 16 feet);
- be of a minimum width of 25 feet;
- have a minimum ~~floor space on all levels of 1000 square feet in addition to~~ footprint area of 1,450 sq ft including the attached or detached garage square footage;
- have ~~a an attached or detached 2-car garage with a minimum floor space of 450 square feet~~ and a hard-surfaced (see section 1140.46) driveway to the public street.
- meet all current standards of city building codes and appendices;

~~Subd. 2. Principal structures (new construction or new additions) in the district are entitled to:~~

~~— (a) a patio or deck with an area of 144 square feet.~~

Subd. ~~3~~ 2. Properties that require variances from setback and / or impervious surface requirements in order to meet the building standards listed in subdivision 1 and entitlements listed in subdivisions 1 & 2 above ~~would~~ may qualify for the “practical difficulty” standard for the ~~granting~~ consideration of variances (see section 1155).

Subd. ~~4~~ 3. Primary accessory structures (new construction or new additions) in the district shall:

- be limited to 1 private garage, and 1 tool house shed or similar storage building per principal structure;
- not exceed 15 feet in building height;
- have a maximum combined main floor space of all primary accessory structures on the lot of 1,000 square feet or 60% of the total at-grade, main floor square footage of the principal structure including attached garage square footage – whichever is less;
- meet all current standards of city building codes and appendices.

**Section 1120.22. R-1 Lots of Record.**

Subd. 1. A "lot of record" is a lot filed in the office of the Hennepin county register of deeds on or before December 1, 1992.

Subd. 2. A lot of record shall be allowed as a single-family residential building site, provided:

1. The lot is 7,000 sq. ft. or greater;
2. The lot width at the building line is 40 ft. or greater;
3. The lot is in separate ownership from abutting lots; and
4. The lot is able to be connected to a public sewer.

Subd. 3. Any vacant lot of record that is less than 15,000 sq. ft. and abuts another lot (vacant or with a habitable residential dwelling) that is under the same ownership must be combined with the abutting lot and must not be considered as a separate parcel for the purposes of sale or development.

Subd. 4. Abutting lots of record that are under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are connected to a public sewer.

Subd. 5. A portion of land may be accreted from a lot of record and combined with a second abutting lot of record as long as the remainder of the first lot is 15,000 sq. ft. or greater and the property remains otherwise zoning code compliant. See simple subdivision section 600.07.

**Section 1120.25. R-1 General Regulations.**

Additional requirements for the R-1 district are set forth in section 1140 et seq. of this ordinance.

**SECTION 1123. REGULATIONS FOR THEATER WITH ATTACHED RESTAURANT**

**Section 1123.00. Purpose.**

The purpose of this section is to establish regulations that allow the continuing operation of an established theater with attached restaurant in the manner it has been used historically heretofore and providing for possible enlargement of facilities and / or intensification of established uses by conditional use permit first obtained in a manner that is compatible with the surrounding residential community and provides flexibility to address changing business conditions.

**Section 1123.15. Setbacks and Hardcover for Theater with Attached Restaurant.**

Land Use	Front Yard (Southerly Yard - Parking Lot)	Side Yard (Easterly Yard - Trail)	Exterior Side Yard (Westerly Yard)	Rear Yard (Northerly Yard - Pond)	Hardcover
Theater with Attached Restaurant	180 feet	15 feet	50 feet	Per Watershed Rules	Not more than 30% of lot area shall be occupied by buildings and / or impervious surfacing
Theater with Attached Restaurant Primary Accessory Structures	180 feet	10 feet	35 feet	Per Watershed Rules	
Theater with Attached Restaurant Secondary Accessory Structures	See section 1140.10 subd. 2C for Setbacks and General Regulations for Secondary Accessory Structures and Uses				

**Section 1123.25. Lawful Use or Occupation of the Land or Premises Commonly Known as The Old Log Theater (Theater with Attached Restaurant), 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID No. 26-117-23-31-0028), Existing at the Time of the Adoption of this Control.**

Subd. 1. Findings. After review and investigation, the city adopted resolution 31-13 which sets forth findings on the established use and manner to which the "Theater with Attached Restaurant" property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID 26-117-23-31-0028), has historically been put. Said resolution is intended to serve as the factual basis for the terms and conditions of conditional use regulation under section 1123 et seq. related thereto.

Subd. 2. Authorized Use. The following enumeration of business practices, excerpted from resolution 31-13, describes the manner to which use of the Old Log Theater (described in subd. 1, above), may, as of the adoption of this control (12-04-13), be put:

- (a) Public business hours for theater performances, on-site food service, ticketing, and the business office shall be

between 8am and 11pm. Special events may be between 8am and 12midnight.

- (b) Liquor service shall comply with the city's liquor ordinances (section 820).
- (c) With the exception of noise-creating activities, there are no restrictions on hours for supporting activities necessary to the Old Log's operations, including: office, scene shop, cleaning, and food preparation.
- (d) Noise-producing activities such as building, landscaping, and scenery construction, shall be limited to between 8am and 8pm, Monday-Saturday.
- (e) General deliveries, garbage collection, and food service truck deliveries shall be limited to between 8am and 8pm.
- (f) In addition to live theater performances, the Old Log may host special events (e.g. concerts, weddings, and private / public events) on the Old Log campus as desired. However, the parking lot shall not be employed for purposes other than parking. Noise related to special events shall be managed so as not to adversely impact neighboring residential properties. Special event revenue is estimated to be 25% of total annual revenue.
- (g) The Old Log's kitchen, dining room, and bar may offer service to the public independent of theater performances during the public business hours stated in (a) above.
- (h) Box lunches may be consumed on the grounds.
- (i) Parking of all vehicles, including buses, shall be on site 95% of the need. Buses shall be turned off while parked and may idle 10 minutes prior to boarding passengers. Except in cold weather buses may idle more frequently as needed.
- (j) Outdoor events shall not employ amplified music.

### **Section 1123.30. Events Necessitating a Conditional Use Permit Be Obtained Relative to Section 1120.05 Subd 4(g), Theater with Attached Restaurant.**

Subd. 1. Conditional Use Permit Required. Subject to the rights granted property owners under Minnesota statute 462.357 Subd.1e (a), which provides, in part, that “any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion,” any one or more the following events related to the “Theater with Attached Restaurant” property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID 26-117-23-31-0028) shall require a conditional use permit be first obtained:

- (A) Request for a building permit or zoning approval for physical expansion of any existing building or the addition of impervious surface to said property beyond what existed as of the adoption of this control.
- (B) Any change to the manner of use of said property as authorized in section 1123.25, subd. 2.

### **Section 1123.35. Minimum Building Requirements for Permitted Conditional Uses Under Section 1120.05 Subd 4(g), Theater with Attached Restaurant.**

Subd. 1. Conditional permitted principal structures and associated accessory structures authorized under section 1120.05 subd 4(g) shall, in addition to other restrictions of this ordinance and any other applicable ordinances of the city, meet the following standards:

- (1) Principal buildings structures shall be limited to 1 in number and shall not exceed 28 feet in building height or more than 42 feet in structure height and shall be built in conformance with this code and current applicable building code.
- (2) Accessory buildings / structures shall be limited to 4 in number plus 1 gazebo and individually shall not be greater than 15 feet in building height or more than 28 feet in structure height. In no event shall the accessory buildings combined exceed 60% of the total at grade, main floor square footage of the principal theater building / structure,
- (3) Subject to variance, under the practical difficulties standard, all additions to the principal theater building and supporting accessory buildings / structures shall be constructed of the same materials or higher quality materials and shall reasonably conform to the architecture of the buildings in existence as of the adoption of this control (12-04-13).
- (4) All exterior finishes on any building shall be any single one or combination of the following:
  - a. Face brick,
  - b. Natural stone,
  - c. Wood which meets appropriate fire codes and has been reviewed by the planning commission and approved by the city council,
  - d. Any other exterior finish that has been reviewed by the planning commission and approved by the city council, In no event shall precast concrete units, including those with surfaces that have been integrally treated with an applied decorative material or texture be employed for exterior finishes, provided that in no event shall proposed exterior finishes matching an existing building be deemed unacceptable.
- (5) Architectural Compatibility. Building structure, design, and exterior finish materials, including exterior remodeling projects, are subject to review by the planning commission and the city council for acceptability of proposed materials, architectural compatibility with the residential R-1 district and its established past historic use, and to determine whether the proposal is in keeping with the predominately residential character of the surrounding neighborhoods, local public amenities, and the city in general. Building appearance will be considered from a 360° perspective.

**Section 1123.40. Regulation and Imposition of Conditions on Permitted Conditional Uses Authorized Under Section 1120.05 Subd 4(g), Theater with Attached Restaurant.**

Subd. 1. Permitted Conditions. In addition to the conditions related to public health, safety, and welfare that the council may impose on conditional uses under section 1150, in considering and issuing or amending a conditional use permit for a "Theater with Attached Restaurant" under section 1120.05 subd 4(g) the council may impose conditions related to the use of the buildings and structures and operation of any the business operated upon the property including, but not limited to, any of the following:

- A. Odor regulation and management
- B. Noise limits and management
- C. Limits on operational hours
- D. Traffic management and control
- E. Outdoor lighting
- F. Employee parking
- G. Delivery routes and service vehicles including service times and weight restrictions
- H. Refuse collection and related issues including service times and weight restrictions
- I. Carry-out food service
- J. Catering service
- K. Repair and maintenance of public roads burdened by theater related traffic
- L. Alcohol
- M. Outdoor events
- N. Number, size, and location of buildings and accessory structures."

**SECTION 2.**

Greenwood ordinance code section 1145.00 Nonconformities paragraphs (d) through (h) and (j) are deleted in their entirety.

~~"(d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder prior to December 1, 1992 that do not meet the requirements for lot size or lot width. The city shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (d) to (j).~~

~~(e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:~~

- ~~1. all structure setback distance requirements can be met;~~
- ~~2. the lot is connected to a public sewer; and~~
- ~~3. the impervious surface coverage does not exceed 30% of a residential lot or 75% of a commercial lot.~~

~~(f) In a group of 2 or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:~~

- ~~1. the lot must be at least 66% of the dimensional standard for lot width and lot size for the zoning district;~~
- ~~2. the lot must be connected to a public sewer;~~
- ~~3. impervious surface coverage must not exceed 30% of each residential lot or 75% for each commercial lot; and~~
- ~~4. development of the lot must be consistent with the city's comprehensive plan.~~

~~(g) A lot subject to paragraph (f) not meeting the requirements of paragraph (f) must be combined with the 1 or more contiguous lots so they equal 1 or more conforming lots as much as possible.~~

~~(h) Notwithstanding paragraph (f), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are connected to a public sewer.~~

~~(j) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel."~~

**SECTION 3.**

Greenwood ordinance code section 1176.04 subd. 3 is amended to read as follows:

"Subd. 3. Minimum Lot Size, Width, Building Height, and Impervious Coverage.

(1) *Dimensions*. All single lots created after December 1992 must meet or exceed the following dimensions:

	Riparian and Non-Riparian Lots	Office District	Lake Recreation District
	R-1	C-1	C-2
Lot Area (sq. ft.) abutting water and not abutting water	15,000	10,000	10,000
Lot Width at building line (ft.)	75	75	75
Building Setback from OHWL (ft.)	50	50	50
Maximum Building Height	28	35	30*

\* The 30-foot building height limit within the C-2 lake recreation district is subject to the following exception: The maximum building height for multi-family residential structures of 8 units or greater may exceed 30 feet but shall not be greater than 32 feet for structures with gabled roofs of not less than 5/12; pitch; all other roof / building design or uses within the C-2 district shall not exceed 30 feet in height. See section 1102 for definition of "building height."

(2) *Exceptions to Setbacks.* Setback requirements from the ordinary high water level shall not apply to authorized secondary accessory structures, boathouses, and docks.

(3) *Impervious Coverage.*

- a) Impervious surface coverage in all residential districts as expressed as a percentage of the lot area, shall not exceed the standards set forth on the table in section 1120.15.
- b) Impervious surface coverage in all commercial districts, expressed as a percent of the lot area, shall not exceed 30%, provided that because of the additional hardcover required for typical commercial developments, the maximum impervious surface in commercial districts may be increased to a maximum of 75% with a conditional use permit first obtained under sections 1150 and 1176.07 of this code, supported by an applicant prepared stormwater management plan meeting the approval of the city engineer. The city engineer, planning commission, and / or city council may require an applicant to implement stormwater management practices deemed necessary to control and minimize or control stormwater and off site runoff, including but not limited to, rain gardens, holding ponds, reductions in proposed impervious surfaces, and other accepted stormwater management techniques and methods."

SECTION 4.

Greenwood ordinance code section 1176.04 subd. 10 is amended to read as follows:

"Subd. 10. Lots of Record. See section 1120.22."

~~"Subd. 10. Substandard Lots. Any lot of record filed in the office of the Hennepin county register of deeds on or before December 1, 1992 which does not meet the dimensional requirements of this ordinance may be allowed as a building site subject to approval of a shoreland conditional use permit, as provided for in this ordinance and provided:~~

- ~~1. Such use is permitted in the zoning district;~~
- ~~2. The lot is in separate ownership from abutting lands;~~
- ~~3. All dimensional requirements of the shoreland management district are complied with insofar as practical in compliance with requirements for legal nonconforming lots; and~~
- ~~4. A conditional use permit is granted by the city.~~

~~The minimum size lot shall be 4,500 sq. ft. and lot width at the building line shall be 40 ft. for substandard lots of record.~~

~~Two or more contiguous lots under the same ownership, which do not meet the area requirements of this ordinance, must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this ordinance to the extent possible."~~

SECTION 5.

Greenwood ordinance code section 1176.07.05 subd. 4 (1) is amended to read as follows:

"Subd. 4. Impervious Surface Policies and Conditions.

1. Variance applicants with total impervious surface coverage in excess of ~~30%~~ the percentage shown on the table in section 1120.15 shall have the burden of proof to establish that the excess is a *legal* nonconforming use by showing

evidence that the excess was in existence prior to the adoption of the Shoreland Management Ordinance (December 1992), or by showing the excess was approved by the city. If no such evidence exists, the city council may require the property owner to reduce impervious surfaces as a condition of variance approval.”

SECTION 6.

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

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

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

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk

First reading: \_\_\_\_\_, 2017  
Second reading: \_\_\_\_\_, 2017  
Publication: \_\_\_\_\_, 2017

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE ZONING CODE CHAPTER 11 TO SIMPLIFY  
AND REGULATE BASED ON LOT SIZE**

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

SECTION 1.

Greenwood ordinance code sections 1115.00 through 1125.25 are amended to read as follows:

**“Section 1115.00. Zoning Districts.**

Subd. 1. Establishment of Districts. For the purpose of this ordinance, the city is divided into the following districts:

- R-1 Single-Family Residential District
- C-1 Office and Institutional District
- C-2 Lake Recreation District

Subd. 2. Zoning Map. The boundaries of the districts established by this ordinance are delineated on the zoning map; said map and all notations, references, and data shown thereon are hereby adopted and made part of this ordinance and will be on permanent file, and for public inspection, in the city office of the zoning administrator. It shall be the responsibility of the zoning administrator and staff to maintain said map, and amendments thereto shall be recorded thereon within 30 days after official publication of amendments.

Subd. 3. District Boundaries. The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the zoning map between a street and a district boundary line runs parallel to the street at a distance therefrom equivalent to the number of feet stated unless otherwise indicated.

(INSERT NEW MAP SHOWING ALL PREVIOUS R-1A, R-1B, R-1C,  
AND R-2 PROPERTIES IN THE NEW R-1 ZONING DISTRICT)

**SECTION 1120. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

**Section 1120.00. Purpose.**

The intent of this district is to provide a zone for single-family dwellings for the purpose of creating a quality residential community with regulations based on lot size.

**Section 1120.01. Development History & Community Character**

The city of Greenwood was originally developed early in the 20th century with a number of small lots with and without lakeshore to provide seasonal homes sites. These lots were intended to be developed with small homes and cabins to enhance the lake experience. As time passed, these seasonal properties were replaced by permanent homes, many with larger dimensions. This development pattern led to a number of unique lot shapes (e.g. small lots, flag lots, and long narrow lots) that do not easily fit into numeric standards.

The character of the initial development provided a natural setting on the lake or near the lake to allow property owners and others to enjoy the lake setting. Numeric requirements for lake yard setbacks and impervious surface percentages were established, in part, to maintain open spaces around the lake and to maintain the character and setting of the original development.

On December 1, 1992, the city adopted the shoreland management district ordinance (section 1176) to comply with Minnesota state law to protect the waters of Lake Minnetonka. The entire city is located within the shoreland management district.

**Section 1120.02. Public Health, Safety & Welfare**

Setbacks are established to provide important separation between adjacent structures, between structures and streets, and between structures and lakeshore. Reasons for setbacks include, but are not limited to: (1) Prevention of overhanging eaves and other above-ground encroachments onto adjacent properties. (2) To provide space for drainage requirements.

(3) To provide adequate access to structures for fire and police inspections and protection. (4) To provide adequate sight lines for vehicles and pedestrians on streets. (5) To protect water quality. (6) To maintain the character of the community.

**Section 1120.03. Existing Development Rights**

Existing lots with existing structures may have “grandfathered rights” that supersede those requirements listed in this zoning ordinance. The existing impervious surface percentage, setback dimensions, lot dimensions, volume, and building height dimensions may be accepted as “grandfathered,” but variances may be required to document these conditions when new construction or new additions are desired on these properties.

**Section 1120.05. R-1 Permitted Uses.**

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1120 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

- (a) Single-family detached dwellings (excluding the leasing or renting of rooms).
- (b) Open area, parks and playgrounds owned and operated by a public agency, or by a home association for a subdivision or neighborhood.
- (c) Residential subdivisions, including streets, lighting, sanitary sewer service, and water service.
- (d) Uses mandated in state statutes as permitted uses.

Subd. 2. Primary Accessory Uses.

- (a) Private detached garages.
- (b) Tool house, sheds, and similar storage areas for domestic supplies.
- (c) Commonly accepted municipal playground equipment, and park shelter buildings.
- (d) Boat docks.
- (e) Home occupations as regulated by section 480.
- (e) Signs as regulated in section 1140 et seq.

Subd. 3. Secondary Accessory Uses.

- (a) Off-street parking, driveways, parking pads.
- (b) Play structures, swing sets.
- (c) Patios, decks, slabs, sidewalks.
- (d) Air conditioners, generators.
- (e) Fire pits, outdoor fireplaces, outdoor kitchens for the use and convenience of the resident and their guests.
- (f) Freestanding swimming pools, hot tubs, spas for the use and convenience of the resident and their guests.
- (g) Pergolas, arbors, trellises.

