

# AGENDA

## Greenwood City Council Meeting

Wednesday, June 7, 2017  
20225 Cottagewood Road, Deephaven, MN 55331



### Worksession

- 5:30pm 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA  
2. DISCUSSION ITEMS:  
A. Potential Ordinance Regarding Zoning Regulations Based on Lot Size  
*This portion of the worksession is open for the public to view, but there will be no opportunity for public participation.*  
B. Assessment Process *This portion of the worksession will include an opportunity for public participation.*
- 6:55pm 4. 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: 05-03-17 City Council Worksession Minutes  
B. Approve: 05-03-17 City Council Meeting Minutes  
C. Approve: 2017 Local Board of Appeal & Equalization Minutes  
D. Approve: April Cash Summary Report  
E. Approve: April Certificates of Deposit Report  
F. Approve: May Verifieds, Check Register, Electronic Fund Transfers  
G. Approve: June Payroll Register
- 7:05pm 3. MATTERS FROM THE FLOOR  
*This is an opportunity for the public to address the council regarding matters not on the agenda. 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. City Engineer Dave Martini: 2017 Engineering Projects (Greenwood Park Drainage Project, Road Project, County Aid to Municipalities Application, etc)  
B. Announcement: July 4th Firecracker Run (expect delays 7:30-9:30am) and Greenwood July 4th Parade (meet at 9:45am at Greenwood Park)
- 7:30pm 5. PUBLIC HEARING  
A. None
- 7:30pm 6. ACTION RELATED TO PUBLIC HEARING  
A. None
- 7:30pm 7. PLANNING, ZONING & SUBDIVISION ITEMS  
A. Consider: Res 13-17 Findings Regarding Fence Variance Requests, Diane Mulligan, 5120 Meadville Street  
B. 1st Reading: Ord 269 Amending Subdivision Section 600.10(E) Regarding Deadline for City Action
- 7:45pm 8. UNFINISHED BUSINESS  
A. 2nd Reading: Ord 268, Update of Fee Schedule Regarding Subdivision and Building Fees Res 14-17, Summary of Ord 268 for Publication
- 7:55pm 9. NEW BUSINESS  
A. Consider: Letter of Support for Carmen Bay Lake Improvement District  
B. Consider: Lake Minnetonka Conservation District 2018 Budget (certified to county by July 1)
- 8:10pm 10. OTHER BUSINESS  
A. None
- 8:10pm 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
- 8:30pm 12. ADJOURNMENT



# Worksession Item A

Agenda Date: 06-07-17

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. The city zoning administrator and city attorney participated the 05-03-17 worksession discussion.

At the 05-03-17 worksession, Councilman Fletcher stated that he had additional comments regarding the ordinance. Since the worksession was running long, the council consensus was to hold another worksession on 06-07-17 and for Fletcher to send his comments to the city council for review in advance to speed along the discussion. Prior to assembling the 06-07-17 council packet, Mayor Kind contacted the city attorney to get an opinion regarding the distribution of Fletcher's comments via email or in the council packet. The city attorney said, "... written council member comments disseminated by city staff or included in the council packet, in my opinion, rise to the level of lobbying of council members as a group by a member outside the council meeting and should be avoided. ... Public review and discussion of public matters is time consuming, but necessary in the public interest." Therefore, the city council should come prepared to hear and discuss Councilman Fletcher's comments at the 06-07-17 worksession.

Attached is the latest draft of the ordinance. Also attached is a letter from Greenwood resident Joe Fronius.

### **Updated Timeline:**

- 06-07-17 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. 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.*

05/29/17

Dear Greenwood Council Members

Please consider modifying the "Greenwood Ordinance Zoning Code Chapter 11 to Simplify and Regulate Based on Lot Size" by giving more credence to the negative impact any suggested new construction would be to adjacent properties and the existing character of their local neighborhood.

First, we understand smaller lots have grandfathered structures to protected home owners from being required to reduce the existing size of their home or reducing impervious hardcover existing prior to 1992. Those protections were certainly part of the considerations before acquiring a home on an invariant lot, but enjoying grandfathered protections then expecting further variances of increasing hardcover and/or structure size, when those expectations cause decreased property values to close by neighbors is unreasonable.

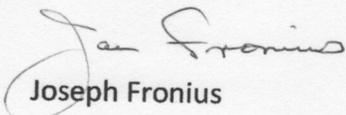
Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Those practical difficulties should not be automatically accepted as valid, when the small lot owners just want to maximize the size of their new home, particularly when it alters the essential character of the locality.

The new suggested ordinance changes based on lot size indiscriminately allow small lot owners to tear down existing homes and go beyond grandfathered protections with no consideration of the character of the locality. When the existing locality includes invariant lots, side by side, there should be a provision to not allow variances beyond grandfathered protections since adjacent small lot owners are more severely impacted by neighbors increasing structure size to homes already built in close proximity.

When acquiring an invariant lot with a home built close to the property line next to another invariant lot with a home built close to the property line both owners need to recognize the built in loss of privacy and do nothing further to aggravate that existing problem. Both owners are entitled to a reasonable expectation that enjoyment of their property and essential character of the locality cannot be unreasonably altered by the other.

Thank you Greenwood Council for your considerations,

Respectfully submitted,

  
Joseph Fronius

5140 Meadville Street Greenwood MN 55331

Blue = New text added to the clean copy discussed at the 5/3 worksession.  
~~Red Strikethrough~~ = Text deleted from the clean copy discussed at the 5/3 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 percentages [under this code](#), setback dimensions, lot dimensions, ~~volume, and~~ building height dimensions, [and volume](#) 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.
- (d) 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).~~ [as regulated under section 1123 et seq and specifically limited to the common use of Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001.](#)

**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)	<del>7,000sf</del> 6750sf	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:  
 $50 \times 0.1 = 5 + 7.5 = 12.5$

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

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

**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.~~ 6750 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 Nos. 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), 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 numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), 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 numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001) 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 **subsequently** 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



# Worksession Item B

Agenda Date: 06-07-17

Prepared by Deb Kind

## **Agenda Item:** Discuss Assessment Process

**Summary:** In response to concerns raised by the 2017 assessment, the city council decided to hold a worksession preceding the 06-07-17 council meeting to dialog with residents regarding future assessments.

Greenwood resident Keith Stuessi provided the attached documents for the worksession discussion.

Councilman Quam also requested the Open Book format be discussed at the worksession. County assessor Jim Atchison provided the attached spreadsheet that lists all 46 jurisdictions from suburban Hennepin County and if they currently use the Local Board Appeal & Equalization (LB) format or the Open Book (OB) format for local review of the assessments. Atchison said ...

1. Of the 46 jurisdictions, 22 are Local Board and 24 are Open Book.
2. The City of New Hope is currently considering changing to the Open Book format.
3. A couple of other tidbits, the Cities of Corcoran, Greenfield, and Long Lake lost their Local Board option a couple of years ago due to no trained members. All three have continued with the Open Book option. The city of Excelsior lost their Local Board this spring due to no trained members and will continue with the Open Book for at least the 2018 assessment.
4. If a city changes to the Open Book format, the minimum is 3 years.
5. The county never has had any one go back to the Local Board once they try the Open Book.

In addition to information about Open Book, information about the Local Board of Appeal & Equalization also is attached for the council's reference.

**Council Action:** No action may be taken at worksessions.

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Section: Assessment Review and Appeals

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## Open Book Meetings

This version of appeal is an organized approach to address individual appeals in a less formal manner than the Local Board of Appeal and Equalization. The assessor sets aside a time (generally during the months of April and May) and place to meet with citizens individually to discuss their specific concerns about their properties. These meetings are generally an alternative to the local board meeting but they can be held in addition to local boards. Taxpayers often find them less intimidating than presenting their appeal to the Local Board of Appeal and Equalization. They often appreciate the fact that they can have their questions answered in a more private setting and not have to be apprehensive about making a presentation in front of their friends and neighbors. In a one-on-one setting, property owners may spend more as much time with the appraiser as they need. They can compare the value of their home with the values of similar homes and review similar homes that have sold.

The process is very efficient because concerns and questions are often resolved immediately. Property owners can see that the appraiser collects the same information on all properties, reassuring them that the process is the same for everyone, and they have not been singled out for a value increase.

If the taxpayer and assessor continue to disagree after the open book meeting, the taxpayer may choose to proceed to the Local Board of Appeal and Equalization meeting (if one is held in addition to the open book meeting) or to the County Board of Appeal and Equalization meeting (if there is no local board meeting). Ultimately, the taxpayer may choose to pursue an appeal to Tax Court.

There are several different procedures for open book meetings. Some counties hold countywide open book meetings at one or more locations over a set time period, often during both daytime and evening hours. The dates, times, and locates of all meetings appear on the valuation notices. Taxpayers can attend any of the locations at any time and meet with an appraiser to discuss their valuations and/or classifications. Property records and value information is brought to any offsite meetings or accessed via laptop computers.

Other counties hold open book meetings for specific jurisdictions. Taxpayers in these jurisdictions are notified of the date and time of the meeting on their valuation notices. These meetings may take place at a public facility in that jurisdiction or at the county offices. All of the property information is brought to the meeting or accessed via laptop computers if the meeting is held offsite.

If a county allows for countywide open book meetings but still has some jurisdictions with traditional Local Board of Appeal and Equalization meetings, the taxpayers in those jurisdictions may attend the open book meetings, but it is not required. The taxpayer may choose to appeal directly to the Local Board of Appeal and Equalization. If the taxpayer does attend the open book meeting and the taxpayer and assessor continue to disagree, the taxpayer can appeal to the Local Board of Appeal and Equalization.

If the taxpayer and assessor continue to disagree on the market value or classification after meeting at the open book meeting, the taxpayer is free to attend the County Board of Appeal and Equalization (unless there is a local board, in which case, the taxpayer must appeal there first).

- **Module #8**
- **Assessment Review, Appeals/Equalization, and Correction**
- Minnesota Property Tax Administrator's Manual

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Section: Assessment Review and Appeals

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Assessor's Role at the Open Book Meeting

The assessor must handle each and every appeal presented at the open book meeting. County assessor offices may choose to show each taxpayer a short presentation about the assessment and property tax process, how the assessor arrives at the estimated market value and how values have changed in the jurisdiction over the past year.

The office should have documentation procedures in place so taxpayer appeals can be recorded and addressed. In cases where changes are made, the assessor will need to document these changes and their rationale, and make sure the changes are reflected for that assessment. The office should also have procedures in place for notifying taxpayers of any changes that result from the open book meeting. This notification is important because any changes to the assessment made during the open book process may be further appealed by the taxpayer to the local or county boards, or to Tax Court.

If a taxpayer comes to the open book meeting to discuss issues and the property has not been recently inspected by someone in the assessor's office, an appointment to view the property, both interior and exterior, should be scheduled. The ultimate role for the assessor at the open book meeting is to be sure all questions are addressed and that clear information is shared with property owners. The open book meeting can be an avenue to improve public relations.

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Section: Assessment Review and Appeals

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## Local Board of Appeal and Equalization

The purpose of the Local Board of Appeal and Equalization (LBAE) is to provide a fair and objective forum for property owners to appeal their valuations and/or classifications. The local board often serves as the first formal step to the appeals process. Effective actions taken by the local board may potentially make a direct contribution to attaining assessment equality. The local board must address property owners' issues efficiently, fairly, and objectively and can only make changes that are substantiated by facts and that meet statutory guidelines. Any changes must be justified because they have the effect of shifting the tax burden to other properties in the jurisdiction.

Assessors should not make changes to property within the 10-day "window" between notices of valuation and classification being sent and the date of Local Board of Appeal and Equalization. If an assessor feels that a change to valuation or classification needs to be made between the time that notices are sent out and the board convenes, the assessor must notify the property owner at least ten days before bringing the issue before the board, thereby to give the property owner a chance to appear before the board as well.

Ordinarily, the LBAE is made up of the city council or township board; it can also be a specially appointed board if a city charter provides for one. Some jurisdictions choose to hold open book meetings in lieu of LBAE meetings and still others choose to transfer their local board duties to the County Board of Appeal and Equalization. The county assessor sets a day and time for each LBAE meeting providing each jurisdiction must be notified in writing on or before February 15 of each year. The clerk is responsible for giving published and posted notice of the meeting at least 10 days before the meeting. The publishing typically occurs in the local newspaper of the jurisdiction, and posting typically occurs in the city or town hall. An example of such notice is included at the end of this section. Meetings shall be held between April 1 and May 31 of each year. These meetings are public and must adhere to open meeting laws.

The LBAE meets at the office of the clerk to review the valuations and classifications of properties within the jurisdiction. The assessor must be present to answer any questions and present evidence supporting their values and/or classifications. The county assessor, or delegate, must also attend. In order to appeal to the County Board of Appeal and Equalization, a property owner must first appeal to the Local Board of Appeal and Equalization, if one is held.

At least one meeting shall be held until 7:00pm. If no meetings are held at that time, one meeting must be held on a Saturday. This is to ensure that taxpayers have ample opportunity to present an appeal before the board.

The meeting may recess from day to day until they finish hearing the cases presented, but must adjourn within 20 days. A longer period may be approved by the Commissioner of Revenue. The board must apply in writing for an extension; and the commissioner's approval is necessary to legalize any proceedings subsequent to the expiration of the 20-day period. The commissioner will not extend the time for LBAEs to convene in June. No action may be taken by the board after May 31. All complaints heard after the initial 20-day period (unless extended by the commissioner) or

any complaints brought forth after May 31 must be appealed to the County Board of Appeal and Equalization.

Board members may not participate in any actions of the board which result in market value adjustments or classification changes to property owned by the board member, the board member's spouse, parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece, or to any property in which the board member has a financial interest. Any relation may be by blood or by marriage. If such conflict arises, the remaining board may elect to hear the appeal, if a quorum and trained member remain. Otherwise, no change shall be made to the property, and the property owner shall be eligible to appear before the County Board of Appeal and Equalization.

Taxpayers may appeal in person, in writing, or by representative. If a taxpayer fails to appeal in person, in writing, or by representative to appeal the valuation and/or classification of property, that person may not appeal to the County Board of Appeal and Equalization. This does not apply if an assessment was made after the local board meeting or if the taxpayer can establish not having received the notice of market value at least five days before the meeting.

#### Local Board Training Requirements

Beginning with the 2006 LBAEs, Minnesota law required at least one member of each local board must have attended training provided by the Department of Revenue within the last four years. The legislation was enacted in response to complaints taxpayers made after attending local board meetings. For example, some taxpayers complained that local boards held meetings without having a quorum of members present, the felt that appealing to the local board was a confrontational experience, and in response to taxpayer appeals, and some local board members simply claimed that they "didn't know anything about property values." The training was required in an effort to reduce these complaints and improve this step of the appeal process for taxpayers.

The training is offered numerous times statewide each year. Each region of the state is allowed to schedule up to five trainings as they see fit to meet the needs of their local boards. The statewide schedule is posted on the department's website so board members may attend a course that is most convenient. Attendees must pre-register for courses so that proper materials and facilities can be arranged. This also ensures the course is provided in the most effective manner. If attendees do not pre-register, they may be able to attend the course by registering on-site and paying an on-site registration fee, provided there is space available. There are also specially-scheduled "catch up" courses each year which follow local elections for board members who are newly-elected to office.

The handbook and course, developed by the department, explain the role of the board in the assessment process, the legal and policy reasons for fair and impartial appeal and equalization hearings, board meeting procedures that foster fair and impartial assessment reviews and other best practices recommendations, quorum requirements for boards, and explanations of alternate methods of appeal.

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The course is instructed by property tax compliance officers from the department, and is usually about three hours in length. It includes a presentation and a review of the handbook that details the procedures and responsibilities of the board. This material is also available on the department's website. In 2012, this training was combined with the required training for County Board of Appeal and Equalization members.

If a local board intends to hold an LBAE meeting but fails to meet the training or quorum requirement, the assessor should take over the meeting as an open book meeting. Any taxpayer may appeal to the County Board of Appeal and Equalization if not satisfied with the outcome of the open book meeting.

If a local board does not meet this training requirement or did not have a quorum for the year, their powers are also transferred to the county board for the following assessment year. This transfer of authority for failure to meet these requirements must be identified on the following year's Notice of Valuation and Classification and some procedure for the initial review of assessments (such as an open book meeting) must be made available. In order of the local board to be reinstated, it must prove compliance with the requirements and present the county assessor with a resolution by December 1 of the year following the violation to be effective for the next assessment year.

For example, if a local board does not have a trained member present for the 2011 LBAE meetings, the assessor will take over the 2011 meeting as an open book meeting. The jurisdiction will lose their LBAE for the 2011 and 2012 assessments. In order to get it back for the 2013 assessment, the jurisdiction must have someone trained and provide the assessor with a resolution by December 1, 2012.

Primary Statutory Reference: 274.014

### Recommendations for Board Members

It is recommended that assessors prepare board members ahead of the LBAE meeting to allow them to become familiar with local market activity for the year. The assessor should also provide sales information in advance of the meeting. Other helpful information may include sales ratio studies by type of property, valuation schedules for land types, valuation information for the district, statutory classification information and corresponding class rates, review of value changes by property type in the district.

### Local Board Powers and Duties

Generally, a local board determines whether all taxable property in the city or town has been properly placed on the current assessment rolls and property valued and classified by the assessor.

Specifically, LBAEs have the following duties:

- Establish a quorum - a majority of the voting members must be in attendance at both the initial meeting and any reconvene meetings for any valid actions to be taken;

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- Reduce the value of a property if market evidence warrants a reduction. The board may not make an individual market value adjustment that would benefit the property owner if the property owner has refused access to the assessor to inspect the property (both interior and exterior);
- Increase the value of a property if market evidence warrants an increase or if improvements are missing from the property record, provided that the taxpayer is notified of the board's intent to increase to the value so that they may be allowed an opportunity to appeal;
- Correct the classification of a property. The board may not make a classification adjustment that would benefit the property owner if the property owner has refused access to the assessor to inspect the property;
- Add omitted properties to the assessment rolls;
- Personal property assessments are also within the board's jurisdiction. Personal property includes manufactured homes, storage sheds, or similar improvements located in a manufactured home park, and structures on leased public land and railroad operating right-of-way;
- Consider and act upon any complaints or objections by taxpayers. Complaints may be made via letter, in person, or by representative.

No changes in valuation or classification which are intended to correct *errors in judgment* by the county assessor may be made by the county assessor after the board has adjourned.

Any changes which are corrections that are merely *clerical in nature or to extend homestead treatment* may be made after the board adjourns but must be made via abatement. All changes must be made available for public review and must also be reported to the county board by no later than December 31 of that same assessment year. Abatements will be discussed in greater detail later in this module.

There are also several restrictions and limitations placed on LBAEs. A local board:

- Cannot consider any prior year assessments;
- Cannot act on individual tax amounts;
- Cannot order changes to entire classes of property (by a blanket percentage);
- Cannot make individual reductions that would reduce the aggregate assessment of a jurisdiction to decrease by more than one percent. If the total reductions would lower the aggregate assessments made by the assessor by more than one percent, none of the adjustments made by the board are valid. (The assessor shall correct any clerical errors or double assessments discovered by the board without regard to the one percent limitation.);
- Cannot increase a person's market value without duly notifying the person of the intent and allowing the taxpayer an opportunity to appeal;
- Cannot exempt property;
- Cannot make changes benefitting a property owner who refuses entry by the assessor;
- Cannot continue a meeting beyond 20 days from the time it convenes without specific approval from the Commissioner of Revenue;

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- Individual board members cannot participate in changes to property owned by relatives or property in which the member has a financial interest;
- Cannot grant inclusion into special programs such as Green Acres, Open Space, Disabled Veterans Homestead Market Value Exclusion, etc.

Primary Statutory References: 274.01; 274.014; 274.03

### Special Board of Appeal and Equalization

The council or governing body of any city may appoint a special board of appeal and equalization to which it may delegate all of the powers and duties of a local board of appeal and equalization. The special board shall serve at the direction and discretion of the appointing body, subject to the rules and restrictions as any other LBAE. The appointing body shall determine the number of members, the compensation and expenses to be paid, and the term of office of each member. At least one member of the special board must be an appraiser, Realtor, or other person familiar with property valuation in the assessment district. At least one member must also have met the training requirements for LBAE members.

Primary Statutory References: 274.01

### Duties of the clerk

The town or city clerk has the following duties relating to LBAEs:

- work with the county assessor to establish meeting dates for the board
- coordinate with the board to ensure a quorum and trained member will be present
- publish and post notice of meetings at least ten days prior to the date of the meeting
- have a sign-in sheet for all appellants
- take minutes as part of town or city record
- return all necessary records to the county assessor in a timely manner
- *An example of published/posted notice for local boards of appeal and equalization is such:*
- 

**Important Notice Regarding Assessment and Classification of Property**  
**This may affect your [#YEAR#] property tax payments.**

Notice is hereby given that the Board of Appeal and Equalization of the [City/ Township] shall meet on [date], [time], at [location]. The purpose of this meeting is to determine whether taxable property in the city has been properly valued and classified by the assessor, and also to determine whether corrections need to be made.

If you believe the value or classification of your property is incorrect, please contact your assessor's office to discuss your concerns. If you are still not satisfied with the valuation or classification after conferring with your assessor, you may appear before the local board of appeal and equalization. The board shall review the valuation, classification, or both if necessary, and shall correct it as needed. Generally, an appearance before your local board of appeal and equalization is required by law before an appeal can be taken to your county board of appeal and equalization.

## 2017 Local Board/Open Book Appeal and Equalization - Dates and Assignments

# of Jurisdictions	# of LB	# of OB	Local Board / Open Book	Municipality
1	1		LB	Bloomington
2	2		LB	Brooklyn Center
3	3		LB	Brooklyn Park
4	4		LB	Dayton
5	5		LB	Deephaven
6	6		LB	Eden Prairie
7	7		LB	Edina
8	8		LB	Greenwood
9	9		LB	Hanover
10	10		LB	Independence
11	11		LB	Maple Grove
12	12		LB	Maple Plain
13	13		LB	Medina
14	14		LB	Minnetonka
15	15		LB	Minnetonka Beach
16	16		LB	New Hope
17	17		LB	Rockford
18	18		LB	St. Bonifacius
19	19		LB	St. Louis Park
20	20		LB	Tonka Bay
21	21		LB	Wayzata
22	22		LB	Woodland
23		1	OB	Champlin
24		2	OB	Chanhassen
25		3	OB	Corcoran
26		4	OB	Crystal
27		5	OB	Excelsior
28		6	OB	Fort Snelling
29		7	OB	Golden Valley
30		8	OB	Greenfield
31		9	OB	Hopkins
32		10	OB	Long Lake
33		11	OB	Loretto
34		12	OB	Medicine Lake
35		13	OB	Minnetrista
36		14	OB	Mound
37		15	OB	MSP Airport
38		16	OB	Orono
39		17	OB	Osseo
40		18	OB	Plymouth
41		19	OB	Richfield
42		20	OB	Robbinsdale
43		21	OB	Rogers
44		22	OB	Shorewood
45		23	OB	Spring Park
46		24	OB	St. Anthony

## **Attachments to May 15, 2017 Protest Letter**

### **Attachment A: History of assessment protests and recommendation history:**

I ran Greenwood's Board of Adjustment/Review during the 1980s when we had double digit inflation, 15% mortgage rates and double digit EMV increases. I understand the issues with highly inflated up markets like we have seen before October 2008, and the current extreme up market.

You may or may not recall I went in for a scheduled 40 minute meeting in June 18, 2009 with Gordon Folkman, the Director of the MN State Property Tax Division, John Hagan, the Assistant Director, Larry Austin and others. The purpose was to discuss the issues previously sent to these three and to focus on recommendations for solutions. I did not discuss my property unless they asked about it. The meeting lasted over two hours with mainly these gentlemen asking me questions.

Previous to this meeting, Larry Austin and Bill Effertz came out to my house and we took a two-hour tour of the Lake around our five cities to actually view real comps I had previously sent to them. I think they "got it" and Larry supported me in the meeting with the chiefs.

I believe there was clear acceptance of the problems identified and discussed with vivid illustrations, and general agreement Lake area assessments are specifically a problem. But because it was clear then housing prices were still collapsing, Gordon and John suggested we wait and reconvene later when we started to see a recovery. I agreed.

Unfortunately the recovery was slow as you know and all three of these gentlemen have retired. I think Bill Effertz is still around as he is much younger. Bill and I had previously done much sword-sharpening against each other regarding Greenwood assessments, but I respect him and his attention to my recommendations, and his viewing our South Lake issues I believe he understood. I would like to bring him into this conversation.

### **Summary of recommendations presented and discussed in 2009:**

- 1.) The assessors should provide a "stratification of properties" based on size and other similar characteristics to more accurately reflect various sizes of typical parcels in the City, and then develop EMVs based on sold comps of equivalent size and type of properties in the same zip code. (In our case the Southshore area.)
- 2.) The assessors should attempt to develop 5-6 truly equivalent comps for all property stratifications based on sold comps.
- 3.) The assessment process should become far more cognizant of the size and type of structures that can be constructed on similar lot sizes in each community. Greenwood is generally far more restrictive than sister communities in terms of setbacks and house sizes allowed on similar lots.

Dan Distel (Deephaven and Woodland assessor for decades) intuitively tries to follow these methods and I believe somehow does so with little or no computer assistance. I think that is called "effort."

Dan was our best appraiser/assessor whom Greenwood unfortunately lost many years ago. He works tirelessly to develop uniform comps for all classes of properties in a population area four times the size of Greenwood. Though not a computer wizard, and because of his long tenure with his cities, he will respond with 5-6 reasonable comps when you protest. You might not agree with a few of them, but in the end you usually say, "I get it!" Not so in Greenwood since he left

Though a little out of context (I was not sure where else to put this.), here is an example of aligning properties granted major variances used as "comps". This "comp" as modified, might be used as ONE property to value my 5 illustrative properties referenced in my complaint letter.

- \$1,550,000 for 4930 Meadville, an 11,000 SF lot with 7- feet of lakeshore.

- \$1,550,000 divided by 11,000 SF and 70 FF = \$141 per SF and \$22142 per FF.

- But this property was awarded the advantages of an R-1 lot of 15,000 SF and 100 feet of lakeshore.

Using these instead, \$1,550,000 divided by 15,000 SF and 100 FF = \$103 per SF and \$15,500 per FF

Using these numbers 5000 Meadville is \$1,236,000 based on SF and \$1,085,000 based on front feet, versus the current \$1,610,000 Land EMV. Averaging the two = \$1,160,000 Land only.

This is only one value comparison. Also see chart and numbers attached using Mike Vanderlinden's "comps". Interesting the ending values are close!

## **Attachment B: Greenwood 39 year Sales History:**

We are a very little city but we also have incredibly low turnover: On the Main Lake of 54 current properties, in the 39 years we have lived in our old house, there have been 33 sales to “outsiders”. Six more properties have been passed down in the family. (Stein, Lizee, Koehen, Strothman and 2 Gray). There have been six years where there have been no sales, including this last year. The result is there are now 21 of us, mostly over 70, who have been in our houses for at least 39 years.

23 new 4500 + SF houses have been constructed with the largest next to me at 7500 SF.

- 19 of those are on R-1 lots (15K SF) or above. But 4 of those 23 are on smaller lots awarded excessive variances.

2 on smaller lots were held to original footprints as they had no grandfathered structures to leverage - - Schroeder, Steingus and Ryan.

Most of the remaining 21 have very conforming structures and hardcover for our property sizes, so we have little if anything to leverage to expand the size of new structures.

It should be clear the emphasis is on very large houses. Most of the 21 original residents, have lots much smaller than R-1 and have real limits on what the next owner can build without major variances. And most are adjoining other small lots providing a cramped appearance.

Saint Albans Bay (SAB) has many more lakeshore residents (about 95), and also many smaller properties similar in size to many on the Main Lake. But the long-term turnover rate is much higher, similar to our adjacent cites, where our Main Lake residents stand alone with unbelievably low turnover. Most original turnover is due to death or moving to a “home.”

## **Attachment C: What happens next in our Real Estate market?**

It appears today that there is a top ceiling of about \$4 million on any property for sale in our Southlake area, regardless of the lot and house size. Our top end builders, real estate pros and very rich buyers who will can pay seemingly absurd prices in these up markets, will all say the house - lot values have to be close to the same. So if you look at our smaller properties in particular, such as the five properties I reference in my protest, that average about 13,000 SF at about \$1.7 million, at even \$300 per SF, this would dictate a 5700 SF house with a three car garage. No way could that could happen with our five properties, even with extreme variances previously granted to others.

If you want to see evidence of perhaps a looming storm on the horizon, look at these three magnificent Deephaven properties on Zillow at 4600, 4610 and 4630 Linwood Circle. These houses have been for sale for well over a year at \$3.5, \$3.6 and \$4 million. **They are not selling.** Two are newer Landschute (Jon Monson) built houses and the third is a rebuilt 4900 SF completely remodeled older house. All of them have had recent price reductions coming into this selling season and I hear the cheaper two are due for another reduction. With the coming reductions which I am sure Dan Distal anticipates, they will be assessed close to the new expected SP.

Why aren't these Cottagewood/Deephaven houses selling even with price drops on one of most spectacular points on the Lake? These three houses average 4800 SF, 100 feet of lakeshore, and an average lot size of 23,600 SF.

The EMV of the Land portion of these lots averages \$1,682,000 each for these 23,600 SF lots. The average Land EMV for my five illustrative properties is about \$1.7 million but average about 10,000 SF LESS than these properties. Burn's lot at about 14,800 SF is assessed \$2,330,000 based on the assessor's current front foot metrics, but assessed over \$600,000 MORE for an 8800 SF smaller property. I would hope everyone has many questions about why these properties are not selling, and why do we have these large disparities in assessment practices.

## **Attachment D: Questions for the Council**

By June 7 Sevey's and I will have numerous comps that illustrate not only disparities in assessment practices, but illustrate methods of going forward with new assessment methodologies.

