

# AGENDA

## Greenwood City Council Meeting

Wednesday, August 7, 2019

20225 Cottagewood Road, Deephaven, MN 55331

Hearing devices are available from the recording technician.



### Worksession

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

- 6:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA
- 6:00pm 2. DISCUSS 2020 BUDGET & FEES
- 6:55pm 3. ADJOURNMENT

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

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA
- 7:01pm 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: 07-09-19 City Council Meeting Minutes
  - B. Approve: Jun Cash Summary Report
  - C. Approve: Jun Certificates of Deposit Report
  - D. Approve: Jul Verifieds, Check Register, Electronic Fund Transfers
  - E. Approve: Aug Payroll Register
  - F. Approve: Authorization to Send Budget Comment Opportunity Information to County
- 7:05pm 3. MATTERS FROM THE FLOOR
  - This is an opportunity for the public to address the council regarding matters not on the agenda. Comments are limited to 3 minutes. Typically, the council will not take action on items presented at this time, but will refer items to staff for review, action, and / or recommendation for future council action.
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
  - A. Chief Meehan: South Lake Minnetonka Police Update & 2020 Budget Presentation
  - B. Chief Mackey: Excelsior Fire District 2020 Budget Presentation
  - C. City Engineer: 2019 Engineering Projects
  - D. Announcement: Budget & Fees Worksession, 6pm 09-04-19 (immediately preceding the city council meeting)
- NONE 5. PUBLIC HEARINGS
  - Public Hearings for each Planning & Zoning item will be held as each item comes up under item 7 on the agenda.
- NONE 6. ACTION RELATED TO PUBLIC HEARINGS
- 7:30pm 7. PLANNING, ZONING & SUBDIVISION ITEMS
  - A. Consider: Res 25-19, Temporary Suspension of Planning Commission
  - B. Consider: Res 26-19, Variance Findings and Res 27-19, Conditional Use Permit Findings, re: Proposed Propane Tank, Minnoco Gas Station, 21380 State Highway 7
  - C. Consider: Res 28-19, Variance Findings and Res 29-19, Conditional Use Permit Findings, re: Proposed In-Ground Spa and Landscaping Regrading, Chuck & Cindy Hengel, 4680 Linwood Circle
  - D. Consider: Res 30-19, Preliminary Plat Application (Subdivision) Findings, John & Bridgette Dunn, 4940 Saint Albans Bay Road into two lots
  - E. 1st Reading: Ord 291, Revisions to Section 1102.00 & 1140.20, Regarding Window Wells
  - F. 1st Reading: Ord 292, Revisions to Section 1140.80, Adding White Poplars to Noxious Tree List
- NONE 8. UNFINISHED BUSINESS
- 8:45pm 9. NEW BUSINESS
  - A. Discuss: Maintenance of Greenwood Park Tennis Court
  - B. Discuss: Excelsior Blvd Trees & Lilacs
  - C. Discuss: Metro Cities Membership
  - D. Consider: Res 31-19 City Administrator Appointment
- NONE 10. OTHER BUSINESS
- 9:30pm 11. COUNCIL REPORTS
  - A. Conrad: Planning Commission
  - B. Cook: LMCD, SABLID, Public Works Committee
  - C. Fletcher: LMCC, Fire, Administrative Committee
  - D. Kind: Police, Administrative Committee, Public Works Committee, Mayors' Meetings, Website
  - E. Roy: Minnetonka Community Education
- 9:45pm 12. ADJOURNMENT



# Worksession

Agenda Date: 08-07-19

Prepared by Deb Kind

## Agenda Item: 2020 Budget & Fees

**Summary:** Attached is a draft of the 2020 city budget with recommendations from the administrative committee (Mayor Kind and Councilman Fletcher). The council will have the opportunity to discuss the draft at the 08-07-19 worksession prior to the regular council meeting. See below for the budget timeline. For the council's reference, the following items are attached: Municipal Dock Fee Comparison, CITY Levy Per Person, Tax Rate History, and Tax Capacity Formula & Tax Rate Comparison documents.

Since the budget is related to fees, the city council also will discuss changes to the city's fee schedule at the August and September worksessions. Attached is a copy of the current fee schedule and a draft ordinance with proposed fee changes. Any fee changes must be done via an ordinance and must go into effect on January 1 of the following year.

### Timeline for Budget:

- 08-07-19 City council reviews draft of preliminary budget at the worksession (may make revisions).
- 09-04-19 City council reviews revised draft of preliminary budget at the worksession (may make revisions).
- 09-04-19 City council must approve the "preliminary" budget and tax levy amount for submission to the county. Once the preliminary tax levy amount has been reported to the county, the amount may be reduced, but it may not increase.
- 09-30-19 Deadline to submit "preliminary" budget and tax levy amount to the county.
- 12-04-19 City council approves "final" budget and tax levy amount for submission to the county. The tax levy amount may be reduced from the preliminary amount, but it may not increase.

### Timeline for Fee Ordinance:

- 10-02-19 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 10-03-19 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 10-10-19 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor on this date.
- 11-06-19 City council considers 2nd reading of the ordinance (may make revisions).
- 11-07-19 The ordinance is submitted to the Sun-Sailor for publication.
- 01-01-20 The ordinance is goes into effect on this date.

**Council Action:** No council action may be taken during a worksession.

*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. 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.*

## Greenwood's Current Fee Schedule, 07-20-19

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Advertisement Tube License	490.00	\$25	Annual per tube
<b>Animal Fees:</b>			
Dog License	445.80	\$25 (\$15 if purchased in year 2)	Good for up to 2 years
Dangerous Animal Registration	445.65	Determined by police department.	Plus proof of \$100,000 insurance
Private Kennel License (4 or more dogs)	445.15	\$100 per dog	Annual
Blasting Permit	910.20	\$500	Council approval required
<b>Boat Launch Permit Sticker (for Meadville boat launch):</b>			
Resident	425.45	First 2 stickers are free. Additional stickers \$10 each.	Annual. 2 free stickers per address. Additional stickers require proof of residency and vehicle information / license plate number.
Non-Resident	425.45	\$100	Annual per vehicle. Must provide vehicle information / license plate number.
<b>Building-Related Fees:</b>			
Building Permit	300.10 1140.17 subd 2	Per 1997 Uniform Building Code, plus \$200 for projects that increase hardcover by 200 sq ft or more and for projects that received a hardcover variance.	
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.
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.	
Parking Permit for Building Project (see parking permits)	305.00	\$250	Per project
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 city of Deephaven's fee schedule.	
Tree Removal / Construction-Related (see building-related fees)	1140.80	\$250	Home Addition: Remove up to 10% of trees. New Construction: Remove up to 20% of trees. Tree preservation plan required for both.
<b>Burning Permit:</b>			
Recreational	475.10	No permit required	
Non-Recreational	475.10	\$50	Per instance
City Code Book (binder with tabs and photocopies)		\$100	
<b>Dock Fees:</b>			
Commercial Marina License, Base	430.10	\$110	Base per year
Commercial Marina License, Per Slip	430.10	\$5	Per slip, per year
Municipal St. Alban's Bay Dock Permit	425.30 (5)	\$1500	Per slip, per season
Municipal Sailboat Space Permit	425.30 (5)	\$300	Per slip, per season
Municipal Canoe / Kayak Permit	425.30 (5)	\$50	Per space, per season
Duplicate Permit / License	400.15	\$10	Per instance
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.
<b>False Alarm Fees:</b>			
Fire (after 2nd offense in 12 mo. period)	460.03	\$150	
Police (after 3rd offense in 12 mo. period)	455.10	\$150	

Fire / Police Alarm Non-Compliance Fine	455.35 & 460.07	\$1,000	According to state statute
Fireworks Permit	900.55	\$100	Council approval required
Gambling License	915.15	\$100	Council approval required
Garage Sale Permit (more than 1 in 12-month period)	450.25	\$150 per event, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Garbage / Refuse Collector License	475.20	\$100 per year, plus proof of insurance: \$100,000 per person, \$500,000 per incident, \$100,000 property damage	
Gasoline Station / Auto Repair License	420.15	\$100 per site plus \$10 per pump	Annual
Home Occupation License	480	\$50	Annual. City council approval required. The city council may impose conditions.
Liquor Fees			
Off-Sale Non-Intoxicating License	800.15 & 800.35	\$100 per year plus commercial general liability by an insurance company licensed to do business in the state of Minnesota with a limit of liability of not less than \$1,000,000 per occurrence for bodily and property damage and loss of means of support with the "City of Greenwood" named as an additional insured on the policy. The liability policy must provide that it may not be canceled for any cause either by the insured or the insurance company without first giving ten days notice to the city in writing of that intention. The policy also must provide that any amount paid by the insurance company as a result of a claim will not reduce the coverage available to pay subsequent claims. Businesses with projected liquor sales of less than \$50,000 per year are only required to comply with the minimum insurance requirements in Minnesota state statutes.	
Off-Sale Non-Intoxicating, Investigation Fee	800.30	\$500 plus all costs and expenses associated with investigation outside of MN as allowable by state statute	
On-Sale Non-Intoxicating Temporary License	800.15	\$100 plus the minimum insurance requirements in Minnesota state statutes. License good for no more than 3 consecutive days	
On-Sale Intoxicating License	820.40 & 820.45	\$10,000 per year plus commercial general liability and dram shop insurance by an insurance company licensed to do business in the state of Minnesota with a limit of liability of not less than \$1,000,000 per occurrence for bodily and property damage and loss of means of support with the "City of Greenwood" named as an additional insured on the policy. The liability policy must provide that it may not be canceled for any cause either by the insured or the insurance company without first giving ten days notice to the city in writing of that intention. The policy also must provide that any amount paid by the insurance company as a result of a claim will not reduce the coverage available to pay subsequent claims.	
On-Sale Intoxicating, Wine License	820.40	\$2,000	Annual
On-Sale Intoxicating, Sunday License	820.40	\$200	Annual
On-Sale Intoxicating, Delimited License	820.40	\$2,500	Annual
On-Sale Intoxicating, Investigation Fee	820.35	\$500 plus all costs and expenses associated with investigation outside of MN as allowable by state statute	
On-Sale Intoxicating, Investigation Fee for Renewal Applications or Change of Status	820.35	\$250 per person to be investigated (not to exceed \$500)	Annual
On-Sale Surety Bond	820.45	\$1,000	In conjunction w/application
Load Limit Fees			
Per Trip Special Operating Permit (Jan 1-Feb 29 and May 2-Dec 31)	730.00	\$50	Per round trip. Not required for building projects exceeding \$20,000 in value.
Per Trip Special Operating Permit (Mar 1-May 1)	730.00	\$500 per round trip. Or \$450 per round trip with Blanket Special Operating Permit.	
Blanket Special Operating Permit	730.00	20% of the Building Permit or Moving Fee  Required for building projects exceeding \$20,000 in value. Blanket special operating permit holders must pay the additional March 1-May 1 per round trip fee for operation of vehicles in excess of the stated March 1-May 1 weight restriction.	
Mailing Labels of City Utility Billing Database		\$50	Per instance