Subd. 4. Conditional Uses.

- (a) Public utilities including such items as electrical distribution station or any such similar structure located above ground.
- (b) Permanent in-ground swimming pools and spas for the use and convenience of the resident and their guests.
- (c) Tennis courts, sport courts.
- (d) Signs as regulated in section 1140 et seq.
- (e) Churches, chapels, synagogues, temples, and similar religious buildings.
- (f) Uses mandated in state statutes as conditional uses.
- (g) Theater with attached restaurant for the following lot: Hennepin County PID 26-117-23-31-0028 (see section 1123 for further regulations).

**Section 1120.10. R-1 Lot Dimensions.**

The following required lot area, width, and depth regulations shall be considered as minimum standards for lot dimensions:

	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth
Minimum sizes for lots <b>after subdivision</b> (see subdivision section 600)	15,000sf	75ft	150ft
Minimum sizes for remaining lot when a portion is <b>accreted</b> onto a neighboring lot (see simple subdivision section 600.07)	15,000sf	75ft	150ft
Minimum sizes for <b>existing</b> lots of record for building a single-family home (see section 1120.22)	7,000sf	40ft at the building line	No minimum lot depth

**Section 1120.15. R-1 Setbacks & Impervious Surfaces.**

The following shall be considered as setback and impervious surface standards:

	Front* Yard Setback	Side Yard Setback	Exterior Side Yard Setback (Corner Lot)*	Rear Yard Setback	Lake Yard Setback	Impervious Surface Coverage
Single-Family Principal Structure	30ft  15ft for properties with a lake yard	7.5ft plus 0.1ft for each foot of lot width up to 75ft ** (8ft min)	30ft for lots 15,000sf +  Lot size x .002 for lots less than 15,000sf *** (16ft min)	30ft  15ft for properties with a lake yard	50ft	30% for lots 15,000sf +  15,000 minus lot size x .001 + 30% for lots less than 15,000sf **** (40% max)
Accessory Structures	See section 1140.10 for Accessory Structures and Uses (primary and secondary) Setbacks and General Regulations					

- \* If the property abuts two public right-of-ways (corner lots), the city zoning administrator will determine which yard is the front yard and which yard is the exterior side yard. For properties with a lake yard, the front yard typically is the yard with the driveway.
- \*\* For example, the minimum side yard setback for a lot that is 50ft wide at the building line would be 12.5ft:  
50 x 0.1 = 5 + 7.5 = 12.5
- \*\*\* For example, the minimum exterior side yard setback for a 10,700sf lot would be 21.4 ft:  
10,700 x .002 = 21.4
- \*\*\*\* For example, the maximum hardcover for a 10,700sf lot would be 34.3%:  
(15,000 – 10,700 = 4,300) x .001 = 4.3% + 30% = 34.3%

**Section 1120.20. R-1 Building Standards.**

Subd. 1. Principal structures (new construction or new additions) in the district shall:

- (a) not exceed 28 feet in building height and 42 feet in structure height;
- (b) not have a wall height that exceeds double the setback distance within 15 feet of the side property line (e.g. the maximum wall height for a principal structure located 8 feet from the property line is 16 feet);
- (c) be of a minimum width of 25 feet;
- (d) have a minimum footprint area of 1,450 sq ft including the attached or detached garage square footage;
- (e) have an attached or detached 2-car garage and a hard-surfaced (see section 1140.46) driveway to the public street.
- (g) meet all current standards of city building codes and appendices;

Subd. 2. Properties that require variances from setback and / or impervious surface requirements in order to meet the building standards listed in subdivision 1 above may qualify for the “practical difficulty” standard for the consideration of variances (see section 1155).

Subd. 3. Primary accessory structures (new construction or new additions) in the district shall:

- (a) be limited to 1 private garage, and 1 tool house shed or similar storage building per principal structure;
- (b) not exceed 15 feet in building height;
- (c) have a maximum combined main floor space of all primary accessory structures on the lot of 1,000 square feet or 60% of the total at-grade, main floor square footage of the principal structure including attached garage square footage – whichever is less;
- (d) meet all current standards of city building codes and appendices.

**Section 1120.22. R-1 Lots of Record.**

Subd. 1. A "lot of record" is a lot filed in the office of the Hennepin county register of deeds on or before December 1, 1992.

Subd. 2. A lot of record shall be allowed as a single-family residential building site, provided:

1. The lot is 7,000 sq. ft. or greater;
2. The lot width at the building line is 40 ft. or greater;
3. The lot is in separate ownership from abutting lots; and
4. The lot is able to be connected to a public sewer.

Subd. 3. Any vacant lot of record that is less than 15,000 sq. ft. and abuts another lot (vacant or with a habitable residential dwelling) that is under the same ownership must be combined with the abutting lot and must not be considered as a separate parcel for the purposes of sale or development.

Subd. 4. Abutting lots of record that are under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are connected to a public sewer.

Subd. 5. A portion of land may be accreted from a lot of record and combined with a second abutting lot of record as long as the remainder of the first lot is 15,000 sq. ft. or greater and the property remains otherwise zoning code compliant. See simple subdivision section 600.07.

**Section 1120.25. R-1 General Regulations.**

Additional requirements for the R-1 district are set forth in section 1140 et seq. of this ordinance.

**SECTION 1123. REGULATIONS FOR THEATER WITH ATTACHED RESTAURANT**

**Section 1123.00. Purpose.**

The purpose of this section is to establish regulations that allow the continuing operation of an established theater with attached restaurant in the manner it has been used historically heretofore and providing for possible enlargement of facilities and / or intensification of established uses by conditional use permit first obtained in a manner that is compatible with the surrounding residential community and provides flexibility to address changing business conditions.

**Section 1123.15. Setbacks and Hardcover for Theater with Attached Restaurant.**

Land Use	Front Yard (Southerly Yard - Parking Lot)	Side Yard (Easterly Yard - Trail)	Exterior Side Yard (Westerly Yard)	Rear Yard (Northerly Yard - Pond)	Hardcover
Theater with Attached Restaurant	180 feet	15 feet	50 feet	Per Watershed Rules	Not more than 30% of lot area shall be occupied by buildings and / or impervious surfacing
Theater with Attached Restaurant <u>Primary</u> Accessory Structures	180 feet	10 feet	35 feet	Per Watershed Rules	
Theater with Attached Restaurant <u>Secondary</u> Accessory Structures	See section 1140.10 subd. 2C for Setbacks and General Regulations for Secondary Accessory Structures and Uses				

**Section 1123.25. Lawful Use or Occupation of the Land or Premises Commonly Known as The Old Log Theater (Theater with Attached Restaurant), 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID No. 26-117-23-31-0028), Existing at the Time of the Adoption of this Control.**

Subd. 1. Findings. After review and investigation, the city adopted resolution 31-13 which sets forth findings on the established use and manner to which the “Theater with Attached Restaurant” property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID 26-117-23-31-0028), has historically been put. Said resolution is intended to serve as the factual basis for the terms and conditions of conditional use regulation under section 1123 et seq. related thereto.

Subd. 2. Authorized Use. The following enumeration of business practices, excerpted from resolution 31-13, describes the manner to which use of the Old Log Theater (described in subd. 1, above), may, as of the adoption of this control (12-04-13), be put:

- (a) Public business hours for theater performances, on-site food service, ticketing, and the business office shall be between 8am and 11pm. Special events may be between 8am and 12midnight.
- (b) Liquor service shall comply with the city's liquor ordinances (section 820).
- (c) With the exception of noise-creating activities, there are no restrictions on hours for supporting activities necessary to the Old Log's operations, including: office, scene shop, cleaning, and food preparation.
- (d) Noise-producing activities such as building, landscaping, and scenery construction, shall be limited to between 8am and 8pm, Monday-Saturday.
- (e) General deliveries, garbage collection, and food service truck deliveries shall be limited to between 8am and 8pm.
- (f) In addition to live theater performances, the Old Log may host special events (e.g. concerts, weddings, and private / public events) on the Old Log campus as desired. However, the parking lot shall not be employed for

purposes other than parking. Noise related to special events shall be managed so as not to adversely impact neighboring residential properties. Special event revenue is estimated to be 25% of total annual revenue.

- (g) The Old Log's kitchen, dining room, and bar may offer service to the public independent of theater performances during the public business hours stated in (a) above.
- (h) Box lunches may be consumed on the grounds.
- (i) Parking of all vehicles, including buses, shall be on site 95% of the need. Buses shall be turned off while parked and may idle 10 minutes prior to boarding passengers. Except in cold weather buses may idle more frequently as needed.
- (j) Outdoor events shall not employ amplified music.

### **Section 1123.30. Events Necessitating a Conditional Use Permit Be Obtained Relative to Section 1120.05 Subd 4(g), Theater with Attached Restaurant.**

Subd. 1. Conditional Use Permit Required. Subject to the rights granted property owners under Minnesota statute 462.357 Subd.1e (a), which provides, in part, that “any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion,” any one or more the following events related to the “Theater with Attached Restaurant” property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID 26-117-23-31-0028) shall require a conditional use permit be first obtained:

- (A) Request for a building permit or zoning approval for physical expansion of any existing building or the addition of impervious surface to said property beyond what existed as of the adoption of this control.
- (B) Any change to the manner of use of said property as authorized in section 1123.25, subd. 2.

### **Section 1123.35. Minimum Building Requirements for Permitted Conditional Uses Under Section 1120.05 Subd 4(g), Theater with Attached Restaurant.**

Subd. 1. Conditional permitted principal structures and associated accessory structures authorized under section 1120.05 subd 4(g) shall, in addition to other restrictions of this ordinance and any other applicable ordinances of the city, meet the following standards:

- (1) Principal buildings structures shall be limited to 1 in number and shall not exceed 28 feet in building height or more than 42 feet in structure height and shall be built in conformance with this code and current applicable building code.
- (2) Accessory buildings / structures shall be limited to 4 in number plus 1 gazebo and individually shall not be greater than 15 feet in building height or more than 28 feet in structure height. In no event shall the accessory buildings combined exceed 60% of the total at grade, main floor square footage of the principal theater building / structure,
- (3) Subject to variance, under the practical difficulties standard, all additions to the principal theater building and supporting accessory buildings / structures shall be constructed of the same materials or higher quality materials and shall reasonably conform to the architecture of the buildings in existence as of the adoption of this control (12-04-13).
- (4) All exterior finishes on any building shall be any single one or combination of the following:
  - a. Face brick,
  - b. Natural stone,
  - c. Wood which meets appropriate fire codes and has been reviewed by the planning commission and approved by the city council,
  - d. Any other exterior finish that has been reviewed by the planning commission and approved by the city council, In no event shall precast concrete units, including those with surfaces that have been integrally treated with an applied decorative material or texture be employed for exterior finishes, provided that in no event shall proposed exterior finishes matching an existing building be deemed unacceptable.
- (5) Architectural Compatibility. Building structure, design, and exterior finish materials, including exterior remodeling projects, are subject to review by the planning commission and the city council for acceptability of proposed materials, architectural compatibility with the residential R-1 district and its established past historic use, and to determine whether the proposal is in keeping with the predominately residential character of the surrounding neighborhoods, local public amenities, and the city in general. Building appearance will be considered from a 360° perspective.

### **Section 1123.40. Regulation and Imposition of Conditions on Permitted Conditional Uses Authorized Under Section 1120.05 Subd 4(g), Theater with Attached Restaurant.**

Subd. 1. Permitted Conditions. In addition to the conditions related to public health, safety, and welfare that the council may impose on conditional uses under section 1150, in considering and issuing or amending a conditional use permit for a “Theater with Attached Restaurant” under section 1120.05 subd 4(g) the council may impose conditions related to the use of the buildings and structures and operation of any the business operated upon the property including, but not limited to, any of the following:

- A. Odor regulation and management
- B. Noise limits and management
- C. Limits on operational hours
- D. Traffic management and control
- E. Outdoor lighting
- F. Employee parking
- G. Delivery routes and service vehicles including service times and weight restrictions
- H. Refuse collection and related issues including service times and weight restrictions
- I. Carry-out food service
- J. Catering service
- K. Repair and maintenance of public roads burdened by theater related traffic
- L. Alcohol
- M. Outdoor events
- N. Number, size, and location of buildings and accessory structures.”

**SECTION 2.**

Greenwood ordinance code section 1145.00 nonconformities paragraphs (d) through (h) and (j) are deleted in their entirety.

**SECTION 3.**

Greenwood ordinance code section 1176.04 subd. 3 is amended to read as follows:

“Subd. 3. Minimum Lot Size, Width, Building Height, and Impervious Coverage.

(1) *Dimensions.* All single lots created after December 1992 must meet or exceed the following dimensions:

	<b>Riparian and Non-Riparian Lots</b>	<b>Office District</b>	<b>Lake Recreation District</b>
	<b>R-1</b>	<b>C-1</b>	<b>C-2</b>
Lot Area (sq. ft.) abutting water and not abutting water	15,000	10,000	10,000
Lot Width at building line (ft.)	75	75	75
Building Setback from OHWL (ft.)	50	50	50
Maximum Building Height	28	35	30*

\* The 30-foot building height limit within the C-2 lake recreation district is subject to the following exception: The maximum building height for multi-family residential structures of 8 units or greater may exceed 30 feet but shall not be greater than 32 feet for structures with gabled roofs of not less than 5/12; pitch; all other roof / building design or uses within the C-2 district shall not exceed 30 feet in height. See section 1102 for definition of “building height.”

(2) *Exceptions to Setbacks.* Setback requirements from the ordinary high water level shall not apply to authorized secondary accessory structures, boathouses, and docks.

(3) *Impervious Coverage.*

- a) Impervious surface coverage in all residential districts as expressed as a percentage of the lot area, shall not exceed the standards set forth on the table in section 1120.15.
- b) Impervious surface coverage in all commercial districts, expressed as a percent of the lot area, shall not exceed 30%, provided that because of the additional hardcover required for typical commercial developments, the maximum impervious surface in commercial districts may be increased to a maximum of 75% with a conditional use permit first obtained under sections 1150 and 1176.07 of this code, supported by an applicant prepared stormwater management plan meeting the approval of the city engineer. The city engineer, planning commission, and / or city council may require an applicant to implement stormwater management practices deemed necessary to control and minimize or control stormwater and off site runoff, including but not limited to, rain gardens, holding ponds, reductions in proposed impervious surfaces, and other accepted stormwater management techniques and methods.”

SECTION 4.

Greenwood ordinance code section 1176.04 subd. 10 is amended to read as follows:

“Subd. 10. Lots of Record. See section 1120.22.”

SECTION 5.

Greenwood ordinance code section 1176.07.05 subd. 4 (1) is amended to read as follows:

“Subd. 4. Impervious Surface Policies and Conditions.

1. Variance applicants with total impervious surface coverage in excess of the percentage shown on the table in section 1120.15 shall have the burden of proof to establish that the excess is a *legal* nonconforming use by showing evidence that the excess was in existence prior to the adoption of the Shoreland Management Ordinance (December 1992), or by showing the excess was approved by the city. If no such evidence exists, the city council may require the property owner to reduce impervious surfaces as a condition of variance approval.”

SECTION 6.

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

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

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

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk

First reading: \_\_\_\_\_, 2017  
Second reading: \_\_\_\_\_, 2017  
Publication: \_\_\_\_\_, 2017



**Agenda Item:** Consent Agenda

**Summary:** The consent agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

The consent agenda items are included in the hard copy of the full council packet and in the electronic version of the packet available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

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

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

# MINUTES

## Greenwood City Council Meeting

Wednesday, April 5, 2017

20225 Cottagewood Road, Deephaven, MN 55331



### 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7:04pm.

Members Present: Mayor Kind; Councilmembers Kristi Conrad, Bill Cook, Tom Fletcher, and Bob Quam

Staff Members Present: City Engineer Dave Martini, City Zoning Administrator Dale Cooney, City Attorney Mark Kelly

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

### 2. CONSENT AGENDA

A. Approve: 03-01-17 City Council Meeting Minutes

B. Approve: February Cash Summary Report

C. Approve: February Certificates of Deposit Report

E. Approve: April Payroll Register

F. Approve: Annual July 4th Contribution to Excelsior – Lake Minnetonka Chamber of Commerce

**Motion by Kind to approve the consent agenda items A-C, E & F. Second by Cook. Motion passed 5-0.**

### 3. MATTERS FROM THE FLOOR

None

### 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. Announcement: City Council & Planning Commission Joint Worksession, 8pm 04-19-17, Old Log's Cast & Cru Restaurant, 5175 Meadville Street (note: different than originally scheduled date of 05-17-17)

B. Announcement: Local Board of Appeal & Equalization Meetings, 6pm 04-13-17 and 04-27-17

C. Announcement: Spring Clean-Up Day, 05-20-17, have items curbside by 7am

*View announcements at [LMCC-TV.org](http://LMCC-TV.org).*

### 5. PUBLIC HEARINGS

A. Public Hearing: Stormwater Pollution Prevention Program

**Motion by Cook to open the public hearing. Second by Quam. Motion passed 5-0.**

*No one spoke during the public hearing.*

**Motion by Quam to close the public hearing. Second by Cook. Motion passed 5-0.**

B. Public Hearing: Greenwood Park Drainage Improvement Project

**Motion by Cook to open the public hearing. Second by Conrad. Motion passed 5-0.**

*Jennifer Gallagher, 21775 Fairview Street expressed concern for the number of trees to be removed.*

*Val Stuessi, 5000 Meadville Street asked if the city could mark the trees that are proposed to be removed.*

*Lynn Aller, 5070 Covington Street asked if there will be an opportunity for neighbor input regarding the trees to be removed before the city goes out for bids.*

*Dale Gustafson, Representative of Al & Mary McQuinn, 5025 Covington Street supported the removal of the lower-quality trees and planting of new higher-quality trees.*

*Bob Sevey, 4926 Meadville Street asked about the current water elevation in the pond and asked what proposed maximum capacity will be.*

*Mary Thacker, 21915 Fairview Street spoke in favor of keeping the large cottonwood tree that is proposed to be removed.*

*View full comments at [LMCC-TV.org](http://LMCC-TV.org).*

**Motion by Cook to close the public hearing. Second by Conrad Motion passed 5-0.**

6. ACTION RELATED TO PUBLIC HEARINGS

- A. Consider: Greenwood Park Drainage Improvement Plan Approval & Authorization for Bids

**Motion by Kind to set a neighborhood meeting for 6pm on Tuesday, April 18, 2017 on site at Greenwood Park and further direct the city engineer to mark trees proposed to be removed and key boundaries on site. Second by Cook. Motion passed 5-0.**