The illustration at the end of Attachment A, the illustration in 7.) in the protest letter, and Seveys' illustration in 8.), circle around an approach which might provide a good start for providing parity and understanding in our assessment process.

- 1.) What other "evidence" is needed to convince you we have a problem in the assessment process?
- 2.) What are your questions?

Thanks for your interest.

Keith Stuessi  
612-386-5597

May 15, 2017

Dear Mr. Zent and Mr. Atchison:

I hope you recall from my protests over the last 12 years my main overall argument is Greenwood is assessed with little adherence to the assessor required mandates for “equalization” and “mass market appraisals.”

I will be at the County Appeals Board in June and I hope to see both of you there.

**This correspondence is much longer than I preferred it to be, but I felt the need to outline all these facts and comparisons to minimize the need to do this again: Here goes.....**

Your often repeated phraseology from the assessment bible...”The minimum of six sales in a jurisdiction are required for the median ratio to be reflective of actual assessment levels” leads to absolutely no reality as to how most of our City assessments are obviously set.

I do not like to keep mentioning my property as the results for me are only a small part of the overall problem which is evidenced below. But I suppose because of the nature of your protest system I have to get my detail on record: My wife and I purchased our property in 1978 with property taxes of \$1,070. The lot is about 12,000 SF on the Main Lake, grandfathered with about a 31% hardcover with the City requirement of 30%. The width of my lot at the middle of our house is 68 feet with grandfathered 13.5 feet setbacks on the average on both sides. The City requirement is 15 feet. My building pad is hampered with the house to my north actually on my property line rising 35 feet at the midpoint of my house.

My property is currently assessed \$1,635,000 for 2018 taxes.....a \$685,000 EMV increase in three years which represents about a \$10,000 tax increase of 72%. The increase alone for this year is \$280,000 or over 20%.

I have often included in my complaint 4 other neighbors also Main Lake non-conforming properties between 11,000 and 14,800 SF who have seen the same tax increases since 2006 when a single sale was used by Bill Davy to leverage up most of the Main Lake by 20% over two years. This larger sample will better illustrate how your “methods” have been applied unfairly across our City, and most specifically against our Main Lake of 54 properties.

Part of our City’s problem is we are so small and our Main Lake in particular has incredibly low turnover. In the 39 years we have lived here, there have been 6 years where there was not a single sale on the Main Lake. There are 21 residents out of 54 Main Lake residents who are still here after 39 years, including 6 residents whose parents and grandparents (Stein) previously owned their property. In fact most of the turnover since 1996 has been the big new houses built since then when the first noted teardown occurred.

You likely don’t know I ran Greenwood’s Board of Adjustment/Review during the 1980’s when we had double digit inflation, 15% mortgage rates and rapidly rising EMVs. I started to notice then Greenwood was getting much larger EMV increases than Cottagewood and Deephaven overall, until four of us on our Council rose up against this. The pattern is repeating again.

In my detailed complaint to be filed before the June meeting with the County Board, I will include many more examples that will show little adherence to your officially required mandates. In fact they will show repetitive use of practices which clearly demonstrate a very unfair assessment system being applied particularly since 2006 when an inflated real estate market was evident.

**My goal is to start a process that will lead to a credible assessment process used by professional property appraisers.**

**Here are a few specific comparative examples to support our position:**

- 1.) Why did over 70 Greenwood residents protest their valuations this year? That's three times as many as I have ever seen. In contrast, there were 4 protests in Deephaven and Woodland combined. The combined population of those two cities is 4 times that of Greenwood. I believe this startling contrast of our cities is due to an accumulation of inconsistent "methods" employed by County assessors over many years, not just this past year.
- 2.) There is absolutely no institutional memory in your Greenwood assessor organization. Assessor turnover is too frequent with obviously no recall of what has occurred in previous years. The Main Lake increased about 30% the past two years, and it appears that was not considered when we got our 15% increase this year.
- 3.) This year, why did 21 properties on four streets on Saint Albans Bay (SAB) see less than 5% increases when there were four Saint Albans Bay (SAB) sales that averaged a 26% increase over their current EMV?
- 4.) This year, why did the Main Lake see another 15% increase when there were NO SALES on the Main Lake?
- 5.) As an illustrative sample, five of us with non-conforming mid-sized Main Lake lots 11,000 SF to 14,800 SF all with teardowns, saw an average increase this year of \$287,000 - - close to a 20% increase.
- 6.) Over the last three years, the same five of us saw an average increase of \$587,000. That's a \$8500 tax increase for each of us. That \$587,000 is SIX times the average 3-year increase of the lucky 21 on SAB that got only a \$95,000 total 3-year increase.
- 7.) We challenged the Assessors to provide us comps to justify our Main Lake increase and they could not. Mike Vanderlinden did provide 9 "comps" drawn from sales over the last two years from Deephaven, Tonka Bay and Greenwood. Unfortunately these "comps" included relatively new houses and properties twice the size of most Greenwoodians with smaller lots with teardowns. One "comp" from Mike that was a dead ringer for my lot was at 4265 Cottonwood Lane in Cottagewood/Deephaven. It is the same SF as my lot with beautiful Main Lake frontage last sold in August 2015 for \$1,680,000, which included a 9-year-old 4479 SF house.

The Land is assessed for 2018 \$1,075,000 vs. my Land at \$1,610,000 for a \$535,000 difference. Why is that?

- 8.) OUR QUEST FOR COMPS: Bob and Sandy Sevey (4926 Meadville) and I provided evidence to the Council that Greenwood equivalent lakeshore is often assessed up to 30% more than Cottagewood lakeshore. These illustrations are many, consistent and startling, as the above in 7. We will have

many more of these for the June meeting. These in total include the most significant evidence your department is violating your mandates for Mass Appraisal and Equalization when comparing truly equivalent Main Lake comps.

We generally agree the Main Lake properties are worth more than SAB equivalents, but we have been noticing for years the much faster ramp up of our EMVs versus SAB properties. So we started our comp search there. At an open house at 21750 Byron Circle, Sevey's noticed that both the front footage and the lot square footage are larger than the Sevey's Main Lake property. Sevey's Land EMV of \$1,985,000 is \$995,000 MORE than the larger Byron Circle property - - TWICE the EMV for a smaller lot.

An excellent south-facing SAB property at 5140 Curve Street is assessed \$1,066,000 total EMV including a very nice about 10-year old house. The Land only is at \$722,000. My total is \$1,635,000 and Land only is \$1,610,000 - - \$888,000 MORE than the SAB Land, or 2.2 TIMES the value. I love that property. In fact I tried to buy it about 1975 when I was still in short pants!

- 9.) SIXTY PERCENT of our Main Lake EMV INCREASES over the last 10 years have been the result of 3 unique sales in 2006, 2013 and 2014.
- 10.) The 2006 (4970 Meadville SP - \$1,250,000) and 2014 (4930 Meadville SP- \$1550,000) sales were permitted economic advantages by excessive variances none of the rest of us have or ever will receive. Yet, in the following years those two sales were singularly used by your assessors to leverage up most of the main lake EMVs at least 20%. My EMVs went up 41% before adjustment after the 2006 sale and 72 % since the 2014 sale. My arguments against those variances and the resulting assessor increases are well-documented.
- 11.) Why are there different assessment rules for SAB *versus* the Main Lake? Obviously the contrasts made by Seveys and me regarding SAB in 8. above leap out. I also asked Mary Wojick why those 21 properties in 3. above got such a good deal.

She said: There were two sales on the BAY that sold close to their EMV and brought the Bay average down. My question: Then why was the 21500 Fairview sale at \$875,000 (below its EMV) excluded in 2015 and not allowed to be averaged with the 4930 sale at \$1,550,000 (sold 21% above its EMV)? Your assessors said the sale was too far away (1,000 feet down the beach) and the new owner got too good of a deal. And the Council agreed! I asked the question, why did this lot with 100 feet of lakeshore and 7% less property sell for 44% less? Silence! The answer was obvious: The property had no grandfathered potential economic advantages that could be leveraged so only a smaller house could be built.

- 12.) There is clearly a pattern since 2006 of assessors raising the EMV of properties particularly with teardowns, to a maximum speculative value with the "one sale" justification. The pattern is repeating today in this inflated lakeshore real estate market as it did in 2006.

For example, since the 2006 sale of 4970 Meadville, two older properties on the Main Lake were leveraged up by this sale. 5190 Meadville, a 23,000 SF property with 130 FF of lakeshore was increased to \$1,500,000. And 21500 Fairview (mentioned above) was initially increased to \$1,400,000. After being marketed by Edina Realty and CBB for two years, 5190 sold in August 2015 for \$1,050,000 - \$450 K LESS than its EMV. After the owner passed away, 21500 Fairview was sold as mentioned above for \$875,000 - - - \$525,000 LESS than its EMV.

- 13.) EQUALIZATION is ignored even within small street segments: The two properties mentioned in 10, awarded huge economic advantages, are new over 4600 SF houses that cost over \$2.7 Million, but are assessed \$700,000 LESS than their cost. One is for sale at \$2.7 million. The second is brand new and at over 5,000 SF on three floors, the owner is asking for another \$160k reduction. As a startling comparison...One of my 5 illustrative teardown lots (5180 Meadville) is assessed \$300,000 MORE than these two properties with huge new houses. Also, one of my neighbors asked at the last BOA meeting: What happens when 4970 sells? Will the assessors be able to show a 20% increase or more and increase our EMVs another 20%?
- 14.) The appraisal discrepancies are even more appalling in Tonka Bay. New 5,000 SF houses with 4 car garages on properties 50% larger than my lot (e.g. 180 Wildhurst) have been assessed over the last two years LESS than my property. This is in spite of a similar size same age house on a similar lot being sold June 2015 for \$2.8 million (140 Wildhurst). Earl, I trust you will recall our conversations about these properties last year. Well, 180 Wildhurst went DOWN this year a few thousand to \$1,385,000. Yet my EMV went up \$280,000 to \$1,635,000. EQUALIZATION has to be explained here.
- 15.) Your desired City-wide EMV increase results appear to be “force fed” to our assessors. This year the “target” was \$373,158,000, about a 14% increase over the previous year. We have absolutely no understanding how this bogey number was derived but this appears to be the start of a process of obfuscation that occurs year after year that leads to very unfair results.

#### **Conclusions from the data and illustrations:**

- 1.) It appears the Greenwood Main Lake on the average is at least 20% over-valued based on true comps.
- 2.) There is no excuse for assessors to focus on single sales just because our turnover is so low.
- 3.) I welcome intense scrutiny and questions of my illustrations and my data, which I believe clearly identify the problems.
- 4.) There are reasonable solutions that have been proposed over many years that will work for our residents and your department.

Though recommended repeatedly, there never seems to be a way you and your staff will meet with residents and representatives of our Council to discuss these practices and develop reasonable solutions. You indicated to me in an April 20, 2015 email exchange that the cost to your department of performing the kind of assessments I have proposed might be prohibitive. Certainly a fair comment. But I will assure you a professionally developed computerized system will in the end save your department significant dollars and also spare your department and our residents from the grief we are seeing this year. Two remaining questions:

First. Why is Dan Distel, essentially without a sophisticated computer system, able to provide an assessment practice that appears very equitable and provides parity to residents in his cities four times Greenwood's size?

Second. The five of us Main Lakers mentioned in this correspondence have seen a combined 3-year annual property tax increase of \$43,000. With only 5 of us paying a total of \$43,000 more annually, how does that compare with your current cost to assess Greenwood?

Your questions and comments will be appreciated. We will be out of town until May 22, so I may be slower to respond than I would prefer.

Thank you.

Keith Stuessi  
5000 Meadville Street  
Greenwood 55331  
612-386-5597

PIN	ADRESS	FRONT FT	SQ. FT.	SALE Date	SALE PRICE	# MONTHS	Time Adj 5%	Adj Sale	Sale per ft	Sale per Sq ft	18EMV Land Only	18 EMV House only	Sale per ft	Sale per SF	AVG. O+P	% of R-1
2611723330005	5260 Meadville	50	6970	May-15	965000	20	81060	1046060	20921	150	840000	218000	16800	121		
2611723320015	5120 Meadville	140	23030	Aug-15	2550000	17	182070	2732070	19515	119	2732070	0	19515	119		
811722330022	2807 McKenzie Pt	46	4356	May-15	843500	20	70854	914354	19877	210	353000	297000	7673	81		
811722330024	2811 McKenzie Pt	48	7840	Aug-16	1187500	5	24937.5	1212437.5	25259	155	650000	530000	13542	83		
1511723230004	1905 Beach Ln	65	11670	Mar-16	1222000	10	51324	1273324	19590	109	689000	462000	10600	59		
1711723210024	1780 Shadywood	77	11761	Sep-16	963000	4	16178.4	979178.4	12717	83	610000	293000	7922	52		
2411723320012	4265 Cottonwood	55	11456	Aug-15	1860000	17	132804	1992804	36233	174	1075000	746000	19545	94		
2711723240003	245 Lakeview	41	9060	Nov-16	700000	2	5880	705880	17217	78	705880	0	17217	78		
2711723320017	485 Lakeview	40	9582	Sep-15	1120000	16	75264	1195264	29882	125	736000	352000	18400	77		
									22357	134						
											AVG.	932327.7778	322000	14579.3333	84.8888889	

Increase O and P values by 9% - Mike V's time adjustment

5000 Meadville 2017 actual EMV \$1,635,000

5000 Meadville Using Mike V' House Value included 1565000 1620000

15891 92.528

5000 Meadville	12 K SF	70 EFF	5000 Meadville	Land + 9%	1,112,370	1,110,335	1,111,352.00	74%
4926 Meadville	14.6K SF	95 EFF	4926 Meadville	Land + 9%	1,510,000	1351000	1431000	96%
4930 Meadville	11K SF	70 EFF	4930 Meadville	Land + 9%	1589100	1,388,000	1489000 R-1	
Effective SF&FF	15K SF	100 EFF						



**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

## 2017 Meeting of the Greenwood City Council Acting as the Local Board of Appeal & Equalization



20225 Cottagewood Road, Deephaven, MN 55331

CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 6:02pm on Thursday, April 13, 2017.

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

Others Present: Mike Vanderlinden and Conrad Anderson (City Assessors), Nancy Wojcik (Hennepin County Assessor)

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

Mayor Kind explained the appeal process:

- In Greenwood, as in many other cities, the city council acts as the Local Board of Appeal & Equalization (LBAE) to hear property valuation appeals.
- Property valuations and taxes are related, but not directly. If the value of EVERY property in the county increased by 20% and the county's tax levy increased by 3%, the county portion of the property tax bill would increase by 3%, not 20%, for EVERY property in the county. In reality, some property values increase more or less than others, so properties that receive higher valuation increases would pay more than 3% and the properties that receive lower valuation increases will pay less than 3%. In Greenwood, the city's average property valuation increase was 15.3%.
- By law, the LBAE is cannot reduce property values set by the initial assessment more than 1% of the total value of all properties in the city. In 2017, the total valuation of all properties is \$373,158,000. 1% equals \$3,731,580. In other words, when we add up the total amount of changes made by the board for all the properties on the roster, the total cannot exceed \$3,731,580. If we exceed that amount, ALL of the reductions will be rejected.
- By law, the LBAE cannot make a change for a property owner who refuses entry to the assessor. Mike is scheduling the appointments, so if your property has not been viewed yet, you need to contact Mike at (763) 226-5730.
- The LBAE will hear appeals from each property owner listed on the agenda's roster. Properties not listed on the agenda were added and the roster for LBAE action was finalized at the 4/13 meeting. Going forward, anyone who contacts the assessors or city hall or Mayor Kind will be added to the roster to preserve their right to appeal to the county board, but the assessors will not schedule any appointments and the LBAE will not take any action on those properties.
- The goal of the 4/13 meeting is for the LBAE to listen and gather information. After everyone has been heard, the meeting will be recessed and reconvene at 6pm on 4/27 to give the assessors time to view properties that have not been seen and to give the LBAE time to do our own research. Open meeting laws apply to the LBAE, so no more than 2 board members can discuss appeals with each other and serial phone and email conversations cannot happen between more than 2 board members. When the LBAE reconvenes on 4/27, the intent is to make final decisions. If we exceed the 1% limit, the board will need to decide the best way to tweak the changes to stay under the 1% limit. So there is a chance that "agreements" with the assessors will change. There also is a possibility that the board will hold an additional reconvene meeting on 5/2. Property owners are not required to attend reconvene meetings, but are welcome to do so. Property owners will be notified of final LBAE action in writing.

### ROSTER OF PROPERTY VALUATION APPEALS

The property owners listed on the roster presented the appeals in person and / or in writing. The assessors commented regarding which properties they have viewed as of the 4/13 meeting, which properties they had appointments set, and which properties appointments needed to be set for. The assessors made valuation recommendations for the properties they viewed and also advised the LBAE whether or not the property owners agreed with the new valuations. Several new appointments were made at the 4/13 meeting. Several properties also were added to the roster at the 4/13 meeting and their appeals were heard at the meeting.

**Motion by Quam to recess the meeting at 8:20pm and reconvene at 6pm on Thursday, April 27, 2017.  
Second by Cook. Motion passed 5-0.**

## RECONVENE MEETING

At 6pm on Thursday, April 27, 2017, Mayor Kind reconvened the meeting.

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

Members Absent: Councilmember Tom Fletcher

Others Present: Mike Vanderlinden and Conrad Anderson (City Assessors), Nancy Wojcik (Hennepin County Assessor)

Mayor Kind explained the meeting process:

- Since the 4/13 convening meeting, property owners were to schedule a time for the assessor to view the interior of their home with the assessors if they had not already done so.
- By law, the LBAE cannot take action if the assessors were not able to view the inside of the home.
- Anyone who contacted the assessors or the LBAE between 4/13 and 4/27 will be added to the roster to preserve their right to appeal to the County Board of Appeal & Equalization (CBAE).
- At the 4/27 reconvene meeting, the LBAE will hear the assessor's recommendations and review properties in the order they appear on the agenda.
- Property owners who had appointments after the 4/13 meeting and disagree with the assessors' recommendation will be given an opportunity to present their cases.
- By law, the LBAE cannot reduce property values set by the initial assessment more than 1% of the total value of all properties in the city. In 2017, the total valuation of all properties is \$373,158,000. 1% equals \$3,731,580. If we exceed that amount, ALL of the reductions will be rejected.
- The LBAE will take action after all of the assessors' recommendations and property owner comments have been heard.
- LBAE action will be sent to property owners in writing.

## ROSTER OF PROPERTY VALUATION APPEALS

The properties listed on the roster were discussed in the order they appeared on the roster (see attached). The assessors stated whether or not they viewed the property, their recommended changes to the valuations, and whether or not the property owners agreed with their recommendations. Property owners who had appointments after the 4/13 meeting and disagreed with the assessors' recommendations were given the opportunity to present their cases. Several properties also were added to the roster at the 4/27 reconvene meeting to preserve their right to appeal to the CBAE.

## ACTION ON ROSTER OF PROPERTY VALUATION APPEALS

The LBAE reviewed the assessors' recommendations and made a few additional adjustments. The resulting total was over the 1% limit, so the LBAE decided to change all of the reductions by 3.9% to stay within the 1% limit and have approximately \$8,000 to spare.

**Motion by Kind to approve the adjustments and final LBAE roster listed on the attached spreadsheet. Second by Cook. Motion passed 3-0-1 with Conrad abstaining since this is her first year on the LBAE and she is learning the process.**

## ADJOURNMENT

**Motion by Cook to adjourn the meeting at 11:17pm. Second by Quam. Motion passed 4-0.**

NOTE: The morning after the LBAE meeting adjourned, Mayor Kind noticed an array error on the spreadsheet that was used at the LBAE meeting. The bottom two reductions were not in the array to calculate the total reductions. With those two reductions added in, the total reductions exceeded \$3,731,580 (the 1% limit). This means ALL of the reductions will be rejected by the Minnesota Department of Revenue. By law, the LBAE could not reconvene once it had adjourned. All appellants were notified in writing of the error and the option for them to appeal to the CBAE.

## 2017 Greenwood Local Board of Appeal & Equalization Roster and Adjustments

	PID	Owner	House #	Street	LBAE Final LAND Value	LBAE Final BLDG Value	LBAE Final TOTAL Value
1	2611723340035	Cheryl Alexander	21955	Minnetonka Boulevard #2	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. Name is on roster to preserve right to appeal to County Board.		
2	2611723240024	Frank Brixius	21720	Fairview Street	3,408,400	60,000	3,468,400
3	2611723410001	John Busacker	5180	St. Alban's Bay Road	1,000,200	293,000	1,293,200
4	3511723110089	Barbara Byrne	5490	Maple Heights Road	645,000	43,000	688,000
5	3511723110088	Barbara Byrne	5545	Maple Heights Road	210,000	119,000	329,000
6	2611723440045	Julie Christensen	5435	Maple Heights Road	239,000	111,000	350,000
7	2611723440009	Mike Dindorff	5475	Maple Heights Road	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. Name is on roster to preserve right to appeal to County Board.		
8	2611723420025	David Eggert	5050	Highview Place	255,800	448,600	704,400
9	3511723120004	Mike Farrarher	21230	Excelsior Boulevard	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. Name is on roster to preserve right to appeal to County Board.		
10	2611723130058	Brett Felkner	4870	Woods Court	329,200	538,000	867,200
11	2611723320009	Joe Fronius	5140	Meadville Street	758,300	20,000	778,300
12	2611723130017	David Garber	21200	Minnetonka Boulevard	280,000	0	280,000
13	2611723130021	Judith Gregg	21280	Minnetonka Boulevard	200,000	134,100	334,100
14	2611723240005	Ted Hanna	4960	Meadville Street	911,000	25,000	936,000
15	2611723420073	Karen Harnell	5030	Greenwood Circle	182,500	221,000	403,500
16	2611723310011	Hal Holt	5110	West Street	The LBAE approved the change from non-homestead to homestead. The LBAE made no change to the value or classification.		
17	3511723210025	Chad Kerlin	6	Maclynn Road	1,408,000	595,000	2,003,000
18	2611723420030	David & Kaylene Kickhafer	5170	Greenwood Circle	250,000	221,000	471,000
19	2611723320008	Mark & Kitty Krezowski	5130	Meadville Street	758,300	20,000	778,300
20	2611723440060	Marshall Leddy	20895	Channel Drive	349,200	336,000	685,200
					The LBAE did not take action on the request to change classification from Residential Lakeshore to Residential. The property may have dock rights. The assessors will research further.		
21	2611723130054	Chris Leising	4975	Sleepy Hollow Road	341,200	413,000	754,200
22	2611723240011	Jean Lewry	21690	Fairview Street	933,000	131,000	1,064,000
23	2611723240020	Alan Lizee	4980	Meadville Street	1,709,100	20,000	1,729,100
24	2611723420031	Pat Lucking	5180	Greenwood Circle	323,400	288,000	611,400
25	2611723420009	Brian Malo	5070	Greenwood Circle	206,800	251,000	457,800
26	2611723130068	Cheri Marti	4758	Lyman Court	245,100	464,000	709,100
27	2611723130071	Pat McGowen	4895	Lodge Lane	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. Name is on roster to preserve right to appeal to County Board.		
28	2611723420048	Brad Nelson	5055	Kings Court	284,000	169,000	453,000
29	2611723420024	Matthew Nolan	5040	Highview Place	214,700	54,200	268,900
30	2611723420019	Matthew Nolan	21491	Minnetonka Boulevard	148,000	0	148,000
31	3511723110055	David Paeper	5525	Crestside Avenue	220,400	130,500	350,900

	PID	Owner	House #	Street	LBAE Final LAND Value	LBAE Final BLDG Value	LBAE Final TOTAL Value
32	3511723110028	Frank Precopio	5520	Maple Heights Road	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. Name is on roster to preserve right to appeal to County Board.		
33	2611723130060	John & Kathryn Rauth	4910	Woods Court	370,000	442,100	812,100
34		Adam Rodriguez			The LBAE made no change to the value or classification. Property owner is directed to complete homestead process.		
35	3511723110093	Pat Rogers	5540	Maple Heights Road	1,306,100	584,500	1,890,600
36	2611723410043	John Rudberg	5120	Weeks Road	324,700	280,000	604,700
37	2611723440002	John Sayer	20890	Channel Drive	466,000	196,500	662,500
38	2611723440023	Tim Sayer	20845	Channel Drive	317,000	124,000	441,000
39	3511723110092	Tom Schauerman	5560	Maple Heights Road	844,000	20,000	864,000
40	2611723240001	Bob & Sandy Sevey	4926	Meadville Street	1,799,300	30,000	1,829,300
41	2611723410041	Ken Sjoberg	4960	St. Alban's Bay Road	294,600	236,000	530,600
42	2611723320013	Richard Spiegel	5090	Meadville Street	1,396,400	20,000	1,416,400
43	2611723240031	Keith Stuessi	5000	Meadville Street	1,470,700	25,000	1,495,700
44	2611723130037	Kip Thacker	4970	Sleepy Hollow Road	337,900	195,000	532,900
45	2611723420008	Richard Tim	5060	Greenwood Circle	182,500	100,800	283,300
46	2611723240004	John Trautz	4950	Meadville Street	1,735,800	30,000	1,765,800
47	2611723240023	Tom Warner	21710	Fairview Street	2,228,200	20,000	2,248,200
48	3511723110094	Ronald Wheeler	5535	Maple Heights Road	210,000	116,900	326,900
49	2611723130057	Max Zinn	4860	Lodge Lane	370,000	534,000	904,000
50	2611723130079	John Doty	21540	Pineview Court	220,000	189,000	409,000
51	3511723110029	Marietta Jacobsen	5530	Maple Heights Road	853,000	20,000	873,000
52	3511723110021	Thomas & Patricia Fletcher	21190	Excelsior Blvd	No LBAE action was taken since Tom is a member of the LBAE. Name is on the roster to preserve right to appeal to County Board.		
53	3511723120006	Robert & Jolene Roy	21270	Excelsior Blvd	963,000	315,400	1,278,400
54	3511723110022	Gregory & Janet Sweet	21170	Excelsior Blvd	721,400	275,000	996,400
55	2611723410003	Rebecca & John Ofstehage	5190	St Alban's Bay Road	1,754,600	20,000	1,774,600
56	2611723340037	Bill Darusmont	21955	Minnetonka Blvd #4	350,000	349,200	699,200
57	2611723340034	Lanna Kimmerle	21955	Minnetonka Blvd #1	400,000	381,000	781,000
58	2611723340050	Jeffrey & Malana Schmidt	21957	Minnetonka Blvd #16	749,000	323,500	1,072,500
59	2611723130040	Doug Hill	4925	Sleepy Hollow Road	404,500	302,000	706,500
60	2611723320006	Karen Koehnen	5200	Meadville Street	1,794,000	25,000	1,819,000
61	2611723240002	Mike Jonikas	4930	Meadville Street	1,441,400	630,000	2,071,400
62	2611723340039	Harold Roberts	21955	Minnetonka Blvd #6	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. Name is on roster to preserve right to appeal to County Board.		
63	2611723420051	Marilyn Levine	5170	5170 Queens Circle (mailing address is 5040 Kings Court)	The LBAE made no change to the value or classification. Property owner is directed to contact county about listing on property tax statement.		
64	2611723130076	Bob Gravier	21510	Fairview Street	2,315,000	857,900	3,172,900
65	3511723110058	Miles Canning	21100	Excelsior Blvd	571,200	20,000	591,200
66	2611723420081	Bil Schultz	5140	Greenwood Circle	378,000	524,000	902,000
67	2611723320011	Kathy Howard	5060	Meadville Street	1,528,300	233,000	1,761,300

	PID	Owner	House #	Street	LBAE Final LAND Value	LBAE Final BLDG Value	LBAE Final TOTAL Value
68	2611723320012	Robert Burns	5080	Meadville Street	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. 'Name is on roster to preserve right to appeal to County Board. 'Property is owner is directed to contact the County Surveyor's office regarding the size of the property in county records.		
69	3511723120026	Ellen Tempe	12	Maclynn Road	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. Name is on roster to preserve right to appeal to County Board.		
70	2611723340046	Alice Reiman	21957	Minnetonka Boulevard #12	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. Name is on roster to preserve right to appeal to County Board.		
71	2611723440048	Carl Bergquist	21045	Oak Lane	The LBAE made no change to the value or classification, since the assessors were unable to view the inside of the property. Name is on roster to preserve right to appeal to County Board.		

# MINUTES

## Greenwood City Council Meeting

Wednesday, May 3, 2017

20225 Cottagewood Road, Deephaven, MN 55331



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

Mayor Kind called the meeting to order at 7:00pm.

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 with item 4B moved to 9B since Vickie Schleuning was not able to attend the 05-03-17 meeting. Second by Quam. Motion passed 5-0.**

### 2. CONSENT AGENDA

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

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

### 3. MATTERS FROM THE FLOOR

Keith Steussi, 5000 Meadville Street, spoke regarding property taxes and property value assessment process. *View full comments at [LMCC-TV.org](http://LMCC-TV.org). The city council will hold a worksession prior to the 06-07-17 to discuss this topic.*

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

A. Chief Meehan: Quarterly Police Update

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

B. Lake Minnetonka Conservation District Executive Director Vickie Schleuning & Greenwood LMCD Board Representative Bill Cook: LMCD Update

*This agenda item was presented during Councilman Cook's reports under 9B on the agenda. View the presentation at [LMCC-TV.org](http://LMCC-TV.org). The PDF of the presentation also is posted under the "Lake Minnetonka" tab at [www.greenwoodmn.com](http://www.greenwoodmn.com).*

C. City Engineer Dave Martini: Greenwood Park Drainage Improvement Project & 2017 Road Projects

Sandy Sevey, 4926 Meadville Street, asked whether the pond expansion was needed, whether money could be escrowed for later, and how the finances are going to work.