Misc. Petitions to the City for Legal Consent or Releases Application Fee		\$200 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Mobile Home Park Permit Fee	405.40	\$100	Annual
Mobile Home 15-Day License	405.40	\$100	Per instance
Mobile Home Temporary Residence License	405.40	\$100	Per instance
Parking Fees:			
Parking Permit for Building Project (see building-related fees)	305.00	\$250	Per project
Temporary Parking Permit	710.05	\$25	Charged on a per event basis. Fee will be refunded in cases where the permit is revoked due to inclement weather.
Peddler Permit	465.10	\$250	For 6 months
Photocopies	125.00	\$0.25 for black and white, \$1 for color	Per copy
Recycling Collection Fee	475.30	\$20	Quarterly
Rental Property License	320.30	\$50 per unit	Annual
Right-of-Way Fees:			
Delay Penalty	630.03	\$200 per day	
Encroachment Permit	630.21	Council approval required. Fee will be determined by the city council.	
Excavation, Obstruction, or Small Wireless Facility Permit	630.04 630.06 630.09	\$250 in addition to a certificate of insurance for at least \$2 million naming the city as an additional insured, verifying that the applicant is insured against claims for personal injury, death, or property damages associated with work in the right-of-way, and requiring 30-day notice to the city of cancellation or material modification of the policy. If the city restores the right-of-way, the permittee shall pay the estimated costs as part of the permit application fee with the actual costs to be determined and paid or refunded on completion of the project. NOTE: FEES ARE ESTABLISHED BY MN STATE STATUTES 237.162 & 237.163 OR ANY ORDINANCE ENACTED UNDER THOSE SECTIONS.	Paid with permit application.
Small Wireless Collocation Agreement Fees (for locations on city-owned poles or structures)	630.05	(a) Up to \$150 per year for rent to collocate on the city structure. (b) \$25 per year for maintenance associated with the collocation. (c) A monthly fee for electrical service as follows: \$73 per radio node less than or equal to 100 maximum watts; \$182 per radio node over 100 maximum watts; or the actual costs of electricity, if the actual cost exceed the foregoing. NOTE: FEES ARE ESTABLISHED BY MN STATE STATUTES 237.162 & 237.163 OR ANY ORDINANCE ENACTED UNDER THOSE SECTIONS.	
Sanitary Sewer Non-Compliance Surcharge: Residential	310.30 5(f)	\$300	Quarterly
Sanitary Sewer Non-Compliance Surcharge: Commercial	310.30 5(f)	\$750	Quarterly
Security Deposit / Security Agreement for Landscaping	1140.60	The greater of \$1500 or 2% of the building value submitted on the building permit application. The fine is the greater of \$1000 or .4% of the building value submitted on the building permit application for each month (or part thereof) after 12 months the landscaping or conditions remain uncompleted.	See section 1140.60 for more information (including details about the security agreement option).
Security Deposit / Security Agreement for Performance of Conditions of a Variance or Conditional Use Permit Grant	1140.60 1150.20 1155.17	Security Deposits / Agreements must be approved by the city council. If approved, the city council shall set the fee amount.	See sections 1150.20 (conditional use permits) or 1155.17 (variances) for more information (including details about the security agreement option).
Sewer Fees:			
Lateral Connection Fee		\$5,120	Per instance
Sewer Access Charge (SAC)		As set by the Metropolitan Council, plus \$200	
Cap Fee		\$100	Per instance
Re-Connection Fee		\$100	Per instance

Repair Permit Fee		\$75	Per instance
Residential Rate	310.56	\$65 per residential sanitary service unit	Quarterly
Commercial Rate	310.56	\$65 per commercial sanitary service unit	Quarterly
Sewer / Recycling / Stormwater Delinquent Accounts:			
Late Fee	310.56, 311.00 & 475.30	3% of the delinquent amount per quarter (12% annually).	Certified to county annually.
Assessment Amounts	310.56, 311.00 & 475.30	The total delinquent amount including late fees, plus 12% per year once certified to the county, in addition to any fees charged by the county.	Certified to county annually.
Showcase Event Permit	450.25	\$250 per event, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Sign Permit: Temporary	1140.40	\$50	Valid for 30 days. Limit 6 per year.
Stormwater Management Utility Fee:			
Residential	525.00	\$19	Quarterly
Commercial	525.10(3)	3 x current residential rate	Quarterly
Street Excavation Permit	640.30	\$200	Per site
Subdivision-Related Fees:			
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	8% of the assessor's land valuation for the entire parcel prior to subdivision on January 2 of the year of the final plat application.	
Tobacco License	415.04	\$100	Annual
Tree Contractor License	435.00 & 1140.80	\$50	Annual. Proof of insurance also required: workers compensation insurance and liability insurance in the amounts of \$500,000 for injury or death of any one person, \$500,000 for injury or death of more than one person in any one accident, and \$100,000 for damage to property.
Tree Removal Fees:			
Tree Removal Conditional Use Permit Shore / Bluff Impact Zone	1140.80	\$100	Per application
Exceed Permitted Tree Harvest	1140.80	\$100	Maximum of 5 significant trees
Tree Removal / Construction-Related (see building-related fees)	1140.80	\$250	Home Addition: Remove up to 10% of trees. New Construction: Remove up to 20% of trees. Tree preservation plan required for both.
Zoning-Related Fees:			
Appeals of Alleged Error in Administration of Zoning Ord	1155.05	\$450 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount.	Fee is per application. If the city council finds that an error was made, all fees paid shall be returned to the applicant.
Code Amendment Application Fee	1160.05	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Conditional Use Permit Application Fee	1150.15	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Conditional Use Permit Extension	1150.21	1st 1-year extension: \$50 (approved by zoning administrator). Subsequent 1-year extensions: \$350 (approved by city council).	
Grading Permit for stand-alone project	1140.19	\$200 plus consultant and contract service provider expenses incurred by the city.	Per application
Grading Permit for project in conjunction with a building permit, variance application, or conditional use permit application	1140.19	No Fee	
Misc. Administrative Review Fee	Chapter 11	\$200 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Preliminary Administrative Plan Review Fee	1105.00	\$200	Per instance
Shoreland Compliance Review Fee	1176.03	\$200	Per application. Paid only once if paid at variance or CUP application prior to building permit application. Signage CUP applications are exempt from

			paying the Shoreland Compliance Review Fee.
Variance Application Fee	1155.25	\$450 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Variance Extension	1155.10(9)	1st 1-year extension: \$50 (approved by zoning administrator). Subsequent 1-year extensions: \$350 (approved by city council).	

# 2020 Greenwood PRELIMINARY Budget

		2017	2018	2018	2019	2019	2020	%	% Total
		Actual	Actual	Budget	June YTD	Budget	Budget	Change	Budget
<b>GENERAL FUND REVENUE</b>									
1	<b>TAXES</b>								
2	101-31010 General Property Tax	632,875	636,002	637,879	5,813	637,825	637,804	0.00%	
3	101-31020 General Property Tax - Delinquent	9,853	1,801	0	0	0	1,500	#DIV/0!	
4	101-31040 Fiscal Disparities	3,430	2,272	3,200	270	3,200	2,000	-37.50%	
5	101-31800 Surcharge Revenue	34	141	0	39	0	0	#DIV/0!	
6	101-31910 Penalties	481	62	0	3	0	0	#DIV/0!	
7		<b>646,674</b>	<b>640,278</b>	<b>641,079</b>	<b>6,125</b>	<b>641,025</b>	<b>641,304</b>	<b>0.04%</b>	<b>81.81%</b>
8	<b>LICENSES &amp; PERMITS</b>								
9	101-32110 Liquor & Cigarette Licenses	10,700	10,500	10,550	0	10,700	10,500	-1.87%	
10	101-32180 Other Business Licenses / Permits (Rental, Commercial Marina, Garbage Hauler, Tree Contractor, Etc)	4,394	7,600	4,500	2,725	4,500	5,000	11.11%	
11	101-32210 Building Permits	29,876	54,947	30,000	24,612	30,000	30,000	0.00%	
12	101-32211 Electric Permits	4,016	3,268	4,000	2,099	4,000	4,000	0.00%	
13	101-32240 Animal Licenses	500	35	500	570	500	50	-90.00%	
14		<b>49,486</b>	<b>76,350</b>	<b>49,550</b>	<b>30,006</b>	<b>49,700</b>	<b>49,550</b>	<b>-0.30%</b>	<b>6.32%</b>
15	<b>INTERGOVERNMENT REVENUE</b>								
16	101-33402 Homestead Credit (Market Value Credit)	0	0	0	0	0	0	#DIV/0!	
17	101-33423 Other Grants / Aids (Recycle Grant, Small Cities Assistance, Etc.)	4,848	9,568	0	0	0	0	#DIV/0!	
18	101-33610 County Aid to Municipalities	1,769	1,758	1,700	0	1,700	1,700	0.00%	
19		<b>6,617</b>	<b>11,326</b>	<b>1,700</b>	<b>0</b>	<b>1,700</b>	<b>1,700</b>	<b>0.00%</b>	<b>0.22%</b>
20	<b>PUBLIC CHARGES FOR SERVICES</b>								
21	101-34103 Zoning & Subdivisions (Variances, Conditional Use Permits, Etc.)	4,900	10,300	6,000	6,100	6,000	6,000	0.00%	
22	101-34207 False Alarm Fee	0	0	0	0	0	0	#DIV/0!	
23	101-34304 Load Limit Fees	3,867	5,813	5,000	3,363	5,000	5,000	0.00%	
24	101-34409 Recycling Fees (2019: \$20 per quarter)	16,857	18,508	20,332	10,809	25,415	24,967	-1.76%	
25		<b>25,624</b>	<b>34,621</b>	<b>31,332</b>	<b>20,272</b>	<b>36,415</b>	<b>35,967</b>	<b>-1.23%</b>	<b>4.59%</b>
26	<b>FINES, FORFEITURES &amp; PENALTIES</b>								
27	101-35101 Court Fines	7,327	9,518	6,000	4,190	7,000	7,000	0.00%	0.89%
28									
29	<b>INVESTMENT &amp; MISCELLANEOUS INCOME</b>								
30	101-36102 Investment Income	6,873	11,878	7,000	8,785	12,000	17,570	46.42%	
31	101-36230 Misc. Income: Parking Permits, Civil Citations, Etc. (2017 includes Southshore Center Payout)	34,856	2,054	500	1,827	500	2,000	300.00%	
32		<b>41,728</b>	<b>13,932</b>	<b>7,500</b>	<b>10,612</b>	<b>12,500</b>	<b>19,570</b>	<b>56.56%</b>	<b>2.50%</b>
33	<b>OTHER FINANCING SOURCES</b>								
34	101-39200 Interfund Operating Transfer: From Marina Fund	12,500	12,500	12,500	0	12,500	12,500	0.00%	
35	101-39201 Administration Expense Reimbursement: 10% of Marina Revenue	3,730	3,860	3,860	0	3,960	4,120	4.04%	
36	101-39202 Administrative Expense Reimbursement: 10% of Sewer Revenue	10,090	10,090	10,090	0	10,090	9,664	-4.22%	
37	101-39203 Administrative Expense Reimbursement: 10% of Stormwater Revenue	2,573	2,573	2,573	0	2,573	2,532	-1.60%	
38		<b>28,893</b>	<b>29,023</b>	<b>29,023</b>	<b>0</b>	<b>29,123</b>	<b>28,816</b>	<b>-1.05%</b>	<b>3.68%</b>
39									
40	<b>Total Revenue</b>	<b>806,350</b>	<b>815,048</b>	<b>766,184</b>	<b>71,204</b>	<b>777,463</b>	<b>783,908</b>	<b>0.83%</b>	