7. PLANNING & ZONING ITEMS

- A. Discuss: Potential Lot Size Ordinance

**Motion by Kind to set a worksession with the city attorney and city zoning administrator for 6pm on Wednesday, May 3, 2017 immediately preceding the 7pm city council meeting. Second by Cook. Motion passed 5-0.**

8. UNFINISHED BUSINESS

- A. 2nd Reading: Social Host Ordinance 268, Summary Resolution 06-17

**Motion by Cook to indefinitely table the second reading of the social host ordinance 268. Second by Quam. Motion passed 3-2 with Conrad and Fletcher voting nay.**

9. NEW BUSINESS

- A. Consider: Consider Resolution 08-17 Authorization Entering into a 2017-2020 Recycling Agreement with Hennepin County

**No council action was taken.**

10. OTHER BUSINESS

- 2D. Approve: March Verifieds, Check Register, Electronic Fund Transfers

**Motion by Fletcher to approve March Verifieds, Check Register, and Electronic Fund Transfers with the direction for Councilman Fletcher and Cook to look into future payments to Excelsior for sanitary sewer treatment. Second by Cook. Motion passed 5-0.**

11. COUNCIL REPORTS

- A. Conrad: Planning Commission

**No report, since there was no planning commission meeting in March.**

- B. Cook: Lake Minnetonka Conservation District, Public Works Committee

**No council action taken. View discussion at LMCC-TV.org.**

- C. Fletcher: Lake Minnetonka Communications Commission, Fire, Administrative Committee

**No council action taken. View discussion at LMCC-TV.org.**

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

**Motion by Fletcher to authorize the following public works project at the Meadville boat launch in an amount not to exceed \$500: remove the large rock by the canoe rack, spread small landscaping rock below the canoe racks, and spread landscaping rock by the bench. Second by Cook. Motion passed 5-0.**

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

**No council action taken. View discussion at LMCC-TV.org.**

12. ADJOURNMENT

**Motion by Kind to adjourn the meeting at 9:15pm. Second by Conrad. Motion passed 5-0.**

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



# MINUTES

## Greenwood City Council Worksession

Wednesday, April 5, 2017

20225 Cottagewood Road, Deephaven, MN 55331

### 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 6:07pm.

Members Present: Mayor Kind; Councilmembers Kristi Conrad (arrived at 6:12pm), Bill Cook, Tom Fletcher, Bob Quam

Others Present: Assessors Conrad Anderson and Michael Vanderlinden

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

### 2. PRE-BOARD DISCUSSION WITH ASSESSORS

In preparation for the Local Board of Appeal & Equalization meeting to be held at 6pm on Thursday, 04-13-17, the council and assessors discussed the documents that were included in the worksession packet and distributed at the council meeting:

#### A. 2017 Assessment Memo and Sales Book

Residential on-lake properties had a 14% average increase compared to the 2016 assessment.

Condo properties had a 6.48% average increase compared to the 2016 assessment.

Overall, all on-lake and off-lake residential properties had a 15.3% average increase compared to 2016.

There are a total of 348 taxable residential parcels in the city with a total market value of \$373,158,000.

#### B. Sales Studies – Direct and MCAP

The assessors explained that even though they believed that some of the sales were not representative of the market, the county would not remove the sales from the study. There were 6 on-lake sales, so the study was considered to be valid. An overall 15.3% average increase was required in order to meet the county's 95% sales ratio standard.

#### C. Lake Minnetonka Assessment Growth History

At 14%, Greenwood ranks the highest in assessment growth compared to other Lake Mtna cities for on-lake properties. The next highest was Wayzata with a 9.9% increase.

At 5.8% Greenwood ranked #3 in average assessment growth for the last 5 years compared to other Lake Mtna cities for on-lake properties. Mtna Beach ranked #1 with 6.3% average.

#### D. 2016 to 2017 Greenwood Assessment Roll

Unlike previous years, the county did not provide an assessment roll spreadsheet showing the growth from 2016 to 2017 for all residential properties. Instead, separate spreadsheets with raw data for 2016 and 2017 were provided.

The raw data shows some neighborhoods received much higher increases compared to others. It is anticipated that there will be many property owners appealing their valuations at the 4/13 meeting.

### 3. ADJOURNMENT

**Motion by Cook to adjourn the worksession at 6:58pm. Second by Quam. Motion passed 5-0.**

# MINUTES

## Greenwood City Council / Planning Commission Annual Joint Worksession & City Council Worksession



Wednesday, April 19, 2017

Old Log's Cast & Cru Restaurant, 5175 Meadville Street, Greenwood, MN 55331

### CITY COUNCIL / PLANNING COMMISSION JOINT WORKSESSION

#### 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 8:05pm.

Members Present: Mayor Kind; Councilmembers Kristi Conrad, Tom Fletcher, Bob Quam, and Rob Roy; Planning Commissioners Pat Lucking, Lake Bechtell, Doug Reeder, Fiona Sayer, David Steingas

Members Absent: Jennifer Gallagher

Others Present: City Zoning Administrator Dale Cooney

**Motion by Cook to approve the agenda. Second by Lucking. Motion passed 10-0.**

#### 2. DISCUSS PARK DEDICATION FEE

Mayor Kind explained that a couple who live in the city are requesting the city consider changing the city's park dedication fee to be to a flat fee system like Edina, Chanhassen, and Shorewood have rather than setting the fee at 8% of the property's value. The value of the couple's property is approximately \$750,000 x 8% = \$60,000 for a park dedication fee. As a reference, Mayor Kind shared the current park dedication fees for various cities ...

Greenwood	8% of the fair market value of the land to be subdivided
Excelsior	Cash dedication equivalent of the value of 10% of the gross area to be subdivided
Deephaven	10% of the fair market value of the land to be subdivided
Tonka Bay	10% or a lesser percentage as the city shall determine to be specifically and uniquely attributable to the proposed development based upon the fair market value of the unimproved land
Chanhassen	\$5800 per dwelling
Edina	\$5000 per dwelling unit
Shorewood	\$6500 per lot

If there is interest in going with a flat fee, we would need to amend our subdivision ordinance (chapter 6).

The consensus of the group was to keep our fee at 8%. The group noted 8% is lower than the 10% fee required by most of our neighboring cities. The topic will be included on the 05-03-17 council agenda.

#### 3. DISCUSS LOT SIZE ORDINANCE

A redlined copy of the ordinance, a clean copy of the ordinance, and a copy of city attorney Mark Kelly's memo were distributed to the group. The group discussed each section of the clean copy of the ordinance and potential changes:

Section 1120.01. Development History & Community Character -- Add language about the shoreland management district section of the code up front, so the reader understands that the shoreland management district rules apply to every property in the city.

Section 1120.15. R-1 Setbacks & Impervious Surfaces -- Consider changing the side yard setback to be based only on lot width at the building and not lot size.

Section 1120.20. R-1 Building Standards -- Consider making the below changes. ~~Strikethrough~~ text = text to be removed. Underline text = text to be added.

Subd. 1. Principal structures (new construction or new additions) in the district shall:

- not exceed 28 feet in building height and 42 feet in structure height;
- ~~not exceed one level above the foundation level~~ not have a wall height that exceeds double the setback distance within 15 feet of the side property line (e.g. the maximum wall height for a principal structure located 8 feet from the property line is 16 feet);
- be of a minimum width of 25 feet;

- (d) have a minimum ~~floor space on all levels of 1000 square feet in addition to main floor space of~~ 1450 sq ft including the garage square footage;
- (e) have a 2-car garage with a minimum floor space of 450 square feet and a hard-surfaced (see section 1140.46) driveway to the public street.
- (g) meet all current standards of city building codes and appendices;

~~Subd. 2. Principal structures (new construction or new additions) in the district are entitled to:~~

~~—(a) a patio or deck with an area of 144 square feet.~~

Subd. ~~3-2~~. Properties that require variances from setback and / or impervious surface requirements in order to meet the building standards ~~and entitlements listed in subdivisions 1 & 2~~ subdivision 1 above would qualify for the “practical difficulty” standard for the ~~granting~~ consideration of variances (see section 1155).

Section 1123. Regulations for Theater with Attached Restaurant -- Get second opinion from attorney Bob Vose regarding this section.

Section 1145.00 paragraphs (e) and (f) regarding nonconforming single lots and section 1176.04 subd 10 regarding substandard lots -- These sections appear to be in conflict. The city zoning administrator will review and make a recommendation.

## 6. ADJOURNMENT

**Motion by Cook to adjourn the joint worksession at 9:44pm. Second by Steingas. Motion passed 10-0.**

Check Issue Date(s): 04/01/2017 - 04/30/2017

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/17	04/05/2017	12772	848	BRIDGEWATER BANK	101-20100	80,000.00
04/17	04/18/2017	12773	51	BOLTON & MENK, INC.	301-20100	3,766.00
04/17	04/18/2017	12774		Information Only Check	101-20100	.00 V
04/17	04/18/2017	12775	9	CITY OF DEEPHAVEN	101-20100	10,838.99
04/17	04/18/2017	12776	871	CONRAD ANDERSON	101-20100	541.66
04/17	04/18/2017	12777	315	DOCK & LIFT INC.	605-20100	1,500.00
04/17	04/18/2017	12778	822	ECM PUBLISHERS INC	301-20100	252.63
04/17	04/18/2017	12779	199	ELECTRIC PUMP	602-20100	1,403.60
04/17	04/18/2017	12780	818	EXCELSIOR - LAKE MTKA CHAMBER	101-20100	1,500.00
04/17	04/18/2017	12781	52	EXCELSIOR FIRE DISTRICT	101-20100	32,443.92
04/17	04/18/2017	12782	68	GOPHER STATE ONE CALL	602-20100	14.85
04/17	04/18/2017	12783	789	HENNEPIN COUNTY TREASURER	101-20100	51.00
04/17	04/18/2017	12784	3	KELLY LAW OFFICES	101-20100	1,225.00
04/17	04/18/2017	12785	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,592.38
04/17	04/18/2017	12786	874	MIKE VANDERLINDEN	101-20100	541.66
04/17	04/18/2017	12787	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	26,110.50
04/17	04/18/2017	12788	145	XCEL ENERGY	101-20100	455.20
Totals:						<u>163,237.39</u>

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0201648	2017 MISC ENGINEERING	03/31/2017	60.00
			2017 MISC ENGINEERING		180.00
		0201649	2017 SEWER IMPROVEMENTS	03/31/2017	78.00
		0201651	COVINGTON IMPROVEMENTS	03/31/2017	3,448.00
	Total BOLTON & MENK, INC.				3,766.00
<b>BRIDGEWATER BANK</b>					
848	BRIDGEWATER BANK	04 05 17	NEW 15 MONTH CD	04/05/2017	80,000.00
	Total BRIDGEWATER BANK				80,000.00
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	APRIL 2017	RENT & EQUIPMENT	03/31/2017	487.45
			Postage		184.05
			COPIES		124.00
			SEWER		951.66
			SNOW PLOWING/SANDING/SALT		685.25
			PARK MAINTENANCE		95.20
			STORM SEWERS		95.20
			Clerk Services		4,083.30
			ZONING		322.44
			Stormwater Coalition Membership Renew		171.66
			1st Qtr Building Permits		3,638.78
	Total CITY OF DEEPHAVEN				10,838.99
<b>CONRAD ANDERSON</b>					
871	CONRAD ANDERSON	2017-3	1/2 MO CONTRACT AMT	03/29/2017	541.66
	Total CONRAD ANDERSON				541.66
<b>DOCK &amp; LIFT INC.</b>					
315	DOCK & LIFT INC.	29980	INSTALL FLOATING DOCK	04/10/2017	1,500.00
	Total DOCK & LIFT INC.				1,500.00
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	471629	LEGAL NOTICE	03/23/2017	41.13
		471630	LEGAL NOTICE	03/23/2017	35.25
		473972	LEGAL NOTICE	03/30/2017	105.75
		476438	LEGAL NOTICE	04/06/2017	70.50
	Total ECM PUBLISHERS INC				252.63
<b>ELECTRIC PUMP</b>					
199	ELECTRIC PUMP	0060003-IN	LIFT STATION REPAIR	03/29/2017	1,403.60
	Total ELECTRIC PUMP				1,403.60
<b>EXCELSIOR - LAKE MTKA CHAMBER</b>					
818	EXCELSIOR - LAKE MTKA CHAM	04 10 17	JULY 4TH CONTRIBUTION	04/10/2017	1,500.00
	Total EXCELSIOR - LAKE MTKA CHAMBER				1,500.00
<b>EXCELSIOR FIRE DISTRICT</b>					
52	EXCELSIOR FIRE DISTRICT	QTR 2 2017	1st Quarter - Buildings	04/11/2017	13,771.63
			1st Quarter - Operations		18,672.29

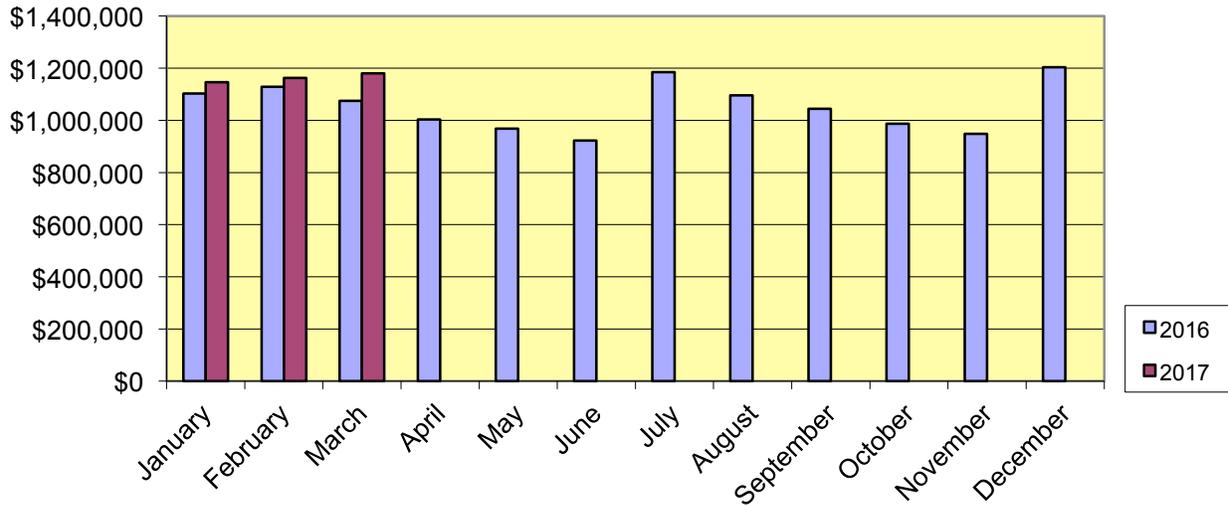
Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total EXCELSIOR FIRE DISTRICT					32,443.92
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	7030408	Gopher State calls	03/31/2017	14.85
Total GOPHER STATE ONE CALL					14.85
<b>HENNEPIN COUNTY TREASURER</b>					
789	HENNEPIN COUNTY TREASURE	1000092398	PINS PROGRAM	04/01/2017	51.00
Total HENNEPIN COUNTY TREASURER					51.00
<b>KELLY LAW OFFICES</b>					
3	KELLY LAW OFFICES	X527	GENERAL LEGAL	04/11/2017	1,225.00
Total KELLY LAW OFFICES					1,225.00
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERV	0001066258	Monthly wastewater Charge	04/07/2017	2,592.38
Total METRO COUNCIL ENVIRO SERVICES					2,592.38
<b>MIKE VANDERLINDEN</b>					
874	MIKE VANDERLINDEN	2017-3	1/2 MO CONTRACT AMT	03/29/2017	541.66
Total MIKE VANDERLINDEN					541.66
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	APRIL 2017	OPERATING BUDGET	04/01/2017	15,196.00
		APRIL 2017	2nd quarter lease	04/01/2017	10,914.50
Total SO LAKE MINNETONKA POLICE DEPT					26,110.50
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	03 27 17	SIREN	03/27/2017	3.57
			Sleepy Hollow Road *		8.67
			4925 MEADVILLE STREET *		8.68
			LIFT STATION #1		46.69
		04 03 17	Street Lights *	04/03/2017	387.59
Total XCEL ENERGY					455.20

Total Paid: 163,237.39

Total Unpaid: -

Grand Total: 163,237.39

### City of Greenwood Monthly Cash Summary



Month	2016	2017	Variance with Prior Month	Variance with Prior Year
January	\$1,103,197	\$1,146,895	-\$56,730	\$43,698
February	\$1,128,257	\$1,162,355	\$15,460	\$34,098
March	\$1,074,726	\$1,180,149	\$17,794	\$105,423
April	\$1,003,064		-\$1,180,149	-\$1,003,064
May	\$968,814		\$0	-\$968,814
June	\$922,082		\$0	-\$922,082
July	\$1,184,900		\$0	-\$1,184,900
August	\$1,095,742		\$0	-\$1,095,742
September	\$1,044,116		\$0	-\$1,044,116
October	\$986,451		\$0	-\$986,451
November	\$948,462		\$0	-\$948,462
December	\$1,203,625		\$0	-\$1,203,625

Alerus Bank Checking	\$11,521
Bridgewater Bank Checking	\$37,112
Alerus Bank Money Market	\$612,081
Bridgewater Bank Money Market	\$12,130
Bridgewater Bank CD's	\$507,305
	<b>\$1,180,149</b>

**ALLOCATION BY FUND**

General Fund	\$465,632
Special Project Fund	(\$8,784)
General Fund Designated for Parks	\$16,756
Bridge Capital Project Fund	\$167,098
Road Improvement Fund	\$106,707
Stormwater Fund	\$27,841
Sewer Enterprise Fund	\$313,374
Marina Enterprise Fund	\$91,575
	<b>\$1,180,149</b>

## GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 3/31/17

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10413	Bridgewater Bank	05/11/16	13 month	06/11/17	1.00%	\$ 62,169.92
10110408	Bridgewater Bank	07/11/16	13 month	08/11/17	1.00%	\$ 60,302.84
101-10414	Bridgewater Bank	07/25/16	13 month	08/25/17	1.00%	\$ 81,231.17
101-10411	Bridgewater Bank	09/08/16	13 month	10/08/17	1.00%	\$ 62,067.84
101-10409	Bridgewater Bank	12/01/16	15 month	03/01/18	1.00%	\$ 81,335.78
101-10412	Bridgewater Bank	01/06/17	15 month	04/06/18	1.00%	\$ 80,197.26
10110410	Bridgewater Bank	03/06/17	15 month	06/06/18	1.00%	\$ 80,000.00
<b>TOTAL</b>						<b>\$ 507,304.81</b>

*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 Alerus Bank or Bridgewater Bank. Second by Cook. Motion passed 5-0.*

*11-02-16 Motion by Fletcher that the city council authorizes an increase from \$500,000 to \$600,000 for the city's maximum balance of certificate of deposit. Second by Roy. Motion passed 5-0.*

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
05/01/17	PC	05/01/17	5011701	CONRAD, KRISTI	39		001-10100	277.05
05/01/17	PC	05/01/17	5011702	COOK, WILLIAM B.	37		001-10100	277.05
05/01/17	PC	05/01/17	5011703	Fletcher, Thomas M	33		001-10100	177.05
05/01/17	PC	05/01/17	5011704	Kind, Debra J.	34		001-10100	415.57
05/01/17	PC	05/01/17	5011705	Quam, Robert	32		001-10100	277.05
Grand Totals:								<u>1,423.77</u>



## **CITY OF GREENWOOD NOTICE**

*As required by ordinance code section 125, the Greenwood city council appoints city clerk Dana Young as the “responsible authority” for the city.*

*The responsible authority answers inquiries from the public concerning the provision or dissemination of government data. The responsible authority also is charged with creating an inventory of data that the city maintains.*

*All data is presumed public data unless specifically determined confidential or private by state or federal law.*

*Updated May 3, 2017*



**Agenda Number: 4A**

**Agenda Date: 05-03-17**

*Prepared by Deb Kind*

**Agenda Item:** Chief Michael Meehan, Quarterly Police Update

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

**Council Action:** None required.



**Agenda Number: 4B**

**Agenda Date: 05-03-17**

*Prepared by Deb Kind*

**Agenda Item:** Lake Minnetonka Conservation District Executive Director Vickie Schleuning & Greenwood LMCD Board Representative Bill Cook: LMCD Update

**Summary:** Greenwood's Lake Minnetonka Conservation District board representative Bill Cook requested that this topic be included on the council agenda. LMCD Executive Director, Vickie Schleuning is visiting each member city council and will co-present the update with Councilman Cook.