Mayor Kind explained that a condition of approval for the 12-02-15 variance granted for the McQuinn property (5025 Covington Street) requires the property owner to fund a drainage improvement project to increase the pond capacity at Greenwood Park by 4,723cf with the understanding that the 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. Funding for the additional work on Covington Street related to the drainage improvement project to convey water to the pond also will be paid by the McQuinns. Mayor Kind stated that she was not sure that funds could be escrowed for future use.

Councilman Cook stated that he thought it would be helpful for the public works committee to work with the city engineer to put together a fact sheet to explain why the pond needs to be expanded.

**No council action taken.** *The public works committee (Councilman Bill Cook and Councilman Bob Quam) will meet with the neighborhood committee. They also will meet with the city engineer to create a fact sheet and revise Greenwood Park drainage improvement project and 2017 street project plans for the 06-07-17 council meeting for authorization to go out for bids.*

5. PUBLIC HEARINGS

A. None

6. ACTION RELATED TO PUBLIC HEARINGS

A. None

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

**Motion by Fletcher that 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. And 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. Second by Cook. Motion passed 5-0.**

8. UNFINISHED BUSINESS

A. Action: Potential Ordinance Regarding Zoning Regulations Based on Lot Size

**No council action was taken. The council will hold a worksession prior to the 06-07-17 meeting to discuss further.**

9. NEW BUSINESS

A. Consider: Proposals for Weed Removal at City Docks

**Motion by Cook that the council approves the proposal from Dive Guys 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. Second by Conrad. Motion passed 5-0.**

B. Consider: Res 10-17, Support of Sheriff's Drug Awareness & Prevention Campaign

**Motion by Quam that 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. Second by Cook. Motion passed 5-0.**

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

**Motion by Quam that 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. Second by Conrad. Motion passed 5-0.**

D. 1st Reading: Ord 268, Update of Fee Schedule Regarding Subdivision and Building Fees

**Motion by Fletcher that the city council (1) approves the 1st reading of ordinance 268 updating building and subdivision fees as amended and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading. Second by Cook. Motion passed 4-1 with Conrad voting nay because she wants examples from neighboring cities to support 6% vs 8% for the Park Dedication Fee.**

10. OTHER BUSINESS

A. None

11. COUNCIL REPORTS

A. Conrad: Planning Commission

**No report since planning commission items were discussed during the meeting.**

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

Mayor Kind explained that on the morning after the Local Board of Appeal & Equalization meeting adjourned, she noticed an array error on the spreadsheet that was used at the LBAE meeting. The bottom two reductions were not in the array to calculate the total reductions. With those two reductions added in, the total reductions exceeded \$3,731,580 (the 1% limit). This means ALL of the reductions will be rejected by the Minnesota Department of Revenue. By law, the LBAE could not reconvene once it had adjourned. A letter explaining the error and option to appeal to the County Board of Appeal & Equalization has been mailed to all appellants on the roster.

On a related topic, Mayor Kind stated that she received a letter from city assessors, Mike Vanderlinden and Conrad Anderson, requesting to terminate the assessor contract. She consulted with the other half of the administrative committee (Tom Fletcher), the county assessor (Jim Atchison), and city attorney (Mark Kelly). After confirming that the county assessor was willing to stand by his originally proposed contract for 2018-2020, the administrative committee asked Mark Kelly to draft a mutual agreement to terminate the assessor contract. Mayor Kind requested that the city council authorize her and the city clerk to sign the termination agreement and the new agreement with Hennepin County for assessor services.

**Motion by Fletcher to approve resolution 12-17 authorizing the mayor and city clerk to sign a Mutual Agreement to Terminate the June 1, 2016 Contract for Assessor Services. Second by Cook. Motion passed 5-0.**

**Motion by Fletcher to authorize the mayor and city clerk to sign a contract with Hennepin County for 2018-2020 assessor services that includes the county covering the partial term of May 1, 2017 to June 1, 2017 for no additional cost. Second by Cook. Motion passed 5-0.**

On another administrative topic, Mayor Kind stated that she received a letter from Kenneth & Deborah Peyer requesting that the city officially request increased water patrol presence on St. Alban's Bay.

**Motion by Fletcher to authorize the mayor to write a letter to the Hennepin County Sheriff, with a copy to the Lake Minnetonka Conservation District, requesting increased water patrol presence on St. Alban's Bay. Second by Quam. 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 9:18pm. 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, May 3, 2017

20225 Cottagewood Road, Deephaven, MN 55331

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

Mayor Kind called the meeting to order at 6:05pm.

Members Present: Mayor Kind; Councilmembers Kristi Conrad (arrived at 6:06pm), Bill Cook,

Tom Fletcher (arrived at 6:12pm), Bob Quam

Others Present: City Attorney Mark Kelly and City Zoning Administrator Dale Cooney

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

### 2. DISCUSS: Potential Ordinance Regarding Zoning Regulations Based on Lot Size

The city attorney presented Tonka Bay's ordinance regarding impervious surface coverage for the council's consideration.

The city zoning administrator reminded the council that the city recently adopted an ordinance that requires property owners to manage stormwater whenever 200+ square feet of hardcover is added to a property.

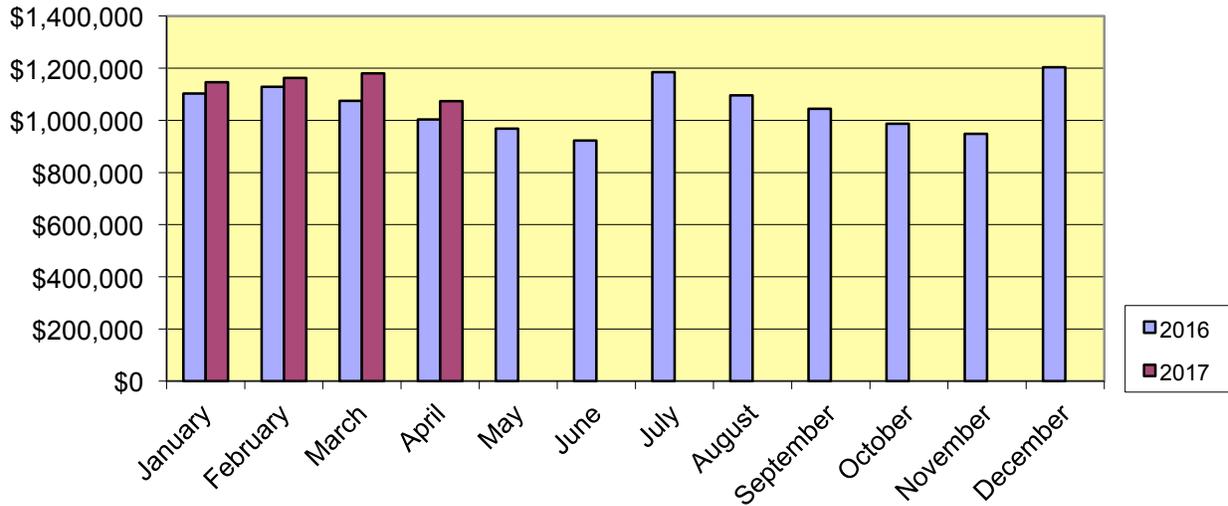
The city council reviewed the redlined changes to the ordinance based on the 04-19-17 joint worksession discussion with the planning commission.

The city attorney suggested language changes to the ordinance.

### 3. ADJOURNMENT

**Motion by Cook to adjourn the worksession at 6:55pm. Second by Quam. Motion passed 5-0.**

### 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	\$1,073,772	-\$106,377	\$70,708
May	\$968,814		-\$1,073,772	-\$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	\$14,101
Bridgewater Bank Checking	\$38,154
Alerus Bank Money Market	\$421,572
Bridgewater Bank Money Market	\$12,140
Bridgewater Bank CD's	\$587,805
	<b>\$1,073,772</b>

**ALLOCATION BY FUND**

General Fund	\$347,783
Special Project Fund	(\$12,267)
General Fund Designated for Parks	\$16,756
Bridge Capital Project Fund	\$167,038
Road Improvement Fund	\$106,707
Stormwater Fund	\$31,756
Sewer Enterprise Fund	\$325,824
Marina Enterprise Fund	\$90,175
	<b>\$1,073,772</b>

## GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 4/30/17

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10413	Bridgewater Bank	05/11/16	13 month	06/11/17	1.00%	\$ 62,321.51
10110408	Bridgewater Bank	07/11/16	13 month	08/11/17	1.00%	\$ 60,451.53
101-10414	Bridgewater Bank	07/25/16	13 month	08/25/17	1.00%	\$ 81,431.47
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
10110407	Bridgewater Bank	04/06/17	15 month	07/06/18	1.00%	\$ 80,000.00
<b>TOTAL</b>						<b>\$ 587,805.39</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.*

Check Issue Date(s): 05/01/2017 - 05/31/2017

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
05/17	05/04/2017	12790	871	VOID - CONRAD ANDERSON	101-20100	.00
05/17	05/04/2017	12791	874	VOID - MIKE VANDERLINDEN	101-20100	.00
05/17	05/04/2017	12792	871	CONRAD ANDERSON	101-20100	2,166.64
05/17	05/04/2017	12793	874	MIKE VANDERLINDEN	101-20100	2,166.64
05/17	05/09/2017	12794	9	CITY OF DEEPHAVEN	101-20100	2,456.59
05/17	05/09/2017	12795	761	DEBRA KIND	101-20100	179.00
05/17	05/09/2017	12796	822	ECM PUBLISHERS INC	101-20100	105.76
05/17	05/09/2017	12797	199	ELECTRIC PUMP	602-20100	701.58
05/17	05/09/2017	12798	68	GOPHER STATE ONE CALL	602-20100	28.35
05/17	05/09/2017	12799	886	KENNETH N. POTTS, P.A.	101-20100	400.00
05/17	05/09/2017	12800	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,592.38
05/17	05/09/2017	12801	867	RANDY'S ENVIRONMENTAL SERVICES	101-20100	1,628.25
05/17	05/09/2017	12802	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	15,616.34
05/17	05/09/2017	12803	875	TIMBERWALL LANDSCAPE & MASONR	101-20100	55.22
05/17	05/09/2017	12804	145	XCEL ENERGY	101-20100	284.30
05/17	05/11/2017	12805	9	CITY OF DEEPHAVEN	101-20100	6,411.70
05/17	05/30/2017	12806	51	BOLTON & MENK, INC.	403-20100	5,670.00
05/17	05/30/2017	12807	199	ELECTRIC PUMP	602-20100	1,268.00
05/17	05/30/2017	12808	3	KELLY LAW OFFICES	101-20100	1,450.00
05/17	05/30/2017	12809	850	KENNEDY, GRAVEN, CHARTERED	101-20100	123.75
05/17	05/30/2017	12810	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,574.50
05/17	05/30/2017	12811	216	QUALITY FLOW SYSTEMS INC	602-20100	790.00
05/17	05/30/2017	12812	867	RANDY'S ENVIRONMENTAL SERVICES	101-20100	1,628.25
05/17	05/30/2017	12813	888	SEWER SERVICES INC	602-20100	916.25
05/17	05/30/2017	12814	868	ST ALBAN'S BAY	101-20100	9,982.99
Totals:						<u>58,196.49</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.	0202787	2017 MISC DRAINAGE	04/30/2017	78.00
		0202788	2017 MISC ENGINEERING	04/30/2017	350.00
		0202789	2017 SEWER IMPROVEMENTS	04/30/2017	448.00
		0202790	GRWD/COVINGTON IMPROVEMENTS	04/30/2017	4,794.00
Total BOLTON & MENK, INC.					5,670.00
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	MAY 1 2017	Clerk Services	05/01/2017	3,266.64
			ZONING		783.06
			SWEEPING DISPOSAL (53 TONS)		2,362.00
		MAY 2017	RENT & EQUIPMENT	05/01/2017	487.45
			Postage		98.64
			COPIES		252.10
			SEWER		190.40
			STREETS		761.60
			SIGNS		95.20
			PARK MAINTENANCE		571.20
Total CITY OF DEEPHAVEN					8,868.29
<b>CONRAD ANDERSON</b>					
871	CONRAD ANDERSON	2017-4	ONE 12TH CONTACT	05/04/2017	541.66
			ONE 12TH CONTACT		541.66 -
		2017-5	ONE 12TH CONTACT	04/28/2017	541.66
			ONE 12TH CONTACT		541.66 -
		2017-6	ONE 12TH CONTACT	05/04/2017	541.66
			ONE 12TH CONTACT		541.66 -
		APR 2017	ONE 12TH CONTRACT	04/28/2017	541.66
		JULY 2017	ONE 12TH CONTRACT	05/04/2017	541.66
		JUNE 2017	ONE 12TH CONTRACT	05/04/2017	541.66
		MAY 2017	ONE 12TH CONTRACT	05/04/2017	541.66
Total CONRAD ANDERSON					2,166.64
<b>DEBRA KIND</b>					
761	DEBRA KIND	04 22 17	JOINT WK SESSION FOOD	04/22/2017	179.00
Total DEBRA KIND					179.00
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	487057	LEGAL NOTICE	05/04/2017	52.88
		487058	LEGAL NOTICE	05/04/2017	52.88
Total ECM PUBLISHERS INC					105.76
<b>ELECTRIC PUMP</b>					
199	ELECTRIC PUMP	0060266-IN	LIFT STATION REPAIR	05/02/2017	701.58
		0060291-IN	LIFT STATION REPAIR	05/05/2017	1,268.00
Total ELECTRIC PUMP					1,969.58
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	7040408	Gopher State calls	04/30/2017	28.35
Total GOPHER STATE ONE CALL					28.35
<b>KELLY LAW OFFICES</b>					

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
3	KELLY LAW OFFICES	X539	GENERAL LEGAL	05/23/2017	1,450.00
Total KELLY LAW OFFICES					1,450.00
<b>KENNEDY, GRAVEN, CHARTERED</b>					
850	KENNEDY, GRAVEN, CHARTERED	GR625-00005	LEGAL SERVICES	04/30/2017	123.75
Total KENNEDY, GRAVEN, CHARTERED					123.75
<b>KENNETH N. POTTS, P.A.</b>					
886	KENNETH N. POTTS, P.A.	APRIL 2017	LEGAL SVCS	04/30/2017	400.00
Total KENNETH N. POTTS, P.A.					400.00
<b>LAKE MTKA CONSERVATION DISTRICT</b>					
99	LAKE MTKA CONSERVATION DISTRICT	2ND QTR 2017	2nd Quarter Levy	03/16/2017	1,574.50
Total LAKE MTKA CONSERVATION DISTRICT					1,574.50
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERVICES	0001068091	Monthly wastewater Charge	05/05/2017	2,592.38
Total METRO COUNCIL ENVIRO SERVICES					2,592.38
<b>MIKE VANDERLINDEN</b>					
874	MIKE VANDERLINDEN	2017-4	ONE 12TH ANNUAL CONTRACT	04/28/2017	541.66
			ONE 12TH ANNUAL CONTRACT		541.66 -
		2017-5	ONE 12TH ANNUAL CONTRACT	05/04/2017	541.66
			ONE 12TH ANNUAL CONTRACT		541.66 -
		2017-6	ONE 12TH ANNUAL CONTRACT	05/04/2017	541.66
			ONE 12TH ANNUAL CONTRACT		541.66 -
		APR 2017	ONE 12TH CONTRACT	04/28/2017	541.66
		JULY 2017	ONE 12TH CONTRACT	05/04/2017	541.66
		JUNE 2017	ONE 12TH CONTRACT	05/04/2017	541.66
		MAY 2017	ONE 12TH CONTRACT	05/04/2017	541.66
Total MIKE VANDERLINDEN					2,166.64
<b>QUALITY FLOW SYSTEMS INC</b>					
216	QUALITY FLOW SYSTEMS INC	33574	LIFT STN REPAIR	05/17/2017	790.00
Total QUALITY FLOW SYSTEMS INC					790.00
<b>RANDY'S ENVIRONMENTAL SERVICES</b>					
867	RANDY'S ENVIRONMENTAL SERVICES	APRIL 2017	RECYCLING SERVICES	04/19/2017	1,628.25
		MAY 2017	RECYCLING SERVICES	05/19/2017	1,628.25
Total RANDY'S ENVIRONMENTAL SERVICES					3,256.50
<b>SEWER SERVICES INC</b>					
888	SEWER SERVICES INC	8146	LIFT STN #2 REPAIR	05/18/2017	916.25
Total SEWER SERVICES INC					916.25
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	MAY 2017	OPERATING BUDGET	05/01/2017	15,196.00
		MAY 5 17	Hennepin Co. Processing Fees	05/05/2017	420.34

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total SO LAKE MINNETONKA POLICE DEPT					15,616.34
<b>ST ALBAN'S BAY</b>					
868	ST ALBAN'S BAY	DEC 2016	SPECIAL ASSMT REV (DEC 2016)	05/30/2017	9,982.99
Total ST ALBAN'S BAY					9,982.99
<b>TIMBERWALL LANDSCAPE &amp; MASONRY</b>					
875	TIMBERWALL LANDSCAPE & M/	10083511	ACE OF DIAMOND 20' EDGING	05/02/2017	55.22
Total TIMBERWALL LANDSCAPE & MASONRY					55.22
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	042517	Street Lights *	04/25/2017	36.71
			Sleepy Hollow Road *		8.75
			SIREN		4.00
			4925 MEADVILLE STREET *		8.74
			LIFT STATION #1		58.86
			LIFT STATION #2		34.58
			LIFT STATION #3		44.25
			LIFT STATION #4		33.45
			LIFT STATION #6		35.42
		05 03 17	Street Lights *	05/03/2017	19.54
Total XCEL ENERGY					284.30

Total Paid: 58,196.49  
 Total Unpaid: -  
 Grand Total: 58,196.49

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
06/01/17	PC	06/01/17	6011701	CONRAD, KRISTI	39		001-10100	277.05
06/01/17	PC	06/01/17	6011702	COOK, WILLIAM B.	37		001-10100	277.05
06/01/17	PC	06/01/17	6011703	Fletcher, Thomas M	33		001-10100	177.05
06/01/17	PC	06/01/17	6011704	Kind, Debra J.	34		001-10100	415.57
06/01/17	PC	06/01/17	6011705	Quam, Robert	32		001-10100	277.05
Grand Totals:								<u>1,423.77</u>



**Agenda Number: 4A**

**Agenda Date: 06-07-17**

*Prepared by Deb Kind*

**Agenda Item:** 2017 Road, Drainage, and Park Improvement Projects

**Summary:** Attached are documents from city Engineer Dave Martini for 2017 road, drainage, and park improvement projects. Dave will attend the 06-07-17 council meeting to answer council questions.

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 required.

In addition to the McQuinn's funding, below are city funds as of **04-30-17** that may be used for any city purpose.

<b>\$75,824</b>	<i>Sewer Enterprise Fund</i> (\$325,824 minus \$250,000 goal balance)
<b>\$31,756</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 money 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 the 2017 road, drainage, and park improvement concept plans as presented (with the following revisions: \_\_\_\_\_). 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

May 31, 2017

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

RE: 2017 Street Improvements

Mayor and City Council:

Enclosed are the preliminary plans for the proposed 2017 Street, Drainage, and Park Improvements Project. The proposed improvements include the following elements of work:

- **Meadville Street** from Fairview Street to approximately 400 feet to the south is in poor condition due to the drainage challenges that exist in the area. It is proposed that this portion of the road be reconstructed with geotextile fabric, aggregate base, and new bituminous pavement. Concrete curb and gutter will also be included as an alternate.

Meadville Street from Fairview Street to the east end of the road is also in poor condition. The proposed improvements for this segment of road include reclaiming the existing bituminous pavement, re-grading the existing base, new bituminous surface, and turf and driveway restoration as needed.

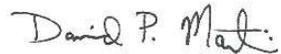
- **Minnetonka Boulevard** between West Street and Lodge Lane is proposed to be milled and overlaid to preserve the road structure and to improve the ride quality.
- **Covington Street** between Fairview and Meadville is proposed to be reconstructed with geotextile fabric, aggregate base, and new bituminous pavement. The road will also be regraded and curb and gutter will be added to the west side of the road to improve drainage.
- **Covington Park** improvements include expanding the existing pond to provide more storage for runoff, improving and expanding the trail system, making electric service available, and providing a manhole for temporary pumping of the pond in the event that water levels rise to an unacceptable level. In addition, allowances have been made for removal of invasive species, miscellaneous clearing and grubbing, miscellaneous removal of debris, and miscellaneous landscaping improvements.
- **Fairview Drainage** improvements include cleaning around the ends of an existing culvert south of Sleepy Hollow Road. Cleaning is also proposed for the ditch on the east side of Fairview and a drainage way on private property.
- **St. Albans Bay Drainage** improvements have also been included in the plans. The plans include an area drain and pipe to drain the low area located on private property, a bituminous spillway, driveway improvements, and miscellaneous grading.

City of Greenwood  
May 31, 2017

Please note that the plans are still in a preliminary stage as we continue to gather survey information and work with the various stakeholders that will be impacted by these improvements. I will be at the City Council meeting on June 7th to discuss the proposed scope of work. Please let me know if you have questions or need additional information before the meeting.

Sincerely,

**Bolton & Menk, Inc.**

A handwritten signature in black ink that reads "David P. Martini". The signature is written in a cursive style with a clear, legible font.

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

PLAN REVISIONS		
REV	ISSUED FOR	DATE

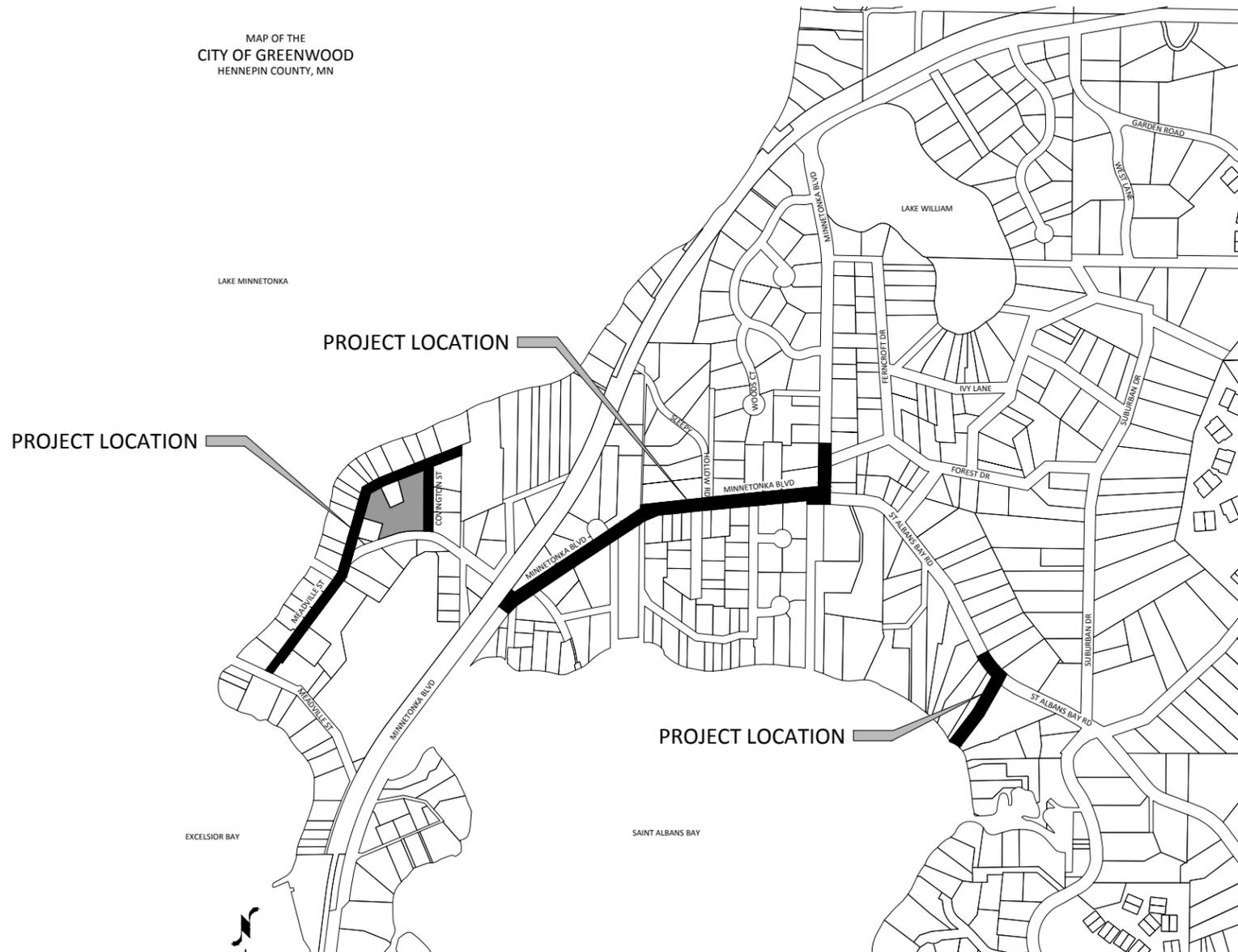
# CITY OF GREENWOOD

## CONSTRUCTION PLANS FOR

# 2017 STREET AND DRAINAGE IMPROVEMENTS

JUNE, 2017

MAP OF THE  
CITY OF GREENWOOD  
HENNEPIN COUNTY, MN



NOTE: EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNER. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW. NOTIFY GOPHER STATE ONE CALL, 1-800-252-1166 OR 651-454-0002.

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SHEET INDEX	
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16	FAIRVIEW STREET & SLEEPY HOLLOW ROAD DITCH CLEANING
17	ST. ALBANS BAY ROAD STORM SEWER
18	DETOUR PLAN

THIS PLAN SET CONTAINS 18 SHEETS.

**MAP LEGEND**

PROJECT LIMITS

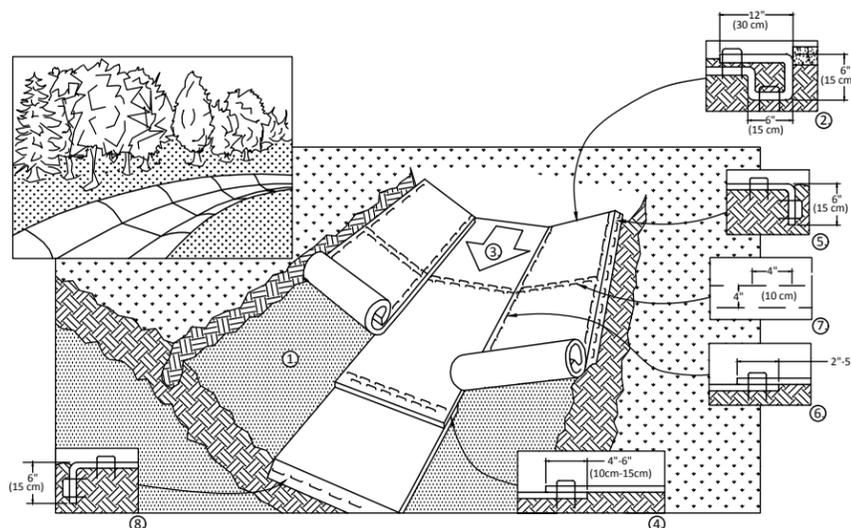


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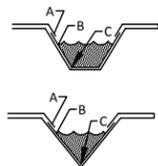
JEFFREY J. WEYANDT  
LIC. NO. 41342 DATE: X/XX/2017

RECORD DRAWING INFORMATION	<b>CITY OF GREENWOOD</b>	SHEET
OBSERVER:	2017 STREET AND DRAINAGE IMPROVEMENTS	1
CONTRACTOR:	TITLE SHEET	OF
DATE:		18



1. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING APPLICATION OF SEED (TYPE AS SHOWN ON PLANS)
2. BEGIN AT THE TOP OF THE CHANNEL BY ANCHORING THE BLANKET IN A 6" (15cm) DEEP X 6" (15cm) WIDE TRENCH WITH APPROXIMATELY 12" (30cm) OF BLANKET EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE BLANKET WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30cm) APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" (30cm) PORTION OF BLANKET BACK OVER SEED AND COMPACTED SOIL. SECURE BLANKET OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" (30cm) APART ACROSS THE WIDTH OF THE BLANKET.
3. ROLL CENTER BLANKET IN DIRECTION OF WATER FLOW IN BOTTOM OF CHANNEL. BLANKETS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL BLANKETS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING OPTIONAL DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
4. PLACE CONSECUTIVE BLANKETS END OVER END (SHINGLE STYLE) WITH A 4"-6" (10cm-15cm) OVERLAP. USE A DOUBLE ROW OF STAPLES STAGGERED 4" (10cm) APART AND 4" (10cm) ON CENTER TO SECURE BLANKETS.
5. FULL LENGTH EDGE OF BLANKETS AT TOP OF SIDE SLOPES MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30cm) APART IN A 6" (15cm) DEEP X 6" (15cm) WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
6. ADJACENT BLANKETS MUST BE OVERLAPPED APPROXIMATELY 2"-5" (5cm-12.5cm) (DEPENDING ON BLANKET TYPE) AND STAPLED. TO ENSURE PROPER SEAM ALIGNMENT, PLACE THE EDGE OF THE OVERLAPPING BLANKET (BLANKET BEING INSTALLED ON TOP) EVEN WITH THE COLORED SEAM STITCH ON THE BLANKET BEING OVERLAPPED.
7. A STAPLE CHECK SLOT IS REQUIRED AT 30 TO 40 FOOT (9m-12m) INTERVALS. USE A DOUBLE ROW OF STAPLES STAGGERED 4" (10cm) APART AND 4" (10cm) ON CENTER OVER ENTIRE WIDTH OF THE CHANNEL.
8. THE TERMINAL END OF THE BLANKETS MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30cm) APART IN A 6" (15cm) DEEP X 6" (15cm) WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.