# 2020 Greenwood PRELIMINARY Budget

		2017 Actual	2018 Actual	2018 Budget	2019 June YTD	2019 Budget	2020 Budget	% Change	% Total Budget
<b>GENERAL FUND EXPENSES</b>									
41	<b>COUNCIL &amp; PLANNING COMMISSION</b>								
42	101-41100-103	Council Salaries (2019 Mayor \$465.40/mo, Council \$310.27/mo; 2020 Mayor \$470.98/mo, Council \$313	19,800	19,978	19,978	10,239	20,477	20,723	1.20%
43	101-41100-122	FICA Contributions (6.2%)	1,228	1,239	1,239	635	1,270	1,285	1.20%
44	101-41100-123	Medicare Contributions (1.45%)	287	290	290	149	297	300	1.20%
45	101-41100-371	Training / Conference Registration	0	0	1,000	0	1,000	1,000	0.00%
46	101-41100-372	Meals / Lodging	252	185	175	138	175	175	0.00%
47	101-41100-433	Misc. (Dues, Subscriptions, Supplies, Etc.)	30	60	100	0	100	100	0.00%
48			<b>21,597</b>	<b>21,752</b>	<b>22,781</b>	<b>11,160</b>	<b>23,319</b>	<b>23,583</b>	<b>1.13%</b>
49	<b>ELECTIONS</b>								
50	101-41200-103	Election Salaries (Part-Time Election Judge Salaries \$9 per hour)	0	1,544	1,670	0	0	1,700	#DIV/0!
51	101-41200-214	Operational Support - Forms (Ballots, Voter Reg. Rosters)	0	42	265	0	0	270	#DIV/0!
52	101-41200-319	Equipment Maintenance (County Agreement, \$187.50 x 2 Voting Machines, \$160 for Automark)	0	559	1,069	534	0	1,100	#DIV/0!
53	101-41200-372	Meals / Lodging (Election Judge Meals & Snacks)	0	295	300	0	0	300	#DIV/0!
54	101-41200-439	Misc. (Supplies, Postage, Public Notices, Etc.)	0	1,183	332	0	0	350	#DIV/0!
55			<b>0</b>	<b>3,623</b>	<b>3,635</b>	<b>534</b>	<b>0</b>	<b>3,720</b>	<b>#DIV/0!</b>
56	<b>ADMINISTRATION</b>								
57	101-41400-201	Office Supplies	0	0	150	0	150	0	-100.00%
58	101-41400-202	Duplicating (Council Packets, Etc.)	1,355	1,854	1,800	523	1,800	1,800	0.00%
59	101-41400-204	Stationary, Forms, Printing	251	1,142	1,000	423	1,000	1,000	0.00%
60	101-41400-309	Professional Services - Other (ISP, Website, Email)	425	194	600	0	600	500	-16.67%
61	101-41400-310	Clerk's Contract with Deephaven	39,200	39,918	41,678	17,780	42,720	44,002	3.00%
62	101-41400-311	Office Rent & Equipment (2017-2020 \$487.45 per month)	5,362	5,849	5,849	2,437	5,849	5,849	0.00%
63	101-41400-313	Professional Services (Civic Accounting)	2,168	2,212	2,163	1,606	2,175	2,250	3.45%
64	101-41400-322	Postage	837	1,111	800	359	1,000	1,000	0.00%
65	101-41400-351	Newspaper Legal Notices	922	1,447	900	179	1,000	1,000	0.00%
67	101-41400-439	Misc. (Equipment, Dog Tags, Meadville Launch Stickers, Etc.)	809	1,352	725	811	800	800	0.00%
68			<b>51,328</b>	<b>55,077</b>	<b>55,665</b>	<b>24,118</b>	<b>57,094</b>	<b>58,201</b>	<b>1.94%</b>
69	<b>ASSESSOR</b>								
70	101-41500-309	Assessor - Hennepin County (\$19,000 for 2018-2020)	8,667	19,000	19,000	10,500	19,000	19,000	0.00%
71	101-41500-439	Assessor - Other (Public Notices, Processing, Tax Rolls)	382	175	600	0	600	400	-33.33%
72			<b>9,049</b>	<b>19,175</b>	<b>19,600</b>	<b>10,500</b>	<b>19,600</b>	<b>19,400</b>	<b>-1.02%</b>
73	<b>LEGAL SERVICES</b>								
74	101-41600-304	Legal Services - General	5,482	5,316	10,000	1,480	10,000	8,000	-20.00%
75	101-41600-308	Legal Services - Prosecution	5,964	4,800	4,000	2,000	4,800	4,800	0.00%
76	101-41600-309	Legal Services - Litigation	422	0	2,000	0	2,000	2,000	0.00%
77			<b>11,868</b>	<b>10,116</b>	<b>16,000</b>	<b>3,480</b>	<b>16,800</b>	<b>14,800</b>	<b>-11.90%</b>

# 2020 Greenwood PRELIMINARY Budget

		2017 Actual	2018 Actual	2018 Budget	2019 June YTD	2019 Budget	2020 Budget	% Change	% Total Budget
78	<b>AUDITING</b>								
79	101-41700-301 Auditing (\$1000 for state auditor filing requirements)	9,700	1,000	2,000	1,000	1,500	1,000	-33.33%	
80		<b>9,700</b>	<b>1,000</b>	<b>2,000</b>	<b>1,000</b>	<b>1,500</b>	<b>1,000</b>	<b>-33.33%</b>	<b>0.13%</b>
81	<b>GENERAL GOVERNMENT TOTAL</b>	<b>103,542</b>	<b>110,744</b>	<b>119,682</b>	<b>50,792</b>	<b>118,313</b>	<b>120,704</b>	<b>2.02%</b>	<b>15.40%</b>
82									
83	<b>LAW ENFORCEMENT</b>								
84	101-42100-310 Law Enforcement - Contract	182,352	191,201	191,201	98,006	196,011	201,891	3.00%	
85	101-42100-311 Police Side Building Facility (Based on Total Tax Capacity on County Website in July)	43,658	46,030	46,030	23,008	46,016	45,272	-1.62%	
86	101-42100-439 Police Safety - Other (Jail, Court Overtime, Etc.)	1,307	3,958	2,500	197	1,500	1,500	0.00%	
87		<b>227,317</b>	<b>241,189</b>	<b>239,731</b>	<b>121,210</b>	<b>243,527</b>	<b>248,663</b>	<b>2.11%</b>	<b>31.72%</b>
88	<b>FIRE</b>								
89	101-42200-309 Fire Protection - Operations (2020: This number includes both operations and facilities)	74,689	79,930	79,930	42,634	85,268	148,549	74.21%	
90	101-42200-311 Fire Side Building Facility	55,087	61,405	61,405	30,583	61,166	0	-100.00%	
91		<b>129,776</b>	<b>141,335</b>	<b>141,335</b>	<b>73,217</b>	<b>146,434</b>	<b>148,549</b>	<b>1.44%</b>	<b>18.95%</b>
92	<b>PUBLIC SAFETY TOTAL</b>	<b>357,093</b>	<b>382,524</b>	<b>381,066</b>	<b>194,427</b>	<b>389,961</b>	<b>397,212</b>	<b>1.86%</b>	<b>50.67%</b>
93									
94	<b>ZONING</b>								
95	101-42400-308 Zoning Administration	4,330	5,973	7,000	2,211	7,000	7,000	0.00%	
96	101-42400-309 Public Notices	530	1,500	2,000	476	2,000	2,000	0.00%	
97	101-42400-310 Building Inspections (69% of Building & Electrical Permits)	18,369	33,429	23,460	9,325	23,460	23,460	0.00%	
98	101-42400-438 Misc. (County Recording Fees, State Bldg. Surcharge, etc.)	0	0	0	46	0	0	#DIV/0!	
99	<b>ZONING TOTAL</b>	<b>23,229</b>	<b>40,902</b>	<b>32,460</b>	<b>12,058</b>	<b>32,460</b>	<b>32,460</b>	<b>0.00%</b>	<b>4.14%</b>
100									
101	<b>ENGINEERING</b>								
102	101-42600-303 Engineering Fees - Misc.	2,223	4,490	2,000	3,332	3,000	4,500	50.00%	
103		<b>2,223</b>	<b>4,490</b>	<b>2,000</b>	<b>3,332</b>	<b>3,000</b>	<b>4,500</b>	<b>50.00%</b>	<b>0.57%</b>
104	<b>UTILITIES &amp; ROADS</b>								
105	101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric)	4,532	5,055	5,000	2,016	5,000	5,000	0.00%	
106	101-43100-409 Other - Road Repair & Maintenance (Public Works Repairs)	952	3,928	4,000	605	3,000	4,000	33.33%	
107		<b>5,484</b>	<b>8,983</b>	<b>9,000</b>	<b>2,620</b>	<b>8,000</b>	<b>9,000</b>	<b>12.50%</b>	<b>1.15%</b>
108	<b>MAJOR ROAD IMPROVEMENTS</b>								
109	101-43200-229 Major Road Improvements - Construction	0	0	0	0	0	0	#DIV/0!	
109	101-43200-303 Major Road Improvements - Engineering	0	0	0	0	0	0	#DIV/0!	
110	101-43200-500 Transfer to Road Improvement Fund	134,000	244,000	124,000	0	124,000	124,000	0.00%	
111	Note: Deephaven's 2017 road costs were 9% of their budget	<b>134,000</b>	<b>244,000</b>	<b>124,000</b>	<b>0</b>	<b>124,000</b>	<b>124,000</b>	<b>0.00%</b>	<b>15.82%</b>