**Council Action:** No action required.



Agenda Number: **4C**

Agenda Date: **05-03-17**

Prepared by Deb Kind

**Agenda Item:** City Engineer Dave Martini, Greenwood Park Drainage Improvement Project & 2017 Road Projects

**Summary:** City Engineer Dave Martini will attend the city council meeting to the Greenwood Park drainage improvement project and 2017 road projects.

At the 04-05-17 council meeting, a public hearing was held and the following motion was approved ...

**Motion by Kind to set a neighborhood meeting for 6pm on Tuesday, April 18, 2017 on site at Greenwood Park and further direct the city engineer to mark trees proposed to be removed and key boundaries on site. Second by Cook. Motion passed 5-0.**

A neighborhood meeting was held on 04-18-17. Attached is a 04-25-17 memo from Dave Martini with an update regarding the meeting.

Note: As a condition of approval for the 12-02-15 variance granted for the McQuinn property (5025 Covington Street), the property owner agreed to fund a drainage improvement project to increase the pond capacity at Greenwood Park by 4,723cf with the understanding that project would serve the drainage needs for the entire area that have been an ongoing issue for many years. In addition, the McQuinns also offered to include park improvements in the drainage improvement project.

In conjunction with the Greenwood Park drainage improvement project, additional road improvements for Covington Street are necessary. At the 05-03-17 meeting, Dave Martini also will present a verbal report regarding other potential 2017 road projects.

In addition to the McQuinn's funding, below are city funds as of **03-31-16** that may be used for any city purpose.

<b>\$63,374</b>	<i>Sewer Enterprise Fund</i> (\$313,374 minus \$250,000 goal balance)
<b>\$27,841</b>	<i>Stormwater Special Revenue Fund</i>
<b>\$240,707</b>	<i>Road Improvement Fund</i> (\$106,707 plus \$134,000 in the 2017 general fund budget to be transferred to the road improvement fund)

Plus, the city may use 2017 Contingency budget and excess General Fund Reserves if desired.

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

1. I move the city council directs the city engineer to secure bids for:
  - (a) The Greenwood Park drainage improvement project and related Covington Street road project with the following revisions to the plan: \_\_\_\_\_.
  - (b) The following additional 2017 road projects: \_\_\_\_\_.I further move that the bids be included on the next council agenda for consideration by the city council.
2. I move the city council authorizes the city treasurer to transfer \$134,000 from the General Fund to the Road Improvement Fund per the 2017 budget.
3. Do nothing or other motion ???



Real People. Real Solutions.

2638 Shadow Lane  
Suite 200  
Chaska, MN 55318-1172

Ph: (952) 448-8838  
Fax: (952) 448-8805  
Bolton-Menk.com

April 25, 2017

City of Greenwood  
Attn: Mayor and City Council  
20225 Cottagewood Road  
Deephaven, MN 55331

RE: Covington Street and Park Improvements

Mayor and City Council:

As you are aware, on April 18<sup>th</sup>, a neighborhood meeting was held at Covington Park to review the proposed street and park improvements with interested property owners. During the meeting, I explained the reasons for the proposed improvements, including the need to expand the existing pond to provide more storage for runoff due to an increase in hard cover within the drainage area. The following is a general summary of feedback that was received during our discussions:

- The proposed improvements to the street are overdue and need to be completed as soon as possible.
- The neighbors understand the need to create a drainage way from the road to the ponding area in order to keep water from standing on the road.
- There is not support for increasing the size of the pond at this time. There is a preference to pump the pond down during high water events and consider expanding the pond in the future if the conditions require it.
- Tree removal should be kept to a minimum and judgement should be used on the alignment of the drainage way to limit removal of significant trees.
- The park should be left in a natural state, however, removing dead trees, invasive species, and debris would be a welcome improvement.
- Existing and proposed trails should have a woodchip surface, not granite chips as proposed.
- Additional grading around the playground area would be nice to smooth out the ground and improve the drainage.

I will be at the City Council Meeting on May 3<sup>rd</sup>, to continue our discussions and seek direction for next steps to move the project forward. Council members Quam, Cook, Conrad, and Fletcher were also at the meeting and will have input to share based on the conversations they have had with the affected property owners. If you have any questions before the meeting please feel free to contact me.

Sincerely,

**Bolton & Menk, Inc.**

**David P. Martini, P.E.**  
Principal Engineer



Agenda Number: **7A**

Agenda Date: **05-03-17**

Prepared by Dale Cooney

**Agenda Item:** Consider: Res 08-17, Findings for Variance Request and 09-17, Findings for Conditional Use Permit Request, Keith Schwartzwald, 5145 Weeks Road.

**Summary:** Copies of the application materials and staff report are attached reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 04-06-17. The planning commission held a public hearing at their 04-19-17, meeting. The planning commission considered public comment, applicant's comments, application materials, and staff reports when making their recommendation (see planning commission action below). The city council **must** address the practical difficulty standards outlined in city code section 1155.10 and the conditional use permit review criteria found in city code section 1155.20 (see the draft findings and potential motions at the bottom of this memo).

**Planning Commission Action:** Commissioner Bechtell motioned to recommend approval of the requests of Keith Schwartzwald for a variance to construct a miscellaneous secondary accessory structure within the lake yard setback and a conditional use permit to regrade a portion of the property and install a retaining wall within the lake yard setback for the property at 5145 Weeks Road, as presented, based on the recommendation, findings, and conditions of staff. Motion was seconded by Sayer. Motion carried 5-0.

**Key Dates:**

Application complete:	April 10, 2017
Notice of Public Hearing published:	April 6, 2017
Planning Commission Public Hearing:	April 19, 2017
City Council Consideration:	May 3, 2017
60-Day Deadline:	June 9, 2017
120-Day Deadline:	August 8, 2017

**Council Action:** The city council must take action by 06-09-17 unless the council decides to exercise the city's option to take another 60 days to consider the request. Suggested motions ...

1. I move the city council adopts resolution 08-17 laying out the findings of fact **APPROVING** the variance application and 09-17 laying out the findings of fact **APPROVING** the conditional use application of Keith Schwartzwald, 5145 Weeks Road, as written. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council adopts resolution 08-17 laying out the findings of fact **APPROVING** the variance application and 09-17 laying out the findings of fact **APPROVING** the conditional use application of Keith Schwartzwald, 5145 Weeks Road with the following revisions: \_\_\_\_\_.  
I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
3. I move the city council directs city staff to exercise the city's option to take 60 additional days to process the variance application of Keith Schwartzwald, 5145 Weeks Road by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is: \_\_\_\_\_.

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



# STAFF REPORT

Agenda Date: 05-03-17

Prepared by Zoning Administrator Dale Cooney

**Agenda Item:** Consider variance request and conditional use permit request of Keith Schwartzwald for 5145 Weeks Road to regrade a portion of the property and to construct a foot bridge and a retaining wall in the lake yard setback

**Summary:** Keith Schwartzwald property owner at 5145 Weeks Road is requesting a variance and conditional use permit in order to regrade portions of the lake yard of the property in order to remove a nonconforming boat house and replace it with a foot bridge. A retaining wall will also be installed within the lake yard setback as part of the project. The CUP request is triggered by the total volume of soil proposed to be cut or filled (75 cubic yards) and the retaining wall. The variance request is triggered by the creation of the secondary accessory structure or use (the foot bridge) within the lake yard setback.

**Variance:**

Section 1140.10(Subd. 2, C) of the City Zoning Code requires a 50 foot setback for miscellaneous secondary accessory structures within the lake yard setback. Applicant is proposing a foot bridge that encroaches into the existing shoreline, which is a setback of 0 feet from the OHWL.

The applicant proposes to remove the existing nonconforming boathouse and replace the structure with a footbridge that would join the two sides of the shoreline in this area. Applicant has stated that the exact design of the bridge have not completely been resolved. However, the bridge will use have post footings and steel supports beneath a composite decking material and a railing system. The bridge would not be raised much higher than the elevation of the shore line from one side to the other.

Replacing the boathouse with the footbridge in this area creates a lake yard that is significantly more zoning code compliant than existing conditions. The foot bridge would have both less massing and footprint than the existing boathouse. The improvements are not impacting the natural shoreline, but only that area of a previously altered shoreline.

**Conditional Use Permit:**

Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for any the grading or site/lot topography alteration request involving more than 7 cubic yards of material. The applicant is proposing to impact 75 cubic yards of material.

Section 1176.04 (Subd. 7) states that retaining walls shall not be placed within the shore setback zone without a conditional use permit. Applicant is proposing one new retaining wall within the lake yard setback. The retaining wall would be located at the rear foundation line of the boathouse. The retaining wall is necessary to hold back the shoreline that is currently held by the boathouse.

**Other Zoning Considerations:**

Impervious Surface: The proposal creates a net reduction in impervious surface area on the property. The boathouse would remove 523 square feet of impervious area, while the proposed steps (200 square feet) and bridge (150 square feet) total 350 square feet. Retaining walls are not included in impervious surface calculations.

Trees: No trees are proposed to be removed as part of this proposal.

**Minnesota DNR Comments, Minnehaha Creek Watershed District, Lake Minnetonka Conservation District:** The Minnesota DNR has stated that the MCWD is authorized to issue a permit for the bridge on their behalf. Both the MCWD and LMCD have given tentative approval of the concept plan, but will not formally permit the project until plans for the bridge itself have been reviewed.

**Staff Recommendation for Variance Request:**

Staff recommends approval of the request of Keith Schwartzwald for a variance to encroach into the lake yard setback by 50 feet for the creation of a secondary accessory structure at 5145 Weeks Road, as proposed.

Staff findings, based on the variance practical difficulty standards found in city code section 1155.10:

1. The purpose and intent of the zoning ordinance is to prevent adverse impacts arising from overcrowding or competing uses associated with the placement of accessory structures and uses. The variance(s), if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance since the proposed improvements represent a significant step toward conformity by removing a legal non-conforming boathouse and replacing it with a smaller, less obtrusive lake yard use in the form of a foot bridge.
2. The variance, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because the character of the proposed use is consistent with the applicable zoning and the improvements create a more natural lake yard setting than existing conditions.
3. Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because the proposed foot bridge is much smaller and more consistent with the wise development objectives of the shoreland area and reduces the overall encroachment into the lake yard setback.
4. The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because the boathouse and shoreland alterations are existing nonconforming conditions of the property.
5. The variance, if granted, will not alter the essential character of the locality, because the character of the improvements is consistent with the surrounding properties, more aligned with zoning objectives, and reduces the overall structural impact within the shoreland area.
6. The variance, if granted, will not:
  - a. Impair an adequate supply of light and air to adjacent property;
  - b. Unreasonably increase the congestion in the public street;
  - c. Increase the danger of fire or endanger the public safety; or
  - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

And subject to the following conditions:

- A. Applicant will comply with the conditions of the City Engineer, the Minnesota Department of Natural Resources, Minnehaha Creek Watershed District, and the Lake Minnetonka Conservation District.
- B. The project must be completed according to the specifications and design requirements in the submitted plans.
- C. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits are issued or the project commences.

**Staff Recommendation for Conditional Use Permit Request:**

Staff recommends approval of the conditional use permit request of Keith Schwartzwald for a conditional use permit for grade alteration of 75 cubic yards of material and installing a retaining wall within the lake yard setback at 5145 Weeks Road as presented.

Staff findings based on the CUP review criteria found in city code section 1155.20:

- a) The proposed use will comply with the regulations specified for the R1-A zoning district.
- b) The use is one of the conditional uses permitted for the R1-A zoning district.
- c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- d) The proposed use will be harmonious with the objective(s) of the comp plan, particularly the objectives of: maintaining the overall pattern of drainage from the property and not increase stormwater runoff.
- e) The use will not be hazardous or disturbing to existing or future neighboring uses.
- f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

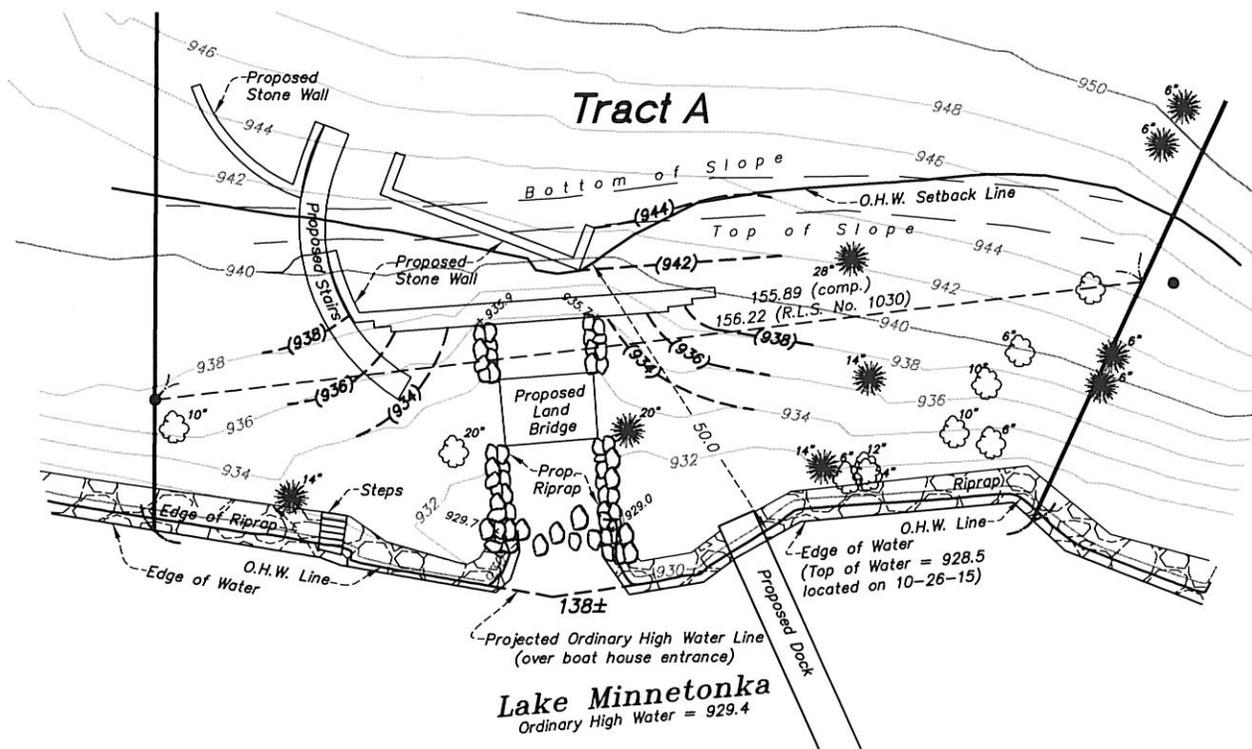
- a. The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- b. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- c. The use will not depreciate surrounding property values.

And subject to the following conditions:

- A. Applicant will comply with the conditions of the City Engineer, the Minnesota Department of Natural Resources, Minnehaha Creek Watershed District, and the Lake Minnetonka Conservation District.
- B. The project must be completed according to the specifications and design requirements in the submitted plans.
- C. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits are issued or the project commences.

# Certificate of Survey

Prepared for: Keith Schwartzwald



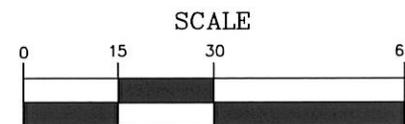
- Legend**
- Found Iron Monument
  - × 000.0 Existing Elevation
  - 000 — Existing Contour
  - - - 000 - - - Proposed Contour
  - ☁ Tree (deciduous)
  - ☀ Tree (coniferous)

**Site Address:**  
5145 Weeks Rd  
Greenwood, MN 55331

**Benchmark:**  
Lake Minnetonka water level  
located on October 28, 2015.  
Elevation = 928.67 (per  
Minnehaha Creek Watershed Dist.)

Boundary Description (supplied by client)  
Tract A, Registered Land Survey No. 1030, Hennepin County,  
Minnesota. Subject to any and all easement of record.

Note:  
Certificate is intended to be a partial survey.  
Only proposed improvements in partial area  
are indicated.



Bearings based on assumed datum.

**SCHOBORG  
LAND SERVICES  
INC.**

763-972-3221 8997 Co. Rd. 13 SE  
www.SchoborgLand.com Delano, MN 55328

I hereby certify that this certificate of survey 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.