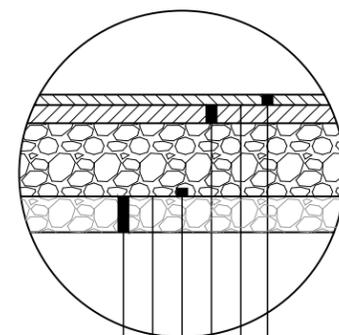
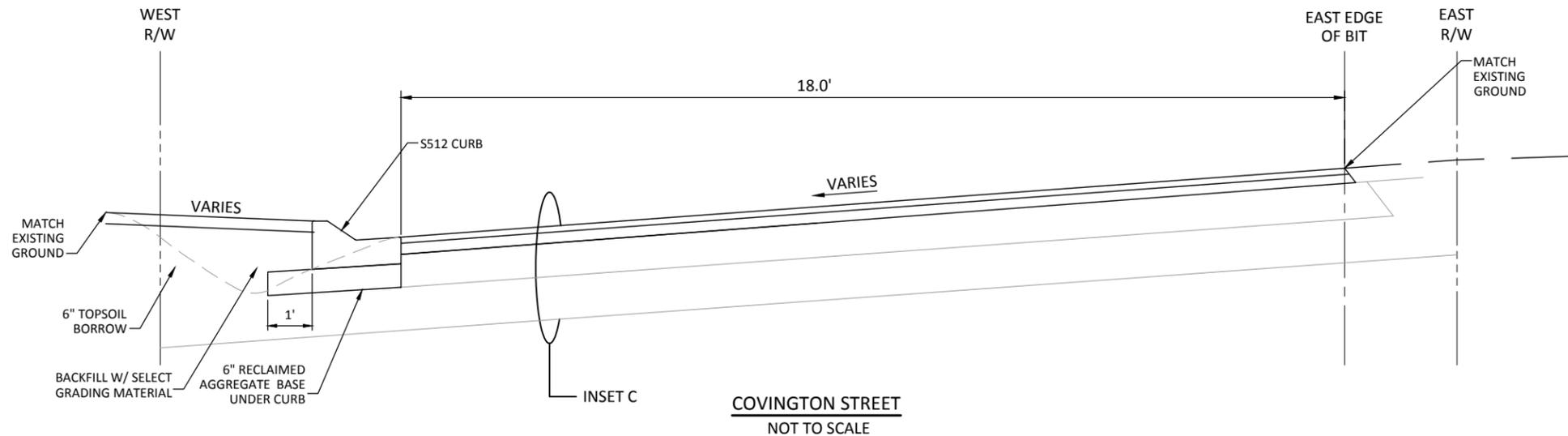
NOTE:  
 \* HORIZONTAL STAPLE SPACING SHOULD BE ALTERED IF NECESSARY TO ALLOW STAPLES TO SECURE THE CRITICAL POINTS ALONG THE CHANNEL SURFACE.  
 \*\* IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" (15 CM) MAY BE NECESSARY TO PROPERLY ANCHOR THE BLANKETS.  
 \*\*\* STAPLES TO BE MIN. 8" STEEL.



- CRITICAL POINTS
- A. OVERLAPS AND SEAMS
  - B. PROJECTED WATER LINE
  - C. CHANNEL BOTTOM/SIDE SLOPE VERTICES

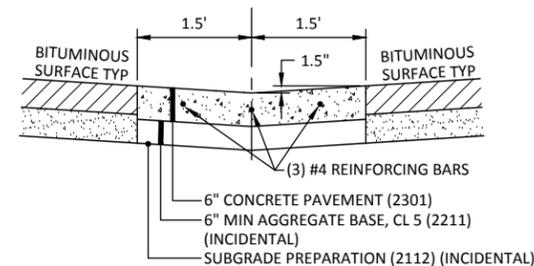
- NOTES:
1. MUST BE VMAX SC-250 OR APPROVED EQUAL.
  2. EXTEND TRM ON SIDE SLOPES OF RAVINE 1.0' UP FROM CHANNEL BOTTOM. COORDINATE FINAL EXTENT OF TRM IN FIELD WITH ENGINEER.

**TURF REINFORCEMENT MAT (TRM)**  
NOT TO SCALE

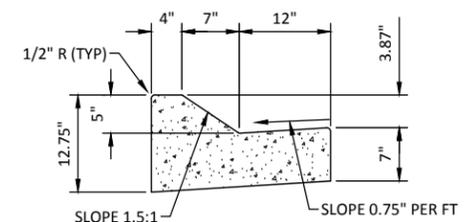


- 1.5" TYPE SP 9.5 WEARING COURSE MIXTURE (2,B) (SPWEA240B) (2360)
- BITUMINOUS TACK COAT (2357)
- 2.0" TYPE SP 12.5 NONWEARING COURSE MIXTURE (2,B) (SPNWB230B) (2360)
- 8.0" CLASS 5 AGGREGATE BASE
- GEOTEXTILE FABRIC
- SUBGRADE PREPARATION (2112)

**INSET C**  
**COVINGTON STREET**



**CONCRETE DRAINAGE PAN**  
NOT TO SCALE



**CONCRETE CURB & GUTTER DETAIL**  
**DESIGN S512**  
NOT TO SCALE

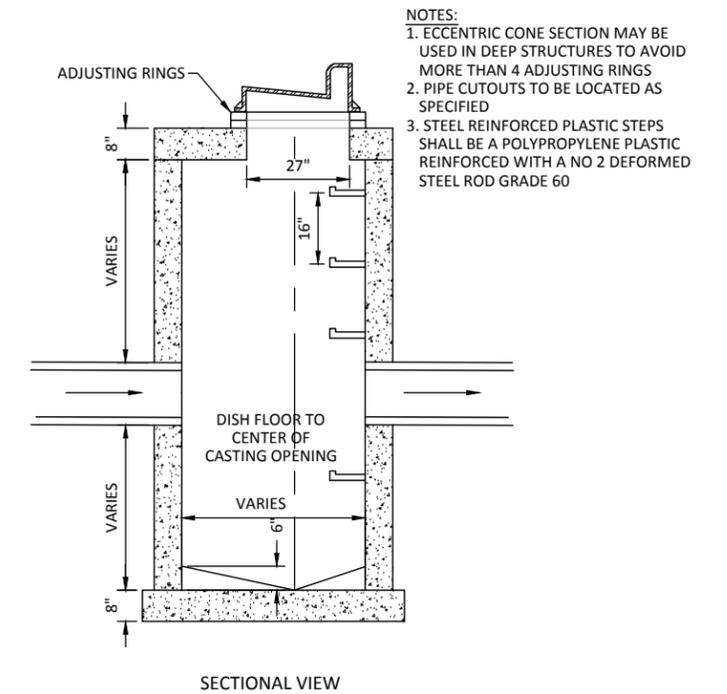
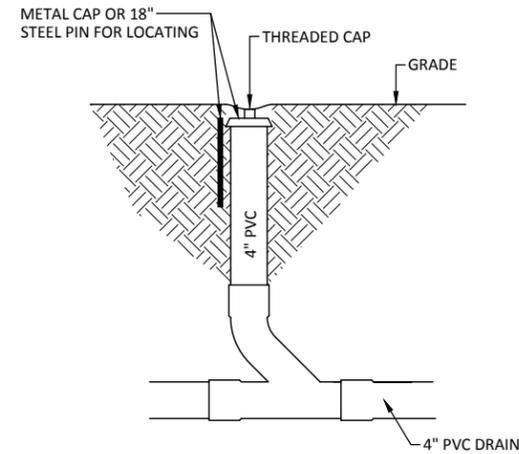
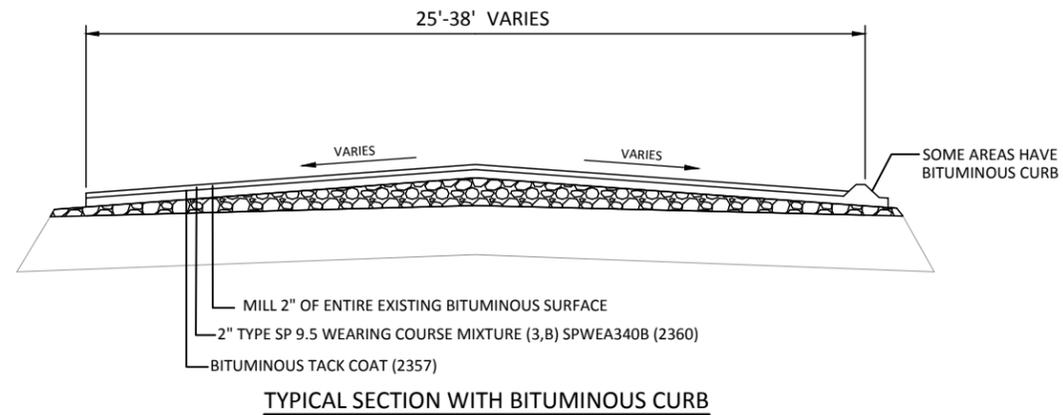
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JEFFREY J. WEYANDT  
 LIC. NO. 41342 DATE X/XX/2017

DESIGNED  
 JJW  
 DRAWN  
 DDS  
 CHECKED  
 DPM

CITY OF GREENWOOD  
 2017 STREET AND DRAINAGE IMPROVEMENTS  
 CONSTRUCTION DETAILS

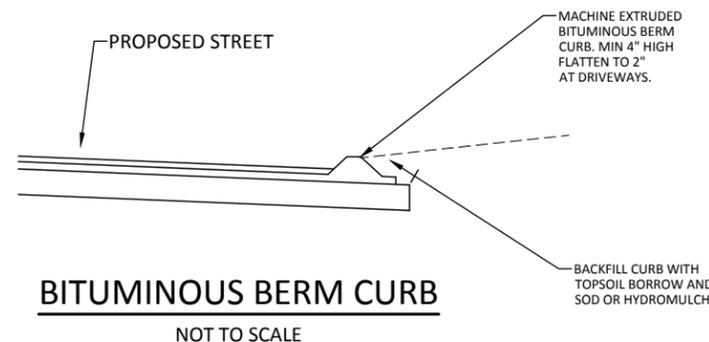


**OVERLAY NOTES:**

1. THE ENGINEER WILL MARK CRACK REPAIR AREAS AND BITUMINOUS MILLING REMOVAL LIMITS IN THE FIELD PRIOR TO CONSTRUCTION. NO WORK SHALL COMMENCE UNTIL ALL REMOVAL LIMITS ARE CLEARLY MARKED AND REVIEWED BY THE ENGINEER AND THE CONTRACTOR.
2. AREAS TO BE PATCHED WILL BE MARKED BY THE ENGINEER IN THE FIELD. PAYMENT FOR PATCHING SHALL BE PER THE BID ITEMS FOR COMMON EXCAVATION (CY), AGGREGATE CLASS 5 (TON), AND BITUMINOUS BASE COURSE (TON).
3. THE CONTRACTOR SHALL PROTECT ALL CONCRETE VALLEY GUTTERS, EDGES AND IRRIGATION/SPRINKLER SYSTEMS. REPAIR OF DAMAGED IRRIGATION SYSTEMS SHALL BE AT THE CONTRACTOR'S EXPENSE.
4. ALL REMOVAL ITEMS SHALL BE DISPOSED OF OFF-SITE IN PROPER ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS.
5. MANHOLES AND GATE VALVES BOXES SHALL BE LOCATED IN THE FIELD BY THE CONTRACTOR. STRUCTURES SHOWN ON THE PLAN ARE SHOWN IN AN APPROXIMATE WAY ONLY AND IT IS NOT GUARANTEED THAT ALL MANHOLES AND GATE VALVES BOXES ARE SHOWN.
6. THE CONTRACTOR SHALL SUPPLY UNEVEN PAVEMENT AND BUMP SIGNS IF REQUIRED BY THE MNMUTCD OR ENGINEER.
7. THE CONTRACTOR SHALL HAVE ONE QUALIFIED FLAG PERSON ON EACH END OF THE PAVING OPERATION AND AT OTHER LOCATIONS (SIDE STREETS, PARKING LOT ENTRANCES, ETC.) AS REQUIRED OR DIRECTED BY THE ENGINEER. (INCIDENTAL TO TRAFFIC CONTROL.)
8. PROVISIONS SHALL BE MADE AND MAINTAINED BY THE CONTRACTOR DURING CONSTRUCTION TO PROVIDE ACCESS TO ALL BUSINESSES AND RESIDENTS AT ALL TIMES. TEMPORARY ACCESS AND/OR ADDITIONAL TRAFFIC CONTROL DEVICES MAY BE NECESSARY TO ROUTE TRAFFIC. ALL DISTURBANCE OF ANY ACCESS SHALL BE APPROVED BY THE ENGINEER PRIOR TO ANY DISTURBANCE OF THE DRIVEWAY. ALL TEMPORARY ACCESS WORK SHALL BE INCIDENTAL TO CONSTRUCTION.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLYING, INSTALLING, ERECTING, MAINTAINING, AND THE COORDINATION OF ALL NO PARKING SIGNS TO TEMPORARILY PROHIBIT VEHICLES PARKING WITHIN THE PROJECT LIMITS DURING CONSTRUCTION IN ACCORDANCE WITH AN APPROVED PLAN. THE SIGN SIZE, COLOR, MESSAGE, ETC. SHALL BE APPROVED BY THE ENGINEER. NO SIGNS SHALL BE ERECTED WITHOUT PROPER NOTIFICATION TO THE DEEPHAVEN POLICE AND ENGINEER.
10. STREETS USED AS HAUL ROUTES SHALL BE SWEEPED/CLEANED DAILY IN ORDER TO PREVENT A BUILDUP FROM DROPPED MILLINGS, BITUMINOUS, AC, ETC. THIS WORK SHALL BE CONSIDERED INCIDENTAL TO THE PAVING.
11. ALL TRAFFIC CONTROL DEVICES SHALL BE IN COMPLIANCE WITH THE MN MUTCD MANUAL GUIDELINES. ALL LAYOUTS SHALL CONFORM WITH THE LATEST MN MUTCD FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.
12. FIELD CONDITIONS MAY REQUIRE MODIFICATIONS OF LAYOUTS AS DEEMED NECESSARY BY THE ENGINEER.
13. THE CONTRACTOR IS RESPONSIBLE FOR ANY SIGNAGE NEEDED TO FACILITATE TRAFFIC SWITCHES OR FOR TRANSITIONING TRAFFIC FROM ONE STAGE TO ANOTHER.
14. INSTALL ALL TRAFFIC CONTROL DEVICES IN COMPLIANCE WITH THE MN MUTCD FIELD MANUAL GUIDELINES.
15. ALL BITUMINOUS CURB OR BITUMINOUS BERM SHALL BE PROTECTED UNLESS MARKED IN THE FIELD FOR REPLACEMENT.
16. CONTRACTOR SHALL USE A SMALL MILL ADJACENT TO THE EXISTING BITUMINOUS CURB OR BERM

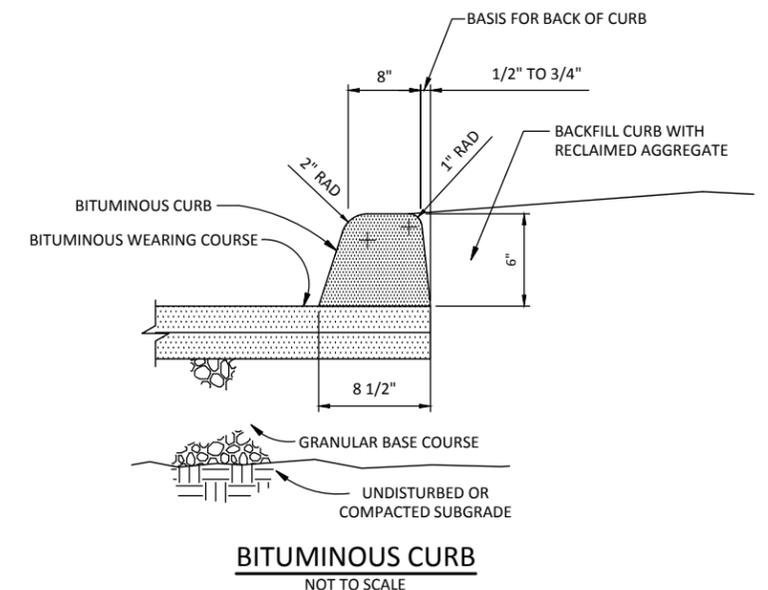
**SUBSURFACE DRAIN CLEANOUT**  
NOT TO SCALE

**DRAINAGE STRUCTURE WITH SUMP**  
NOT TO SCALE



**BITUMINOUS BERM CURB**  
NOT TO SCALE

NOTE: PAYMENT FOR BITUMINOUS BERM CURB CONSTRUCTION SHALL BE PAID PER TON OF NON-WEARING COURSE MIXTURE.



**BITUMINOUS CURB**  
NOT TO SCALE



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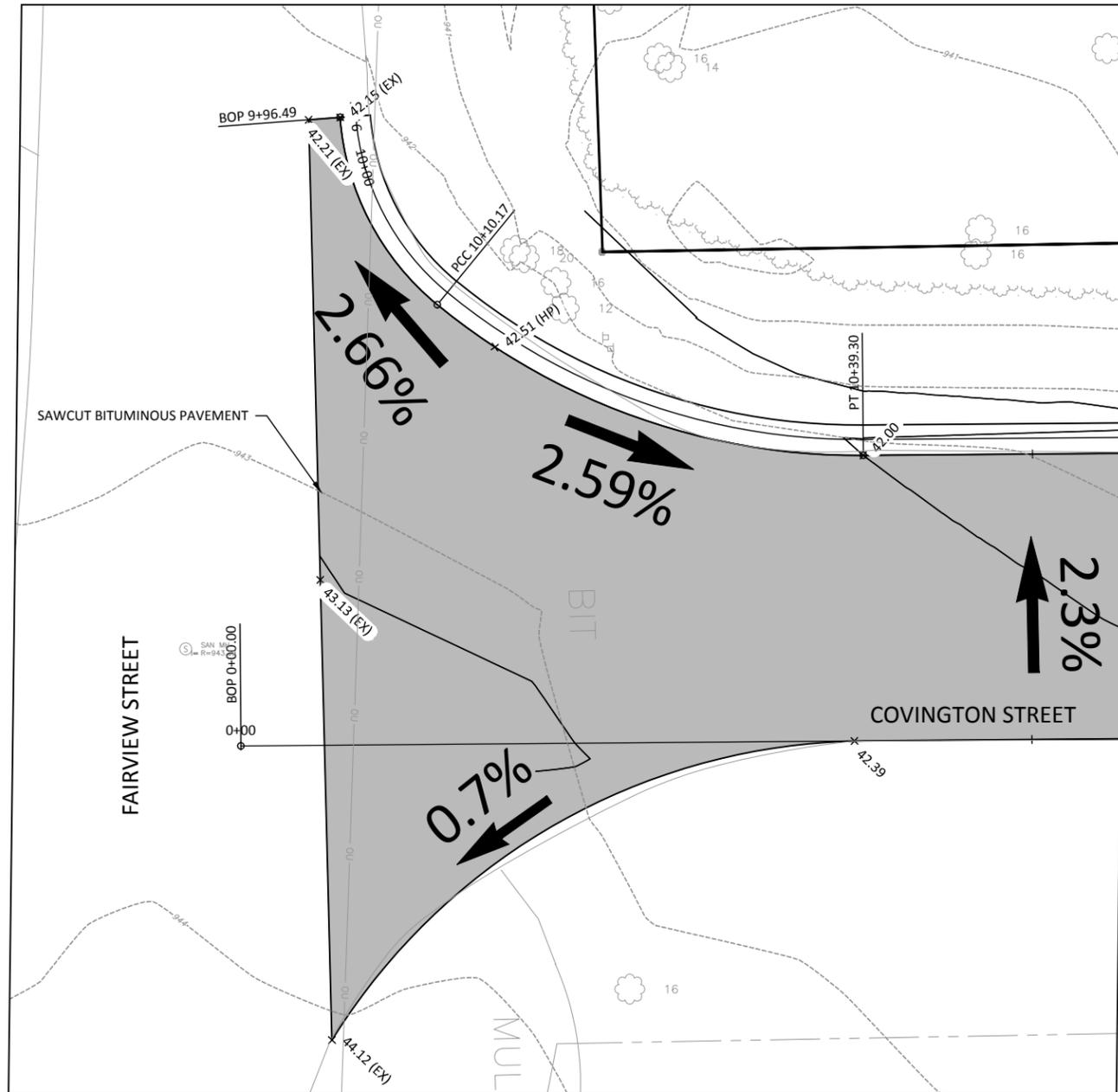
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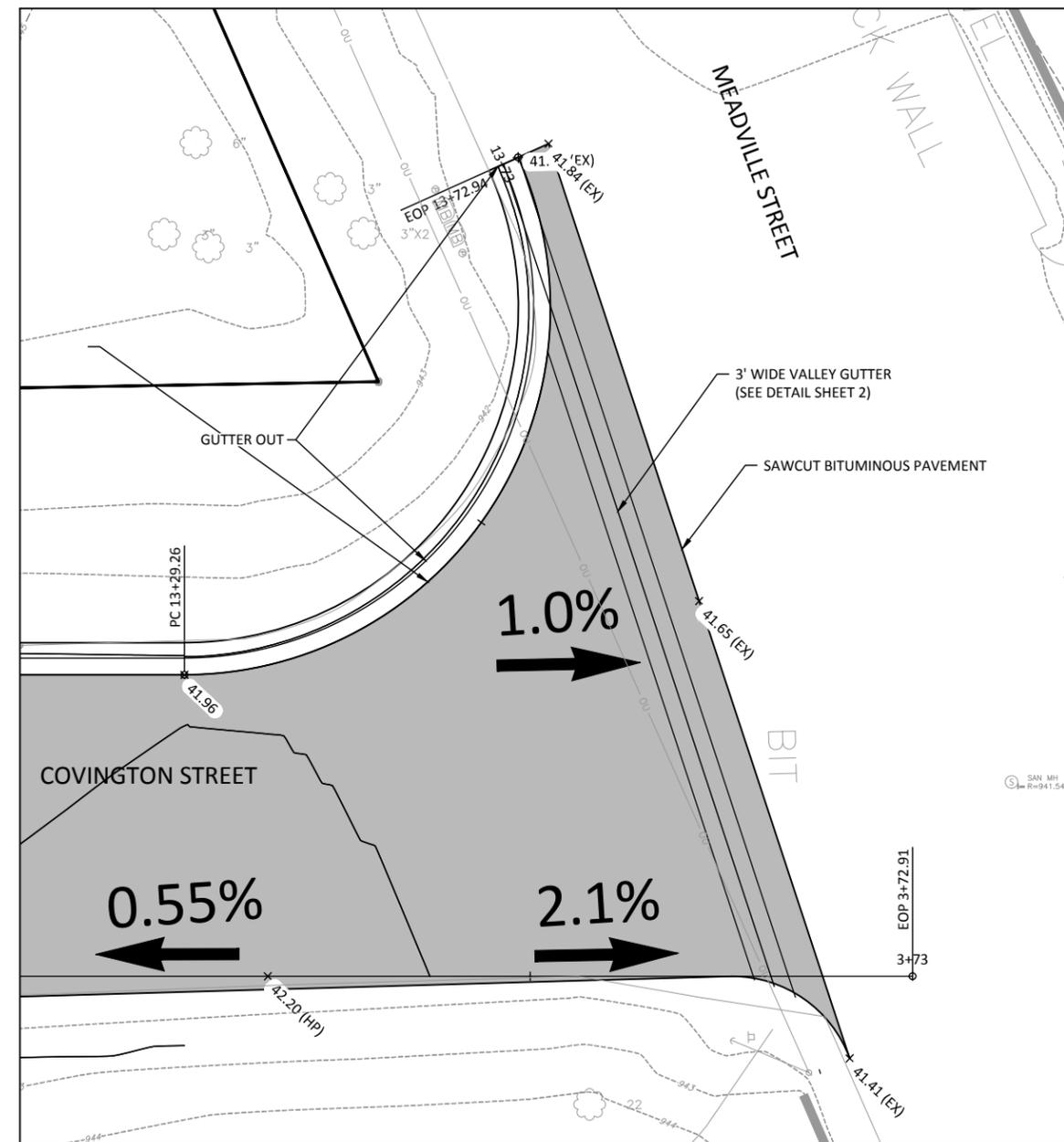
DESIGNED  
JJW  
DRAWN  
DDS  
CHECKED  
DPM

CITY OF GREENWOOD  
2017 STREET AND DRAINAGE IMPROVEMENTS  
CONSTRUCTION DETAILS & NOTES





INTERSECTION DETAIL-  
COVINGTON STREET & FAIRVIEW STREET



INTERSECTION DETAIL-  
COVINGTON STREET & MEADVILLE STREET



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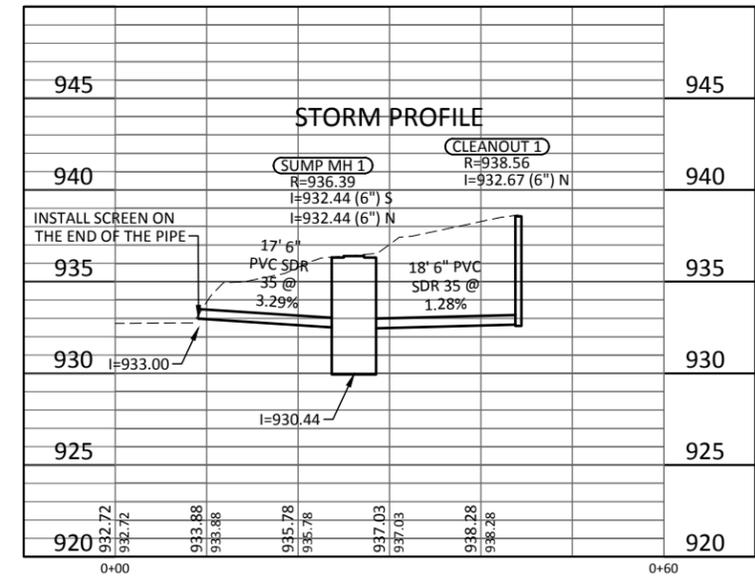
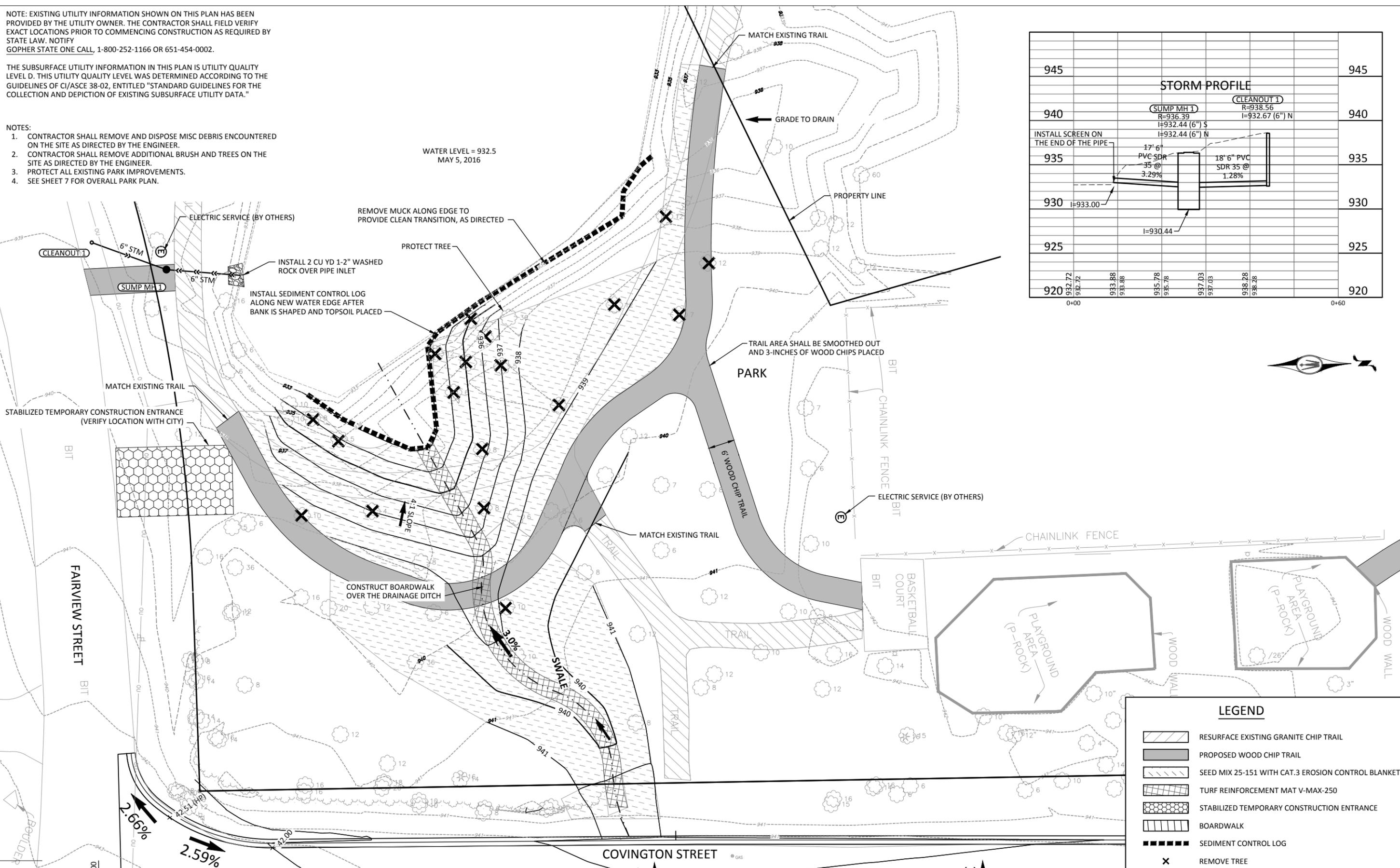
DESIGNED JJW
DRAWN DDS
CHECKED DPM

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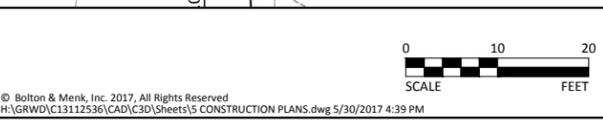
- NOTES:
1. CONTRACTOR SHALL REMOVE AND DISPOSE MISC DEBRIS ENCOUNTERED ON THE SITE AS DIRECTED BY THE ENGINEER.
  2. CONTRACTOR SHALL REMOVE ADDITIONAL BRUSH AND TREES ON THE SITE AS DIRECTED BY THE ENGINEER.
  3. PROTECT ALL EXISTING PARK IMPROVEMENTS.
  4. SEE SHEET 7 FOR OVERALL PARK PLAN.