# 2020 Greenwood PRELIMINARY Budget

		2017 Actual	2018 Actual	2018 Budget	2019 June YTD	2019 Budget	2020 Budget	% Change	% Total Budget
112	<b>PUBLIC WORKS</b>								
113	101-43900-226 Signs	594	303	1,500	0	1,000	1,000	0.00%	
114	101-43900-312 Snow Plowing	6,673	22,869	15,000	17,432	18,000	18,540	3.00%	
115	101-43900-313 Trees, Weeds, Mowing	19,135	12,353	16,000	302	20,000	16,000	-20.00%	
116	101-43900-314 Park & Tennis Court Maintenance	3,387	3,241	3,500	0	4,000	4,000	0.00%	
117	101-43900-315 Trail Snow Plowing (LRT and Tar Paths)	71	1,762	2,000	1,411	1,500	1,500	0.00%	
118		<b>29,860</b>	<b>40,527</b>	<b>38,000</b>	<b>19,145</b>	<b>44,500</b>	<b>41,040</b>	<b>-7.78%</b>	<b>5.24%</b>
119	<b>ROADS &amp; PUBLIC WORKS TOTAL</b>	<b>171,567</b>	<b>297,999</b>	<b>173,000</b>	<b>25,097</b>	<b>179,500</b>	<b>178,540</b>	<b>-0.53%</b>	<b>22.78%</b>
120									
121	<b>MISC. EXPENSES</b>								
122	101-49000-310 Recycling Contract (2020 2.8% increase, 2021 2.94% increase)	17,911	24,287	20,650	9,633	24,739	24,967	0.92%	
123	101-49000-311 Spring Clean-Up Day	4,671	4,481	4,500	5,729	4,500	6,000	33.33%	
124	101-49000-369 League of Minnesota Cities Insurance Trust / Liability & Property	3,984	4,419	3,300	0	4,000	4,500	12.50%	
125	101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp	200	319	160	200	325	325	0.00%	
126	101-49000-433 Misc. Expenses	0	0	100	0	100	100	0.00%	
127	101-49000-435 League of Minnesota Cities	873	895	850	0	875	922	5.35%	
128	101-49000-436 Lake Minnetonka Conservation District	6,298	6,816	6,816	3,545	7,090	7,077	-0.18%	
129	101-49000-437 July 4th Fireworks & Parade (\$1500 Chamber of Commerce, \$100 parade)	1,636	1,587	1,600	1,500	1,600	1,600	0.00%	
130	<b>MISC. TOTAL</b>	<b>35,573</b>	<b>42,805</b>	<b>37,976</b>	<b>20,607</b>	<b>43,229</b>	<b>45,491</b>	<b>5.23%</b>	<b>5.80%</b>
131									
132	<b>Subtotal</b>	<b>691,004</b>	<b>874,973</b>	<b>744,184</b>	<b>302,981</b>	<b>763,463</b>	<b>774,408</b>	<b>1.43%</b>	
133									
134	<b>CONTINGENCY &amp; FUND TRANSFERS</b>								
135	101-49000-439 Contingency	0	0	12,000	0	4,000	0	-100.00%	
136	101-49000-500 Transfer to Bridge Fund	20,000	10,000	10,000	0	10,000	9,500	-5.00%	
137	101-49000-720 General Fund Transfer Out	0	0	0	0	0	0	#DIV/0!	
138	<b>CONTINGENCY &amp; FUND TRANSFER TOTAL</b>	<b>20,000</b>	<b>10,000</b>	<b>22,000</b>	<b>0</b>	<b>14,000</b>	<b>9,500</b>	<b>-32.14%</b>	<b>1.21%</b>
139									
140	<b>Total Expenses</b>	<b>711,004</b>	<b>884,973</b>	<b>766,184</b>	<b>302,981</b>	<b>777,463</b>	<b>783,908</b>	<b>0.83%</b>	
141									
142	<b>GENERAL FUND YEAR-END CASH BALANCE</b> (Goal: 35%-50% of Operating Expenditures)	<b>599,432</b>	<b>541,528</b>						
143	<i>Percent of Operating Expenditures</i>	<b>84.31%</b>	<b>61.19%</b>						

# 2020 Greenwood PRELIMINARY Budget

		2017	2018	2018	2019	2019	2020	%	% Total	
		Actual	Actual	Budget	June YTD	Budget	Budget	Change	Budget	
144	<b>SEWER ENTERPRISE FUND</b> <i>This fund may be used for any city purpose. Goal: \$400,000.</i>									
145	602-34401	REVENUE: Sewer Use Charges (\$65 per quarter)	97,056	96,121	100,899	48,322	100,899	96,645	-4.22%	
146	602-34402	REVENUE: Late Charges & Penalties	390	262	0	124	0	250	#DIV/0!	
147	602-34403	REVENUE: Delinquent Sewer Payments Received	205	186	0	0	0	150	#DIV/0!	
148	602-34404	REVENUE: Delinquent Sewer Late Fees Received	0	0	0	0	0	0	#DIV/0!	
149	602-34405	REVENUE: Interfund Transfer In	0	0	0	0	0	0	#DIV/0!	
150	602-34408	REVENUE: Permit Fees	300	600	0	375	0	300	#DIV/0!	
151	602-36220	REVENUE: Other Income (SAC charges)	0	0	0	0	2,500	0	-100.00%	
152	602-38100	REVENUE: Grant Revenue	0	0	0	0	0	0	#DIV/0!	
153	602-37100	REVENUE: Excelsior Blvd. Watermain Project (Excelsior Blvd Watermain Assessment Payments)	12,469	11,267	0	0	12,000	11,250	-6.25%	
154	602-36100	REVENUE: Special Assessments	6,787	6,466	0	0	0	6,500	#DIV/0!	
155	602-43200-303	EXPENSE: Engineering Sewer	4,683	10,175	10,000	2,454	10,000	10,000	0.00%	
156	602-43200-309	EXPENSE: Met Council	48,543	41,590	45,000	9,292	52,000	43,087	-17.14%	
157	602-43200-310	EXPENSE: Public Works Sewer	6,759	7,179	6,000	3,244	7,000	7,000	0.00%	
158	602-43200-381	EXPENSE: Utility Services - Electric	2,489	3,186	2,500	562	3,000	3,000	0.00%	
159	602-43200-404	EXPENSE: Repair & Maintenance	16,565	10,579	12,000	9,921	14,000	14,000	0.00%	
160	602-43200-410	EXPENSE: Excelsior Blvd. Watermain Project (Hennepin County Special Assessment Fee)	388	0	0	0	400	0	-100.00%	
161	602-43200-439	EXPENSE: Misc. (Gopher State One Call, Forms, Printing, Insurance, etc.)	594	492	900	203	900	600	-33.33%	
162	602-43200-530	EXPENSE: Capital Outlay (I&I Projects)	0	0	14,000	0	14,000	14,000	0.00%	
163	602-43200-720	INTERFUND TRANSFER OUT: To General Fund (10% of budgeted sewer revenue for adm. costs)	23,190	10,090	10,090	0	10,090	9,664	-4.22%	
164		<b>Net Total</b>	<b>13,996</b>	<b>31,612</b>	<b>409</b>	<b>23,146</b>	<b>4,009</b>	<b>13,743</b>	<b>242.80%</b>	
165	<b>SEWER ENTERPRISE FUND CASH BALANCE</b>		<b>317,750</b>	<b>349,362</b>						
166										
167	<b>STORMWATER SPECIAL REVENUE FUND</b> <i>This fund may be used for any city purpose.</i>									
168	502-34401	REVENUE: Stormwater Use Charges (2018, 2019, 2020: \$19 per quarter)	25,434	25,149	25,729	12,659	25,729	25,317	-1.60%	
169	502-34403	REVENUE: Delinquent Stormwater Payments Received	0	0	0	0	0	0	#DIV/0!	
170	502-34404	REVENUE: Delinquent Stormwater Late Fees Received	0	0	0	0	0	0	#DIV/0!	
171	502-34405	INTERFUND TRANSFER IN	13,100	0	0	0	0	0	#DIV/0!	
172	502-43200-303	EXPENSE: Engineering Stormwater	1,724	10,154	3,500	1,242	3,500	3,500	0.00%	
173	502-43200-310	EXPENSE: Public Works Stormwater	476	1,473	0	242	0	0	#DIV/0!	
174	502-43200-319	EXPENSE: Equipment and Maintenance	0	0	0	0	0	0	#DIV/0!	
175	502-43200-409	EXPENSE: Street Sweeping	2,362	2,453	2,700	2,641	2,700	2,700	0.00%	
176	502-43200-439	EXPENSE: Misc. (EPA Fee, Public Notices, Etc.)	172	606	250	176	250	500	100.00%	
177	502-43200-530	EXPENSE: Capital Outlay	33,732	3,536	0	0	0	0	#DIV/0!	
178	502-43200-720	INTERFUND TRANSFER OUT: To General Fund (10% of budgeted stormwater rev. for adm. costs)	2,573	2,573	2,573	0	2,573	2,532	-1.60%	
179		<b>Net Total</b>	<b>-2,505</b>	<b>4,354</b>	<b>16,706</b>	<b>8,359</b>	<b>16,706</b>	<b>16,086</b>	<b>-3.71%</b>	
180	<b>STORMWATER SPECIAL REVENUE FUND CASH BALANCE</b>		<b>18,989</b>	<b>23,343</b>						
181										

# 2020 Greenwood PRELIMINARY Budget

		2017 Actual	2018 Actual	2018 Budget	2019 June YTD	2019 Budget	2020 Budget	% Change	% Total Budget	
182	<b>PARK SPECIAL REVENUE FUND</b> <i>This is a dedicated fund for park "acquisitions" only. Cannot be used for maintenance.</i>									
183	401-36230	REVENUE: Park Dedication Fees	0	0	0	0	0	#DIV/0!		
184	401-45100-100	EXPENSE: Park Improvements	0	2,176	0	0	0	#DIV/0!		
185		<b>Net Total</b>	<b>0</b>	<b>-2,176</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>#DIV/0!</b>		
186		<b>PARK FUND CASH BALANCE</b>	<b>16,756</b>	<b>14,580</b>						
187	<b>MARINA ENTERPRISE FUND</b> <i>This fund may be used for any city purpose. Goal: \$55,000 Tonka Dock; \$65,000 Permanent Dock; \$120,000 Floating Dock.</i>									
188	605-36201	REVENUE: Slip Fees (2020: \$1550 x 26 boats, \$300 x 1 sailboats, \$50 x 12 canoes)	36,800	38,000	38,600	39,450	39,600	41,200	4.04%	
190	605-45100-309	EXPENSE: Professional Services (Dock In and Out, Weed Removal)	6,800	8,300	7,000	1,800	7,000	8,500	21.43%	
191	605-45100-310	EXPENSE: Public Works	0	196	500	0	500	500	0.00%	
192	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License \$350, SABLID / AIS \$2500, Insurance \$873)	2,843	2,843	3,723	2,500	3,723	3,723	0.00%	
193	605-45100-590	EXPENSE: Capital Outlay	0	0	0	0	0	0	#DIV/0!	
194	605-49300-720	OPERATING TRANSFER: To General Fund	12,500	12,500	12,500	0	12,500	12,500	0.00%	
195	605-49300-721	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted marina revenue for adm. costs)	3,730	3,860	3,860	0	3,960	4,120	4.04%	
196		<b>Net Total</b>	<b>10,928</b>	<b>10,301</b>	<b>11,017</b>	<b>35,150</b>	<b>11,917</b>	<b>11,857</b>	<b>-0.50%</b>	
197		<b>MARINA ENTERPRISE FUND CASH BALANCE</b>	<b>68,403</b>	<b>78,704</b>						
198	<b>BRIDGE CAPITAL PROJECT FUND</b> <i>This fund was created in 2010. The funds may be used for any city purpose. Goal: \$200,000</i>									
199	403-39200	REVENUE: Transfer from General Fund	20,000	10,000	10,000	0	10,000	10,000	0.00%	
200	403-45100-303	EXPENSE: Engineering	13,722	2,072	4,000	30	4,000	2,000	-50.00%	
201	403-45100-304	EXPENSE: Legal Services	0	0	0	0	0	0	#DIV/0!	
202	403-45100-530	EXPENSE: Capital Outlay	0	0	0	0	0	0	#DIV/0!	
203		<b>Net Total</b>	<b>6,278</b>	<b>7,928</b>	<b>6,000</b>	<b>-30</b>	<b>6,000</b>	<b>8,000</b>	<b>33.33%</b>	
204		<b>BRIDGE CAPITAL PROJECT FUND CASH BALANCE</b>	<b>173,376</b>	<b>181,304</b>						
205	<b>SPECIAL PROJECT FUND</b> <i>This fund was created in 2013.</i>									
206	301-36103	REVENUE: Greenwood Park Stormwater Project	207,755	0	0	0	0	0	#DIV/0!	
207	301-47000-603	EXPENSE: Greenwood Park Stormwater Project (Capital Outlay, Engineering, Etc)	133,536	39,779	0	21,235	0	0	#DIV/0!	
208		<b>Net Total</b>	<b>74,219</b>	<b>-39,779</b>	<b>0</b>	<b>-21,235</b>	<b>0</b>	<b>0</b>	<b>#DIV/0!</b>	
209		<b>SPECIAL PROJECT FUND CASH BALANCE</b>	<b>67,489</b>	<b>27,710</b>						
210	<b>ROAD IMPROVEMENT FUND</b> <i>This fund was created in 2014. The funds may be used for any city purpose. Goal: \$_____.</i>									
211	404-36230	REVENUE: Transfers from General Fund and other Funds	138,848	244,000	124,000	0	124,000	124,000	0.00%	
212	404-36231	REVENUE: Misc. Revenue	3,974	0	0	0	0	0	#DIV/0!	
213	404-45100-100	EXPENSE: Capital Outlay (2018 number includes engineering, public notices, etc.)	196,960	230,402	75,000	0	75,000	75,000	0.00%	
214	404-45100-303	EXPENSE: Engineering Expenses, Public Notices, Etc.	70,220	0	20,000	2,434	20,000	20,000	0.00%	
215		<b>Net Total</b>	<b>-128,332</b>	<b>13,598</b>	<b>29,000</b>	<b>-2,434</b>	<b>29,000</b>	<b>29,000</b>	<b>0.00%</b>	
216		<b>ROAD IMPROVEMENT FUND CASH BALANCE</b>	<b>109,425</b>	<b>123,023</b>						
217	<b>Total Cash Balance</b>		<b>1,247,263</b>							