*Paul B. Schoborg*  
Paul B. Schoborg

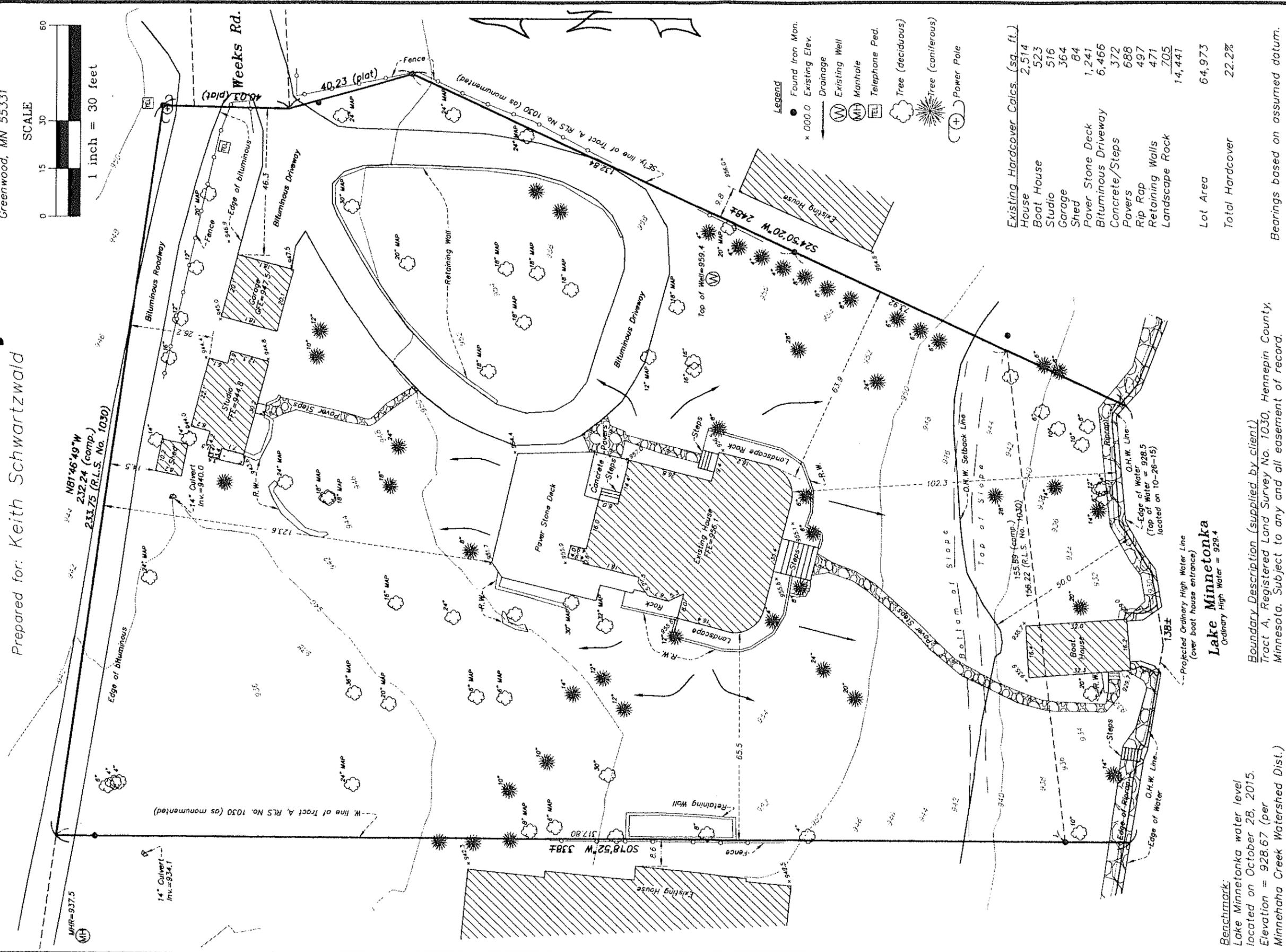
Date: APRIL 10, 2017 Registration No. 14700

Job Number:	8105
Book/Page:	79/25
Survey Date:	10/26/15, 10/28/15
Drawing Name:	schwartzwald.dwg
Drawn by:	DMS
Revisions:	

# Certificate of Survey

Prepared for: Keith Schwartzwald

Site Address:  
5145 Weeks Rd  
Greenwood, MN 55331



- Legend**
- Found Iron Mon.
  - x 000.0 Existing Elev.
  - ⊖ Drainage
  - ⊕ Existing Well
  - ⊙ Manhole
  - TEL Telephone Ped.
  - ☁ Tree (deciduous)
  - ☀ Tree (coniferous)
  - ⊕ Power Pole

**Existing Hardcover Calcs. (sq. ft.)**

House	2,514
Boat House	523
Studio	516
Garage	364
Shed	84
Paver Stone Deck	1,241
Bituminous Driveway	6,466
Concrete/Steps	372
Pavers	688
Rip Rap	497
Retaining Walls	471
Landscape Rock	705
	14,441
Lot Area	64,973
Total Hardcover	22.2%

Bearings based on assumed datum.

## Lake Minnetonka

Ordinary High Water = 929.4

Boundary Description (supplied by client)  
Tract A, Registered Land Survey No. 7030, Hennepin County, Minnesota. Subject to any and all easement of record.

**Benchmark:**  
Lake Minnetonka water level  
located on October 28, 2015.  
Elevation = 928.67 (per  
Minnehaha Creek Watershed Dist.)

**A SCHOBORG  
LAND SERVICES  
INC.**

763-972-3221  
www.SchoborgLand.com

Date: NOVEMBER 6, 2015 Registration No. 14700

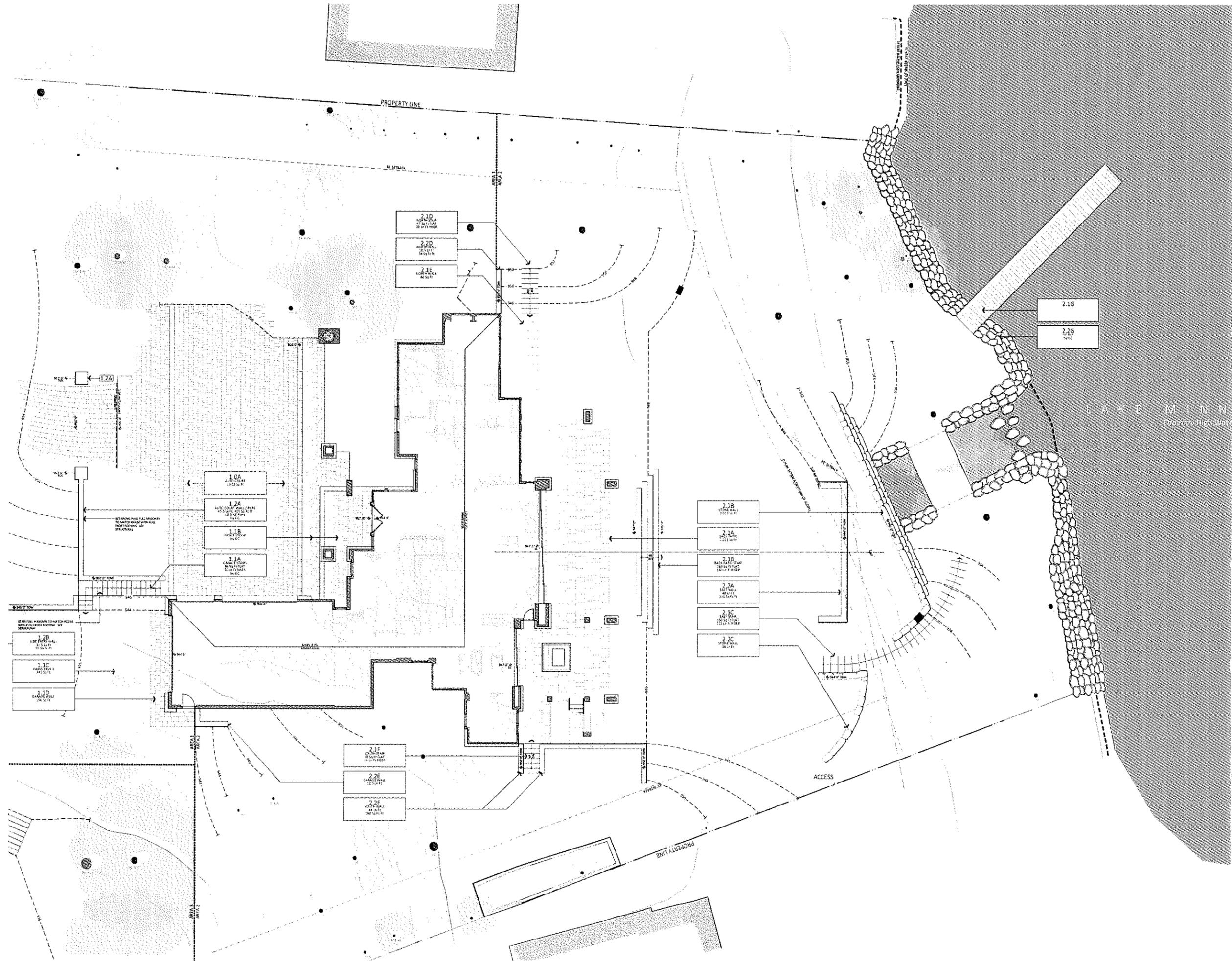
I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*Paul B. Schoborg*  
Paul B. Schoborg

Job Number:	8105
Book/Page:	79/25
Survey Date:	10-26-15, 10-28-15
Drawing Name:	schwartzwald.dwg
Drawn by:	DMS
Revisions:	

EAST HARDCOVER PLAN

- L0.0 COVER / GENERAL NOTES
- L1.0 EXISTING CONDITIONS / DEMO / EROSION CONTROL
- L2.0 UTILITIES / GRADING / DRAINAGE
- L3.0 LAYOUT / SITE ENLARGEMENTS
- L4.0 HARDCOVER
- L5.0 PLANTING / LIGHTING
- L6.0 SECTIONS / ELEVATIONS / DETAILS







## Dale Cooney

---

**From:** Spiegel, Jason (DNR) <jason.spiegel@state.mn.us>  
**Sent:** Tuesday, April 18, 2017 1:16 PM  
**To:** Dale Cooney  
**Cc:** Drewry, Kate (DNR); Keith Schwartz  
**Subject:** RE: 5145 Weeks Road Variance/CUP

**Follow Up Flag:** Follow up  
**Due By:** Tuesday, April 18, 2017 4:00 PM  
**Flag Status:** Completed

Hi Dale,

If a span bridge is placed in that area, a permit from Minnehaha Creek Watershed District would cover it as we've issued them a general permit that allows them to permit bridges on our behalf. So no permit from DNR would be required.

Sincerely,

**Jason Spiegel**

Hydrologist | Ecological and Water Resources

**Minnesota Department of Natural Resources**

1200 Warner Rd.

St. Paul, MN 55106

Phone: 651-259-5822

Email: [spiegel.jason@state.mn.us](mailto:spiegel.jason@state.mn.us)

[mndnr.gov](http://mndnr.gov)



---

**From:** Dale Cooney [<mailto:dalec@mediacombb.net>]  
**Sent:** Thursday, April 13, 2017 8:18 AM  
**To:** Spiegel, Jason (DNR) <[jason.spiegel@state.mn.us](mailto:jason.spiegel@state.mn.us)>  
**Cc:** Drewry, Kate (DNR) <[kate.drewry@state.mn.us](mailto:kate.drewry@state.mn.us)>; Keith Schwartz <[schwartz52@aol.com](mailto:schwartz52@aol.com)>  
**Subject:** RE: 5145 Weeks Road Variance/CUP

Hi Jason,

Can you confirm what the DNR's position is on this proposal if the applicant is creating a span bridge (not a land bridge) in the area occupied by the boathouse?

**Dale Cooney**

Zoning Coordinator

Deephaven • Greenwood • Woodland

20225 Cottagewood Road

## Dale Cooney

---

**From:** Robert Bean <bobbe@bolton-menk.com>  
**Sent:** Monday, April 17, 2017 10:28 AM  
**To:** 'Dale Cooney'  
**Subject:** RE: 5145 Weeks

Dale,

I have completed review of the information submitted. Following are my comments for your information:

1. Existing drainage patterns will not be altered.
2. Proposed grading will not alter existing grades by 3' or more, so no variance for land alteration will be required.
3. Perimeter erosion control should be indicated on the plan. Silt curtain should be provided downstream to adequately cover all work.
4. The applicant may be required to obtain permits from Minnehaha Creek Watershed District (MCWD) and Lake Minnetonka Conservation District (LMCD). A copy of any permits required should be submitted conditional to City approval.

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

Thanks,

**Robert E Bean Jr. P.E.**

Water Resources Project Engineer

**Bolton & Menk, Inc.**

2638 Shadow Lane

Suite 200

Chaska, MN 55318-1172

Phone: 952-448-8838 ext. 2892

Mobile: 612-756-3184

**Bolton-Menk.com**

---

**From:** Dale Cooney [<mailto:dalec@mediacombb.net>]

**Sent:** Tuesday, April 11, 2017 12:07 ish

**To:** Robert Bean <[bobbe@bolton-menk.com](mailto:bobbe@bolton-menk.com)>

**Subject:** 5145 Weeks

Bob,

Enclosed are and existing and proposed survey for 5145 Weeks Road. They are proposing to remove a crumbling boathouse and install a bridge in that area. I am trying to get more details on the bridge (the survey says land bridge, but application claims lake storage would remain the same)

Can you let me know of any comments you might have by Monday/Tuesday of next week? (This survey came in late, so the comments will be e-mailed to the commissioners before the meeting next week.)

Thank you for all of your help!

Sincerely,

## Dale Cooney

---

**From:** Emily Herman <eherman@lmcd.org>  
**Sent:** Wednesday, April 19, 2017 2:55 PM  
**To:** 'Dale Cooney'  
**Cc:** 'Vicki Schleunig'  
**Subject:** LMCD Comments Relative to Proposed Span Bridge and Dock - 5145 Weeks Road (Greenwood)  
**Attachments:** FREQUENTLY ASKED QUESTIONS (current as of 7-6-15).pdf; LMCD Summary of Docking and Boat Storage.pdf

Dale:

On behalf of the Lake Minnetonka Conservation District (LMCD) thank you for the opportunity to respond to the proposed removal of an existing boathouse located at 5145 Weeks Road in Greenwood. In reading through the material offered and in speaking to you by telephone this date, it is the LMCD's understanding that:

- the boat house is being completely removed;
- a span bridge is proposed;
- a retaining wall with rip rap is proposed near the rear portion of the boat house;
- a dock is proposed from the main shoreline out into the Lake; and
- the proposed boulders within depicted within the boat house channel area has been removed from the proposal.

The LMCD offers the following comments as it pertains to the use of the surface waters of Lake Minnetonka at the 929.4' Ordinary High Water level (OHW). The owners would have to comply with all LMCD Code of Ordinances (code). Some of the respective codes are offered below and can be found on the LMCD's website at [www.lmcd.org](http://www.lmcd.org), under "Rules and Regulations."

- All structures and placement of watercraft would have to comply with Chapter II, Section 2.01, "Authorized Dock Use Area" and Section 2.02, "Shoreline Requirements." I have attached summary documentation to further assist in this regard. It appears the proposed dock extending out into the Lake may not be meeting setback requirements (2.01, Subd. 2 b).
- The proposed dock extending into the Lake would need to meet dock dimensions outlined in Code Section 2.12, Subd. 12.
- Further clarification as to the site's 929.4' OHW shoreline measurement and specific dimensions would have to confirmed in consideration of the span bridge. A bridge permit with the LMCD may be required. This can be found within Chapter II, Code Section 2.13. The respective application for consideration is offered herein: <http://lmcd.org/wp-cms/wp-content/uploads/2011/06/Master-BRIDGE-APPLICATION1.pdf>.

Staff would welcome communication on any questions that may arise.

Emily Herman  
Administrative Assistant  
Lake Minnetonka Conservation District  
5341 Maywood Road, Suite 200  
Mound, MN 55364

## Dale Cooney

---

**From:** Chase Vanderbilt <[cvanderbilt@minnehahacreek.org](mailto:cvanderbilt@minnehahacreek.org)>  
**Sent:** Wednesday, April 05, 2017 11:29 AM  
**To:** Rachel Workin; Dale Cooney  
**Subject:** RE: 5145 Weeks Road Variance/CUP

Good morning Dale,

Thank you for requesting our comments on this project. The project will be triggering our Shoreline Stabilization Rule (for the riprap portion), Erosion control rule, and potentially our Floodplain Alteration Rule. Below I will list our comments:

- The Riprap must be at a 3:1 slope and conform to the rest of our requirements (the contractor will be informed of these requirements)
- The retaining wall portion of the project will need professional engineer review to ensure it will be able to withstand environmental influence (ice, wave action etc.)
- Engineer review must also show that there is no loss in floodplain storage from the existing condition to the completion of the proposed work and that it will not impede how drainage works on the site.
- We informed the landscape architect that the stepping stones on the initial plans would not be in conformance and they have agreed to remove them from the plans.

Thank you again for contacting us and please let me know if you have further questions about the project.

Best regards,



**Chase Vanderbilt**  
District Representative  
Minnehaha Creek Watershed District  
15320 Minnetonka Blvd  
952-641-4580

---

**From:** Rachel Workin  
**Sent:** Wednesday, April 05, 2017 10:55 AM  
**To:** Dale Cooney <[dalec@mediacombb.net](mailto:dalec@mediacombb.net)>  
**Cc:** Chase Vanderbilt <[cvanderbilt@minnehahacreek.org](mailto:cvanderbilt@minnehahacreek.org)>  
**Subject:** FW: 5145 Weeks Road Variance/CUP

Thank you, Dale! My co-worker Chase has been in contact with the property owner and will send over comments.

Kind regards,

RESOLUTION NO 08-17

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

---

**APPROVING**

**In Re: Application of Keith Schwartzwald for the property at 5145 Weeks Road for a variance from Greenwood ordinance code section Section 1140.10(Subd. 2, C) to install a miscellaneous secondary accessory structure that encroaches 50 feet into the minimum required lake yard setback.**

---

Keith Schwartzwald, applicant, is the owner of property commonly known as 5145 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0028) being real property in Hennepin County Minnesota and legally described as follows:

**Tract A, Registered Land Survey No 1030, Hennepin County Minnesota**

**WHEREAS**, application was made for variance to section 1140.10(Subd. 2, C) in conjunction with the construction of a miscellaneous secondary accessory structure within the lake yard setback; and

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

**WHEREAS**, public comment was taken at the public hearing before the planning commission on April 19, 2017; and

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

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

**FINDINGS OF FACT**

1. That the real property located at 5145 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0028) is a single-family lot of record located within the R-1A district.
2. The applicant proposes the construction of span bridge that encroaches 50 feet the minimum required lake yard setback of the property. The bridge is considered a miscellaneous secondary accessory structure and Greenwood ordinance code section 1140.10(Subd. 2, C) requires a 50 foot setback from the OHWL of Lake Minnetonka for miscellaneous secondary accessory structures, while the proposed structure would be 0 feet from the OHWL of Lake Minnetonka
3. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:  
  
"Subd. 4. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:  
  - (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
  - (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
  - (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

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

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?

- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

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

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

- 4. The applicant asserts that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

The planning commission discussed the variance request and on a 5-0 vote recommended the council approve the application of Keith Schwartzwald for a variance to construct a span bridge that encroaches 50 feet the minimum required lake yard setback of the property located at 5145 Weeks Road, Greenwood, Minnesota 55331. The proposal meets the practical difficulties standards outlined in section 1155.10(4) in that:

a) the purpose and intent of the zoning ordinance is to prevent adverse impacts arising from overcrowding or competing uses associated with the placement of accessory structures and uses and the variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance since the proposed improvements represent a significant step toward conformity by removing a legal non-conforming boathouse and replacing it with a smaller, less obtrusive lake yard use in the form of a foot bridge;

b) the variance, if granted, will be consistent with the comprehensive plan’s guiding use for the subject property in the applicable zoning because the character of the proposed use is consistent with the applicable zoning and the improvements create a more natural lake yard setting than existing conditions;

c) though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because the proposed foot bridge is much smaller and more consistent with the wise development objectives of the shoreland area and reduces the overall encroachment into the lake yard setback;

d) the plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because the boathouse and shoreland alterations are existing nonconforming conditions of the property.

e) the variance, if granted, will not alter the essential character of the locality, because the character of the improvements is consistent with the surrounding properties, more aligned with zoning objectives, and reduces the overall structural impact within the shoreland area.

f) The variance, if granted, will not:

- 1. Impair an adequate supply of light and air to adjacent property;
- 2. Unreasonably increase the congestion in the public street;
- 3. Increase the danger of fire or endanger the public safety; or
- 4. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

- 5. Based on the foregoing, the city council determined that variance request:

- (a) Complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
- (b) Is in harmony with the purpose and intent of the ordinance since the proposed improvements represent a significant step toward conformity by removing a legal non-conforming boathouse and replacing it with a smaller, less obtrusive lake yard use in the form of a foot bridge

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

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

(b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

6. Subject to the stated conditions, the variance, if granted, will be in harmony with the purpose and intent of the zoning ordinance and may be granted.

### CONCLUSIONS OF LAW

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

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of a variance and therefore:

A. A variance to section 1140.10(Subd. 2, C) to construct a span bridge that encroaches 50 feet the minimum required lake yard setback should be granted.

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

That the application of Keith Schwartzwald for the property at 5145 Weeks Road, Greenwood, Minnesota 55331 for:

A. A variance to section 1140.10(Subd. 2, C) to construct a span bridge that encroaches 50 feet the minimum required lake yard setback is APPROVED with the following conditions:

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

**PASSED** this 3rd day of May, 2017 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

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

Attest: \_\_\_\_\_  
Dana Young, City Clerk

RESOLUTION NO 09-17

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

---

**APPROVING**

**In Re: Application of Keith Schwartzwald for the property at 5145 Weeks Road for a conditional use permit under Greenwood ordinance code sections 1140.19(2), Section 1176.04 (Subd. 7) and 1150.20 to permit grading or site / lot topography alterations involving 75 cubic yards of material, and installing a retaining wall within the minimum required lake yard setback.**

---

**WHEREAS**, Keith Schwartzwald, applicant, is the owner of property commonly known as 5145 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0028) being real property in Hennepin County Minnesota and legally described as follows:

**Tract A, Registered Land Survey No 1030, Hennepin County Minnesota**

; and

**WHEREAS**, the applicant proposes to regrade the lot and construct a retaining wall within the minimum required lake yard setback in conjunction with the construction of lake yard improvements; and

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

**WHEREAS**, public comment was taken at the public hearing before the planning commission on April 19, 2017; and

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

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

**FINDINGS OF FACT**

1. That the real property located at 5145 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0028) is a single-family lot of record located within the R1A district.
2. The applicant is proposing to impact 75 cubic yards of volume in conjunction with the construction of lake yard improvements on the property. Pursuant to Greenwood ordinance code 1140.19(2), grading or site/lot topography alteration involving more than 200 square feet of surface area, or involving more than 7 cubic yards of material, requires the property owner to apply for a conditional use permit.
3. The applicant is proposing to install a retaining wall within the minimum required lake yard setback in conjunction with the removal of a nonconforming boathouse on the property. Section 1176.04 (Subd. 7) states that retaining walls shall not be placed within the shore setback zone without a conditional use permit.
4. Pursuant to Greenwood ordinance code section 1150.20, subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
5. Greenwood ordinance section 1150.20, subd 1 states:

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

  - (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.

- (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
  - (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
  - (d) The use will be harmonious with the objectives of the comp plan.
  - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
  - (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
  - (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  - (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
  - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
  - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, subd 1.
  7. The planning commission discussed the CUP request and on a 5-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
    - (a) Applicant will comply with the conditions of the City Engineer, the Minnesota Department of Natural Resources, Minnehaha Creek Watershed District, and the Lake Minnetonka Conservation District.
    - (b) The project must be completed according to the specifications and design requirements in the submitted plans.
    - (c) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.
  8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
    - (a) Applicant will comply with the conditions of the City Engineer, the Minnesota Department of Natural Resources, Minnehaha Creek Watershed District, and the Lake Minnetonka Conservation District.
    - (b) The project must be completed according to the specifications and design requirements in the submitted plans.
    - (c) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

## **CONCLUSIONS OF LAW**

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

1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.19(2), 1176.04 (Subd. 7) and 1150.20 necessary for the grant of a CUP.
2. The CUP requested is reasonable and should be granted on the following conditions:
  - (a) Applicant will comply with the conditions of the City Engineer, the Minnesota Department of Natural Resources, Minnehaha Creek Watershed District, and the Lake Minnetonka Conservation District.
  - (b) The project must be completed according to the specifications and design requirements in the submitted plans.
  - (c) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to impact 75 cubic yards of volume in conjunction with the construction of lake yard improvements on the property, and to install a

retaining wall within the minimum required lake yard setback in conjunction with the removal of a nonconforming boathouse on the property at 5145 Weeks Road, with the following conditions:

- (a) Applicant will comply with the conditions of the City Engineer, the Minnesota Department of Natural Resources, Minnehaha Creek Watershed District, and the Lake Minnetonka Conservation District.
- (b) The project must be completed according to the specifications and design requirements in the submitted plans.
- (c) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**PASSED** this 3rd day of May, 2017 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

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

Attest: \_\_\_\_\_  
Dana Young, City Clerk



Agenda Number: **8A**

Agenda Date: **05-03-17**

Prepared by *Deb Kind*

**Agenda Item:** Action Regarding Potential Ordinance Regarding Zoning Regulations Based on Lot Size

**Summary:** Since November 2016, the city council has been discussing the potential of amending the city's zoning code to regulate properties based on lot size rather than lot location. The city council has reviewed several iterations of proposed concepts for an ordinance. At their 02-15-17 meeting, the planning commission reviewed the ordinance and expressed general support for the concept. At the 04-19-17 joint worksession, the city council and planning commission discussed potential changes to the ordinance.

The council will discuss the latest draft of the ordinance at the worksession immediately preceding the regular 05-03-17 meeting.

**Proposed Timeline:**

- 05-03-17 City council approves the concept draft of ordinance and sends to planning commission for a public hearing and recommendation.
- 06-21-17 Planning commission holds public hearing and makes a recommendation to the city council.
- 07-05-17 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 07-06-17 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 07-13-17 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 08-02-17 City council considers 2nd reading of the ordinance (may make revisions).
- 08-03-17 The ordinance is submitted to the Sun-Sailor for publication.
- 08-10-17 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** None required. Potential motions ...

1. I move the city council approves the Lot Size ordinance concept as written and directs the planning commission to hold a public hearing and make recommendation at their 06-21-17 meeting.
2. I move the city council approves the Lot Size ordinance concept with the following revisions \_\_\_\_\_; and directs the planning commission to hold a public hearing and make recommendation at their 06-21-17 meeting.
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. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. In order to publish an ordinance by title and summary the ordinance must be approved by a 4/5ths vote. 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.*



**Agenda Item:** Consider Proposals for Weed Removal at City Docks

**Summary:** In June 2016, the city council contracted with Life's A Beach to clean up loose weeds along the shore by the city docks 4 times during the season for a cost of \$600. As the season progressed, the amount of loose weeds became overwhelming, so the city council authorized Life's A Beach to engage in additional removals. In 2016, the total cost for removal of weeds was \$3590.

At the 03-01-17 council meeting, the council approved the following motion ...

**Motion by Fletcher that the city council directs the city clerk to secure bids for a “per 6cf wheelbarrow” rate for ongoing removal of loose weeds that accumulate along the shore by the city docks. Second by Conrad. Motion passed 3-0.**

Attached are bids received by the city clerk. Below is a summary of the bids.

	Cost Per 6cf Load	Minimum Cost Per Visit	Maximum Cost Per Hour	Notes
<b>Dive Guys</b>	\$10	\$150	\$300	Requires notice of 3 business days

	Cost Per 6cf Load	11-25 6cf Loads	16+ 6cf Loads	Notes
<b>Life's A Beach</b>	\$25	\$20	\$15	Visits would be every other week

**Council Action:** None required. Potential motions ...

1. I move the council approves the proposal from \_\_\_\_\_ to provide ongoing removal of loose weeds that accumulate along the shore by the city docks during the summer of 2017 to be paid from the city marina fund.
2. Do nothing or other motion ???



## **City of Greenwood Shoreline Cleanup Proposal**

### **Cost Per 6 cubic feet wheelbarrow = \$10/load**

It is our best estimate that a 4 man crew would be able to collect and dispose of 30 loads per hour, in load sizes of 6 cubic feet wheelbarrow. A typical hourly rate for a 4 man crew is \$300/hr. We arrived at \$10/bag by dividing our hourly rate by the amount of loads we feel we can get done in an hour.

### **Minimum Cost Per Visit = \$150/visit**

In order to cover our overhead costs, a minimum rate of \$150/visit will be applied for visits that result in 15 hauls or less

### **Maximum Cost Per Hour = \$300/hr**

In the event our crew is able to haul more than 30 load/hr, a maximum hourly rate of \$300/hr will be applied so we do not exceed our proposal estimates.

### **Notification in Advance = 3 business days**

We require in allowance of 3 business days from when you contact us to when we will get out there to remove the weeds.



**Life's A Beach Shoreline Services**

4309 Wilshire Blvd  
Mound, MN 55364

Phone # 7634580568

cleanbeaches@gmail.com

# Estimate

Date	Estimate #
4/12/2017	197

Name / Address
Greenwood Public Dock Attn: Dana Young 20225 Cottagewood Rd. Deephaven, MN 55331

			Project
Description	Qty	Rate	Total
Floating Weed Removal - Maintenance visits would be every other week  Based on removal in 2016, we are able to charge the following:  - 10 Wheel Barrow loads or less = \$25 per wheel barrow (\$250)  - 11-15 Wheel Barrow loads = (\$250) + \$20 per wheel barrow  - 16 or more Wheel Barrow loads = (\$350) + \$15 per wheel barrow		0.00	0.00
		<del>XXXXXXXXXX</del> *No Sales Tax	
<b>Total</b>			\$0.00



**Agenda Number: 9B**

**Agenda Date: 05-03-17**

*Prepared by Deb Kind*

**Agenda Item:** Res 10-17, Support of Sheriff's Drug Awareness & Prevention Campaign

**Summary:** At the recent Lake Minnetonka Mayors' Breakfast, Sheriff Stanek asked each of the cities to consider adopting the attached resolution.

**Council Action:** None required. Potential motions ...

1. I move the council approves resolution 10-17 supporting the sheriff's drug awareness and prevention campaign and directs the city clerk to send a copy of the signed resolution to Sheriff Stanek.
2. Do nothing or other motion ???

**City of Greenwood  
Resolution 10-17**



**A RESOLUTION OF SUPPORT FOR THE HENNEPIN COUNTY SHERIFF'S OFFICE  
#NOVERDOSE DRUG ABUSE AWARENESS & PREVENTION PUBLIC AWARENESS CAMPAIGN**

**WHEREAS**, Hennepin County experienced 153 opioid-related deaths in 2016, which is a 39% increase over the number of opioid-related deaths in Hennepin County during 2015;

**WHEREAS**, The Hennepin County Sheriff's Office made the reduction of opioid-related deaths priority #1 in their 2017 Strategic Plan;

**WHEREAS**, The Hennepin County Sheriff's Office has initiated a year-long public awareness campaign called, "#NOverdose," which focuses on four key messages: (1) Opioid-related deaths have reached crisis levels; (2) Every opioid-related death in Hennepin County is tragic and every one is preventable; (3) Public awareness can reduce abuse and save lives; and (4) Strong partnerships will help to reduce the number of opioid-related deaths in 2017;

**WHEREAS**, Local medicine collection and disposal efforts are a powerful tool for getting unwanted and unused prescription medication out of the general supply to reduce the potential for prescription medication diversion and abuse, which can help reduce the number of opioid-related deaths; and

**WHEREAS**, The use of opioid antagonists (like naloxone) by first responders, whether it be by law enforcement, fire fighters, or emergency medical responders, provides crucial extra minutes for medical professionals during a drug overdose situation, which can help reduce the number of opioid-related deaths.

**NOW THEREFORE BE IT RESOLVED** that the city council of the city of Greenwood does hereby support the Hennepin County Sheriff's Office #NOverdose awareness campaign and commits to furthering drug abuse prevention awareness, furthering medicine collection location education and awareness, and the use of opioid antagonists by first responders in our city.

**ADOPTED** by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

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

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk



**Agenda Number: 9C**

**Agenda Date: 05-03-17**

*Prepared by Deb Kind*

**Agenda Item:** Res 11-17, Appointment of Ex-Officio St. Alban's Bay Lake Improvement District Rep

**Summary:** Per the 10-26-16 St. Alban's Bay Lake Improvement Joint Cooperation Agreement, the city has the authority to appoint one Ex-Officio Director to the SABLID Board.

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

At the 04-05-17 council meeting, the council expressed the desire to have a council member appointed to the SABLID Board to keep the city better informed of SABLID activities. Councilman Cook expressed a willingness to serve on the SABLID Board if former Councilman Roy was willing to give up his seat.

Since the 04-05-17 meeting, Councilman Fletcher contacted former Councilman Roy who said he would be happy to have Councilman Cook serve in his place as the Ex-Officio Director on the SABLID Board.

For the council's consideration, a resolution making the change is attached.

**Council Action:** None required. Potential motions ...

1. I move the council approves resolution 11-17 appointing Bill Cook as the city's Ex-Officio Director on the St. Alban's Bay Lake Improvement District Board and further directs the city clerk to send a copy of the resolution to the St. Alban's Bay Lake Improvement District Board Secretary.
2. Do nothing or other motion ???

**Resolution 07-17 – City of Greenwood Appointments & Assignments for 2017**

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments for 05-03-17 through 01-03-18.

OFFICE & DESIGNATIONS	2016 HOLDER	2017 HOLDER
Mayor Pro-Tem	Bob Quam	Bob Quam
Administrative Committee	Deb Kind, Tom Fletcher	Deb Kind, Tom Fletcher
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Mark Kelly, Bob Vose (alternate)	Mark Kelly, Bob Vose (alternate)
Attorney - Conduit Financing Projects	Jennifer Hanson	Jennifer Hanson
Attorney - Prosecutor	Greg Keller	Ken Potts
Auditor	CliftonLarsonAllen	CliftonLarsonAllen
Bank Signatures	Kind, Quam, Courtney	Kind, Quam, Courtney
Building Official	Bob Manor	Bob Manor
Clerk	Dana Young	Dana Young
Depositories	Bridgewater Bank, Beacon Bank	Bridgewater Bank, Beacon Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wed (Jan, Mar, May, Jul, Sep, Nov)	Tom Fletcher, Bob Quam (alt.), Bill Cook (2nd alt.)	Tom Fletcher, Bob Quam (alt.) Bill Cook (2nd alt.)
Forester / Certified Tree Inspector	Manuel Jordan	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representative 2 reps (1 elected official), meets 2nd Thurs (Feb, Apr, May, Jul, Aug, Oct, Dec)	Tom Fletcher, Deb Kind, Rob Roy (alternate)	Tom Fletcher, Deb Kind,
Lake Minnetonka Conservation District (LMCD) Rep – 2nd and 4th Wed	Rob Roy (1/31/17)	Bill Cook (3yr term expires 1/31/20)
Marina Clerk	Dana Young	Dana Young
Minnetonka Community Education (MCE) Representative – 4th Mon	Bob Quam	Bob Quam
Newspapers	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)
Planning Commissioners and City Council Liaison – 3rd Wed	A-1 Douglas Reeder (8/11-3/18)	A-1 Douglas Reeder (8/11-3/18)
	A-2 Lake Bechtell (5/14-3/18)	A-2 Lake Bechtell (5/14-3/18)
	A-3 Fiona Sayer (8/14-3/18)	A-3 Fiona Sayer (8/14-3/18)
	B-1 Pat Lucking (2/01-3/17)	B-1 Pat Lucking (2/01-3/19)
	B-2 Kristi Conrad (10/11-3/17)	B-2 Jennifer Gallagher (9/16-3/19)
	Alt-1 Jennifer Gallagher (9/16-3/18)	Alt-1 David Steingas (10/16-3/18)
	Alt-2 David Steingas (10/16-3/17)	Alt-2 Vacant (___-3/19)
Alt-3 Bill Cook (council liaison)	Alt-3 Kristi Conrad (council liaison)	
Public Safety City Administrator Representative (police and fire)	Dana Young	Dana Young
Public Works Committee (roads, sewer, stormwater, etc.)	Bob Quam, Bill Cook	Bob Quam, Bill Cook
Responsible Authority (Govt. Data Practices Act)	Dana Young	Dana Young
St. Alban's Bay Lake Improvement District Ex-Officio Director		<del>Rob Roy</del> Bill Cook
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (must be mayor, meets quarterly)	Deb Kind, Bob Quam (alternate)	Deb Kind, Bob Quam (alternate)
Treasurer	Mary Courtney	Mary Courtney
Utility Billing Clerk	Deborah Hicks	Deborah Hicks
Weed Inspector (must be mayor), Assistant Weed Inspector	Deb Kind, Assistant John Menzel	Deb Kind, Assistant John Menzel
Zoning Administrator	Dale Cooney	Dale Cooney

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

**ADOPTED** by the city council of the city of Greenwood, Minnesota this 3rd day of May, 2017.

There were \_\_\_ AYES and \_\_\_ NAYS

By: \_\_\_\_\_  
Debra J. Kind, Mayor, City of Greenwood

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk, City of Greenwood



Agenda Number: **9D**

Agenda Date: **05-03-17**

Prepared by *Deb Kind*

**Agenda Item:** 1st Reading of Ordinance 268, Update of Fee Schedule Regarding Subdivision and Building Fees

**Summary:** The city clerk has advised that both Deephaven and Woodland have recently increased fees for plumbing, water softeners, and water heaters. During the clerk's review of building permit fees, it quickly became apparent that the current minimum fees for plumbing, water softeners, and water heaters were too low in comparison to the fees charged in neighboring communities. The current minimum fees are substantially too low considering the fact that the minimum inspection fee charged by the city of Minnetonka is \$38.50. Deephaven and Woodland have adopted the following new fees ...