WATER LEVEL = 932.5  
MAY 5, 2016



### LEGEND

- RESURFACE EXISTING GRANITE CHIP TRAIL
- PROPOSED WOOD CHIP TRAIL
- SEED MIX 25-151 WITH CAT.3 EROSION CONTROL BLANKET
- TURF REINFORCEMENT MAT V-MAX-250
- STABILIZED TEMPORARY CONSTRUCTION ENTRANCE
- BOARDWALK
- SEDIMENT CONTROL LOG
- REMOVE TREE



**BOLTON & MENK**

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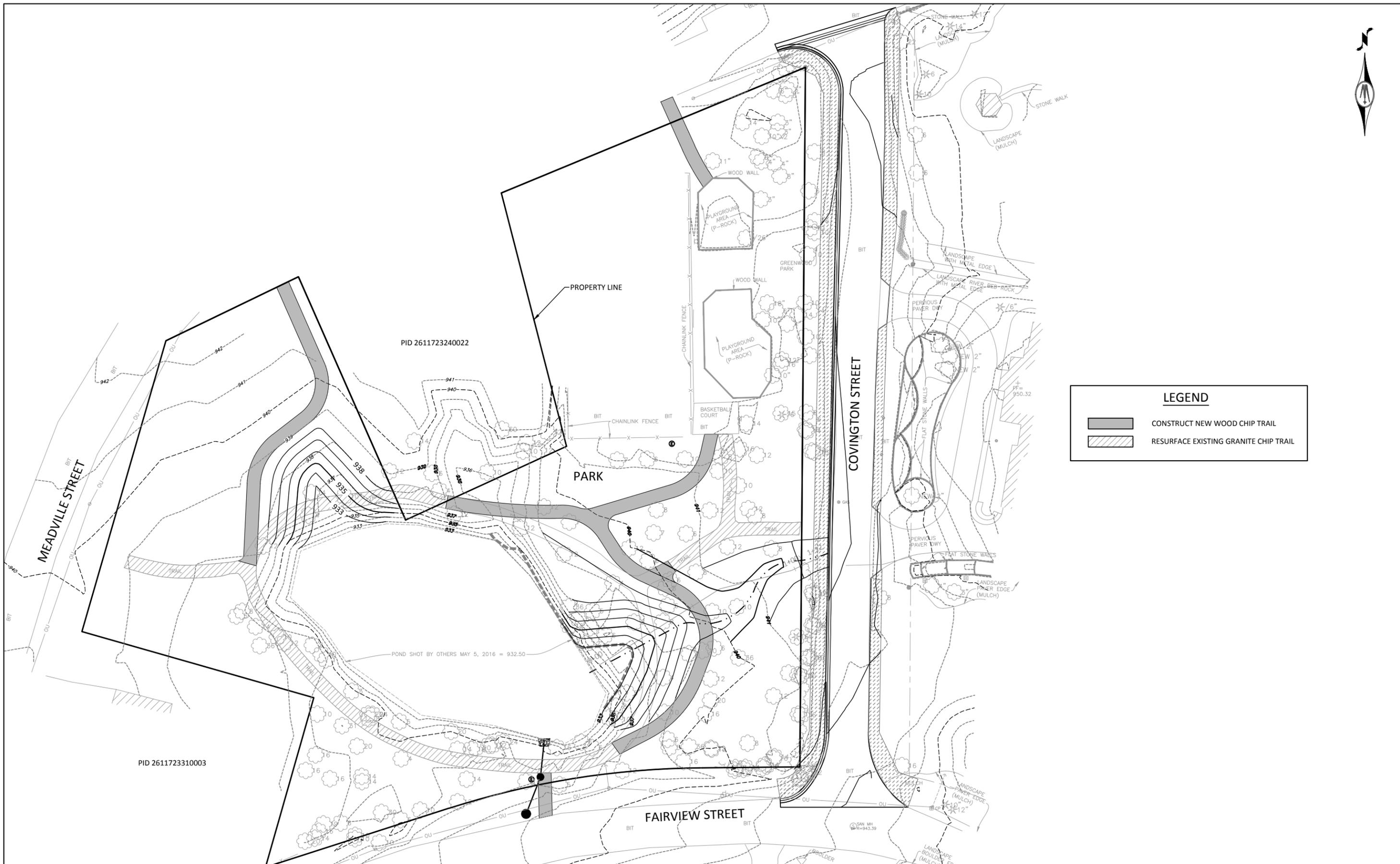
JEFFREY J. WEYANDT  
LIC. NO. 41342 DATE X/XX/2017

DESIGNED: JJW  
DRAWN: DDS  
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**CITY OF GREENWOOD**  
2017 STREET AND DRAINAGE IMPROVEMENTS  
CONSTRUCTION PLANS  
PARK IMPROVEMENTS

SHEET 6 OF 18

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H:\GRWD\C13112536\CAD\C3D\Sheets\5 CONSTRUCTION PLANS.dwg 5/30/2017 4:39 PM



**LEGEND**

	CONSTRUCT NEW WOOD CHIP TRAIL
	RESURFACE EXISTING GRANITE CHIP TRAIL



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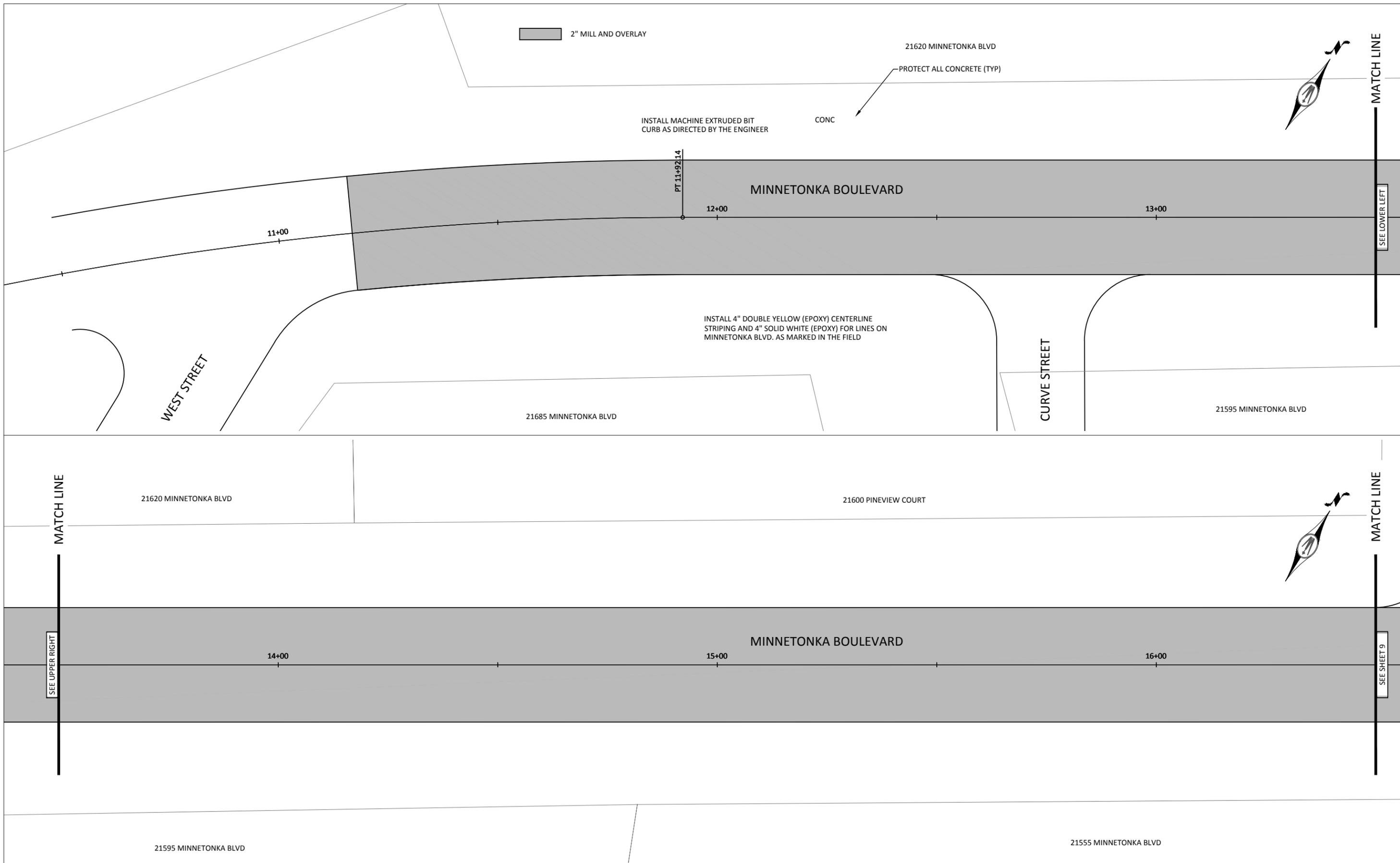
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CITY OF GREENWOOD  
 2017 STREET AND DRAINAGE IMPROVEMENTS  
 OVERALL PARK PLAN  
 OVERALL PARK PLAN

SHEET  
 7  
 OF  
 18



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DESIGNED JJW
DRAWN DDS
CHECKED DPM

CITY OF GREENWOOD  
 2017 STREET AND DRAINAGE IMPROVEMENTS  
 MINNETONKA BOULEVARD  
 MILL & OVERLAY

SHEET  
 8  
 OF  
 18



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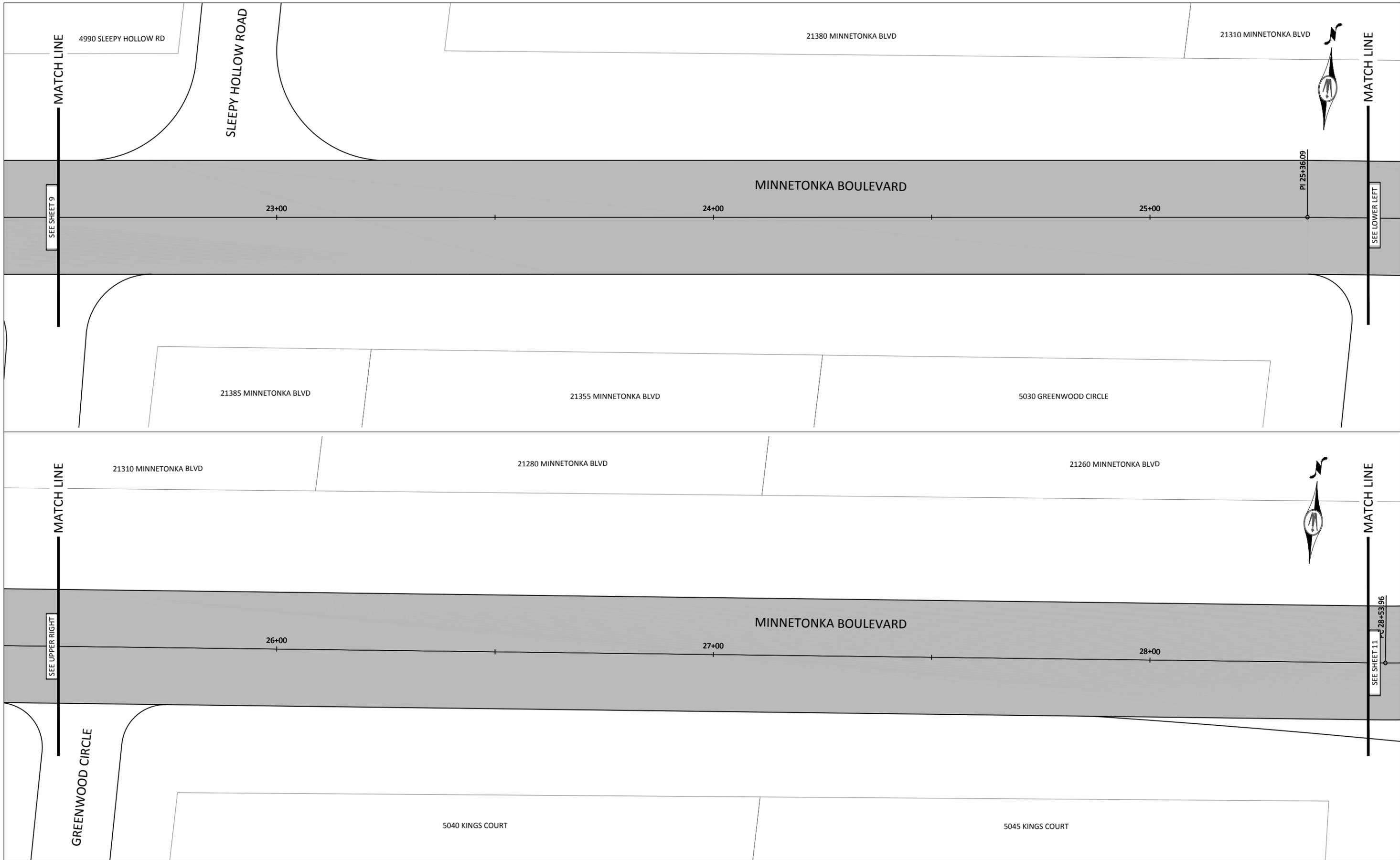
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CITY OF GREENWOOD  
2017 STREET AND DRAINAGE IMPROVEMENTS  
MINNETONKA BOULEVARD  
MILL & OVERLAY

SHEET  
9  
OF  
18



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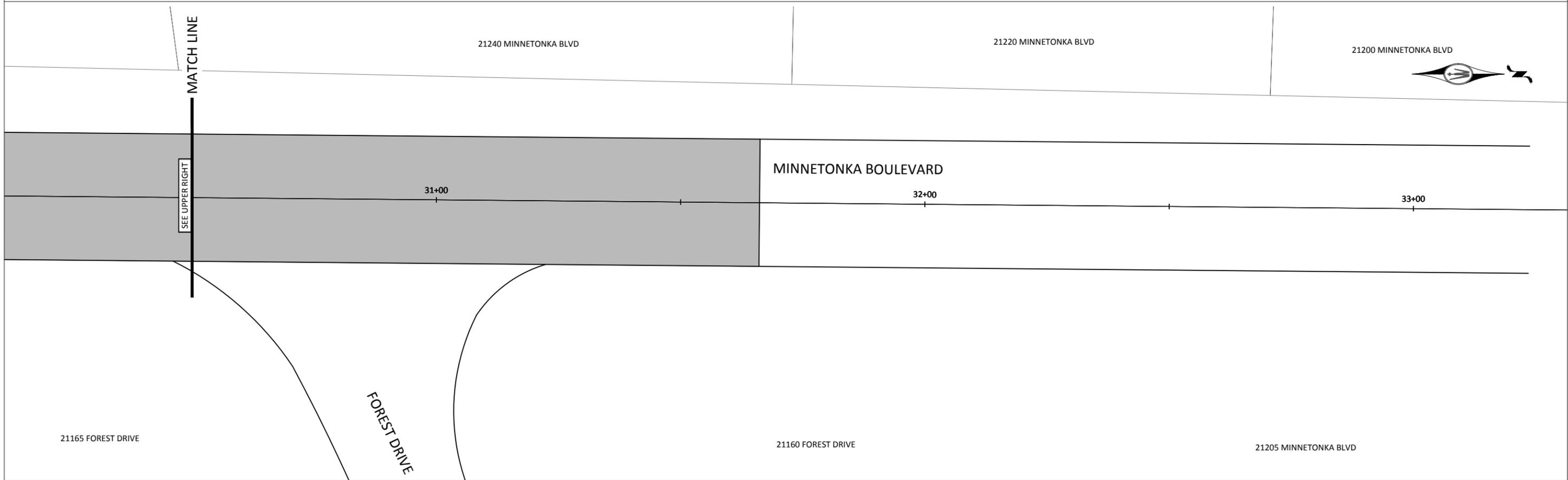
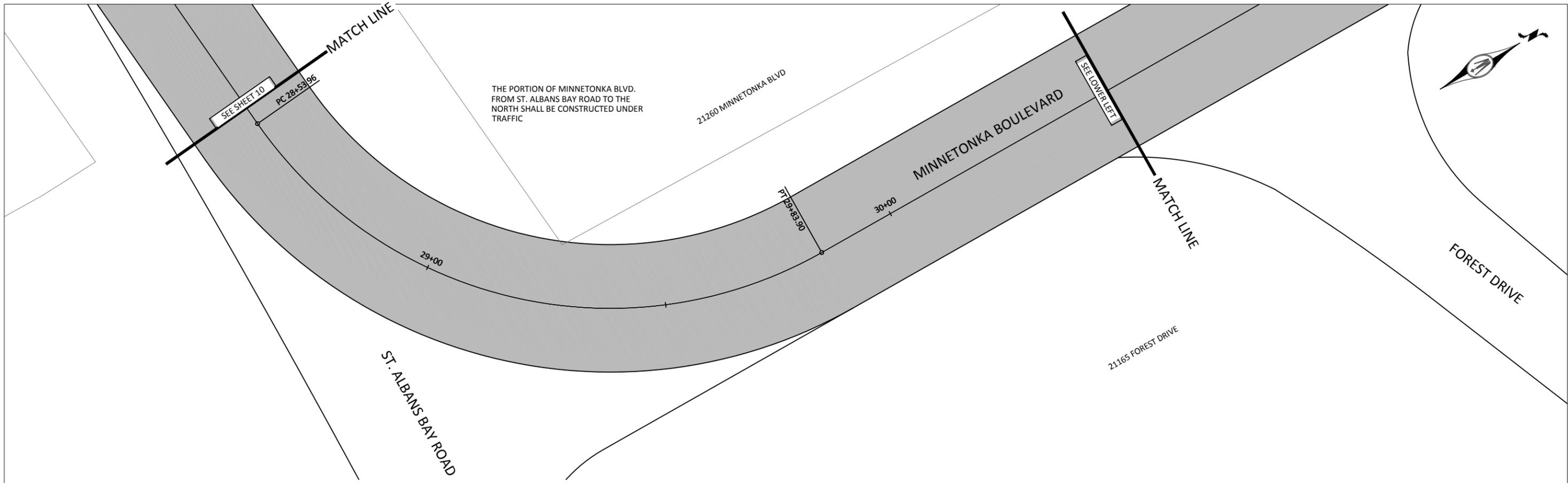
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

JEFFREY J. WEYANDT  
 LIC. NO. 41342 DATE X/XX/2017

DESIGNED JJW
DRAWN DDS
CHECKED DPM

CITY OF GREENWOOD  
 2017 STREET AND DRAINAGE IMPROVEMENTS  
 MINNETONKA BOULEVARD  
 MILL & OVERLAY

SHEET  
 10  
 OF  
 18



<p>© Bolton &amp; Menk, Inc. 2017, All Rights Reserved H:\GRWD\C13112882\CAD\C3D\SHEETS\112882_OVERLAY.dwg 5/30/2017 5:03 PM</p>	<p>SCALE FEET</p>	<p><b>BOLTON &amp; MENK</b></p>	<p>2638 SHADOW LANE, SUITE 200 CHASKA, MINNESOTA 55318 Phone: (952) 448-8838 Email: Chaska@bolton-menk.com www.bolton-menk.com</p>	<table border="1"> <thead> <tr> <th>REV</th> <th>ISSUED FOR</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	REV	ISSUED FOR	DATE													<p>I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.</p> <p>JEFFREY J. WEYANDT LIC. NO. 41342 DATE X/XX/2017</p>	<table border="1"> <tr><td>DESIGNED</td><td>JJW</td></tr> <tr><td>DRAWN</td><td>DDS</td></tr> <tr><td>CHECKED</td><td>DPM</td></tr> </table>	DESIGNED	JJW	DRAWN	DDS	CHECKED	DPM	<p>CITY OF GREENWOOD</p> <p>2017 STREET AND DRAINAGE IMPROVEMENTS</p> <p>MINNETONKA BOULEVARD MILL &amp; OVERLAY</p>	<p>SHEET 11 OF 18</p>
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5110 MEADVILLE STREET

5100 MEADVILLE STREET

5090 MEADVILLE STREET

5080 MEADVILLE STREET

5060 MEADVILLE STREET



MEADVILLE STREET

5115 MEADVILLE STREET

5095 MEADVILLE STREET

MATCH LINE

SEE SHEET 13



2638 SHADOW LANE, SUITE 200  
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www.bolton-menk.com

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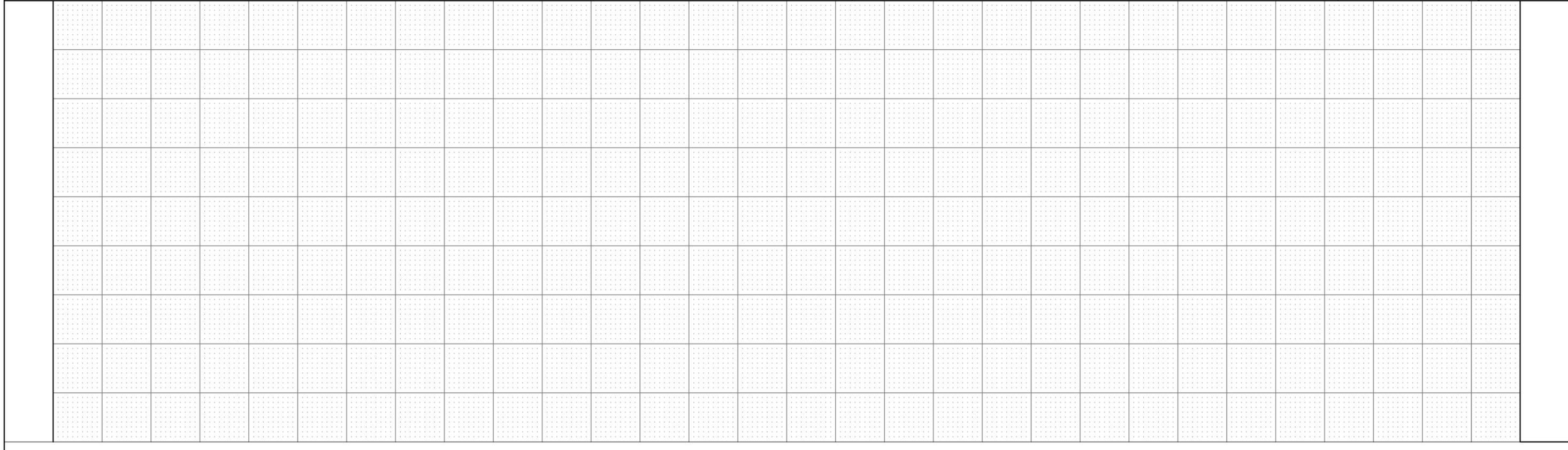
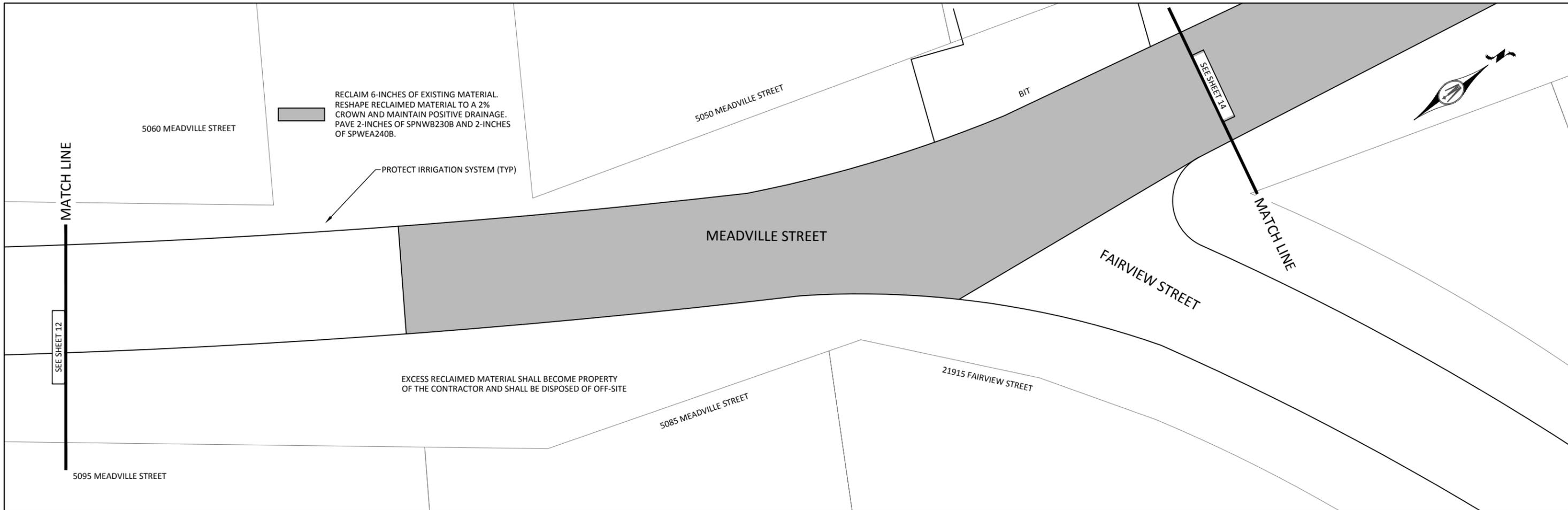
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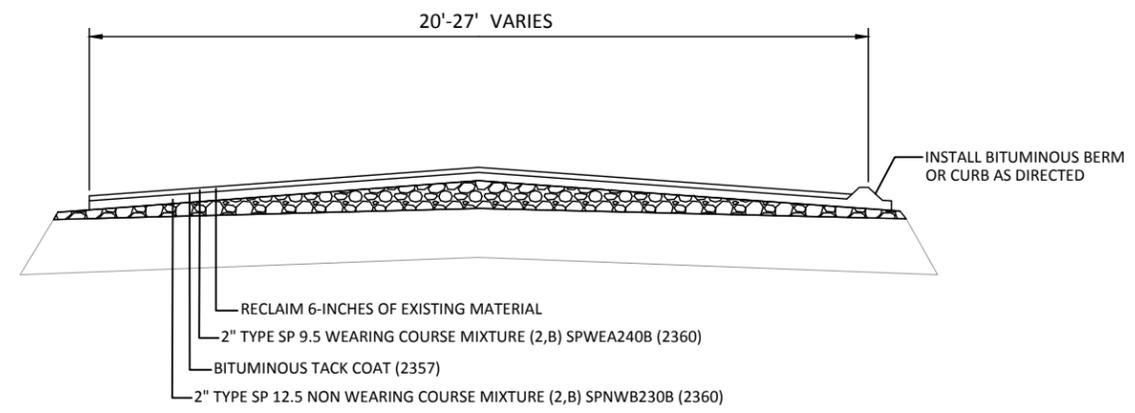
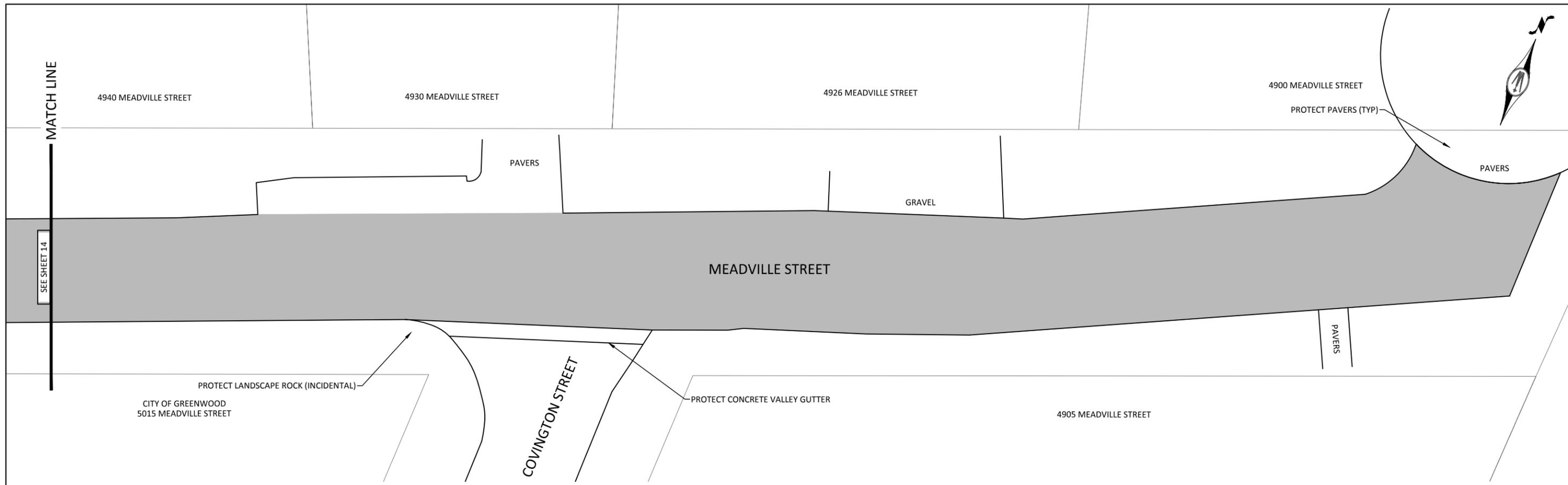
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CITY OF GREENWOOD  
2017 STREET AND DRAINAGE IMPROVEMENTS  
MEADVILLE STREET  
MILL & OVERLAY

SHEET  
12  
OF  
18







**MEADVILLE STREET  
RECLAIMED AREA**

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 CHECKED  
DPM

CITY OF GREENWOOD  
 2017 STREET AND DRAINAGE IMPROVEMENTS  
 MEADVILLE STREET OVERLAY  
 MILL & OVERLAY

**NOTES:**

1. CONTRACTOR SHALL CLEAN THE CULVERT UNDER THE ROAD.
2. CONTRACTOR SHALL CLEAN THE DITCH TO GET POSITIVE FLOW FROM THE CULVERT TO THE LAKE. ALL WORK SHALL BE COMPLETED WITH HAND TOOLS AND WHEELBARROW. EXCESS MATERIAL WILL BECOME PROPERTY OF THE CONTRACTOR. ALL WORK ASSOCIATED WITH CLEANING THE DITCH WILL BE PAID BY THE HOUR PER PERSON.