ORDINANCE NO. \_\_\_\_

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

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

SECTION 1.

The Greenwood ordinance code section 510 fee schedule is amended to update the following fees:

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Municipal St. Alban's Bay Dock Permit	425.30 (5)	<del>\$1500</del> \$1550	Per slip, per season
Right of Way Fees: Excavation, Obstruction, or Small Wireless Facility Permit	630.04 630.06 630.09	\$250 in addition to a certificate of insurance for at least \$2 million naming the city as an additional insured, verifying that the applicant is insured against claims for personal injury, death, or property damages associated with work in the right-of-way, and requiring 30-day notice to the city of cancellation or material modification of the policy. If the city incurs costs in association with the project (including, but not limited to restoration of restores the right-of-way), the permittee shall pay the estimated costs as part of the permit application fee with the actual costs to be determined and paid or refunded on completion of the project. NOTE: FEES ARE ESTABLISHED BY MN STATE STATUTES 237.162 & 237.163 OR ANY ORDINANCE ENACTED UNDER THOSE SECTIONS	Paid with permit application.

SECTION 2.

Effective Date. This ordinance shall be effective January 1, 2020.

Enacted by the city council of the city of Greenwood, Minnesota this \_\_ day of October, 2019

There were \_\_ AYES and \_\_ 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: \_\_\_\_  
Second reading: \_\_\_\_  
Publication: \_\_\_\_

## Tax Capacity Formula & Tax Rate Comparison for Taxes Payable in 2019

A property with an assessed EMV of:	<b>\$750,000</b>			
First \$500,000 is multiplied by 1%	\$500,000	x	1%	= \$5,000
Balance is multiplied by 1.25%	\$250,000	x	1.25%	= \$3,125
<b>Equals the "tax capacity" for the property:</b>				<b>\$8,125</b>

The above tax capacity formula is determined by the state and the multipliers are the same for every property in the state. To calculate your property's **tax capacity**, simply replace the **bold** number on the first line of the above formula with your property's **2018 estimated market value (EMV)**. The tax capacity number in yellow then is automatically inserted into the below spreadsheet and multiplied times the county, school, city, and misc tax **rates** to calculate the total **2019 taxes** for your property (Greenwood line if you live in Greenwood) and compares your taxes to the taxes paid by other properties with the same EMV in other cities. The tax **rate** is the same for every property in a jurisdiction.

The tax rates for **2020** will not be known until budgets / levies are set in the fall of **2019**. So this sheet will **NOT** work for calculating your **2020** taxes.

The below chart shows how a Hennepin County / Minnetonka School District property with the **same EMV** will pay more or less taxes depending on the **CITY** it is located in.

	HENNEPIN COUNTY TAXES			MTKA SCHOOL DISTRICT TAXES						CITY TAXES			MISC TAXES: Hennepin Parks, Met Council, Watershed, etc.			TOTAL	
	COUNTY Tax Rate	Tax Capacity	Total COUNTY Taxes	SCHOOL Tax Rate	Tax Capacity	Subtotal SCHOOL Taxes	SCHOOL Referendum Tax Rate*	EMV	Subtotal SCHOOL Ref Taxes	Total SCHOOL Taxes	CITY Tax Rate	Tax Capacity	Total CITY Taxes	MISC Tax Rate	Tax Capacity	Total MISC Taxes	Total PROPERTY Taxes
Minnetonka	41.861%	\$8,125	\$3,401	21.20900%	\$8,125	\$1,723	0.34013%	\$750,000	\$2,551	\$4,274	34.960%	\$8,125	\$2,841	10.119%	\$8,125	\$822	\$11,338
Eden Prairie	41.861%	\$8,125	\$3,401	21.20900%	\$8,125	\$1,723	0.34013%	\$750,000	\$2,551	\$4,274	31.690%	\$8,125	\$2,575	10.119%	\$8,125	\$822	\$11,072
Shorewood	41.861%	\$8,125	\$3,401	21.20900%	\$8,125	\$1,723	0.34013%	\$750,000	\$2,551	\$4,274	28.539%	\$8,125	\$2,319	10.119%	\$8,125	\$822	\$10,816
Excelsior	41.861%	\$8,125	\$3,401	21.20900%	\$8,125	\$1,723	0.34013%	\$750,000	\$2,551	\$4,274	27.124%	\$8,125	\$2,204	10.119%	\$8,125	\$822	\$10,701
Tonka Bay	41.861%	\$8,125	\$3,401	21.20900%	\$8,125	\$1,723	0.34013%	\$750,000	\$2,551	\$4,274	17.560%	\$8,125	\$1,427	10.119%	\$8,125	\$822	\$9,924
Greenwood	41.861%	\$8,125	\$3,401	21.20900%	\$8,125	\$1,723	0.34013%	\$750,000	\$2,551	\$4,274	15.590%	\$8,125	\$1,267	10.119%	\$8,125	\$822	\$9,764
Deephaven	41.861%	\$8,125	\$3,401	21.20900%	\$8,125	\$1,723	0.34013%	\$750,000	\$2,551	\$4,274	14.840%	\$8,125	\$1,206	10.119%	\$8,125	\$822	\$9,703
Woodland	41.861%	\$8,125	\$3,401	21.20900%	\$8,125	\$1,723	0.34013%	\$750,000	\$2,551	\$4,274	10.125%	\$8,125	\$823	10.119%	\$8,125	\$822	\$9,320

Greenwood Percent of \$1

34.8%

43.8%

13.0%

8.4% 100.0%

\* School referendum tax rates are multiplied times the total EMV, not the tax capacity number.

Source: www.hennepin.us, Taxing District Information, Final Tax Rate Cards

Sheet updated 03-24-19

## TAX RATE HISTORY

Tax rates are calculated by taking the budgeted levy and dividing it by the total tax capacity derived from the estimated market values (EMVs) for all properties in a jurisdiction from the previous year.

If your EMV increases, it does NOT mean that your property taxes will increase by the same percentage. Instead, EMVs are used determine how budgeted tax levies are divided among taxpayers. The total budgeted tax levies will be collected whether EMVs increase or decrease, but your share of the tax levy pie may shift if your EMV goes up or down more in comparison to other properties. Greenwood's tax levy has had zero increases since 2010. Therefore, when Greenwood's EMVs decreased from 2009 to 2013, the city's tax rate increased from 2010 to 2014 in order to collect the same tax levy amount. Conversely, when Greenwood's EMVs increased from 2014 through 2018 the city's 2015 through 2019 tax rates decreased to collect the same tax levy amount.

	<b>2010</b> <b>Tax Rates</b> Based on 2009 EMVs	<b>2011</b> <b>Tax Rates</b> Based on 2010 EMVs	<b>2012</b> <b>Tax Rates</b> Based on 2011 EMVs	<b>2013</b> <b>Tax Rates</b> Based on 2012 EMVs	<b>2014</b> <b>Tax Rates</b> Based on 2013 EMVs	<b>2015</b> <b>Tax Rates</b> Based on 2014 EMVs	<b>2016</b> <b>Tax Rates</b> Based on 2015 EMVs	<b>2017</b> <b>Tax Rates</b> Based on 2016 EMVs	<b>2018</b> <b>Tax Rates</b> Based on 2017 EMVs	<b>2019</b> <b>Tax Rates</b> Based on 2018 EMVs
<b>Hennepin County</b>	41.945%	45.840%	48.231%	49.461%	49.959%	46.398%	45.356%	44.087%	43.177%	41.861%
<b>Mtka School Dist</b>	18.657%	21.274%	23.015%	24.487%	24.374%	25.093%	22.887%	22.770%	23.124%	21.209%
<b>Greenwood</b>	17.936%	19.107%	20.336%	20.897%	22.246%	19.819%	18.963%	17.033%	16.089%	15.590%

Source: [www.hennepin.us](http://www.hennepin.us), Taxing District Information, Final Tax Rate Cards

The above chart does not include school district referendum tax rates and misc tax rates.

Updated 07-20-19

# 2019 CERTIFIED CITY LEVY PER PERSON

Hennepin County Lake Minnetonka Cities

	2019 Certified Levy	2017 Population	2019 Certified Levy Per Person
<b>Minnetonka Beach</b>	\$1,015,932	545	\$1,864
<b>Wayzata</b>	\$4,832,240	4804	\$1,006
<b>Greenwood</b>	\$637,825	724	\$881
<b>Woodland</b>	\$379,320	462	\$821
<b>Tonka Bay</b>	\$1,173,003	1526	\$769
<b>Minnetonka</b>	\$38,355,431	53,394	\$718
<b>Shorewood</b>	\$5,530,322	7708	\$717
<b>Orono</b>	\$5,635,450	7883	\$715
<b>Excelsior</b>	\$1,566,239	2,352	\$666
<b>Minnetrista</b>	\$4,678,750	7526	\$622
<b>Spring Park</b>	\$1,071,157	1743	\$615
<b>Mound</b>	\$5,818,797	9494	\$613
<b>Deephaven</b>	\$2,256,330	3,948	\$572

*Certified Levy Source: [www.co.hennepin.mn.us](http://www.co.hennepin.mn.us), Taxing District Information*

*Population Source: [www.metrocouncil.org](http://www.metrocouncil.org), Data & Maps, Download Data, Population and Household Estimates*

*Updated 03-24-19*

## 2016 Municipal Dock Fees

Tonka Bay	\$1,600
Deephaven	\$875
Excelsior *	\$2,306
<b>AVERAGE</b>	<b>\$1,594</b>

\* Excelsior charges \$98 per foot for residents, \$75 per foot for senior residents.  
Excelsior has a total of 67 slips. 10 are rented to seniors.  
The below table shows how Excelsior's fee was calculated.