Plumbing	\$8.50 per fixture (\$50 minimum)
Water Softener	\$50
Water Heater	\$50

Greenwood's current fee schedule states "per state building code" for a few of our fees. However, the city zoning administrator found that the State Building Code does not include building-related fees. The Department of Labor & Industry has a few fee schedules posted online (<http://www.dli.mn.gov/ccld/codes.asp>). The most recent one (attached) is the one Deephaven and Greenwood have been using from the 1997 Uniform Building Code. If Greenwood doesn't want to publish a building permit fee schedule, it would be accurate to say, "per 1997 Uniform Building Code" for building permits. However, there does not appear to be a similar schedule for heating, plumbing, and electrical. City hall staff has been charging Deephaven's fees for building-related items listed on Deephaven's fee schedule. If we want to charge fees for building-related items, the Greenwood fee schedule should to be updated. See the attached ordinance for updates. A copy of Deephaven's fee schedule also is attached.

The subdivision-related fees also need to be updated for consistency and clarity. See the attached ordinance. In addition, the council has received a resident request to consider a flat fee for park dedication fees rather than using the standard of 8% of property value as the fee for subdivisions. The council discussed the flat fee concept at the 04-19-17 joint worksession with the planning commission, but no official action can be taken at worksessions. Based on the discussion at the joint worksession, the 8% property value for park dedication fees was put in the attached ordinance to be consistent with section 600.35 of the code. If the council wishes to change this fee, section 600.35 also will need to be amended.

**Timeline:**

- 05-03-17 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 05-04-17 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 05-11-17 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 06-07-17 City council considers 2nd reading of the ordinance (may make revisions).
- 06-08-17 The ordinance is submitted to the Sun-Sailor for publication.
- 06-15-17 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** None required. Potential motions ...

1. I move the city council (1) approves the 1st reading of ordinance 268 updating building and subdivision fees as written / as amended; (2) **waives the 2nd reading**; and (4) directs staff to submit the ordinance for publishing in the city's official newspaper.
2. I move the city council (1) approves the 1st reading of ordinance 268 updating building and subdivision fees as written / as amended and (2) directs the ordinance be **placed on the next city council agenda for a 2nd reading**.
3. Do nothing (maintain current ordinance) 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. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. In order to publish an ordinance by title and summary the ordinance must be approved by a 4/5ths vote. 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. 268

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

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

SECTION 1.

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

“

<b>BUILDING-RELATED FEES</b>			
Building Permit	300.10	Per 1997 Uniform Building Code	
IPM Code Book	320.30	\$75	Per copy
Electrical Permit Fees	300.07	Per Deephaven's fee schedule.	
Excavation / Filling Permit	440.00	1.5% of the project cost.	
Excavation Permit: Temporary	1140.50	The fee is the cost incurred by the city for the review of the excavation plan.	Council approval required plus proof of bonding to cover expense of development plan.
Excavation Permit: Street / Sewer	640.30 & 640.95	The fee is the cost incurred by the city for the review of the excavation plan.	Plus surety bond as determined by city engineer.
<del>Excavation / Building Permit, Floodplain</del>	<del>4174.07</del>	<del>Per building code</del>	
Heating, Ventilating, AC, Refrigeration Permit Fees	300.07	Per Deephaven's fee schedule.	
Moving Permit	300.20	1.5% of the project cost.	
Permit to Extend Completion of Exterior Work	300.30	\$200 for first 60-day extension (administrative) \$400 for an additional extension (council)	Required per structure
Plumbing Permit Fees	300.07	Per Deephaven's fee schedule.	
<b>SUBDIVISION-RELATED FEES</b>			
Simple Subdivision Fee	600.07	<del>\$400 plus Park Fund contribution and consultant / contract service provider expenses incurred by the city as they exceed the base fee amount</del>	
Preliminary Plat Application Fee	600.10	\$500 plus consultant / contract service provider expenses incurred by the city as they exceed the base fee amount	
<del>Final Plat Application Fee</del>	<del>600.15</del>	<del>\$500 plus park fund fee and consultant / contract service provider expenses incurred by the city as they exceed the base fee amount</del>	
Park Dedication Fee	600.35	40% 8% of the fair market value of the buildable land to be subdivided	

”

SECTION 2.

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

Enacted by the city council of the city of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

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

Attest: \_\_\_\_\_  
Dana Young, City Clerk

First reading: \_\_\_\_\_, 2017  
Second reading: \_\_\_\_\_, 2017  
Publication: \_\_\_\_\_, 2017

**EXTRACTED FROM 1997 UNIFORM BUILDING CODE**

**TABLE NO. 1-A – BUILDING PERMIT FEES**

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$1.00 to \$500	\$23.00
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours . . . . .	\$47.00 per hour*
2. Reinspection fees assessed under provisions of Section 305.8 . . . . .	\$47.00 per hour*
3. Inspections for which no fee is specifically indicated . . . . . (minimum charge – one-half hour)	\$47.00 per hour*
4. Additional plan review required by changes, additions or revisions to plans . . . . .	\$47.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both . . . . .	Actual costs **

\* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

\*\* Actual costs include administrative and overhead costs.

### Animal Licenses & Fees

Fee No.	Code No.	Purpose of Fee	Item	Amount
1	440.02	Dog license	Bi-annual license	\$20.00
			Pro-rated license	\$10.00
			Duplicate license	\$5.00
2	510.04	Release of impounded dog	0 impounds last 12 months	\$40.00
			1 impound last 12 months	\$65.00
			2 or more impounds last 12 months	\$90.00
3	510.04	Impounded animals	Monthly retainer fee	\$100.00
			Euthanasia & disposal	\$75.00
			Cremation only	\$60.00
			Daily fee for boarding of cats	\$23.00
			Daily fee for boarding of dogs	\$25.00
			Minimum daily fee per animal	\$25.00

### Beer Licenses

Fee No.	Code No.	Purpose of Fee	Item	Amount
4	465.02	Beer licenses	On-Sale Temporary License	\$10.00
			On-Sale Annual License	\$50.00
			Off-Sale Annual License	\$100.00

### Building Permit Fees

Fee No.	Code No.	Item	Amount
5	1103.03	\$1 - \$500	\$23.50
		\$501 - \$2,000	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, up to and including \$2,000.00
		\$2,001 - \$25,000	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, up to and including \$25,000.00
		\$25,001 - \$50,000	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, up to and including \$50,000.00
		\$50,001 - \$100,000	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, up to and including \$100,000.00
		\$100,001 - \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for

			each additional \$1,000.00, or fraction thereof, up to and including \$500,000.00
		\$500,001 - \$1,000,000	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, up to and including \$1,000,000.00
		\$1,000,001 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
		Plan Review Fee	65% of Building Permit Fee
6		Load Limit Fee: Per Trip Special Operating Permit	\$50.00 (\$500 March 1-May 1)
7		Load Limit Fee: Blanket Special Operating Permit	20% of the Building Permit Fee for all projects over \$20,000 in value. Not available March 1-May 1

### Cigarette Licenses

Fee No.	Code No.	Purpose of Fee	Item	Amount
8	425.04	Annual cigarette license	Sale of cigarettes	\$50.00
			Sale of cigarette wrappers	\$50.00

### Contractor's Licenses

Fee No.	Code No.	Purpose of Fee	Item	Amount
9	410.04	Sewer installer license	If not a state licensed plumber	\$20.00
10	420.01	Annual tree trimming or removal		\$35.00
11	415.02	Gas fitter's license	Class A	\$42.00
12	415.02	Heating/ventilation installer	Class B	\$37.00

### Electrical Permit Fees

Fee No.	Code No.	Item	Amount
13	416.03	Minimum Residential Fee	\$40.00
		Minimum Commercial Fee	\$35.00
		\$1 - \$500	Minimum
		\$501 - \$1,000	\$15.00 plus 2.75% of amount over \$500
		\$1,001 - \$5,000	\$28.75 plus 2.50% of amount over \$1,000
		\$5,001 - \$10,000	\$128.75 plus 2.25% of amount over \$5,000
		\$10,001 - \$25,000	\$241.25 plus 2.00% of amount over \$10,000
		\$25,001 - \$50,000	\$541.25 plus 1.75% of amount over \$25,000
		\$50,001 and up	\$978.75 plus 1.50% of amount over \$50,000
		Re-inspections	\$25.00
		Swimming pool flat rate	\$45.00

		Plan Review Fee for commercial jobs valued over \$30,000 will be 10% of permit fee
--	--	--

<b>False Alarm Fees</b>				
-------------------------	--	--	--	--

Fee No.	Code No.	Purpose of Fee	Item	Amount
14	545.02	3-6 false alarms	Within one calendar year	\$50.00
		7-10 false alarms	Within one calendar year	\$100.00
		In excess of 10 false alarms	Within one calendar year	\$150.00

<b>Facilities Use Fee</b>				
---------------------------	--	--	--	--

Fee No.	Code No.	Purpose of Fee	Amount
15	405.04	Private Use of Public Facilities	\$10.00 Fee plus \$50.00 refundable deposit

<b>Heating and Gas Fitting Permit Fees</b>				
--	--	--	--	--

Fee No.	Code No.	Purpose of Fee	Item	Amount
16	415.08	Heating, Ventilating, Air-conditioning and Refrigeration		
		(1) Central System	2% of estimated cost with a minimum of	\$40.00
		(2) Additions, Alterations & Repairs	2% of estimated cost with a minimum of	\$40.00
		(3) Addition of A/C to heating system	2% of estimated cost with a minimum of	\$40.00
		(4) Furnace or boiler replacement	1.25% of estimated cost with a minimum of	\$40.00
		(5) Gas Piping	First (3) units	\$7.50
			Each additional unit	\$4.00

<b>Intoxicating Liquor, Beer and Wine License Fees</b>				
--	--	--	--	--

Fee No.	Code No.	Purpose of Fee	Amount
17	470.07	Off-Sale Intoxicating Liquor License	\$ 240.00
18	470.07	On-Sale Intoxicating Liquor License	\$ 2,500.00
19	470.07	On-Sale Wine License	\$ 1,250.00
20	470.07	Combination Wine and Beer License	\$ 1,450.00
21	470.07	Sunday On-Sale Intoxicating Liquor License	\$ 200.00
22	470.07	One Day License	\$ 25.00
23	470.07	Liquor License Investigation Fee (in state)	\$ 500.00
24	470.07	Liquor License Investigation Fee (out state)	\$10,000.00
25	470.07	Investigation on Change in Status (per person)	\$ 50.00

<b>Parking Permits</b>				
------------------------	--	--	--	--

Fee No.	Code No.	Purpose of Fee	Item	Amount
26	450.02	Annual parking permits	All Purposes	\$100.00
			Beaches Only	\$50.00

			Each additional permit after 2nd	\$10.00
			Temporary daily parking fee	\$5.00
27	1120.02	Manufactured home parking	Per home parking fee	\$10.00

**Planning and Zoning Fees**

Fee No.	Code No.	Purpose of Fee	Item	Amount
28	1200.07	Subdivision: Preliminary Plat	Filing fee	\$300.00
29	1200.03	Subdivision: Final Plat	Filing fee	\$300.00
30	405.07	Subdivision Escrow Fee	Consultant review	\$3,000.00
31	1200.04	Administrative Plat	Filing fee	\$200.00
32	1315.03	Variance application	Filing fee plus actual cost of consultant's and attorney's fees and other expenses	\$300.00
33	1115.05	Temporary sign permit	Filing fee	\$50.00
34	405.02	Rezoning application	Filing fee	\$200.00
35	405.03	Vacation application	Street, alley, public easement	\$100.00
36	1320.04	Special use permits	Filing fee plus actual cost of consultant's and attorney's fees and other expenses	\$150.00
37	1306.06	Home occupation permit	Annual fee	\$50.00
38	1355.03	Special event permit	Filing fee	\$100.00

**Plumbing Fees**

Fee No.	Code No.	Purpose of Fee	Item	Amount
39	410.04	Residential plumbing fee	Minimum fee	\$50.00
			Fee per fixture	\$8.50
		Water softener	Minimum fee	\$50.00
		Water heater	Minimum fee	\$50.00
40	410.04	Commercial plumbing fee	Minimum fee	\$50.00
			Fee per fixture	\$9.50
		Water softener	Minimum fee	\$50.00
		Water heater	Minimum fee	\$50.00

**Police Services Fees**

Fee No.	Code No.	Purpose of Fee	Item	Amount
41	215.03	Release of impounded property	Fee includes cost + \$2.00 per day	\$50.00

42	430.08	Peddler, transient merchant	Per peddler for 12 month period	\$50.00
43	430.07	Photo I.D. Fee	Per photo	\$5.00

<b>Annual Refuse Collection License</b>				
Fee No.	Code No.	Purpose of Fee	Item	Amount
44	460.01	Annual refuse collection license	Per hauler	\$50.00

<b>Utility Fees and Permits</b>				
Fee No.	Code No.	Purpose of Fee	Item	Amount
45	1005.02	Sewer Use Rates	Per quarter unit	\$85.00
46	1005.01	Sewer Connection Permit Fee	Residential	\$18.00
47	1200.10	Sewer Connection Fee	Per lot or multiple family unit	\$2,400.00
48	1020.02	Storm Sewer Management	Per month	\$5.00
49	1000.06	Water System Use Rates		
		Minnetonka Boulevard	125% of current Minnetonka Rate	
			Quarterly trunk charge	\$20.00
			Quarterly administrative charge	\$10.00
		Commercial	125% of current Minnetonka Rate	
			Quarterly trunk charge	\$20.00
			Quarterly administrative charge	\$10.00
			Sales tax (use, trunk, admin)	6.5%
		The Pines	Current Minnetonka rate	
			Quarterly trunk charge	\$20.00
			Quarterly administrative charge	\$10.00
		Amesbury	Current Shorewood Rate	
			Quarterly trunk charge	\$20.00
			Quarterly administrative charge	\$10.00
			Annual safe water surcharge	\$5.21
50	1000.03	Water Connection Permit	Stub in only	\$25.00
			5/8" meter deposit	\$90.00
			Larger than 1" service	\$50.00
			Fire sprinkler with service connect	\$50.00
			Surcharge	\$0.50
			Delinquent water bill charge	\$5.00
51	1000.08	Water Meter Charge	City's cost of meter plus 15%	
52	410.05	Water Service	Reconnect fee	\$15.00

<b>Watercraft Mooring Fees</b>				
<b>Fee No.</b>	<b>Code No.</b>	<b>Purpose of Fee</b>	<b>Item</b>	<b>Amount</b>
53	900.06	Annual mooring permit fee	Docks	\$750.00
			Buoys	\$450.00
			Shore Space per front foot	\$48.00
			Slide	\$175.00
			Canoe Rack	\$100.00
			Street End Slide	\$175.00
			B1 Slide	\$262.50
54	550.03	Fire Alarm User's Fee	In excess of one false alarm within one calendar year	\$200.00

405.06 Fee Established by Resolution. Fees will be payable to the City in amounts established



Agenda Number: **11A-E**

**Agenda Item:** Council Reports

**Summary:** This is an opportunity for each council member to present updates and get input regarding various council assignments and projects.