**BOLTON & MENK**

2638 SHADOW LANE, SUITE 200  
 CHASKA, MINNESOTA 55318  
 Phone: (952) 448-8838  
 Email: Chaska@bolton-menk.com  
 www.bolton-menk.com

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 LIC. NO. 41342 DATE X/XX/2017

DESIGNED JJW
DRAWN DDS
CHECKED DPM

CITY OF GREENWOOD  
 MILL & OVERLAY PLANS  
**FAIRVIEW STREET & SLEEPY HOLLOW ROAD  
 DITCH CLEANING**

SHEET 16 OF 18



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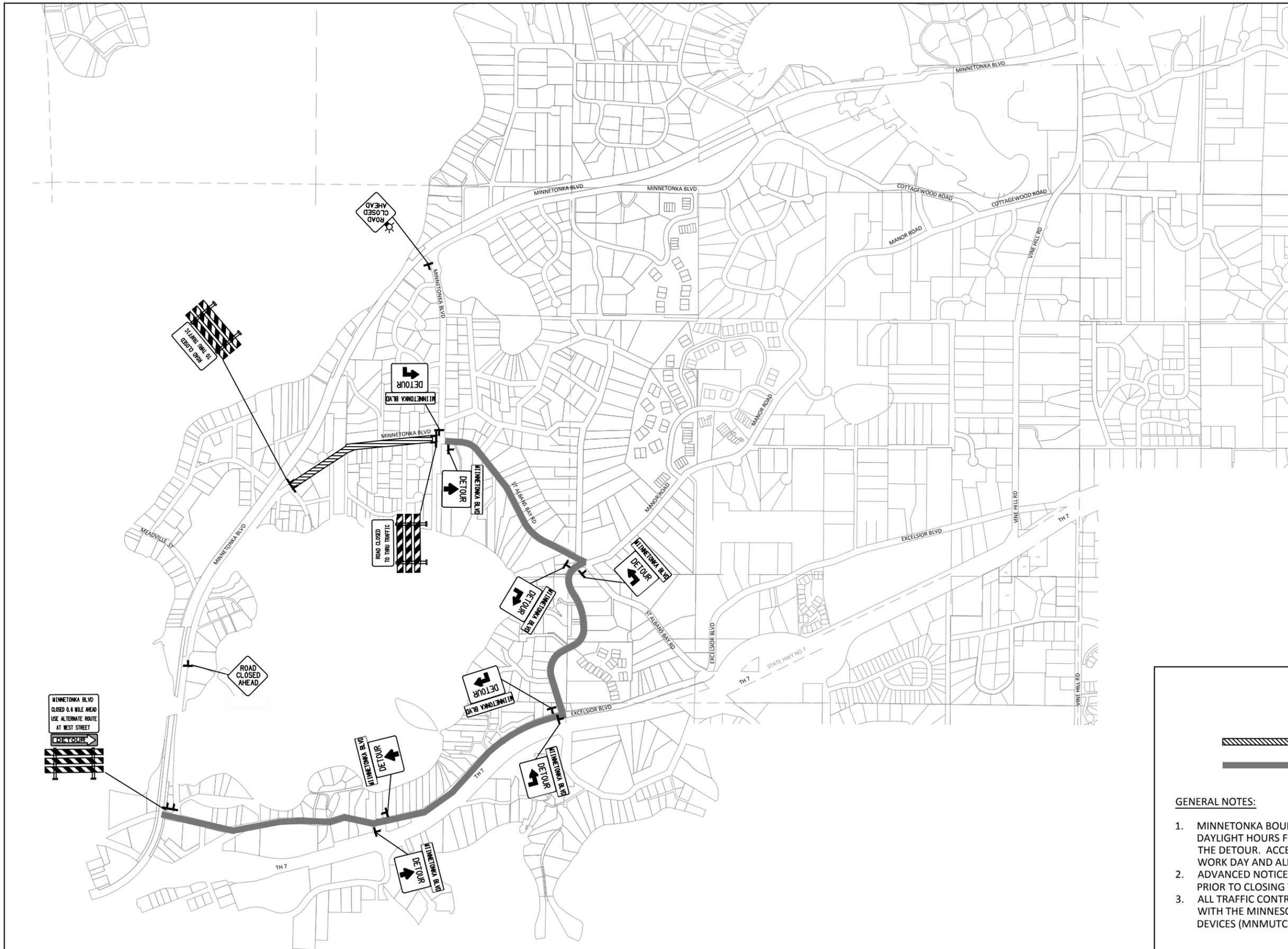
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CITY OF GREENWOOD  
 MILL & OVERLAY PLANS  
 DRAINAGE IMPROVEMENTS  
 5180 ST. ALBANS BAY ROAD

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**LEGEND**

ROAD CLOSURE

DETOUR ROUTE

**GENERAL NOTES:**

- MINNETONKA BOULEVARD MAY BE CLOSED TO TRAFFIC DURING DAYLIGHT HOURS FOR FOUR DAYS FOR CONSTRUCTION BY USE OF THE DETOUR. ACCESS SHALL BE RESTORED AT THE END OF EACH WORK DAY AND ALL DETOUR SIGNAGE SHALL BE COVERED.
- ADVANCED NOTICE SIGNS SHALL BE PLACED AT LEAST 3 DAYS PRIOR TO CLOSING THE ROAD.
- ALL TRAFFIC CONTROL METHODS AND DEVICES SHALL CONFORM WITH THE MINNESOTA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MNMUTCD).

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DRAWN DDS		
CHECKED DPM	<b>2017 STREET AND DRAINAGE IMPROVEMENTS</b>	<b>18</b>
	<b>DETOUR PLAN</b>	

# OVERALL PARK PLAN

PROPOSED OVERSTORY TREES WITH UNDERSTORY PLANTINGS

**NOTE:**  
RE-GRADED AREAS TO BE RE-ESTABLISHED  
WITH UNDERSTORY SHRUBS AND PERENNIALS.



## OVERSTORY TREES



## UNDERSTORY SHRUBS



## UNDERSTORY PERENNIALS



May 19, 2017





Agenda Number: **7A**

Agenda Date: **06-07-17**

Prepared by Dale Cooney

**Agenda Item:** Consider: Res 13-17, Findings for Variance Request, Diane Mulligan, 5120 Meadville Street.

**Summary:** Copies of the application materials and staff report are attached for the council's reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 05-04-17. The planning commission held a public hearing at their 05-17-17 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 Steingas motioned to recommend denial of the request of Diane Mulligan for a variance to construct a fence within the lake yard setback, exceed the height limitation for a front and lakeside fence, and encroach into the clear zone for a road intersection for the property at 5120 Meadville Street, as presented, based on the planning commission findings shown in the staff report. Motion was seconded by Gallagher. Motion carried 5-0.

**Key Dates:**

Application complete: \_\_\_\_\_ April 19, 2017  
Notice of Public Hearing published: \_\_\_\_\_ May 4, 2017  
Planning Commission Public Hearing: \_\_\_\_\_ May 17, 2017  
City Council Consideration: June 7, 2017  
60-Day Deadline: June 18, 2017  
120-Day Deadline: August 17, 2017

**Council Action:** The city council must take action by 06-18-17 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 13-17 laying out the findings of fact **DENYING** the variance application of Diane Mulligan, 5120 Meadville Street, 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 **APPROVES WITH CONDITIONS** the variance application of Diane Mulligan, 5120 Meadville Street based on the findings of staff noted in the staff report (with these additional findings / conditions: \_\_\_\_\_). 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 Diane Mulligan, 5120 Meadville Street 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 statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).*



Agenda Number: **7A**

Agenda Date: 06-07-17

## STAFF REPORT

Prepared by Dale Cooney

**Agenda Item:** Consider variance request of Diane Mulligan to build a fence that would encroach into the lake yard setback, exceed the height limitation for a front and lake yard fence, and encroach into the clear zone for a road intersection for the property at 5120 Meadville Street.

**Summary:** Diane Mulligan, property owner at 5120 Meadville Street is requesting a variance to build a fence that would encroach into the lake yard setback, exceed the height limitation for a front and lake yard fence, and encroach into the clear zone for a road intersection for the property. The fence would replace an existing 3 foot, 4 inch tall split rail fence in this area. The property faces the Meadville fire lane on the south side of the property and the applicant states people are often unaware of the private property line and that therefore a privacy fence is needed. The fence is proposed to be 6 feet along its entire length.

The existing fence is considered a legal nonconformity and state statute allows nonconformities to be continued through repair, replacement, restoration, maintenance, improvement, but not including expansion. Because the fence will be expanded (primarily by height) and is in a different location, a variance is required. Also, the nature of the fence is changing from a split rail fence to a privacy fence.

Section 1140.25 of the Greenwood Zoning Code regulates fences. The ordinance states that fences may not exceed 36 inches in height in either the front yard or the lakeside. The code further states that lakeside fences shall require a variance. The lakeside portion of the fence would be 25 feet long and 6 feet tall.

Front yard fences are limited to 3 feet in height. Staff interprets this regulation as limiting any section of fence forward of the 30 foot front setback to 3 feet in height or less.

Section 1140.25, Subd. 9. Corner Lot Restrictions states: *"The required front yard of a corner lot shall be unobstructed above a height of 2-1/2 feet above road grade in a triangular area, 2 sides of which are lines running parallel with and at the edge of the surface roadway, a distance of 50 feet from the point of intersection, the third side of which is a line between the later 2 points."* As proposed, the entire length of the fence in this area would be 6 feet tall.

**Discussion:** The proposed fence will be removed from the city right-of-way in this area along the side and front lot line. While staff is sympathetic to the privacy needs of the applicant, allowing the 6 foot privacy fence for this property would set a precedent for neighboring fire lane properties to request the same variance. There are also a number of corner lots within the city that could make similar requests based on similar privacy issues. For these reasons, staff would recommend that the variance be granted, but only for the height set by code within the lakeside (36 inches), front (36 inches), and visual clearance areas (30 inches).

**Staff Recommendation for Variance Request:** Staff recommends approval with conditions of the request of Diane Mulligan for a variance to encroach 25 feet into the lakeside for a fence for the property at 5120 Meadville Street, as proposed.

The recommendation is conditioned that the fence meets the height and corner lot restrictions described in Section 1140.25 of the zoning code.

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

1. The variance(s), if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance since the property currently hosts a legal non-conforming split-rail fence which, under state law, is allowed to be replaced, and the updated fence would remove the fence from the public right-of-way.
2. The variance, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in that the fence is a permitted use for the property except for a small portion of the fence which encroaches into the lakeside setback.
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 remainder of the fence is permitted by code, and the encroaching section is a legal nonconformity. It is reasonable that the materials and design of the encroaching portion of the fence be consistent with the remainder of the fence.
4. The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because the fence is an existing nonconforming condition of the property.

5. The variance, if granted, will not alter the essential character of the locality, because the request is simply an update of an existing legal nonconforming fence.
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.

**Planning Commission Action:** The planning commission held a public hearing at their May 17 meeting. The planning commission recommended denial of the request of Diane Mulligan for a variance to encroach 25 feet into the lakeside for a fence for the property at 5120 Meadville Street, as proposed.

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

1. The variance(s), if granted, will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance since the proposed privacy fence is of a substantially different nature in terms of height and opacity than the existing split rail fence in this area, and would create visibility impacts inconsistent with the ordinance.
2. The variance, if granted, will NOT be consistent with the comprehensive plan's guiding use for the subject property in that the fence is not consistent with the Shoreland Management standards of the Department of Natural Resources.
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 NOT reasonable because the remainder of the fence is exceeds the impacts of the existing legal nonconforming section of fencing.
4. The plight of the landowner-applicant is NOT due to circumstances unique to the property and is created by the landowner because, while the fence is an existing nonconforming condition of the property, the desire for a privacy fence is created by the landowner. If granted, there are several properties that abut fire lanes or streets near lake frontage that could make similar claims for privacy fencing.
5. The variance, if granted, WILL alter the essential character of the locality since it would create a highly visible fence encroachment into the lakeside yard walling off a portion of the lake with an accessory structure.
6. The variance, if granted, WILL be contrary to the intent of this ordinance by encroaching into the lake setback with privacy fencing.

# Variance Application



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

Date application submitted	04/19/2017
Date application complete (office use only)	
Property address	5120 Meadville Street, Greenwood MN 55331
Property identification number (PID)	2611723320015
Property owner's current mailing address	4406 SUNNYSIDE RD, EDINA MN 55424
Names of all property owners	Diane S Mulligan
Cell phone and email of property owner(s)	612-396-4426 DDKCCM@aol.com
Name of builder / architect (if any)	Jim Kakes
Company name of builder / architect	Edelweiss Design
Cell phone and email of builder / architect	612-38-7944 JKalkes@EdelweissDesign.com
Company address	2238 Edgewood Ave S Suite 100B St. Louis Park MN 55426
Present use of property	Non-Homestead
Property acreage	0.53 acres 23,204 sq ft
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – please attach a copy
Request is for	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	6' High Privacy Fence

## Requested variance(s):

	Required*	Proposed	Difference
<input type="checkbox"/> Side Yard (feet)			
<input type="checkbox"/> Front Yard (feet)			
<input type="checkbox"/> Rear Yard (feet)			
<input checked="" type="checkbox"/> Lake Setback (feet)	50'	25'	25'
<input type="checkbox"/> Building Height (feet)			
<input type="checkbox"/> Structure Height (feet)			
<input type="checkbox"/> Wetland Setback (feet)			
<input type="checkbox"/> Bluff Setback (feet)			
<input type="checkbox"/> Maximum Above Grade Building Volume (cubic feet)			
<input type="checkbox"/> Hardcover (percentage)			
<input type="checkbox"/> Other:			

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

## Making your case for the grant of a variance

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

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

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;

(c) and the variance, if granted, will not alter the essential character of the locality.

**VARIANCE APPLICATION - Page 1 of 3**

**Establishing a "practical difficulty"**

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

<p>Is the variance in harmony with the purposes and intent of the ordinance?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                  Please explain: The intent of the ordinance is to create visual access to the Lake for homeowners and their adjoining neighbors. With this unique circumstance we are not looking to create a buffer from our neighbors but rather a boundary from the general public that tries to gain access to our property from this point. The area in question is where our property borders a public fire lane. We feel that by creating a definitive line we are able to enjoy our property without unwelcome guests accessing our property.</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                  Please explain:</p>
<p>Does the proposal put the property to use in a reasonable manner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                  Please explain: This property will still remain residential and the fencing will only enhance the property's character.</p>
<p>Are there unique circumstances to the property not created by the landowner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                  Please explain: Typically, properties in the area have neighbors adjacent to both sides of the property. In this instance the side of the property on which the fence borders a fire lane. Being that the fire lane is public property, people tend to access adjacent properties unwelcomely. We simply want to ensure definitive boundaries for our property. We'd also note that, since this side of the property does not border any other private property, no neighbors are directly impacted.</p>
<p>Will the variance alter the essential character of the locality?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: The materials we are using are consistent with the character of the neighborhood.</p>
<p>Will the variance impair an adequate supply of light and air to adjacent property?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: The materials used will enhance the lake experience and with the colors that are selected will enhance the landscape.</p>
<p>Will the variance unreasonably increase the congestion in the public street?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: This item will not directly effect any traffic.</p>
<p>Will the variance increase the danger of fire or endanger the public safety?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: Public safety will not be affected</p>
<p>Will the variance unreasonably diminish or impair established property values within the neighborhood?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: Materials and design intent are consistent with the neighborhood.</p>

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

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

Neighbor #1 Address: 5170 Meadville St Greenwood 55331	
Signature: <i>Janice M Gray</i>	Date: 4/15/17
Print Name: <i>Janice M Gray</i>	

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

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

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

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

Signature:	Date:
------------	-------

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

Signature: <i>Diane A Mulligan</i>	Date: 04/17/17
------------------------------------	----------------

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

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

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

April 17, 2017

Variance Application  
5120 Meadville St  
Greenwood, MN 55331

To Whom It May Concern:

Per the submitted application we intend to replace the existing split rail fence with a CertainTeed fence. As part of the process of removing the existing fence, we will also remove the buckthorn weed on the boulevard. Our intent is to enhance the appearance of the area as well as improve our privacy.'

Thank you.

A handwritten signature in cursive script, appearing to read "Diane Mulligan". The signature is written in black ink and is positioned above the printed name.

Diane Mulligan

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

**GENERAL COMMENTS ON REQUEST:**

We would not approve this request for a variance from Greenwood Ordinance Code: Section 1140.10. The city had developed ordinance codes for Greenwood that serve the community & they need to be respected.

**SPECIFIC ISSUES or CONCERNS:**

The vision for road & intersections & lake view need to open for community safety & the codes to be respected.

Name: Bob + Maureen Burns  
Address: 5080 Meadville St. 08 May 2017

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

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

*Regarding the variance request to construct a fence at 5120 Meadowville St.*

**GENERAL COMMENTS ON REQUEST:**

*Stick with the ordinance unless there's a clear hardship (disability of resident, for example) presented.*

**SPECIFIC ISSUES or CONCERNS:**

Name: Patti Loftus, owner  
Address: 5165 Meadowville St.

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

**MULLIGAN  
RESIDENCE**  
MEADVILLE ST.  
GREENWOOD, MN

ARCHITECT  
GENERAL CONTRACTOR

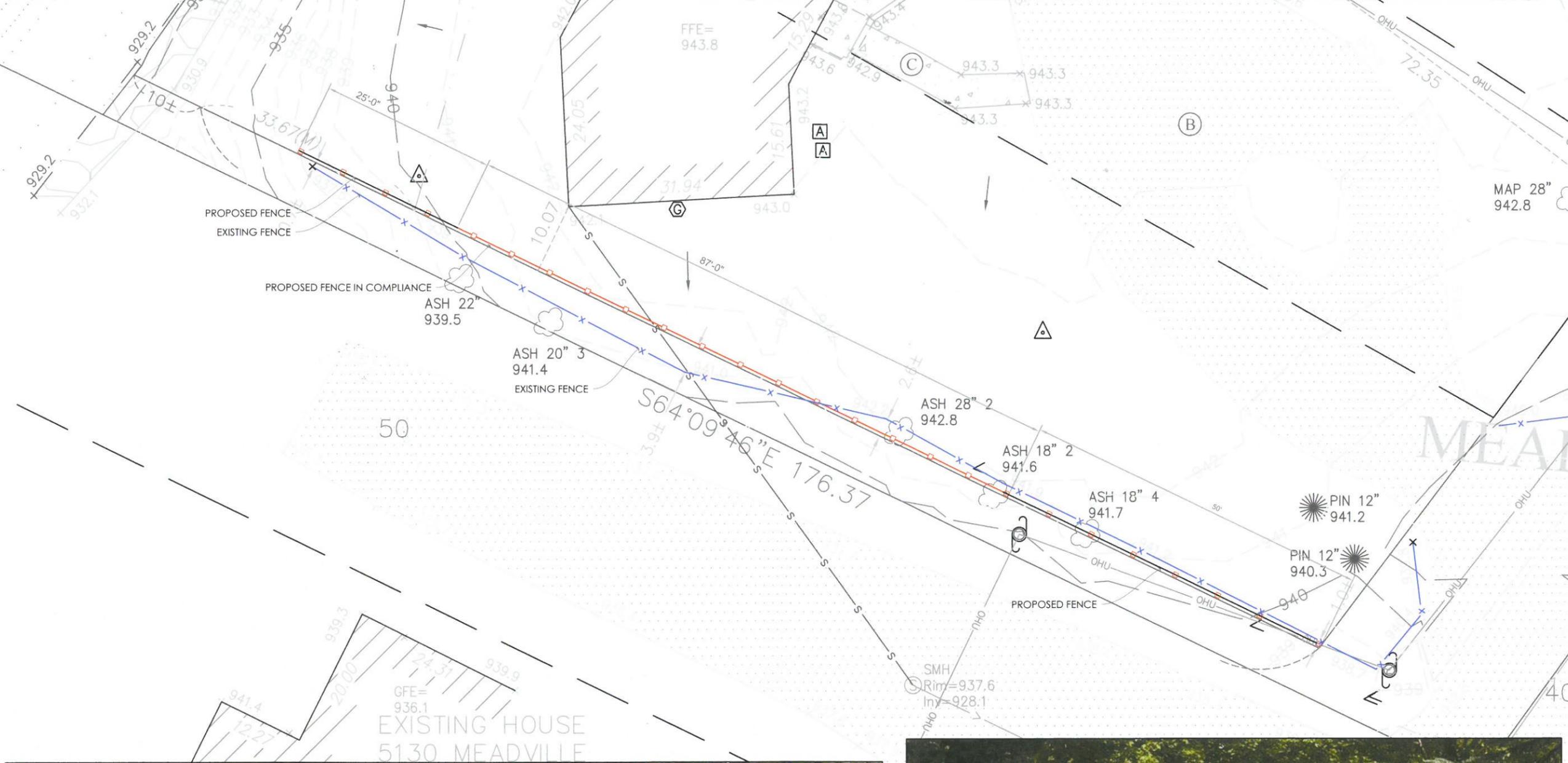
REVISIONS


CERTIFICATION  
I HEREBY CERTIFY THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAW OF THE STATE OF MINNESOTA

DATE: \_\_\_\_\_ REG. NO. \_\_\_\_\_

DESIGNED BY: **JAK**  
DRAFTED BY: **JAK**  
DRAFT DATE: **4-12-17**

**L1.0**   
1/16" = 1' SCALE



**FENCE PLAN**

**LAKE MINNETONKA**

AVG. WATER ELEVATION = 929.0 FEET ON JUNE 23, 2015 (NAVD 88)  
 HIGHEST KNOWN WATER ELEVATION PER MINOR = 931.3 FEET (NAVD 88)  
 HIGHEST KNOWN WATER ELEVATION PER MAJOR = 931.1 FEET (NAVD 29)  
 ORDINARY HIGH WATER LEVEL (OHWL) = 929.6 (NAVD 88)  
 ORDINARY HIGH WATER LEVEL (OHWL) = 929.4 (NAVD 29)



FIELD CREW	NO.	BY	DATE	REVISION
CL. SR. JID				
DRAWN				
EMV				
CHECKED				
DATE				
1/17/2015				

USE (INCLUDING COPYING, DISTRIBUTION AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO MODIFY THIS SURVEY AT ANY TIME WITHOUT NOTICE. THE USER SHALL BE RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGIMATE USE.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
 Dated this 30th day of November, 2015.  
 David B. Peniston, P.L.S.  
 Minnesota License No. 40344

**ENGINEERS SURVEYORS DESIGNERS PLANNERS**

**SATHRE-BERGQUIST, INC.**  
 150 SOUTH BROADWAY WAYZATA, MN, 55991 (952) 476-6000

TMP 117 - RGE 23 - SEC 26
Project City: Greenwood
Heimlich County

**Certificate of Survey**  
 Prepared For:  
**Donal and Diane Mulligan**  
 On Behalf of:  
**Kyle Hunt and Partners, Inc.**

FILE NO. 4930-020  
 1 1

**DESCRIPTION OF PROPERTY SURVEYED**

- Lot 34, 35, and that part of Lot 33 lying westerly of a line running from a point in easterly line of said lot a distance 13.3 feet northerly from the southeast corner thereof to a point in northerly line of Lot 33 a distance 40 feet westerly from southeast corner thereof, MEADVILLE PARK, according to the recorded plat thereof, Hennepin County, Minnesota.
- Site Address:** 5120 Meadville Street, Greenwood, Minnesota 55331
- Flood Zone Information:** This property appears to be in Zone X (Areas outside the 1-percent annual chance floodplain areas of 1% annual chance flood flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevation or depths are shown within this zone. Insurance purchase is not required in these zones.) per Flood Insurance Rate Map, Community Plan No. 27053C016E, effective date of September, 2nd, 2004.
- Parcel Area Information:** Gross Area 23,891 s.f. - 53 acres
- Site Elevation:** Elevations are based on MN/DOT Geodetic Station Name 27104, which has an elevation of 910.622 feet (NGVD29) January, 2014. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Greenwood, found on their web site on the date of November 23rd, 2015 and are as follows:  
 Principal Structure Setbacks - Front: 30 feet (Meadville Road)  
 Side: 15 feet (interior, 30 feet exterior)  
 Rear: 35 feet  
 Lot: 30 feet (from Oaklany High Water Line)  
 Height: 28 feet  
 Hardcover: 30 percent of lot area  
 Lowest Allowable Floor Elevation: 3 feet above OHWL (932.6 feet)  
 Accessory Structure Setback - Front: Not Allowed  
 Side: 10' (interior, 35' Exterior)  
 Rear: 10'
- Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject mapped area. Therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Cityher Site One Call at least 48 hours in advance at 651-454-0022.

**Existing Elevations**

Garage Floor Elevation	= 943.8
Lowest Opening Elevation	= 943.8
First Floor Elevation	= 943.8

**Tree Summary**

Might: 28", 10"	18", 18", 24", 12"
Oak: 28", 28", 18", 18", 18", 18", 18", 18"	
Birch: 18", 18"	

**Existing Hardcover**

Letter	Description	Area in Sq. Ft.
A	House	3,691
B	Driveway	2,973
C	Concrete	1,103
D	Acc. Building	66
E	Deck	264
Total Hardcover		8,097
Parcel Area		22,891
Existing Hardcover		35.49%
Allowed Hardcover		30.07%

**CONCRETE**

**SCALE IN FEET**

0 10 20 30 40

Bearings are based on the Hennepin County  
 Coordinate System (NAD 83 - 1986 ad)

**SURVEY LEGEND**

<ul style="list-style-type: none"> <li>CAST IRON MONUMENT</li> <li>CATCH BASIN</li> <li>FLARED END SECTION</li> <li>GATE VALVE</li> <li>GLY WIRE</li> <li>HYDRANT</li> <li>SURVEY MONUMENT SET</li> <li>SURVEY MONUMENT FOUND</li> <li>SURVEY CONTROL POINT</li> <li>SOIL BORING</li> <li>LIGHT POLE</li> <li>POWER POLE</li> <li>SANITARY MANHOLE</li> <li>SANITARY CLEANOUT</li> <li>SIGN</li> <li>GROUND ELEVATION</li> <li>STORM DRAIN</li> <li>STORM MANHOLE</li> <li>YARD LIGHT</li> </ul>	<ul style="list-style-type: none"> <li>A/C UNIT</li> <li>CABLE TV PEDESTAL</li> <li>ELECTRIC TRANSFORMER</li> <li>ELECTRIC MANHOLE</li> <li>ELECTRIC METER</li> <li>GAS METER</li> <li>GAS VALVE</li> <li>GUARD RAIL</li> <li>HAND HOLE</li> <li>SOIL BORING</li> <li>TREE CONIFEROUS</li> <li>TREE DECIDUOUS</li> <li>SANITARY MANHOLE</li> <li>TELEPHONE MANHOLE</li> <li>TELEPHONE PEDESTAL</li> <li>TRAFFIC SIGNAL</li> <li>UTILITY MANHOLE</li> <li>UTILITY PEDESTAL</li> <li>WELL</li> </ul>	<ul style="list-style-type: none"> <li>BITUMINOUS</li> <li>BUILDING SETBACK LINE</li> <li>CABLE TV</li> <li>CONCRETE CURB</li> <li>CONCRETE</li> <li>CONTOUR EXISTING</li> <li>CONTOUR PROPOSED</li> <li>DEAN TILE</li> <li>ELECTRIC UNDERGROUND</li> <li>FIBER OPTIC UNDERGROUND</li> <li>GAS UNDERGROUND</li> <li>OVERHEAD UTILITY</li> <li>RAILROAD TRACKS</li> <li>SANITARY SEWER</li> <li>STORM SEWER</li> <li>TELEPHONE UNDERGROUND</li> <li>UTILITY UNDERGROUND</li> <li>WATERMAIN</li> </ul>
--	--	--

Fence lines are shown on the side of the boundary line that the fence is located on.

**ENGINEERS SURVEYORS DESIGNERS PLANNERS**

**SATHRE-BERGQUIST, INC.**  
 150 SOUTH BROADWAY WAYZATA, MN, 55991 (952) 476-6000

RESOLUTION NO 13-17

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

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**DENYING**

**In Re: Application of Diane Mulligan for the property at 5120 Meadville Street for a variance from Greenwood ordinance code section 1140.25 to install a fence that would encroach into the lake yard setback, exceed the height limitation for a front and lake yard fence, and exceed the height limit for a fence within the clear zone of a corner lot.**

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Diane Mulligan, applicant, is the owner of property commonly known as 5120 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-32-0015) being real property in Hennepin County Minnesota and legally described as follows:

**Lots 34, 35, and that part of Lot 33 lying southerly of a line running from a point in easterly line of said lot a distant 15.3 feet northerly from the southeast corner thereof to a point in northwesterly line of Lot 33 a distant 40 feet northeasterly from southwest corner thereof, MEADEVILLE PARK, according to the recorded plat thereof, Hennepin County, Minnesota**

**WHEREAS**, application was made for variance to section 1140.25 in conjunction with the installation of a fence that would encroach into the lake yard setback, exceed the height limitation for a front and lake yard fence, and exceed the height limit for a fence within the clear zone of a corner lot; 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 May 17, 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 5120 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-32-0015) is a single-family lot of record located within the R-1A district.
2. The applicant proposes the construction of fence that encroaches 25 feet into the minimum required lake yard setback of the property, exceeds the maximum permitted front yard fence height by 3 feet, and exceeds the maximum permitted corner lot clear area fence height by 3 feet, 6 inches.
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.”