### Greenwood Maximum Boat Lengths:

14 slips at 23ft max	53.85%
12 slips at 26ft max	46.15%
	<u>100.00%</u>

57 x 53.85%	30.69
57 x 46.15%	26.31
	<u>57.00</u>

10 x 53.85%	5.39
10 x 46.15%	4.62
	<u>10.00</u>

23 x \$98	\$2,254	X	30.69	\$69,185
26 x \$98	\$2,548	X	26.31	\$67,026
			<u>57.00</u>	

23 x \$75	\$1,725	X	5.39	\$9,289
26 x \$75	\$1,950	X	4.62	\$8,999
			<u>10.00</u>	

<u>\$154,500</u>	TOTAL REVENUE
<b>\$2,306</b>	<b>AVERAGE (total divided by 67 slips)</b>

NOTE: Tonka Bay Marine is charging \$5400 for a 26ft boat in 2018.  
The \$5400 fee is for a summer slip only and does not include winter storage.



**Agenda Item:** Consent Agenda

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

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

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

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

# MINUTES

## Greenwood City Council Meeting

Tuesday, July 9, 2019

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 Bill Cook, Tom Fletcher, Rob Roy

Members Absent: Councilmember Kristi Conrad

Staff Members Present: City Engineer Dave Martini

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

### 2. CONSENT AGENDA

A. Approve: 06-05-19 City Council Meeting Minutes

B. Approve: May Cash Summary Report

C. Approve: May Certificates of Deposit Report

D. Approve: Jun Verifies, Check Register, Electronic Fund Transfers

E. Approve: Jul Payroll Register

F. Approve: Liability Coverage Waiver Form

**Motion by Kind to approve the consent agenda items. Second by Cook. Motion passed 4-0.**

### 3. MATTERS FROM THE FLOOR

A. None

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

AA. Consider: Res 24-19, Honoring David Hoo's 50yrs of Service with Excelsior Fire District

**Motion by Roy that the city council approves resolution 24-19, a resolution of appreciation and commendation for David Hoo as written. Second by Cook. Motion passed 4-0.**

*View the presentation at LMCC-TV.org.*

A. City Engineer: 2019 Engineering Projects

**Motion by Fletcher that the city council:**

- a. **approves the bid from Allied in the amount of \$48,156 to complete the engineering projects in the 2019 street project bid; and authorizes payment from the Road Fund (capital outlay code 404-45100-100 and engineering code 404-45100-303;**
- b. **approves the bid from TCOS in the amount of \$5,000 to complete the Excelsior Blvd curb project; and authorizes payment from the Stormwater Fund (capital outlay code 502-43200-530 and engineering code 502-43200-303;**
- c. **approves the bid from Don Fettle in the amount of \$3,027 to complete the grading work to improve neighborhood drainage by lakeshore of the Connor / Moser / Jewett properties on Fairview Street; and authorizes payment from the Stormwater Fund (capital outlay code 502-43200-530 and engineering code 502-43200-303;**
- d. **authorizes the city treasurer to transfer \$124,000 from the General Fund (code 101-43200-500) to the Road Fund (code 404-32630).**

**Second by Cook. Motion passed 4-0.**

B. Announcement: Budget & Fees Worksession, 6pm 08-07-19 (before the city council meeting)

*View the announcement at LMCC-TV.org.*

C. Announcement: Tour de Tonka, 08-03-19 (expect delays on Greenwood streets)

*View the announcement at LMCC-TV.org.*

D. Announcement: Night to Unite, 08-06-19 (contact Laura Holtan 952-960-1643 or [lholtan@southlakepd.com](mailto:lholtan@southlakepd.com) to have a police officer visit your gathering)

*View the announcement at LMCC-TV.org.*

5. PUBLIC HEARINGS

A. None

6. ACTION RELATED TO PUBLIC HEARINGS

A. None

7. PLANNING & ZONING ITEMS

A. 1st Reading: Ord 290, Amending Code Section 600.35 Subdivision Park Dedication Fee

**Motion by Cook that the city council (1) approves the first reading of ordinance 290 amending the city's subdivision code section 600.35 regarding park dedication requirements as written; (2) waives the second reading; and (3) directs that the resolution be submitted to the Sun-Sailor for publication. Second by Roy. Motion passed 4-0.**

8. UNFINISHED BUSINESS

A. None

9. NEW BUSINESS

A. Consider: Res 24-19, Honoring David Hoo's 50yrs of Service with Excelsior Fire District – *This item moved to 4AA*

10. OTHER BUSINESS

A. None

11. COUNCIL REPORTS

B. Conrad: Planning Commission

**No report since Councilwoman Conrad was not at the meeting.**

C. Cook: Lake Minnetonka Conservation District, Public Works Committee, St. Alban's Lake Improvement District

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

D. Fletcher: Lake Minnetonka Communications Commission, Fire, Administrative Committee

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

E. Kind: Police, Administrative Committee, Mayors' Meetings, Website

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

F. Roy: Minnetonka Community Education

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

12. ADJOURNMENT

**Motion by Kind to adjourn the meeting at 7:25pm. Second by Roy. Motion passed 4-0.**

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

## GREENWOOD CERTIFICATES OF DEPOSIT

**Report Date**     **6/30/19**

<b>Acct #</b>	<b>Bank</b>	<b>Date</b>	<b>Term</b>	<b>Maturity</b>	<b>Rate</b>	<b>Amount</b>
x237	Bridgewater Bank	11/08/18	18 Month	05/08/20	2.48%	\$ 132,427.59
x238	Bridgewater Bank	03/08/19	18 Month	09/08/20	2.82%	\$ 132,240.77
x239	Bridgewater Bank	05/08/18	18 Month	11/08/20	2.48%	\$ 132,276.81
x240	Bridgewater Bank	05/08/18	16 Month	09/08/19	1.74%	\$ 132,276.81
x241	Bridgewater Bank	05/08/18	18 Month	11/08/19	2.08%	\$ 132,725.17
x242	Bridgewater Bank	05/08/18	22 Month	03/08/20	2.08%	\$ 132,725.17
<b>TOTAL</b>						<b>\$ 794,672.32</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.*

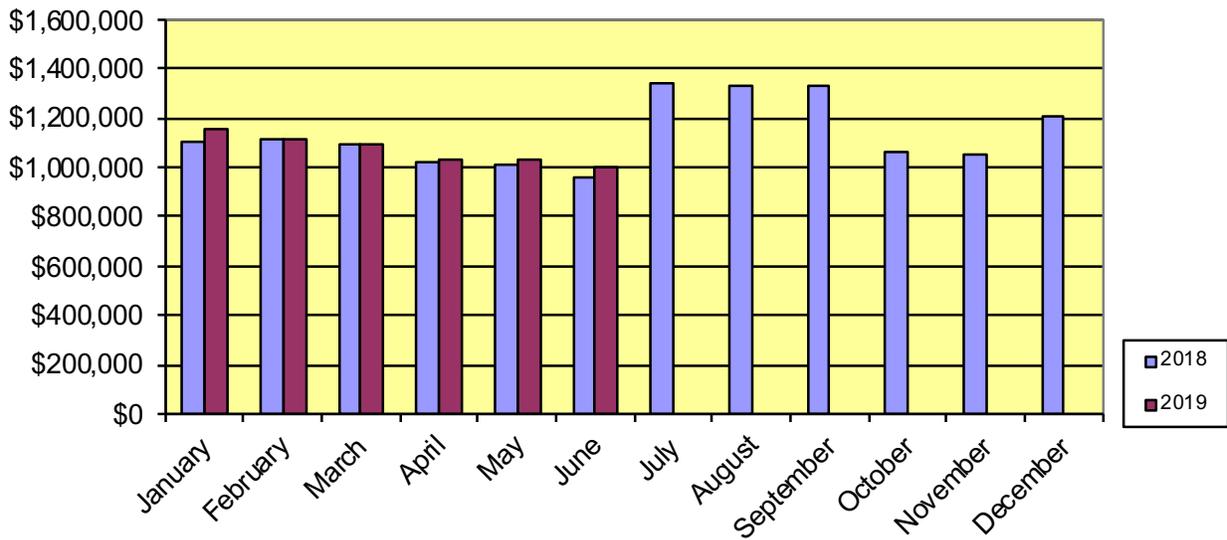
*11-02-16 Motion by Fletcher that the city council authorizes an increase from \$500,000 to \$600,000 for the city's maximum balance of certificate of deposit. Second by Roy. Motion passed 5-0.*

*10-04-17 Motion by Fletcher that the city council approves the August Certificates of Deposit Report and increases the maximum combined balance for Certificates of Deposit from \$600,000 to \$700,000. Second by Kind. Motion passed 4-0.*

*05-02-18 Motion by Conrad that the Greenwood city council (1) authorizes the administrative committee to move forward with the Bridgewater Bank CD staging concept; and (2) authorizes a maximum of \$800,000 to be invested in CDs. Second by Quam. Motion passed 5-0.*

*04-03-19 Motion by Fletcher to raise the allowable certificate of deposits balance to \$900,000 to allow for interest growth. Second by Conrad. Motion passed 4-0.*

## City of Greenwood Monthly Cash Summary



Month	2018	2019	Variance with Prior Month	Variance with Prior Year
January	\$1,109,319	\$1,160,255	-\$50,044	\$50,936
February	\$1,112,677	\$1,113,218	-\$47,037	\$541
March	\$1,093,832	\$1,093,116	-\$20,102	-\$716
April	\$1,026,926	\$1,035,438	-\$57,678	\$8,512
May	\$1,015,367	\$1,030,665	-\$4,773	\$15,298
June	\$963,832	\$1,001,314	-\$29,351	\$37,482
July	\$1,343,594	\$1,343,594	-\$1,001,314	-\$1,343,594
August	\$1,334,231	\$1,334,231	\$0	-\$1,334,231
September	\$1,336,282	\$1,336,282	\$0	-\$1,336,282
October	\$1,063,710	\$1,063,710	\$0	-\$1,063,710
November	\$1,056,473	\$1,056,473	\$0	-\$1,056,473
December	\$1,210,299	\$1,210,299	\$0	-\$1,210,299

Bridgewater Bank Checking	\$13,246
Bridgewater Bank Money Market	\$193,396
Bridgewater Bank CD's	\$794,672
	<b>\$1,001,314</b>

<b><u>ALLOCATION BY FUND</u></b>	
General Fund	\$285,222
Special Project Fund	\$13,351
General Fund Designated for Parks	\$14,580
Bridge Capital Project Fund	\$181,274
Road Improvement Fund	(\$8,759)
Stormwater Fund	\$30,629
Sewer Enterprise Fund	\$371,481
Marina Enterprise Fund	\$113,586
	<b>\$1,001,314</b>