Related documents are included in the hard copy of the full council packet and in the electronic version of the packet available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

**Council Action:** None required.

## Site Statistics

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

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

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

**Begin Date**

**End Date**

**Report Name**

### Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	4536	42.28%
<a href="#">Agendas, Minutes, Meeting Packets</a>	818	7.62%
<a href="#">Welcome to Greenwood</a>	556	5.18%
<a href="#">RFPs &amp; Bids</a>	533	4.97%
<a href="#">City Departments</a>	439	4.09%
<a href="#">Assessments &amp; Taxes</a>	435	4.05%
<a href="#">Planning Commission</a>	293	2.73%
<a href="#">Mayor &amp; City Council</a>	236	2.2%
<a href="#">Garbage &amp; Recycling</a>	194	1.81%
<a href="#">Code Book of Ordinances</a>	172	1.6%
<a href="#">Budget &amp; Finances</a>	171	1.59%
<a href="#">Comp Plan &amp; Maps</a>	140	1.3%
<a href="#">Forms, Permits, Licenses</a>	139	1.3%
<a href="#">Spring Clean-Up Day</a>	127	1.18%
<a href="#">Meetings on TV</a>	123	1.15%
<a href="#">Watercraft Spaces</a>	97	0.9%
<a href="#">Elections, Voting</a>	96	0.89%
<a href="#">Agendas, Minutes, Meetings</a>	94	0.88%
<a href="#">Habitat 500 Bike Ride</a>	90	0.84%
<a href="#">Finances, RFPs, Taxes, Assessments</a>	86	0.8%
<a href="#">Parks, Trails &amp; Watercraft Amenities</a>	84	0.78%
<a href="#">St. Alban's Bay Lake Improvement District</a>	81	0.76%
<a href="#">Meetings</a>	80	0.75%
<a href="#">Photo Gallery</a>	78	0.73%
	68	0.63%

### Quick Tips

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

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

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

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

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

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

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

<a href="#">Well Water</a>		
<a href="#">Old Log Events</a>	66	0.62%
<a href="#">Public Safety Alerts</a>	66	0.62%
<a href="#">Community Surveys</a>	63	0.59%
<a href="#">Lake Minnetonka</a>	61	0.57%
<a href="#">Email Sign-Up</a>	56	0.52%
<a href="#">Links</a>	55	0.51%
<a href="#">Swiffers NOT Flushable</a>	48	0.45%
<a href="#">Smoke Testing</a>	48	0.45%
<a href="#">Sewer, Stormwater, Water, Garbage, Recycling</a>	46	0.43%
<a href="#">Coyotes &amp; Animal Services</a>	46	0.43%
<a href="#">Emergency Preparedness</a>	45	0.42%
<a href="#">Tree Contractors</a>	44	0.41%
<a href="#">Recreation, Amenities</a>	42	0.39%
<a href="#">News, Events</a>	41	0.38%
<a href="#">Tour de Tonka</a>	38	0.35%
<a href="#">City Newsletters</a>	38	0.35%
<a href="#">Luck O' the Lake</a>	36	0.34%
<a href="#">Search Results</a>	36	0.34%
<a href="#">Fire Department</a>	31	0.29%
<a href="#">July 4th</a>	29	0.27%
<a href="#">---</a>	20	0.19%
<a href="#">Unsubscribe</a>	7	0.07%
<b>TOTAL</b>	<b>10728</b>	<b>100%</b>

### Unique IPs by Section

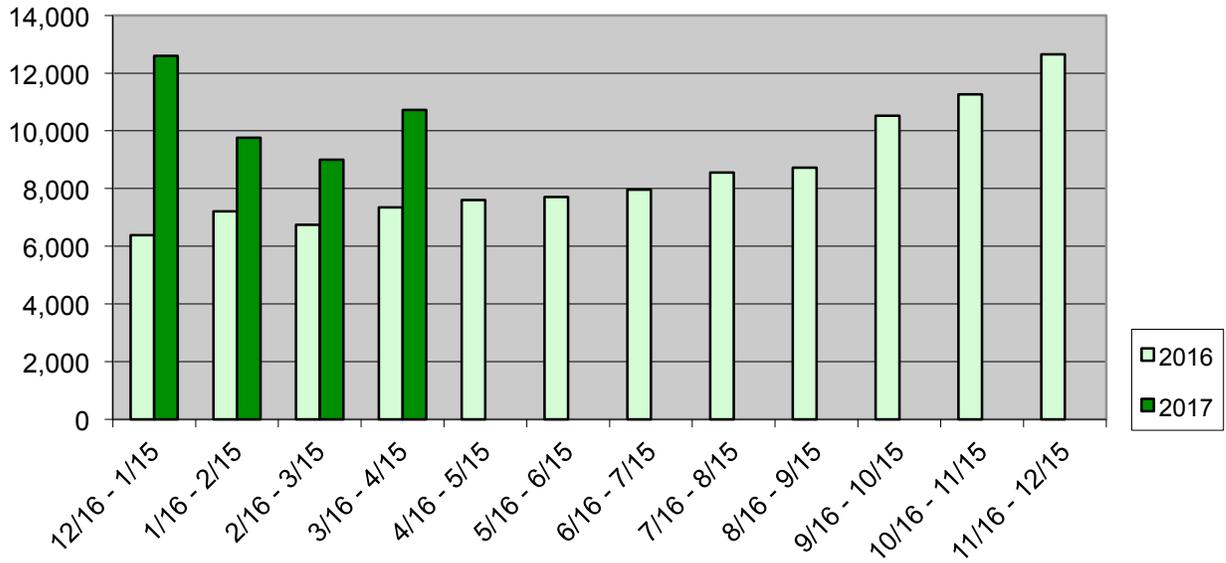
Section	Unique IPs	Percent of Total IPs
Default Home Page	1914	36.17%
City Departments	353	6.67%
Welcome to Greenwood	291	5.5%
Agendas, Minutes, Meeting Packets	252	4.76%
Mayor & City Council	154	2.91%
Assessments & Taxes	142	2.68%
Planning Commission	122	2.31%
Garbage & Recycling	111	2.1%
Code Book of Ordinances	101	1.91%
Forms, Permits, Licenses	97	1.83%
Comp Plan & Maps	95	1.8%
Spring Clean-Up Day	94	1.78%
Meetings on TV	74	1.4%
Watercraft Spaces	73	1.38%
Elections, Voting	72	1.36%
Budget & Finances	67	1.27%
Photo Gallery	66	1.25%
Parks, Trails & Watercraft Amenities	65	1.23%
Agendas, Minutes, Meetings	62	1.17%
St. Alban's Bay Lake Improvement District	62	1.17%
Habitat 500 Bike Ride	57	1.08%
Old Log Events	54	1.02%
Meetings	54	1.02%
Lake Minnetonka	54	1.02%
Public Safety Alerts	53	1%
RFPs & Bids	53	1%
Finances, RFPs, Taxes, Assessments	51	0.96%
Community Surveys	50	0.95%
Links	45	0.85%
Emergency Preparedness	41	0.77%
Email Sign-Up	39	0.74%
Swiffers NOT Flushable	39	0.74%

Tree Contractors	38	0.72%
Well Water	38	0.72%
Smoke Testing	36	0.68%
News, Events	35	0.66%
Coyotes & Animal Services	35	0.66%
Sewer, Stormwater, Water, Garbage, Recycling	35	0.66%
Recreation, Amenities	35	0.66%
City Newsletters	32	0.6%
Tour de Tonka	32	0.6%
Luck O' the Lake	31	0.59%
Fire Department	26	0.49%
Search Results	25	0.47%
July 4th	23	0.43%
---	8	0.15%
Unsubscribe	5	0.09%
<b>TOTAL</b>	<b>5291</b>	<b>100%</b>

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

**Done**

City of Greenwood  
Website Total Hits



Month	2016	2017	Variance with Prior Month	Variance with Prior Year	Bulk Email List
12/16 - 1/15	6,382	12,599	-48	6,217	161
1/16 - 2/15	7,209	9,758	-2,841	2,549	160
2/16 - 3/15	6,741	8,996	-762	2,255	163
3/16 - 4/15	7,351	10,728	1,732	3,377	163
4/16 - 5/15	7,603		-10,728	-7,603	
5/16 - 6/15	7,711		0	-7,711	
6/16 - 7/15	7,962		0	-7,962	
7/16 - 8/15	8,555		0	-8,555	
8/16 - 9/15	8,719		0	-8,719	
9/16 - 10/15	10,528		0	-10,528	
10/16 - 11/15	11,261		0	-11,261	
11/16 - 12/15	12,647		0	-12,647	
<b>AVERAGE</b>	<b>8,556</b>	<b>10,520</b>			

**POPULATION:** 702  
**EMAIL ADDRESSES % OF POPULATION:** 22.79%

Population source: [www.metrocouncil.org](http://www.metrocouncil.org), Data & Maps, Download Data, Population and Household Estimates  
 Population figure updated: 03-31-17



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.

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, APRIL 19, 2017  
7:00 P.M.**

**1. CALL TO ORDER/ROLL CALL**

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

Members Present: Chairman Pat Lucking, Commissioners Lake Bechtell, Doug Reeder, Fiona Sayer, and David Steingas

Others Present: Zoning Administrator Dale Cooney

Absent: Commissioner Jennifer Gallagher, Council Liaison Kristi Conrad

**2. OATH OF OFFICE**

Chairman Lucking took the oath of office for his new term as Planning Commission Chair.

**3. MINUTES – February 15, 2016**

Commissioner Steingas moved to approve the minutes of February 15, 2016 as written. Commissioner Bechtell seconded the motion. Motion carried 5-0.

**4. PUBLIC HEARINGS**

**4a. Consider variance request and conditional use permit request of Keith Schwartzwald for 5145 Weeks Road to regrade a portion of the property and to construct a foot bridge and a retaining wall in the lake yard setback**

Chairman Lucking introduced the agenda item. He said that Section 1140.10, Subd. 2, C of the City Zoning Code requires a 50 foot setback for miscellaneous secondary accessory structures within the lake yard setback. Lucking said that Section 1140.19 (2) of the City Zoning Code requires the a conditional use permit for any the grading or site/lot topography alteration request involving more than 7 cubic yards of material and that Section 1176.04 (Subd. 7) states that retaining walls shall not be placed within the shore setback zone without a conditional use permit.

Chairman Lucking Opened the public hearing.

Keith Schwartzwald, applicant, said that the boathouse structure would not be replaced, and that the removal of the boathouse and another accessory structure on the property is removing hardcover. He said that the boathouse is within their line of sight. Schwartzwald said the retaining wall is necessary since the boathouse is currently holding up the shoreline in that area. He said that they are requesting a bridge since they could not walk across their property without going back up and around the hill, and the state will not allow them to return this area to a natural shoreline.

Sayer asked if a future owner could rebuild a boathouse in this area. Cooney said that the non-conforming rights expire after 1 year. Lucking asked about water-oriented accessory structures allowed by state law. Cooney said that Greenwood has not adopted that provision.

Steingas said that he likes the plan.

Bechtell said that he was not sure about the position of the other agencies. Cooney said that the DNR has deferred to the MCWD for oversight. He said that the MCWD and LMCD have tentatively approved the concept plan, but will not formally permit it until they see the plans of the actual bridge.

Motion by Bechtell to approve the variance and conditional use permit conditioned that the project be approved by the LMCD and MCWD. Motion was seconded by Sayer. Motion carried 5-0.

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, APRIL 19, 2017  
7:00 P.M.**

**5. OTHER BUSINESS**

Joe Fronius of 5140 Meadville Street said that he was in attendance regarding the zoning ordinance changes regarding small lots. He said that he did not want to go to the work session since he cannot hear the conversation at the Old Log Theater. He said that both he and his neighbor at 5130 Meadville have small lots and his neighbor is proposing a new house. He said that he has concerns about what he has proposed to the city in the past, and what his neighbor is proposing, and wanted to know more about how the ordinance would impact him.

Lucking said that the massing ordinance will prevent a large house that is within hardcover limitations. He said volume is taken into account, not just the footprint.

Cooney said that there is no change proposed to the massing ordinance, so the massing of buildings will remain the same. He said that there will be variable setbacks and impervious surface limitations based on lot size. Cooney said that his neighbor has not submitted a formal application to the city for a variance request and that when he did, Fronius would be notified of the public hearing on the issue. Cooney gave Fronius a copy of the draft ordinance.

Fronius asked about building a second story on house that encroaches into the setback. Steingas said that would require a variance.

**6. LIAISON REPORT**

Council Liaison Kristi Conrad was absent and therefore no liaison report was presented.

**7. ADJOURN**

Motion by Bechtell to adjourn the meeting. Steingas seconded the motion. Motion carried 5-0. The meeting was adjourned at 7:31 p.m.

Respectively Submitted,  
Dale Cooney - Zoning Administrator

**GREENWOOD  
WATERCRAFT SPACE ASSIGNMENTS: 2017**

**ST ALBAN'S BAY DOCKS**

Keryn Riley & Kip Thacker (2011)	<b>12</b>	<b>11</b>	John & Kathryn Rauth (2006-C)	
	<i>DOCK</i>	<i>DOCK</i>		
Doug & Claudia Hill (2007-B)	<b>13</b>	<b>10</b>	Kirk & Sara Sjoberg (2014-A)	
Toby & Sharon Reisner (2006-B)	<b>14</b>	<b>9</b>	Daniel & Alexis Pearson (2016-C)	
	<i>DOCK</i>	<i>DOCK</i>		
Val & Anita Mucenieks (1974)	<b>15</b>	<b>8</b>	Ed & Grace Attema (2010-B)	
Barbara Dunlay (2006-A)	<b>16</b>	<b>7</b>	Chris Field (2015-A)	
	<i>DOCK</i>	<i>DOCK</i>		
Scott Johnson (1995)	<b>17</b>	<b>6</b>	Matthew & Angela Lindberg (2014-C)	
William & Catherine Lynch (1996)	<b>18</b>	<b>5</b>	Samuel & Jennifer Rogers (2015-B)	
	<i>DOCK</i>	<i>DOCK</i>		
John Doty (1999)	<b>19</b>	<b>4</b>	Sean & Kristi Conrad (2016-A)	
Brian & Deb Malo (2001)	<b>20</b>	<b>3</b>	Tim Norman & Maureen Hogan (2013)	
	<i>DOCK</i>	<i>DOCK</i>		
Paul & Penny Roberts (1988-A)	<b>21</b>	<b>2</b>	Joseph & Elizabeth Brandel (2017)	
Pat Lucking & Ellen Bragg (1986)	<b>22</b>	<b>1</b>	Jon & Sue Ratliff (2010-A)	<b>1A</b> Bill & Deb Schultz (2016-B)
	<i>DOCK</i>	<i>DOCK</i>		
David & Kaylene Kickhafer (1989)	<b>1D</b>	<b>1C</b>	Charles & Carol Thiss (2013)	<b>1B</b> Charlie LaRose (2002)

S  
H  
O  
R  
E  
L  
I  
N  
E

**MEADVILLE SAILBOAT SLIPS**

<i>Sailboat Slip 1 (North)</i>	<i>North</i>	
OPEN	<b>1</b>	S H O R E
<i>Sailboat Slip 2 (South)</i>	<b>2</b>	E
OPEN	<i>South</i>	

**MEADVILLE CANOE RACK**

L A K E	
<i>Top</i>	<i>Top</i>
Stephen Helvig & Lori Cruz (2017-A)	<b>1</b> James & Lauri Roberts (2017-B)
<i>Middle</i>	<i>Middle</i>
Matt & Jennifer Gallagher (2014-A)	<b>3</b> Charles Elliott (2016)
<i>Bottom</i>	<i>Bottom</i>
Dana & Ellen Nelson (2013-B)	<b>5</b> Bud Wudlick (2013-A)
	<b>6</b>



**GREENWOOD  
WATERCRAFT SPACE WAITING LIST**

<b>ST ALBAN'S BAY DOCKS - OFFSHORE RESIDENTS</b>		
	<b>Sign-Up Date</b>	<b>Name(s)</b>
1	3/15/11	Gerald Michael Brown & M.A. Pyzdrowski
2	4/5/11	Robert Schmitt, Jr.
3	4/6/11 A	Bob Bohnenkamp
4	4/6/11 B	Greg Sullwold
5	4/18/11	Paul & Jenifer Forst
6	6/8/11	Mike & Micheele Brost
7	3/28/12	Shawn & Kari Rusing
8	4/9/12	Tom Stolz
9	4/18/12	Eric & Sharla Stafford
10	7/19/12	Matthew & Jennifer Gallagher
11	10/23/12	Michael & Cassandra Burns
12	1/9/13	Merritt Jones & Tonya Faundeen
13	4/15/13	Brian & Michelle Erickson
14	4/29/13	Doug & Derek Beutel
15	5/10/13	Joleen & Jeffrey Hall
16	5/28/13	Jim & Lauri Roberts
17	5/29/13	Bret & Angela Felknor
18	5/30/13	Angela Marie Anderson
19	10/7/13	Joe Wirth
20	10/11/13	Jerry & Kathy Westrum
21	11/27/13	Robert Dvorak
22	1/9/14	James Pastor
23	3/15/14 A	John & Joan Stone
24	3/15/14 B	Donald & Cheryl Dale
25	3/15/14 C	Lake & Elizabeth Bechtell
26	3/15/14 D	David & Laurie Saari
27	3/15/14 E	Bev & William Wright
28	3/15/14 F	Michael Q
29	3/15/14 G	Dana & Ellen Nelson
30	3/15/14 H	Steve & Linda Ruelle
31	3/15/14 I	Becky Robinson
32	3/15/14 J	Britta Larson
33	3/15/14 K	Chuck & Susan Teeter
34	5/13/14	Paul Martin
35	5/24/14	Chris & Liz Leising
36	6/18/14	Leckas Vasilios
37	6/19/14	Alvin & Karen Harnell
38	8/4/14	Max & Jenny Zinn
39	8/25/14	Marshall & Amanda Leddy
40	8/28/14	Sean & Michelle Lenahan
41	10/13/14	Matt & Shayla Nolan
42	11/24/14	Ken & Susan Allen
43	12/16/14	Roger Champagne
44	3/29/15	David & Amber Eggert
45	4/22/15	Chris & Hollie Blanchard
46	6/24/15	Stephen Helvig & Lori Cruz
47	7/30/15	Martin & Katie Weber
48	10/19/15	Michael Wilcox
49	3/15/16-A	Charles Elliott
50	3/15/16-B	Mark Allen Weston
51	3/15/16-C	Dale Feist
52	7/8/16	Jeff & Kristen Lewis (2016-B)
53	7/13/16	Dean & Jill Banta
54	8/5/16	Kelsey & Brad Nelson
55	11/7/16	Michele Luger
56	11/8/16	Kimball Anderson
<b>ST ALBAN'S BAY DOCKS - LAKESHORE RESIDENTS</b>		
1	4/13/10	John & Veronica Lang
<b>MEADVILLE SAILBOAT SLIPS - OFFSHORE RESIDENTS</b>		
1	3/28/13	Daniel & Alexis Pearson
2	4/9/13	Beverly & William Wright
3	4/19/13	Dana & Ellen Nelson
4	5/1/13	Hal & Penny Holt
5	5/9/13	Chris & Hollie Blanchard
6	5/20/13	Merritt Jones & Tonya Faundeen
7	7/13/16	Dean & Jill Banta
<b>MEADVILLE SAILBOAT SLIPS - LAKESHORE RESIDENTS</b>		
1	5/20/13	Veronica & John Lang
<b>CANOE RACK - OFFSHORE RESIDENTS</b>		

**Randy's Environmental Services  
2017 Single Sort Recycling Report**

	January	February	March	April	May	June	July	August	September	October	November	December	Total to Date	Average to Date	
<b>City of Greenwood</b>															
<b>Recycling</b>															
Recycling Participation %	70.03%	68.07%	67.05%											68.38%	3
Actual Stops Collected	818	795	979										2,592	864	3
Possible Stops for Collection 292 per pick up (weekly)	1,168	1,168	1,460										3,796	1,265	3
Pounds Per Set Out	20.3	20.1	22.1												
Aluminum	0.17	0.17	0.17										0.51	0.17	3
Corrugated	1.63	1.57	1.57										4.77	1.59	3
Glass	1.80	1.73	1.73										5.26	1.75	3
Mixed Paper	3.03	2.91	2.91										8.85	2.95	3
Plastics	0.69	0.67	0.67										2.03	0.68	3
Steel/Tin	0.18	0.17	0.17										0.52	0.17	3
<b>Total Recycling Tonnage</b>	7.50	7.22	7.22										21.94	7.31	3
Residue	0.81	0.78	3.62										5.21		
<b>Total Tonnage Picked Up</b>	8.31	8.00	10.84										27.15	9.05	3
<b>Estimated Organics Tons</b> <i>Blue Bag Organics Program</i>	0.08	0.10	0.10										0.28		