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 deny the application of Diane Mulligan for a variance to construct to install a fence that would encroach into the lake yard setback, exceed the height limitation for a front and lake yard fence, and exceed the height limit for a fence within the clear zone of a corner lot for the property at 5120 Meadville Street, Greenwood, Minnesota 55331. The proposal does not meet the practical difficulties standards outlined in section 1155.10(4) in that:

- (a) The variance(s), if granted, will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance since the proposed privacy fence is of a substantially different nature in terms of height and opacity than the existing split rail fence in this area, and would create visibility impacts inconsistent with the ordinance.
- (b) The variance, if granted, will NOT be consistent with the comprehensive plan’s guiding use for the subject property in that the fence is not consistent with the Shoreland Management Standards of the Department of Natural Resources.
- (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 NOT reasonable because the remainder of the fence is exceeds the impacts of the existing legal nonconforming section of fencing.
- (d) The plight of the landowner-applicant is NOT due to circumstances unique to the property and IS created by the landowner because, while the fence is an existing nonconforming condition of the property, the desire for a privacy fence is created by the landowner. If granted, there are several properties that abut fire lanes or streets near lake frontage that could make similar claims for privacy fencing.
- (e) The variance, if granted, WILL alter the essential character of the locality since it would create a highly visible fence encroachment into the lakeside yard walling off a portion of the lake inconsistent with surrounding properties.
- (f) The variance, if granted, WILL be contrary to the intent of this ordinance by encroaching into the lake setback with privacy fencing.

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

- (a) Does not comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
- (b) Is not in harmony and keeping with the spirit and intent of the zoning ordinance since the proposed privacy fence is of a substantially different nature in terms of height and opacity than the existing split rail fence in this area, and would create visibility impacts inconsistent with the ordinance.

## CONCLUSIONS OF LAW

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

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

- A. A variance to section 1140.25 of the ordinance to encroach 25 feet into the minimum required lake yard setback of the property, exceed the maximum permitted front yard fence height by 3 feet, and exceed the maximum permitted corner lot clear zone fence height by 3 feet, 6 inches for the property at 5120 Meadville Street should be denied.

**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 Diane Mulligan for the property at 5120 Meadville Street, Greenwood, Minnesota 55331 for:

- A. A variance to section 1140.25 of the ordinance to encroach 25 feet into the minimum required lake yard setback of the property, exceed the maximum permitted front yard fence height by 3 feet, and exceed the maximum permitted corner lot clear zone fence height by 3 feet, 6 inches is DENIED.

**PASSED** this 7th day of June, 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: **7B**

Agenda Date: 06-07-17

Prepared by Deb Kind

**Agenda Item:** 1st Reading of Ord 269 Amending Subdivision Section 600.10(E) Regarding Deadline for City Action

**Summary:** After observing difficulty meeting the 60-day deadline to process a preliminary plat application per the city's code section 600.10 below, the city zoning administrator suggested that the city council consider amending the city's code to follow state statute (see the excerpt from the League of MN Cities below).

**CURRENT GREENWOOD CODE**

Section 600.10. Subd. 1 E: The council shall act on the preliminary plat within 60 days of the date on which it was filed with the city clerk. If the report of the planning commission has not been received in time to meet this requirement, the council may act without such report.

**FROM THE LEAGUE OF MN CITIES**

A subdivision application must receive preliminary approval or disapproval within 120 days of its delivery, unless the applicant agrees to an extension. If no action is taken, the application will be deemed approved after this time period. (Note that this 120-day period differs from the usual 60-Day Rule. By its terms, the 60-Day Rule found at Minn. Stat. § 15.99 does not apply to city subdivisions). The city should document all extensions in writing. If the city does not act on an application within 120 days, the applicant may demand a certificate of approval from the city. Following receipt of the certificate, the applicant may request final approval by the city.

The city attorney recommends that the city council adopt the attached ordinance 269 and waive the second reading in order to have the new 120-day deadline in place to process the preliminary plat application that currently is being reviewed by the planning commission.

**Timeline:**

- 06-07-17 City council considers 1st reading of the ordinance and waives the 2nd reading (unanimous vote required).
- 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 269 amending the code section section 600.10. subd. 1 E as written / as amended; (2) waives the 2nd reading; and (3) directs staff to publish the ordinance in the city's official newspaper.
2. 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.*

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 600.10 REGARDING DEADLINE FOR CITY ACTION**

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

SECTION 1.

Greenwood ordinance code section 600.10. subd. 1 (E) is amended to read as follows:

“A subdivision application must receive preliminary approval or disapproval within 120 days of its delivery, unless the applicant agrees to an extension in writing. If the report of the planning commission has not been received in time to meet the 120-day requirement or agreed upon extension deadline, the council may act without such report. If no city council action is taken within the 120-day requirement or agreed upon extension deadline, the application will be deemed approved.”

SECTION 2.

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

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 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 Number: 8A**

**Agenda Date: 06-07-17**

*Prepared by Deb Kind*

**Agenda Item:** 2nd Reading of Ordinance 268, Update of Fee Schedule Regarding Subdivision and Building Fees

**Summary:** At the 05-03-17 council meeting, the council approved the 1st reading of the attached fee schedule on a 4-1 vote with Councilwoman Conrad voting nay because she wants examples from neighboring cities to support 6% vs 8% for the Park Dedication Fee. A unanimous vote is required to waive a 2nd reading, therefore the ordinance is on the 06-07-17 agenda for a 2nd reading.

The 05-03-17 meeting included a discussion about the use of Park Dedication Fees and whether the city needs more park land. According to the attached information from the National Recreation and Park Association website, there typically is one park for every 2,266 residents in the United States and cities that maintain less than 250 acres of park land have a median of 5 acres of park land per 1000 residents (.005 per person). The most current population estimate for Greenwood is 702 x .005 equals 3.51 acres. The combined acreage of Greenwood Park (1.57 acres) and Shuman Woods Park (2.65 acres) is 4.22 acres. By law, money from the city's Park Fund **MUST** be used for park land acquisition or park improvements. Park Fund money cannot be used for ongoing park maintenance. Subdivision Park Dedication Fees are the only revenue source for the city's Park Fund.

The attached ordinance includes the 6% Park Dedication fee per the council's approval at the 05-03-17 meeting. It also includes organizational changes to section 600.35 for clarity.

**Timeline:**

- ~~05-03-17 City council considers 1st reading of the ordinance.~~
- 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 2nd reading of ordinance 268 updating building and subdivision fees as written / as amended; (2) approves resolution 14-17 for publication; and (3) directs staff to submit the resolution for publishing in the city's official newspaper.
2. 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.*

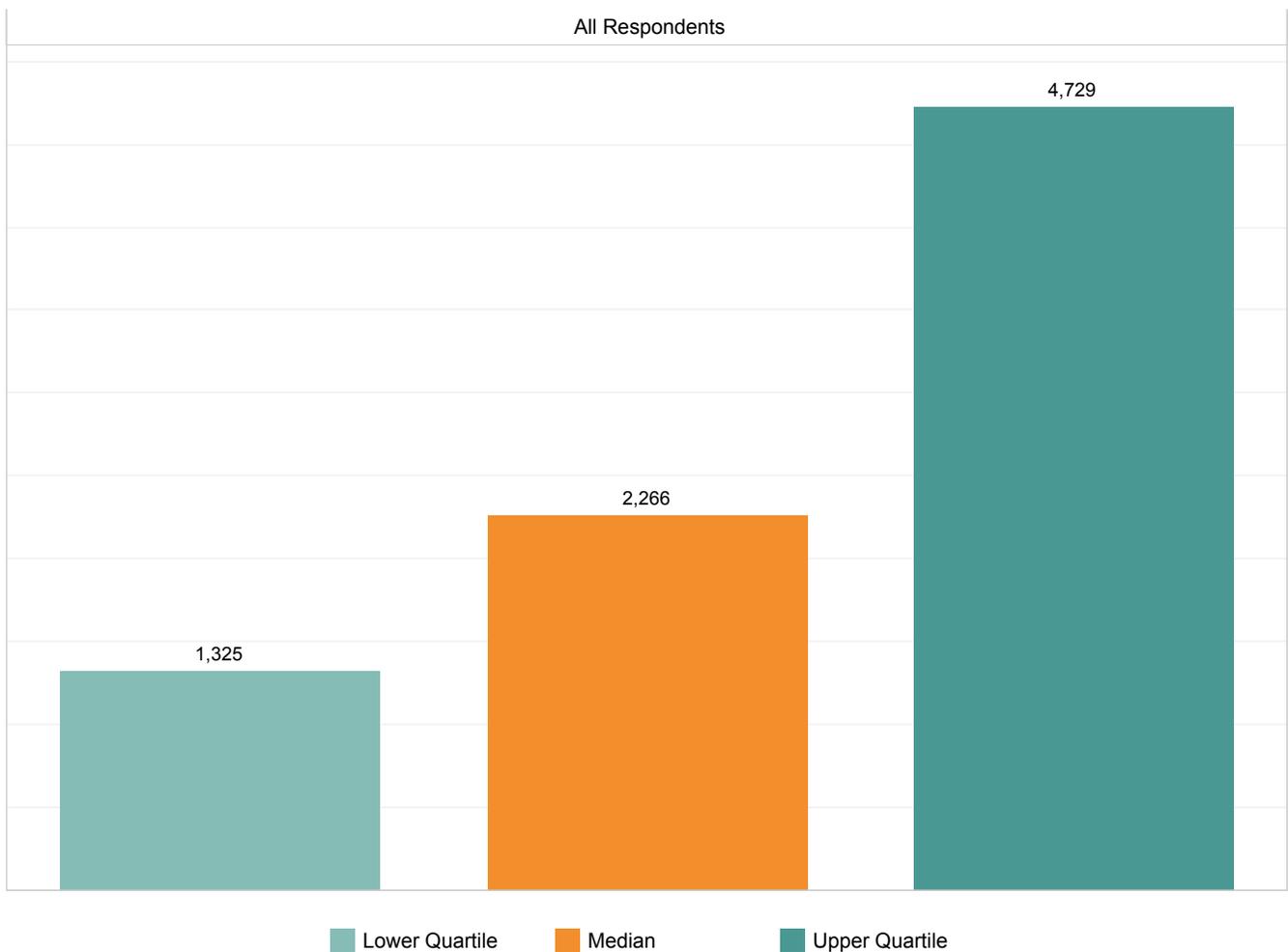
# 2017 NRPA Agency Performance Review- Park Facilities

Residents per Park Figure 1	Acres of Park Land per 1,000 Residents Figure 2	Outdoor Park and Recreation Facilities Figure 3	Indoor Park and Recreation Facilities Figure 4
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Click the buttons above to see how the data changes based on selected measures.

Typically, there is **one** park for every **2,266** residents in the United States.



\*Findings from the 2017 NRPA Agency Performance Review uses data from Park Metrics, NRPA's park and recreation agency performance benchmarking tool, from years 2014-2016.

©2017 National Recreation and Park Association



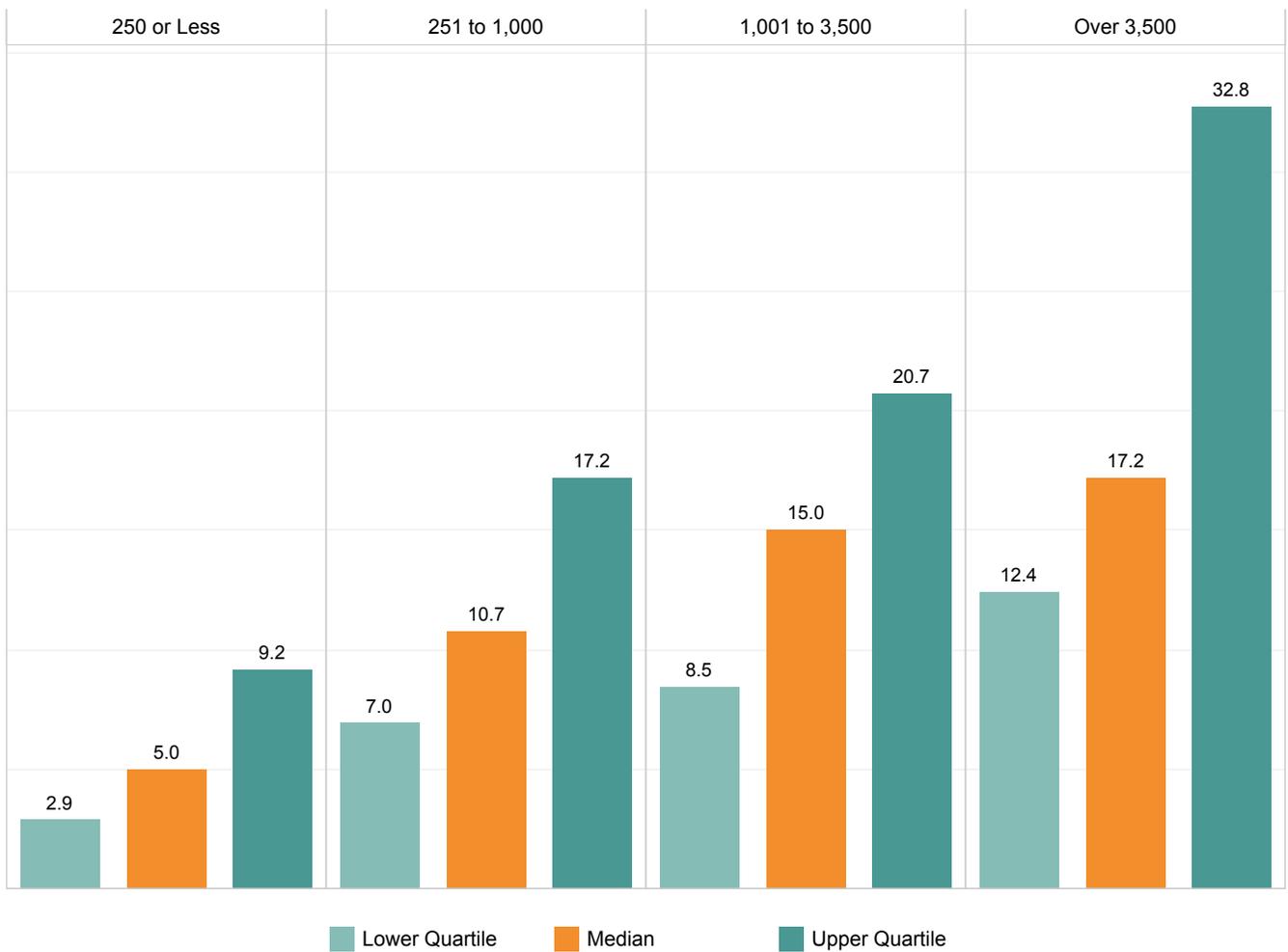
# 2017 NRPA Agency Performance Review- Park Facilities

Residents per Park Figure 1	Acres of Park Land per 1,000 Residents Figure 2	Outdoor Park and Recreation Facilities Figure 3	Indoor Park and Recreation Facilities Figure 4
--------------------------------	---	---	--



Click the buttons above to see how the data changes based on selected measures.

Typically, there are **9.6 acres** of park land per **1,000** residents in the United States.



\*Findings from the 2017 NRPA Agency Performance Review uses data from Park Metrics, NRPA's park and recreation agency performance benchmarking tool, from years 2014-2016.



Underline = New Text  
~~Strikethrough~~ = Deleted Text

ORDINANCE NO. 268

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
 AMENDING GREENWOOD ORDINANCE CODE SECTION 510 FEES  
 & CODE SECTION 600.35 REGARDING PARK DEDICATION**

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

SECTION 1.

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

BUILDING-RELATED FEES			
Building Permit	300.10	Per 1997 Uniform Building Code	
IPM Code Book	320.30	\$75	Per copy
Electrical Permit Fees	300.07	Per the city of 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 the city of 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.	
SUBDIVISION-RELATED FEES			
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	<del>\$500 plus consultant / contract service provider expenses incurred by the city as they exceed the base fee amount.</del>	
Final Plat Application Fee	<u>600.15</u>	<u>\$500 plus park fund fee and consultant / contract service provider expenses incurred by the city as they exceed the base fee amount.</u>	
Park Dedication Fee	600.35	<del>10%</del> <u>6% of the assessor's land valuation for the entire parcel prior to subdivision on January 2 of the year of the final plat application.</u>	

SECTION 2.

Greenwood ordinance code section sections 600.35 is amended to read as follows:

**“Section 600.35. Other Provisions.**

Subd. 1. *Variances and Exceptions.* Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the city council shall, upon an affirmative vote of at least 3/5 of the total membership of such council, have the power to vary the requirements of this ordinance in harmony with the general purpose and intent hereof, so that the public health, safety and general welfare may be secured and substantial justice done.

Subd. 2. ~~Interpretation.~~ Tract / Parcel Size.

- A. No registered land survey hereinafter filed against property located within this city shall have a tract designated upon it that shall be smaller in dimension or area than the minimum provided for platted lots in this ordinance. No building permit shall be issued by any governing body or official or its or their agents for the construction of any building, structure or improvement on any tract contained in a registered land survey hereafter filed against land within this city, which registered land survey contains a tract that is smaller in dimension or area than the minimum dimension or area provided for platted lot in this ordinance, unless prior to the filing of said registered land survey the same had been

approved by the city council or, after filing of a registered land survey, without such approval, the city council subsequently approves such registered land survey by an affirmative vote of at least 3/5 of the total membership thereof.

B. No unplatted land within its limits of the city shall, unless such parcel is a separate parcel of land of record at the time of adoption of this ordinance or unless the agreement to convey said parcel has been entered into at the time of adoption of this ordinance and the instrument of conveyance is recorded or registered within 6 months from said date, hereafter be conveyed by metes and bounds description unless the area of said parcel shall not be less than the minimum required lot size for properties within the applicable zoning district for the property in question, unless a variance is first obtained from the city council in accordance with subsection A of this subdivision 2; however, nothing in this ordinance shall prohibit conveyance by metes and bounds description of any parcel of land of less than the minimum required lot size for properties within the applicable zoning district for the property in question. If such a parcel is added to, and combined with, and becomes a part of an adjacent lot or area so as to increase the size of such adjacent tract or parcel of land, provided, the remaining portion of such tract being so divided shall not be less than the minimum required lot size for properties within the applicable zoning district for the property in question, unless such remaining tract also is added to and combined with and becomes a part of some other adjoining tract.

~~C. Subd. 3. Park Dedication.~~ The council may require ~~8%~~ 6% of each proposed subdivision to be dedicated for public use as parks, playgrounds, trails, or open space, but not including land necessary and dedicated for stormwater holding areas or ponds. Such dedicated land must be suitable for parks or playgrounds and shall conform to the city plan for parks and playgrounds. As an alternative, the council may require that the subdivider contribute a cash amount equal to ~~8% of the fair market value of the buildable land to be subdivided.~~ 6% of the assessor's land valuation for the entire parcel prior to subdivision on January 2 of the year of the final plat application. Cash payments will be placed in a special park fund and will be used only for the acquisition and development or improvement of parks, playgrounds, trails, wetlands, or open space.

Subd. 3. 4. Building Permits. No building permit shall be issued by any governing body or official for the construction of any building, structure or improvement on any land henceforth subdivided or conveyed until all requirements of this ordinance have been fully complied with.

Subd. 4. 5. Validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Subd. 5. 6. Violations. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, re-platting or subdividing or conveying of land not in accordance with this ordinance may enjoined."

SECTION 3.

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: May 3, 2017  
Second reading: \_\_\_\_\_, 2017  
Publication: \_\_\_\_\_, 2017

**RESOLUTION 14-17**

**A RESOLUTION APPROVING PUBLICATION  
OF ORDINANCE NUMBER 268 BY TITLE AND SUMMARY**

**WHEREAS**, on \_\_\_\_\_, 2017 the city council of the city of Greenwood adopted "Ordinance 268 Amending Greenwood Ordinance Code Section 510 Fees & Code Section 600.35 Regarding Park Dedication."

**WHEREAS**, the city council has prepared a summary of ordinance 268 as follows:

1. The ordinance updates the city's building-related fees and subdivision-related fees 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 the city of 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.
Excavation / Building Permit, Floodplain	4174.07	Per building code	
Heating, Ventilating, AC, Refrigeration Permit Fees	300.07	Per the city of 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	\$400 plus consultant / contract service provider expenses incurred by the city as they exceed the base fee amount.	
Preliminary Plat Application Fee	600.10	\$500 plus consultant / contract service provider expenses incurred by the city as they exceed the base fee amount.	
Final Plat Application Fee	600.15	\$500 plus park fund fee and consultant / contract service provider expenses incurred by the city as they exceed the base fee amount.	
Park Dedication Fee	600.35	6% of the assessor's land valuation for the entire parcel prior to subdivision on January 2 of the year of the final plat application.	

2. The ordinance makes corresponding revisions to the subdivision ordinance section 600.35 regarding Park Dedication.
3. The ordinance also includes organizational changes to section 600.35 for clarity.

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

1. The city council finds that the above title and summary of ordinance 268 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 268 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

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

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

CITY OF GREENWOOD

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

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

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Dana H. Young, City Clerk

First reading: May 3, 2017

Second reading: \_\_\_\_\_, 2016

Publication: \_\_\_\_\_, 2016



**Agenda Number: 9A**

**Agenda Date: 06-07-17**

*Prepared by Deb Kind*

**Agenda Item:** Letter of Support for Carmen Bay Lake Improvement District

**Summary:** Steve Nielson is on the team leading the effort to establish a Lake Improvement District for Carman Bay in Orono. They are using the process and materials used to establish the St. Alban's Bay LID. Steve's team received approval from the Orono city council last November to proceed with the process. They started the petition signing in late April and hope to achieve a 2/3rds majority of signers to present to the Orono city council. They also are gathering letters of support from organizations and individuals to present to the Orono city council on 07-10-17 when the council will consider a resolution establishing the Carman Bay LID.

Steve is requesting that the Greenwood city council write a letter of support for the Carman Bay LID. Steve said, "As a city with a Lake Improvement District, I believe your credentials are perfect and a letter would be such a powerful show of support for our LID. Your positive feelings about the St. Alban's Bay LID motivate us as we attempt to emulate what St. Alban's Bay has already done."

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

1. I move the city council authorizes Mayor Kind to write a letter of support for the establishment of a Carman Bay Lake Improvement District on behalf of the Greenwood city council.
2. Do nothing or other motion ???



**Agenda Number: 9B**

**Agenda Date: 06-07-17**

*Prepared by Deb Kind*

**Agenda Item:** Consider Lake Minnetonka Conservation District 2018 Budget

**Summary:** The LMCD board approves the budget with input from the cities, but the cities do not take official action on the budget. The budget is certified to the state by July 1 each year.

Greenwood's share of the LMCD budget is proposed to increase from \$6,298 in 2017 to \$ \$6,816 in the 2018 budget. This represents an 8.2% increase for Greenwood.

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

1. I move that the Greenwood city council (1) expresses **support** for the 2018 Lake Minnetonka Conservation District budget as proposed; and (2) directs the city clerk to send a copy of this motion to the LMCD executive director.
2. I move that the Greenwood city council (1) expresses **non-support** for the 2018 Lake Minnetonka Conservation District budget for the following reason(s): \_\_\_\_\_; and (2) directs the city clerk to send a copy of this motion to the LMCD executive director.
3. Do nothing or other motion ???



## LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

**DATE:** May 15, 2017

**TO:** LMCD Member City Administrators & Mayors

**FROM:** Jay Green, Chair  
Chris Jewett, Treasurer  
Gary Hughes, Board Member *Gary Hughes*  
Vickie Schleuning, Executive Director *Vickie Schleuning*

**CC:** LMCD Board Members

**SUBJECT:** Draft 2018 LMCD Budget

A copy of the draft 2018 Lake Minnetonka Conservation District (LMCD) Budget is enclosed. You are invited to attend an informational and comment session scheduled for Thursday, June 1, 2017, at 11 a.m. at the LMCD office.

By state statute, the allocation of levy to the 14 member cities is based on their percentage of the total net tax capacity, with no city paying greater than 20% of the overall levy. The LMCD Board performed a detailed analysis of the budget, resulting in projected expenses and revenues for 2018. In order to balance the budget in 2018 without the use of reserve funds, expenses have been reduced by 6.7%. The overall city levy is anticipated to increase by 5%, reflecting the levy amount similar to 2015.

Revenues over the past few years have decreased primarily due to loss of grants and fines. This reduction, combined with unexpected expenses, has resulted in the use of reserve funds to cover the shortfall in 2015 and 2016. Because many agency budgets are considered on a calendar year basis, some budget information was not available during this budget preparation. Therefore, the draft budget is based on historical analysis and projections. Since time exists between the required certification on July 1<sup>st</sup> and 2018, programs could be re-examined if opportunities exist.

An objective during budget preparation was to project a budget that does not use reserves. While many factors were considered such as increasing revenue and decreasing costs, the final determination proposes a significant reduction of costs through the elimination of the AIS watercraft inspection program. From a revenue perspective, the levy would need to be significantly increased to cover the shortfall. A chart is included that shows the effect various percentage increases of the levy would have on revenue.

An additional chart shows the historical LMCD budget and city levy amounts from 2008 to Draft Budget 2018. This chart indicates a trend where over the years the LMCD budget has slightly

decreased and the city levy has minimally increased. The following is a highlight of the draft 2018 LMCD Budget.

#### Revenues

Overall decrease of 4.8% to \$523,144 compared to \$549,524 in 2017

- Decrease of fines and forfeits of \$12,400, from \$47,400 in 2017 to \$35,000 in 2018
- Decrease in grants of \$13,781, from \$20,281 in 2017 to \$6,500 in 2018
- 5% increase in city levy in 2018 compared to 2017, bringing amount near 2015 level
- Added value of \$32,500 reflected in projected Save the Lake Fund contributions, but decreased from \$40,000 in 2017 to reflect historical amounts

#### Expenses

Overall decrease of 6.7% in expenses to \$523,144 in 2018 compared to \$560,749 in 2017

- Reduction of \$32,000 due to elimination of watercraft inspections
- Elimination of \$15,000 for Equipment Replacement Fund
- Reduction of permanent full-time staffing, augmented by permanent part-time, seasonal, and contractual services

Please refer to the *2018 All Funds Budget Summary*, indicating the history of the revenues and expenses from 2014 to the draft 2018 budget. In addition, the *City Levy Share* chart shows the distribution of city levy based on the Draft 2018 Budget.

The LMCD would appreciate your input. We hope you can attend the informational session scheduled for Thursday, June 1, 2017, at 11 a.m. at the LMCD office. Please contact Executive Director Vickie Schleuning or your member city representative if you would like a representative to attend an upcoming city council meeting to discuss the draft 2018 LMCD Budget or to review LMCD activities and projects. Review and approval of the budget by the LMCD Board is scheduled for the June 14, 2017 meeting.

#### **ATTACHMENTS**

- I. City Levy Increase Impact Chart
- II. Budget and Levy Comparison 2008 Through Draft 2018
- III. 2018 All Funds Budget Summary
- IV. City Levy Share

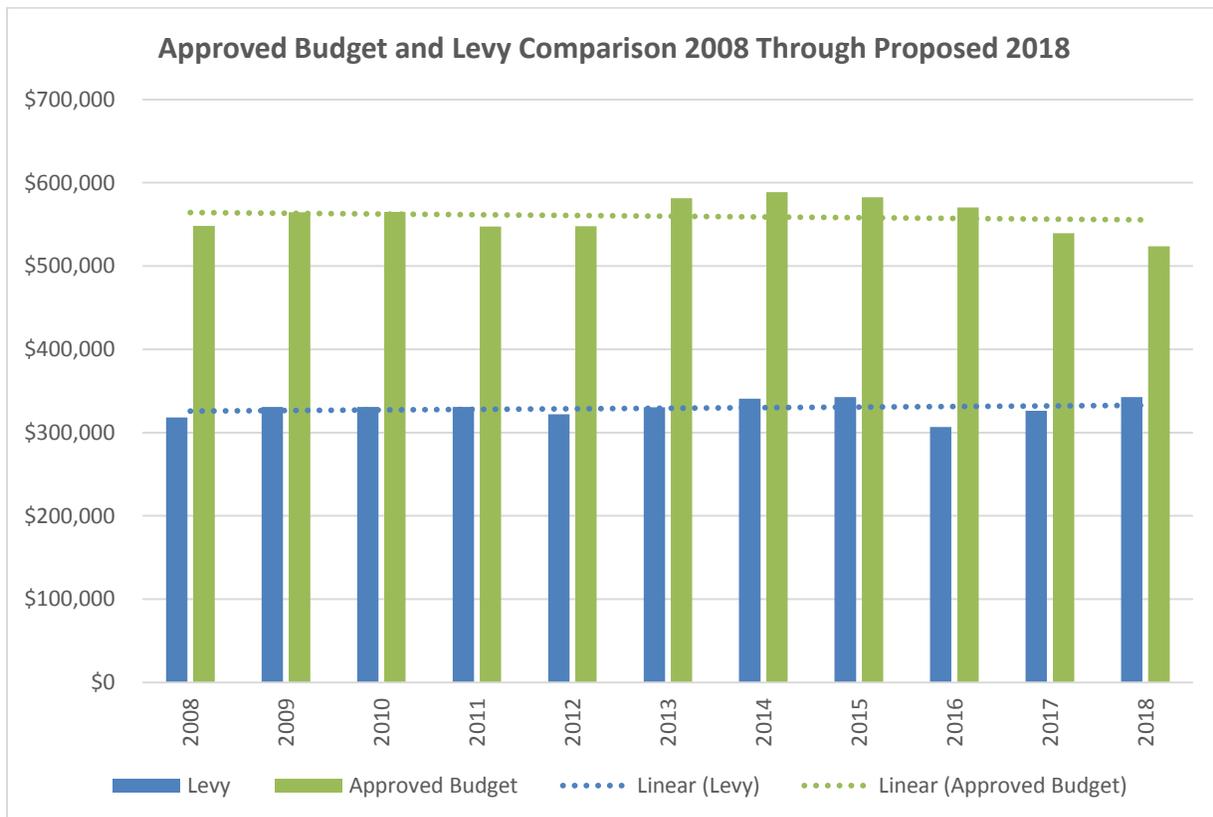
**I. Increased Levy Impact**

The proposed 5% increase brings the city levy to a level similar to 2015. The following chart indicates the impact of increasing the levy percentages ranging from 5-9%.