Check Issue Date(s): 07/01/2019 - 07/31/2019

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
07/19	07/12/2019	11276	822	VOID - ECM PUBLISHERS INC	101-20100	880.60 -M
07/19	07/24/2019	11282	10	AMERICAN SOLUTIONS FOR BUSINES	101-20100	187.14
07/19	07/24/2019	11283	596	BARBER CONSTRUCTION, INC.	301-20100	4,295.00
07/19	07/24/2019	11284	51	BOLTON & MENK, INC.	101-20100	5,198.00
07/19	07/24/2019	11285	9	CITY OF DEEPHAVEN	101-20100	9,169.23
07/19	07/24/2019	11286	586	CIVIC SYSTEMS, LLC	101-20100	1,131.00
07/19	07/24/2019	11287	889	DIVE GUYS	605-20100	1,350.00
07/19	07/24/2019	11288	822	ECM PUBLISHERS INC	101-20100	249.90
07/19	07/24/2019	11289	581	EMERY'S TREE SERVICE, INC.	101-20100	315.00
07/19	07/24/2019	11290	68	GOPHER STATE ONE CALL	602-20100	43.20
07/19	07/24/2019	11291	78	Hennepin County Taxpayer Svcs.	101-20100	382.50
07/19	07/24/2019	11292	886	KENNETH N. POTTS, P.A.	101-20100	400.00
07/19	07/24/2019	11293	105	METRO COUNCIL ENVIRO SERVICES	602-20100	4,646.14
07/19	07/24/2019	11294	893	REPUBLIC SERVICES #894	101-20100	5,779.65
07/19	07/24/2019	11295	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	197.76
07/19	07/24/2019	11296	868	ST ALBANS BAY LAKE IMPROVEMENT	101-20100	10,872.39
07/19	07/24/2019	11297	158	US POSTMASTER	101-20100	35.00
07/19	07/24/2019	11298	145	XCEL ENERGY	101-20100	410.03
Totals:						<u>43,781.34</u>

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>AMERICAN SOLUTIONS FOR BUSINES</b>					
10	AMERICAN SOLUTIONS FOR BU	INV04225821	PERMIT RECEIPT BOOKS	06/24/2019	187.14
Total AMERICAN SOLUTIONS FOR BUSINES					187.14
<b>BARBER CONSTRUCTION, INC.</b>					
596	BARBER CONSTRUCTION, INC.	2494	GRANITE TRAIL RECONSTRUCTION	07/11/2019	4,295.00
Total BARBER CONSTRUCTION, INC.					4,295.00
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0235328	2019 DEVELOPMENT REVIEW	06/27/2019	384.00
		0235329	2019 MISC DRAINAGE	06/27/2019	1,548.00
		0235331	2019 MISC ENGINEERING	06/27/2019	444.00
			2019 MISC ENGINEERING		255.00
			2019 MISC ENGINEERING		60.00
		0235334	2019 STREET IMPROVEMENTS	06/27/2019	2,507.00
Total BOLTON & MENK, INC.					5,198.00
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	2ND QTR 2019	2nd Quarter Building Permits	06/30/2019	9,169.23
Total CITY OF DEEPHAVEN					9,169.23
<b>CIVIC SYSTEMS, LLC</b>					
586	CIVIC SYSTEMS, LLC	CVC18011	Semi-Annual Support Fee	06/25/2019	1,131.00
Total CIVIC SYSTEMS, LLC					1,131.00
<b>DIVE GUYS</b>					
889	DIVE GUYS	4980	AQUATIC WEED REMOVAL	07/22/2019	1,350.00
Total DIVE GUYS					1,350.00
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	703177	LEGAL NOTICE	07/12/2019	880.60 -
		706652	LEGAL NOTICE	06/27/2019	47.60
		706653	LEGAL NOTICE	06/27/2019	53.55
		706654	LEGAL NOTICE	06/27/2019	47.60
		706655	LEGAL NOTICE	06/27/2019	53.55
		706656	LEGAL NOTICE	06/27/2019	47.60
Total ECM PUBLISHERS INC					630.70 -
<b>EMERY'S TREE SERVICE, INC.</b>					
581	EMERY'S TREE SERVICE, INC.	22559	TREE MAINTENANCE	07/01/2019	315.00
Total EMERY'S TREE SERVICE, INC.					315.00
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	9060431	Gopher State calls	06/30/2019	43.20
Total GOPHER STATE ONE CALL					43.20
<b>Hennepin County Taxpayer Svcs.</b>					
78	Hennepin County Taxpayer Svcs.	0619-19	SPECIAL ASSMT ANNUAL FEE	07/17/2019	382.50

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total Hennepin County Taxpayer Svcs.				382.50
<b>KENNETH N. POTTS, P.A.</b>					
886	KENNETH N. POTTS, P.A.	07 01 19	PROSECUTION SVCS	07/01/2019	400.00
	Total KENNETH N. POTTS, P.A.				400.00
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERV	0001096047	Monthly wastewater Charge	05/03/2019	2,323.07
		0001098257	Monthly wastewater Charge	07/03/2019	2,323.07
	Total METRO COUNCIL ENVIRO SERVICES				4,646.14
<b>REPUBLIC SERVICES #894</b>					
893	REPUBLIC SERVICES #894	0894-004912828	RECYCLING SVCS	05/31/2019	1,926.55
		0894-004941571	RECYCLING SVCS	06/26/2019	1,926.55
		0894-004955715	RECYCLING SVCS	07/15/2019	1,926.55
	Total REPUBLIC SERVICES #894				5,779.65
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	JULY 2 2019	COURT OVERTIME	07/02/2019	197.76
	Total SO LAKE MINNETONKA POLICE DEPT				197.76
<b>ST ALBANS BAY LAKE IMPROVEMENT</b>					
868	ST ALBANS BAY LAKE IMPROVE	07 18 19	SPECIAL ASSMT REV	07/18/2019	10,872.39
	Total ST ALBANS BAY LAKE IMPROVEMENT				10,872.39
<b>US POSTMASTER</b>					
158	US POSTMASTER	07 24 19	POSTAGE	07/24/2019	35.00
	Total US POSTMASTER				35.00
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	06 24 19	LIFT STATION #1	06/24/2019	7.46
		06 25 19	4925 MEADVILLE STREET *	06/25/2019	8.21
		06 28 19	Sleepy Hollow Road *	06/28/2019	8.14
		07 03 19	Street Lights *	07/03/2019	386.22
	Total XCEL ENERGY				410.03

Total Paid:	44,661.94
Total Unpaid:	880.60 -
Grand Total:	<u>43,781.34</u>

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
08/01/19	PC	08/01/19	8011901	CONRAD, KRISTI	39		001-10101	286.53
08/01/19	PC	08/01/19	8011902	COOK, WILLIAM B.	37		001-10101	286.53
08/01/19	PC	08/01/19	8011903	Fletcher, Thomas M	33		001-10101	186.53
08/01/19	PC	08/01/19	8011904	Kind, Debra J.	34		001-10101	429.80
08/01/19	PC	08/01/19	8011905	ROY, ROBERT J.	38		001-10101	286.53
Grand Totals:								<u>1,475.92</u>



**Agenda Number: 2F**

**Agenda Date: 08-07-19**

*Prepared by Deb Kind*

**Agenda Item:** Authorization to Send Budget Comment Opportunity Information to County

**Summary:** Every August the council is asked to determine when public comment will be taken regarding the budget and authorize the city clerk to send the information to the county. The information will be published in the property tax mailing sent out by the county. The council routinely sets the budget comment date at the January council meeting at same time other key dates are set for the year. December 4, 2019 at 7pm (regular city council meeting) was the date set by the council. The council needs to authorize the clerk to send this information to the county.

**Council Action:** Required. Consent agenda motion ...

I move the council authorizes the city clerk to send the following information to Hennepin County regarding the opportunity for the public comment regarding the city's 2020 budget: 7pm, Wednesday, December 4, 2019, Deephaven Council Chambers, 20225 Cottagewood Rd, Deephaven, MN 55331, phone 952.474.6633.



Agenda Number: **4A**

Agenda Date: **08-07-19**

*Prepared by Deb Kind*

**Agenda Item:** Chief Mike Meehan, South Lake Minnetonka Police Department Quarterly Update & 2019 Budget

**Summary:** Chief Meehan will attend the 08-07-19 city council meeting for the regular quarterly police update and to discuss the 2020 budget.

The South Lake Minnetonka Police Department coordinating committee (mayors of Excelsior, Greenwood, Shorewood, and Tonka Bay) action regarding the 2020 operating budget will take place AFTER the August council packet deadline. Therefore, the operating budget documents will be sent to the city council via email and hardcopies will be available at the meeting

The funding formula used to determine each member city's percentage contribution toward the operating budget is based on an arbitration ruling in 2006. Every 5 years the funding formula is subject to an automatic adjustment based on the criteria set forth in the ruling. The 2017 operating budget was the second time the formula was adjusted since the ruling took effect. The funding formula is not subject to be reset again until 2022.

The attached 2020 debt service amounts for the police side of the public safety facility include a -1.62% decrease for Greenwood. The funding formula for the debt service is based solely on tax capacity. The debt service spreadsheet uses the latest tax capacity numbers posted on the county website.

**Council Action:** According to the 2006 4th amendment to the SLMPD joint cooperative agreement, the budget MUST be approved by ALL of the member city councils by September 1, or the amount of the previous year's Approved Annual Operating Budget will be increased by the lesser of the following: (a) The increase in the July Minneapolis / St. Paul Consumer Price Index for All Urban Consumers (CPI-U) over the previous 12-month period; or (b) The percentage increase in the most restrictive statutory levy limit applicable to the budget year placed on any of the Parties over the levy limit for that Party for the prior year. (c) In the event that (a) or (b) decreases, the operating budget shall remain the same. This provision applies only to operating expenses not governed by wage or benefit increases required by any union contracts. All Parties must pay wage or benefit increases as required by union contracts; other expenses can have ceilings applied per the above formula.

Potential motions ...

1. I move the Greenwood city council approves the 2020 South Lake Minnetonka Police Department operating budget and debt service payment amounts as presented.
2. Other motion ???

**SOUTH LAKE MINNETONKA POLICE DEPARTMENT  
PUBLIC SAFETY FACILITY - POLICE PORTION**

**2020 DEBT SERVICE AMOUNTS**

Amount Due to the Shorewood Economic Development Authority (EDA) - \$400,600

Member City	Tax Capacity	Percentage	Share of Cost
Excelsior	\$6,478,840	17.5616%	\$70,352
Greenwood	\$4,169,212	11.3011%	\$45,272
Shorewood	\$19,513,805	52.8944%	\$211,895
Tonka Bay	\$6,730,124	18.2428%	\$73,081
<b>TOTAL</b>	<b>\$36,891,981</b>	<b>100.0000%</b>	<b>\$400,600</b>

NOTATIONS
(1) 2019 Tax Capacity Figures - Hennepin County Assessor's Office ( <i>Data Run: July 15th, 2019</i> )
(2) Percentages Rounded Based Upon Tax Capacity ( <i>Ad Valorem</i> ) Formula
(3) Total Debt Service Costs Validated with the Shorewood EDA ( <i>Includes Anticipated Fiscal Agent Fees</i> )

Facility Debt Obligation Independent of the SLMPD Operating Budget



**Agenda Number: 4B**

**Agenda Date: 08-07-19**

*Prepared by Deb Kind*

**Agenda Item: 2020 Excelsior Fire District Budget**

**Summary:** Excelsior Fire District Chief Curtis Mackey will attend the 08-07-19 council meeting to answer questions regarding the EFD's proposed 2020 budget (see attached files). The budget calls for an overall 2.95% increase in contributions from the cities. However, since EFD contributions are based solely on tax capacity and Greenwood's property values increased less than some of the other EFD cities, the proposed budget means that Greenwood will have an overall 1.44% increase. The budget uses the latest tax capacity numbers posted on the county website. Note: The tax capacity number for Shorewood is lower than the amount shown on the county website, because it does not include the tax capacity for the properties located on the islands served by Mound FD.