Levy Increase by Percentages				
Percent Increase	Admin	AIS	Total	Total Increase
5	\$268,110	\$74,550	\$342,660	Proposed
6	\$270,664	\$75,260	\$345,924	\$3,263
7	\$273,217	\$75,970	\$349,187	\$6,527
8	\$275,770	\$76,680	\$352,450	\$9,790
9	\$279,374	\$77,390	\$356,764	\$14,104

**II. Budget and Levy Comparison 2008 Through Draft 2018**

Since 2008, the trend line indicates the LMCD budget has slightly decreased and the city levy has minimally increased.



**III. 2018 All Funds Budget Summary**

LAKE MINNETONKA CONSERVATION DISTRICT								
STATEMENT OF REVENUE, EXPENDITURES AND CHANGES IN FUND BALANCES - SUMMARY								
ALL FUNDS								
ACTUAL FOR THE YEAR ENDED DECEMBER 31, 2015-2016, AND								
BUDGET FOR THE YEARS ENDED DECEMBER 31, 2016 AND 2017 AND PROPOSED BUDGET 2018 (DRAFT 05/15/2017)								
	Actual	Actual	Actual	Budget	Budget	Proposed	Dollar	Percent
	2014	2015	2016	2016	2017	2018	Change	Change
<b>REVENUES</b>								
Intergovernmental	\$341,312	\$ 343,188	\$ 307,562	\$ 307,366	\$ 326,843	\$ 342,660	\$ 15,817	5%
Contributions and donations	35,928	46,136	21,426	40,000	40,000	32,500	(7,500)	-19% (1)
Licenses and permits	114,586	107,510	112,979	112,000	112,000	104,984	(7,016)	-6%
Fines and forfeits	62,156	33,974	35,598	47,400	47,400	35,000	(12,400)	-26% (2)
Interest revenue	2,054	2,922	1,618	3,000	3,000	1,500	(1,500)	-50%
Miscellaneous revenue	56,019	59,457	15,496	20,784	20,281	6,500	(13,781)	-68% (3)
<b>TOTAL REVENUES</b>	<b>612,055</b>	<b>593,187</b>	<b>494,679</b>	<b>530,550</b>	<b>549,524</b>	<b>523,144</b>	<b>(26,380)</b>	<b>-4.8%</b>
<b>EXPENDITURES</b>								
Personnel Services	286,924	281,849	296,900	244,089	210,352	265,500	55,148	26% (4)
Office and administration	97,875	122,978	90,987	103,429	99,440	72,805	(26,635)	-27%
Contractual services	91,879	109,847	88,055	86,332	87,011	73,846	(13,165)	-15% (5)
Legal Services	83,234	91,707	98,074	99,000	100,000	101,380	1,380	1%
Capital Outlay	5,029	1,994	4,129	4,600	4,600	5,000	400	9%
Contingency	7,245	9,300	10,841	65,160	59,346	4,613	(54,733)	-92% (6)
<b>TOTAL EXPENDITURES</b>	<b>572,186</b>	<b>617,675</b>	<b>588,986</b>	<b>602,610</b>	<b>560,749</b>	<b>523,144</b>	<b>(37,605)</b>	<b>-6.7%</b>
<b>EXCESS REVENUES (EXPENDITURES)</b>	<b>39,869</b>	<b>(24,488)</b>	<b>(94,307)</b>	<b>(72,060)</b>	<b>(11,225)</b>	<b>(0)</b>	<b>11,225</b>	<b>-100%</b>
<b>OTHER FINANCING SOURCES (USES)</b>								
Transfer in (Equipment Replacement)	-	-	-	-	-	-	-	0%
Transfer out (Equipment Replacement)	(25,000)	(35,000)	-	-	(15,000)	-	-	-100%
<b>TOTAL OTHER FINANCING SOURCES (USES)</b>	<b>(25,000)</b>	<b>(35,000)</b>	<b>-</b>	<b>-</b>	<b>(15,000)</b>	<b>-</b>	<b>15,000</b>	<b>-100%</b>
<b>EXCESS (DEFICIENCY) OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES</b>								
	<b>\$ 14,869</b>	<b>\$ (59,488)</b>	<b>\$ (94,307)</b>	<b>\$ (72,060)</b>	<b>\$ (26,225)</b>	<b>\$ (0)</b>		
<b>Explanation of Budget Changes in revenue and expenditures</b>								
(1) Reduction based on historical value of contributions received								
(2) Reduction based on historical decrease in fines/citations received versus prosecution costs								
(3) Anticipated continued reduction of grants primarily for AIS activities								
(4) Added part-time administrative staffing and EWM coordinator in lieu of vacant full-time position, accounted for in contingency previous year								
(5) Includes professional services for public education materials, technology, and systems for operational efficiencies and alignment with strategic plan Reduced funding for AIS prevention/watercraft inspection project								
(6) Activities accounted for in applicable fund account								

IV. City Levy Share



**LAKE MINNETONKA CONSERVATION DISTRICT  
2018 BUDGET AND LEVY  
(Draft 05/15/2017)**

City	2010 U.S. Census Population Data	2016 Estimated Market Value	2016 Net Tax Capacity	% of Total Net Tax Capacity (Note 1)	Share of Admin. Levy in 2018	Share of AIS Levy in 2018	Share of Total Levy in 2018	Share of Total Levy in 2017	Increase in Total Levy from 2017	% of Increase from 2017
DEEPHAVEN	3,642	1,199,300,300	13,550,795	5.2%	\$18,993	\$5,281	<b>\$24,275</b>	\$23,719	\$556	2.3%
EXCELSIOR	2,188	442,760,300	5,563,659	2.1%	\$7,798	\$2,168	<b>\$9,967</b>	\$9,426	\$541	5.7%
GREENWOOD	688	328,243,500	3,804,611	1.5%	\$5,333	\$1,483	<b>\$6,816</b>	\$6,298	\$518	8.2%
MINNETONKA	49,734	8,734,239,700	107,498,529	41.3%	\$53,622	\$14,910	<b>\$68,532</b>	\$65,269	\$3,263	5.0%
MTKA BEACH	539	316,433,300	3,710,768	1.4%	\$5,201	\$1,446	<b>\$6,647</b>	\$6,288	\$359	5.7%
MINNETRISTA	6,384	1,485,034,300	15,842,832	6.1%	\$22,206	\$6,175	<b>\$28,381</b>	\$25,731	\$2,650	10.3%
MOUND	9,052	1,180,562,200	12,084,264	4.6%	\$16,938	\$4,710	<b>\$21,648</b>	\$20,053	\$1,595	8.0%
ORONO	7,437	2,755,166,900	31,356,104	12.0%	\$43,950	\$12,221	<b>\$56,171</b>	\$52,917	\$3,254	6.1%
SHOREWOOD	7,307	1,602,654,100	17,588,896	6.8%	\$24,653	\$6,855	<b>\$31,509</b>	\$30,723	\$785	2.6%
SPRING PARK	1,669	262,871,200	3,114,228	1.2%	\$4,365	\$1,214	<b>\$5,579</b>	\$4,991	\$588	11.8%
TONKA BAY	1,475	548,689,300	6,229,139	2.4%	\$8,731	\$2,428	<b>\$11,159</b>	\$10,858	\$300	2.8%
VICTORIA	7,345	1,276,719,900	13,127,323	5.0%	\$18,400	\$5,116	<b>\$23,516</b>	\$24,362	-\$846	-3.5%
WAYZATA	3,688	1,806,900,700	23,539,184	9.0%	\$32,994	\$9,174	<b>\$42,168</b>	\$39,577	\$2,590	6.5%
WOODLAND	437	299,283,000	3,513,757	1.3%	\$4,925	\$1,369	<b>\$6,294</b>	\$6,130	\$164	2.7%
	101,585	22,238,858,700	260,524,089	100.0%	\$268,110	\$74,550	<b>\$342,660</b>	\$326,343	\$16,317	5.0%
Maximum Levy Per MN statute 103B.635 (Total Taxable Market Value * 0.00242%):								\$538,180		
<b>(Note 1)</b> Per MN statute 103B.631, no city may pay more than 20% of the total levy. The City of Minnetonka would pay a constant 20% of any amounts to be levied.										
Remaining cities factor for determining levy amounts is computed as: (City Net Tax Capacity / ( Total Net Tax Capacity - Minnetonka Net Tax Capacity ) ) * 80%										
Total Net Tax Capacity			260,524,089							
less Minnetonka Net Tax Capacity			(107,498,529)							
Net Tax Capacity for remaining 13 cities			153,025,560							



Agenda Number: **11A-E**

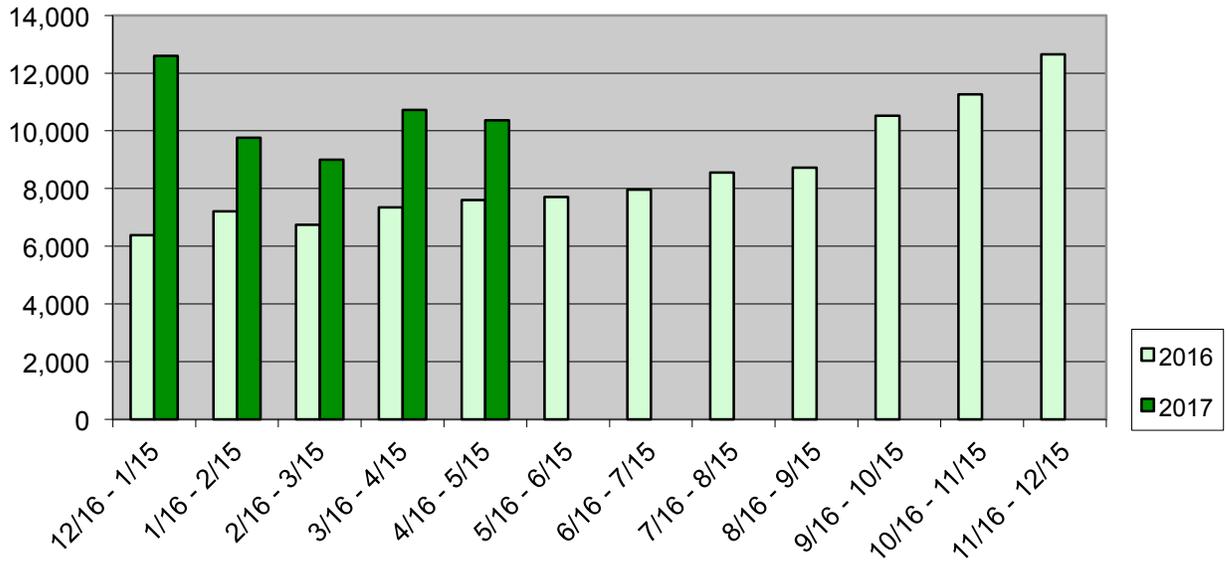
**Agenda Item:** Council Reports

**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.

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	10,366	-362	2,763	165
5/16 - 6/15	7,711		-10,366	-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>10,489</b>			

**POPULATION:** 702  
**EMAIL ADDRESSES % OF POPULATION:** 23.50%

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

## 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>	4879	47.07%
<a href="#">Agendas, Minutes, Meeting Packets</a>	554	5.34%
<a href="#">RFPs &amp; Bids</a>	547	5.28%
<a href="#">Welcome to Greenwood</a>	535	5.16%
<a href="#">City Departments</a>	456	4.4%
<a href="#">Assessments &amp; Taxes</a>	242	2.33%
<a href="#">Planning Commission</a>	209	2.02%
<a href="#">Mayor &amp; City Council</a>	209	2.02%
<a href="#">Code Book of Ordinances</a>	201	1.94%
<a href="#">Spring Clean-Up Day</a>	165	1.59%
<a href="#">Forms, Permits, Licenses</a>	129	1.24%
<a href="#">Garbage &amp; Recycling</a>	129	1.24%
<a href="#">Meetings on TV</a>	107	1.03%
<a href="#">Budget &amp; Finances</a>	105	1.01%
<a href="#">Agendas, Minutes, Meetings</a>	104	1%
<a href="#">Comp Plan &amp; Maps</a>	103	0.99%
<a href="#">Watercraft Spaces</a>	99	0.96%
<a href="#">Meetings</a>	96	0.93%
<a href="#">Elections, Voting</a>	88	0.85%
<a href="#">St. Alban's Bay Lake Improvement District</a>	87	0.84%
<a href="#">Parks, Trails &amp; Watercraft Amenities</a>	80	0.77%
<a href="#">Community Surveys</a>	73	0.7%
<a href="#">Lake Minnetonka</a>	70	0.68%
<a href="#">Smoke Testing</a>	69	0.67%

### 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="#">Public Safety Alerts</a>	65	0.63%
<a href="#">City Newsletters</a>	65	0.63%
<a href="#">Photo Gallery</a>	64	0.62%
<a href="#">Links</a>	63	0.61%
<a href="#">Sewer, Stormwater, Water, Garbage, Recycling</a>	60	0.58%
<a href="#">Swiffers NOT Flushable</a>	59	0.57%
<a href="#">Finances, RFPs, Taxes, Assessments</a>	52	0.5%
<a href="#">Fire Department</a>	52	0.5%
<a href="#">Recreation, Amenities</a>	51	0.49%
<a href="#">Habitat 500 Bike Ride</a>	50	0.48%
<a href="#">Emergency Preparedness</a>	50	0.48%
<a href="#">Coyotes &amp; Animal Services</a>	49	0.47%
<a href="#">Email Sign-Up</a>	48	0.46%
<a href="#">Search Results</a>	47	0.45%
<a href="#">News, Events</a>	46	0.44%
<a href="#">Tree Contractors</a>	40	0.39%
<a href="#">Well Water</a>	35	0.34%
<a href="#">Old Log Events</a>	34	0.33%
<a href="#">Tour de Tonka</a>	33	0.32%
<a href="#">July 4th</a>	32	0.31%
<a href="#">Luck O' the Lake</a>	27	0.26%
<a href="#">Unsubscribe</a>	5	0.05%
<a href="#">---</a>	3	0.03%
<b>TOTAL</b>	<b>10366</b>	<b>100%</b>

### Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	1815	37.88%
City Departments	354	7.39%
Welcome to Greenwood	265	5.53%
Agendas, Minutes, Meeting Packets	205	4.28%
Mayor & City Council	126	2.63%
Code Book of Ordinances	109	2.27%
Spring Clean-Up Day	108	2.25%
Planning Commission	106	2.21%
Assessments & Taxes	105	2.19%
Forms, Permits, Licenses	87	1.82%
Garbage & Recycling	79	1.65%
Comp Plan & Maps	72	1.5%
Agendas, Minutes, Meetings	63	1.31%
Meetings on TV	60	1.25%
Elections, Voting	59	1.23%
Meetings	59	1.23%
Watercraft Spaces	58	1.21%
St. Alban's Bay Lake Improvement District	57	1.19%
City Newsletters	54	1.13%
Budget & Finances	52	1.09%
Links	49	1.02%
Lake Minnetonka	48	1%
Parks, Trails & Watercraft Amenities	47	0.98%
Photo Gallery	47	0.98%
Public Safety Alerts	44	0.92%
Community Surveys	44	0.92%
Smoke Testing	43	0.9%
Email Sign-Up	40	0.83%
RFPs & Bids	40	0.83%
Coyotes & Animal Services	39	0.81%
Sewer, Stormwater, Water, Garbage, Recycling	36	0.75%
Emergency Preparedness	36	0.75%

Swiffers NOT Flushable	35	0.73%
Finances, RFPs, Taxes, Assessments	35	0.73%
Fire Department	34	0.71%
News, Events	33	0.69%
Recreation, Amenities	32	0.67%
Search Results	30	0.63%
Habitat 500 Bike Ride	29	0.61%
Well Water	29	0.61%
Tree Contractors	28	0.58%
July 4th	27	0.56%
Tour de Tonka	25	0.52%
Old Log Events	24	0.5%
Luck O' the Lake	20	0.42%
---	3	0.06%
Unsubscribe	2	0.04%
<b>TOTAL</b>	<b>4792</b>	<b>100%</b>

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Agenda Number: **FYI**

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

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

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

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, MAY 16, 2017  
7:00 P.M.**

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

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

Members Present: Chairman Pat Lucking, Commissioners Lake Bechtell, Jennifer Gallagher, Doug Reeder, and David Steingas

Others Present: Council Liaison Kristi Conrad and Zoning Administrator Dale Cooney

Absent: Commissioner Fiona Sayer

**2. OATH OF OFFICE**

Jennifer Gallagher took the oath of office for her new term.

**3. MINUTES – April 19, 2017**

Commissioner Steingas moved to approve the minutes of April 18, 2017 as written. Commissioner Reeder seconded the motion. Motion carried 5-0.

**4. PUBLIC HEARINGS**

**4a. Consider variance request of Diane Mulligan to build a fence that would encroach into the lake yard setback, exceed the height limitation for a front and lakeside fence, and encroach into the clear zone for a road intersection for the property at 5120 Meadville Street**

Chairman Lucking introduced the agenda item. He said that Diane Mulligan, property owner, is proposing to remove a non-conforming split-rail fence and replace it with a 6 foot privacy fence. Lucking said that Section 1140.25 of the zoning ordinance regulates fences.

Chairman Lucking Opened the public hearing.

Diane Mulligan, applicant, said that she is replacing a fence on the side yard. She said that currently there is a 50 year old split rail fence. She said that the trees along the property line make it difficult to plant hedges so she is proposing a privacy fence instead.

Lucking said that for the fire lane at 5050 Meadville, the city allowed a full height fence in the front yard and then reduced it to 3 feet at the lake yard setback.

Cooney said that he interprets city code to limit the fence height to 3 feet from the front setback line to the front lot line. He said that the height in this area is further limited by the corner lot visibility restrictions which limit the fence height to 30 inches from the point of the intersection to 50 feet back.

Lucking said that the elevation of the berm in that area makes it practically a 5 foot fence. Bechtell said that the berm would give them additional privacy.

Steingas said that he did not see a practical difficulty and felt that the fence should be compliant. Cooney asked about the nonconforming section within the lake yard setback. Steingas said that they could keep the split rail fence in that section if they want.

Motion by Steingas to recommend denial of the variance request. Motion was seconded by Gallagher. Motion carried 5-0.

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**4b. Public Hearing to consider subdivision request of Kyle Hunt & Partners, consultant for the homeowners, to divide the property at 5135 Weeks Road into two buildable lots and an outlet for access purposes.**

Chairman Lucking introduced the agenda item. Commissioner Reeder recused himself and relocated to the audience. Lucking opened the public hearing.

Kyle Hunt of Kyle Hunt and Partners, applicant, said that he believes that some dialogue is necessary for the proposal as it relates to access. He said the code requires a 30 foot wide road and 10 feet right-of-way on either side of the road, which is wider than Weeks Road. He said this requirement is not in character with the neighborhood, and a number of trees would need to be removed to meet the requirement. Hunt said that changing the outlet would change the rest of the proposal. Hunt said that he did not think the ordinance was put in place for this sort of two lot subdivision.

Conrad asked about the outlet. Hunt said the outlet goes hand-in-hand with the private street requirement. Conrad asked if the private street could be part of a parcel. Lucking said it could not.

Reeder said that the outlet is created because the property owner needs the street frontage. He said that unless there is a hardship, the requirement should not be reduced. Lucking said that code does not require a certain street frontage width, but requires either 100 feet of street frontage or 100 feet of lake frontage.

Steingas asked about shared driveway situations. Cooney said that there were shared driveways in Greenwood but the code is attempting to avoid creating new ones. Steingas said that he lives on a shared driveway, but it looks like a road. Gallagher asked about the maintenance. Steingas said that he was not aware of a formal agreement for his driveway. Hunt said that they are meeting the requirements, but that it doesn't make sense to do it this way.

Steingas said that he visited the site and that there is difficult topography. He said that this was his concern more than hardcover or access. He said that he thinks there will likely be drainage issues near the existing garage. Steingas said he might recommend a small cul-de-sac at the end of Weeks Road that would serve all the properties there. Bechtell said that he was concerned about the drainage as well. Steingas said that he did not think that the outlet and private street requirement make sense in this case.

Gallagher said that her concern was all the trees that would be removed that would affect the adjacent homeowner. She also asked about the drainage. She said that when Reeder's parcel was split off it helped create this situation. Gallagher said that a shared driveway solution might be necessary, but she did not see that in the code.

Lucking said that a portion of the property could be dedicated to the city to create a cul-de-sac.

Conrad said that the alignment of the lot saves the existing house but makes a smaller lot for the other house. She said that she was worried that someone would come in and ask for variances as soon as the subdivision is approved. Conrad asked about hardcover and how the survey shows some proposed and some existing conditions. Hunt said that there were a couple of iterations and the red notations were simply further hardcover removal. Conrad said that she was skeptical that some areas might be added back in.

Hunt said that, regarding drainage, the lower area that people were referring to is currently handling water. He said that, at the building process, the drainage issue can be handled via mitigation techniques such as raingardens. He said it is good to talk about them, but that they are all doable. He said that he did not want to come with a plan that did not meet the ordinance and have it denied on that basis, but that there are some issues regarding access that don't make sense for this type of subdivision.

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Conrad asked about the proposed lot line and moving it to make the properties more evenly sized. Hunt said that, they discussed that option, but that would eliminate the possibility that the homeowners could keep their house. He said that, not having a buyer for one or both of the lots makes that challenging.

Hunt said that, to Conrad's earlier concerns, the proposed house is an actual house that his company has built in the past. He said that he has elevations of the house if that would help, but that the house is only a hypothetical at this point. He said that if he were approached by a buyer that wanted to request variances to build their dream house, he would tell them that this is not the lot for them.

Conrad asked about the hardcover on the outlot being over 30%. Hunt said that there is enough hardcover on the other portions of the property that could be removed to get this property under 30%. Conrad said that she would want to see that shown in a plan at the next meeting to confirm it is possible.

Lucking said that his preference for the new lot would be a lot without any of the existing non-conformities such as a garage and deck. Hunt said that these items might be appealing to buyers. Lucking did not think the city would want to keep the nonconformities. Hunt said his goal is to come to the city with no variances. He said that he knew whatever came before the planning commission tonight was not going to be the finished product and that he expected changes.

Hunt asked about the trees. Cooney said that new construction tree removal will be limited to 20% of diameter inches on the property, but that is not required at the platting process.

Hunt said that the garage may or may not stay. He said that he would like to keep it if they can, but it would be one of the first things to go. Steingas asked about the easement to the garage and said that it would be good to remove that hardcover to the garage on the neighboring property. Conrad asked if the easement would still be valid after the subdivision. Cooney said that he did not know and it is a legal question.

Steingas suggested that there be a work group prior to returning to the planning commission next month with one city council member and one planning commissioner. Lucking agreed. Conrad said that it should be a city council member other than herself.

Cooney said that current city law requires a decision on the plat within 60 days, but state law permits 120 days of review. He said sending it back to the planning commission would require the applicant to send a letter in writing granting an extension. He said that he would consult with the city attorney on this.

Hunt asked about the park dedication and asked about how that has been done in the past and what was the intent of the 8%. Conrad said that some cities do a flat rate, while other cities do 10%. Hunt asked what the total budget for the park system is. Conrad said that she did not know. She said that the city does not have enough parks relative to its population. Lucking said that Hunt's question cannot be answered by the planning commission. Conrad asked if Hunt hadn't run into the park dedication requirement before. Hunt said that he had, but that for a two lot subdivision this is the largest amount he has seen in real dollars, regardless of the percentage.

Cooney said that the amount is taken from the existing gross lot value, not the piece to be subdivided. Hunt said that it seems like a penalty for the owner to also pay park dedication on their lot and the existing lot. Lucking said that the valuation is cheaper as one large lot than if both lots were appraised separately. Lucking said that is for the land value only. Hunt asked if that assessed value is accurate. Lucking said that is a different issue that the city is also dealing with.

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Reeder said that he did not like having a private meeting. Cooney said that it would be an open meeting.

Reeder said that there was a bluff on the lakeside that was not addressed in the plans. Cooney thanked Reeder for catching that and said that he would send Hunt the zoning information related to bluffs.

Hunt said that the owners want to do this right. He said that it is plausible to have two parcels here, it is just a matter of how to get there.

Reeder said that he is bothered by the fact that they don't have enough road frontage so they are trying to build a private road but that they don't want to meet the requirements of the private road. He said that the bad idea is having the second lot, not the private road. He said that the city does not need to vary from private road requirements to enable a lot that does not make any sense. Reeder said that tearing down the existing house and making two more equal sized lots is better planning.

Hunt said that they can do what Reeder is asking, but that this gives the owners more options. He said that they have raised their families in Greenwood and may want to build on the smaller lot, or stay in the existing house. He said that they are trying to do what is reasonable for their needs, not Reeder's needs.

The planning commission did not take formal action on the request, but recommended that the applicant participate in a workshop with city staff and officials and return with revised plans at the June 21 planning commission meeting.

**5. OTHER BUSINESS**

**6. LIAISON REPORT**

Council Liaison Kristi Conrad said that the city is still working on the lot size ordinance.

She said that the drainage pond on Covington is undergoing design revisions. Conrad said the city engineer said the pond needs to get bigger, but the residents have said they don't understand why it needs to increase in size. She said that there is now a resident committee for this project.

Conrad said that the park dedication ordinance was fixed for consistency in the code. She said that there was discussion about lowering the park dedication fee, which she is not in favor of. Steingas said that subdivisions do not happen that often so that the fee needs to be stretched out over several years.

Conrad mentioned the Board of Appeal & Equalization meetings which were very contentious. She said that over 70 people came to the meeting. Conrad said that the residents will now go forward to Hennepin County and that having over 70 people going to the county may convince the county to adjust the numbers.

Reeder said that Greenwood should not even try to be involved in this and just pass it along to the county as most other cities do. Bechtell agreed.

**7. ADJOURN**

Motion by Steingas to adjourn the meeting. Lucking seconded the motion. Motion carried 5-0. The meeting was adjourned at 9:06 p.m.

Respectively Submitted,  
Dale Cooney - Zoning Administrator



May 5, 2016

Sheriff Rich Stanek  
Hennepin County Sheriff's Office  
350 S 5th Street, Room 6  
Minneapolis, MN 55415

SENT VIA EMAIL  
rich.stanek@co.hennepin.mn.us

**Re: Request for Increased Water Patrol Presence on St. Alban's Bay, Lake Minnetonka**

Dear Sheriff Stanek,

Residents who live on St Alban's Bay (SAB) have observed that watercraft activity on SAB has gone up greatly over the past few years and unfortunately the increased activity includes illegal, dangerous, and inconsiderate behavior from watercraft operators. Examples include: jet ski drivers losing control while "playing" with surf boats' wakes; waterskiers, wake surfers, and tubers being pulled behind boats without spotters; drivers pulling skiers and tubers very close to docks and swimmers; waterskiing, wake surfing, and jet skiing well after sunset; and large groups of boats tied up together (party barges) by the SAB sandbar that blast loud music.

We understand that the water patrol has a huge job overseeing all of Lake Minnetonka and that not all of the bad watercraft behavior can be stopped. We also have had excellent water patrol response when residents and city council members call to report a problem. With the increased use of SAB, we believe there is justification for the water patrol to increase their SAB presence – especially on weekends – to send the message that SAB is not a "free for all" and to reduce the amount of illegal, dangerous, and inconsiderate watercraft activity that significantly impacts homeowners living on this small bay.

Thanks for all you do!

Sincerely,

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

Mayor Debra J. Kind  
and the Greenwood City Council

*CC: Lake Minnetonka Conservation District Board*



**RICHARD W. STANEK**  
HENNEPIN COUNTY SHERIFF

May 18, 2017

**VIA U.S. Mail and E-Mail:**

Mayor Deb Kind  
City of Greenwood  
20225 Cottagewood Road  
Greenwood, MN 55331

Dear Mayor Kind,

Thank you for your letter pointing out the increased summer water activity in Greenwood. I propose we work together to increase our patrol hours in St. Albans Bay during the week, and schedule regular patrols every Saturday and Sunday. The safety and security of our partner cities is always the priority of the Hennepin County Sheriff's Office, I would be happy to discuss the proposal with you further.

Please contact Major Jeff Storms, who oversees our Enforcement Services Bureau. He will work directly with you and your city administration in developing a suitable arrangement. Major Storms can be contacted as follows.

Major Jeff Storms  
Hennepin County Sheriff's Office  
350 South 5<sup>th</sup> Street, Room 6  
Minneapolis, MN 55415  
[Jeffrey.Storms@hennepin.us](mailto:Jeffrey.Storms@hennepin.us)  
(612) 596-9870

Thank you for your service to your city and for reaching out proactively to begin this process. I appreciate your ongoing commitment and support of public safety. Please do not hesitate to contact me directly at (612) 290-3543.

Sincerely,

Richard W. Stanek  
Hennepin County Sheriff

cc: HCSO Chief Deputy Mike Carlson  
HCSO Major Jeff Storms