**2020 Allocation by City Compared to 2018 & 2019**

*2020 Operating Budget and Capital less Reserves Use and Other Income*

City	2018 Contribution	2019 Budget	Increase	Inc %	2020 Proposed	Increase	Inc %
Deephaven	\$ 503,390.00	\$ 516,565.00	\$ 13,175.00	2.62%	\$541,503.00	\$ 24,938.00	4.83%
Excelsior	\$ 206,681.00	\$ 221,100.00	\$ 14,419.00	6.98%	\$230,802.00	\$ 9,702.00	4.39%
Greenwood	\$ 141,335.00	\$ 146,435.00	\$ 5,100.00	3.61%	\$148,549.00	\$ 2,114.00	1.44%
Shorewood	\$ 625,953.00	\$ 651,969.00	\$ 26,016.00	4.16%	\$668,296.00	\$ 16,327.00	2.50%
Tonka Bay	\$ 231,402.00	\$ 240,428.00	\$ 9,026.00	3.90%	\$239,754.00	\$ (674.00)	-0.28%
<b>Total Contribution</b>	<b>\$ 1,708,761.00</b>	<b>\$ 1,776,497.00</b>	<b>\$ 67,736.00</b>	<b>3.96%</b>	<b>\$1,828,904.00</b>	<b>\$ 52,407.00</b>	<b>2.95%</b>

**Council Action:** Each city council in the EFD must take action on the budget. 3 of 5 cities must approve the operating budget. 4 of 5 cities must approve the facilities / capital budget. Potential motions ...

1. I move the Greenwood city council approves the final recommended draft of the 2020 Excelsior Fire District operating budget and facilities / capital budget as presented.
2. Other motion ???

# Excelsior Fire District 2015 - 2020 Budget

2015 - 2018 Actual Expenses; 2019 Approved with YTD; 2020 Proposed

21-Jun-19      Version 3

Account Code	Object Description	2015 Actual Amount	2016 Actual Budget	2017 Actual Budget	2018 Actual Budget	2018 Actual Results	Diff Budget to Actual	2019 Approved Budget	2019 Actual YTD (APR)	2019 Actual YTD %	2020 Req Budget	2019 Req Inc	% Change
<b>Fund 230</b>	<b>FIRE OPERATING FUND</b>												
Dep't 42200	Fire Operations												
<u>Personal Services</u>													
230-42200-101	Employees Regular	161,269	214,302	215,143	218,491	227,315	(8,824)	223,992	122,765	54.81%	220,998	(2,994)	-1.34%
230-42200-103	Part-Time Employees	22,328	6,614	5,431	5,846	2,832	3,014	5,846	-	0.00%	27,807	21,961	375.66%
230-42200-106	Firefighter's Salaries	182,741	182,640	188,337	245,834	211,375	34,459	282,167	75,010	26.58%	337,756	55,589	19.70%
230-42200-107	Fire Officer's Salaries	35,400	34,807	36,241	38,222	37,521	701	39,990	13,326	33.32%	40,790	800	2.00%
230-42200-121	PERA	27,323	30,489	31,567	31,887	32,375	(488)	32,602	10,478	32.14%	32,890	288	0.88%
230-42200-122	FICA/MC	19,711	22,650	23,133	28,159	25,005	3,154	29,106	9,969	34.25%	37,288	8,182	28.11%
230-42200-129	State Aid	-	143,743	147,183	-	-	-	-	-	-	-	-	-
230-42200-131	Employer Paid Health	27,460	41,463	32,046	40,305	49,071	(8,766)	43,500	14,429	33.17%	40,953	(2,547)	-5.86%
230-42200-133	Employer Paid Life Insurance	12	18	18	18	18	-	18	6	33.33%	18	-	0.00%
230-42200-151	Worker's Comp Insurance	22,571	25,799	27,538	28,000	28,585	(585)	29,300	29,510	100.72%	35,759	6,459	22.04%
<b>Total Personal Services</b>		<b>498,815</b>	<b>702,525</b>	<b>706,637</b>	<b>636,762</b>	<b>614,097</b>	<b>22,665</b>	<b>686,521</b>	<b>275,493</b>	<b>40.13%</b>	<b>774,259</b>	<b>87,738</b>	<b>12.78%</b>
230-42200-170	Firefighter Pension Contribu	-	-	-	-	152,546	-	-	-	-	-	-	-
<u>Supplies</u>													
230-42200-200	Office Supplies	2,832	2,703	3,486	3,800	2,824	976	3,800	1,001	26.34%	3,800	-	0.00%
230-42200-212	Motor Fuels	9,567	9,405	11,667	13,000	14,833	(1,833)	12,500	4,062	32.50%	13,000	500	4.00%
230-42200-217	Clothing	34,090	22,775	40,322	28,750	26,305	2,445	29,750	16,509	55.49%	30,250	500	1.68%
230-42200-220	Repair/Maint. Supplies	11,864	8,956	6,502	6,120	4,262	1,858	6,620	1,415	21.37%	6,620	-	0.00%
230-42200-221	First Aid Supplies	2,878	4,363	4,662	2,340	4,881	(2,541)	2,500	1,175	47.00%	4,800	2,300	92.00%
230-42200-222	Firefighting Supplies	14,852	13,693	17,904	10,900	6,411	4,489	10,900	4,191	38.45%	9,600	(1,300)	-11.93%
230-42200-241	Fire Prevention Tools	11,829	7,581	5,995	4,300	4,796	(496)	4,300	194	4.51%	4,200	(100)	-2.33%
<b>Total Supplies</b>		<b>87,912</b>	<b>69,476</b>	<b>90,538</b>	<b>69,210</b>	<b>64,312</b>	<b>4,898</b>	<b>70,370</b>	<b>28,547</b>	<b>40.57%</b>	<b>72,270</b>	<b>1,900</b>	<b>2.70%</b>
<u>Professional Services</u>													
230-42200-304	Legal	-	-	5	3,000	21,087	(18,087)	3,000	-	0.00%	3,000	-	0.00%
230-42200-307	Fiscal Management Fees	16,480	16,975	18,000	18,540	18,540	-	19,096	6,365	33.33%	22,500	3,404	17.83%
230-42200-311	Auditing	11,785	12,675	12,955	15,025	12,060	2,965	15,025	9,800	65.22%	15,025	-	0.00%
230-42200-312	Refuse & Recycling Collecti	224	668	821	1,800	722	1,078	1,200	427	35.58%	800	(400)	-33.33%
230-42200-313	Janitorial Services	7,387	8,578	10,760	7,000	9,605	(2,605)	8,000	3,904	48.80%	10,500	2,500	31.25%
230-42200-318	Medical Fees	9,158	11,337	6,057	7,000	8,755	(1,755)	7,000	479	6.84%	7,000	-	0.00%
230-42200-319	Professional Services	52,510	26,407	27,260	30,845	23,742	7,103	30,845	12,310	39.91%	30,345	(500)	-1.62%
<b>Total Professional Services</b>		<b>97,544</b>	<b>76,640</b>	<b>75,858</b>	<b>83,210</b>	<b>94,511</b>	<b>(11,301)</b>	<b>84,166</b>	<b>33,285</b>	<b>39.55%</b>	<b>89,170</b>	<b>5,004</b>	<b>5.95%</b>
<u>Other Services and Charges</u>													
230-42200-321	Telephone/Communication:	25,970	26,657	29,879	26,100	22,500	3,600	26,600	14,981	56.32%	26,600	-	0.00%
230-42200-322	Postage	301	205	23	500	209	291	500	205	41.00%	400	(100)	-20.00%
230-42200-323	Radio Units	22,333	25,707	34,771	34,260	32,193	2,067	41,260	14,464	35.06%	41,260	-	0.00%
230-42200-331	Conferences	6,126	4,477	4,130	4,850	2,606	2,244	4,850	320	6.60%	6,650	1,800	37.11%
230-42200-332	Mileage	-	-	89	200	16	184	200	-	0.00%	150	(50)	-25.00%
230-42200-333	Meeting Expenses	3,845	3,937	3,296	4,000	3,926	74	4,000	2,204	55.10%	4,000	-	0.00%
230-42200-334	Training & Schools	25,533	20,883	22,167	26,800	23,359	3,441	27,000	9,529	35.29%	26,676	(324)	-1.20%
230-42200-350	Printing & Publishing	1,112	892	1,607	1,100	1,095	5	1,375	227	16.51%	1,375	-	0.00%
230-42200-360	Insurance	23,942	20,872	8,000	25,000	20,265	4,735	21,000	15,805	75.26%	24,000	3,000	14.29%



## 2020 Payroll & Benefit Worksheet

**Overview: Staffing includes:**  
**Fire Chief, Fire Marshal (both full-time)**  
**Keep part-time administrative specialist (Shared services)**  
**INCREASE part-time Inspector from 270 hours to 780 hours**  
**- ADDITION of admin clerical 15 hours per week**  
**INCREASE evening duty crew from 4FF/18 hours per week to 4FF/24 hours per week**  
**INCREASE overnight duty crew to 7 days per week**

		Inc	Salary			TOTALS	
101	Fire Chief		108,974				Salary 48,351
	Fire Inspector	2.0%	63,673				PERA 3,626
	Admin Specialist	2.0%	48,351				FICA 2,998
	<b>Total</b>					220,998	MC 701
103	<b>PT Employees</b>						Ins 8,515
	PT Fire Inspector	21.65	15	52		16,887	Life 72
	Admin 2	14.00	15	52		10,920	Work Comp 2,756
						27,807	Adj 3477
							<b>TOTAL 70,496</b>
106	<b>Firefighters Salary</b>						SHARE 35,248
	<u>Station 1 Call Pay</u>	Rate	Calls	FF's	Hrs		
		13.26	256	15	1	50,918	
	<u>Station 2 Call Pay</u>	Rate	Calls	FF's	Hrs		
		13.26	144	10	1	19,094	
	<u>All Call Pay</u>	Rate	Calls	FF's	Hrs		
		13.26	50	20	1.5	19,890	
	<u>Station 1 Drill Pay</u>	Rate	Weeks	FFs	Hrs		
		13.26	50	25	2	33,150	
	<u>Station 2 Drill Pay</u>	Rate	Weeks	FFs	Hrs		
		13.26	50	12	2	15,912	
	<u>Duty Officer Pay</u>	Rate	Days				
	\$90.00 per day x 365	90	365			32,850	
	\$26.52 per call x 120	Rate	Calls		Hrs		
		13.26	120		1.5	2,387	
	<u>Evening Duty Crew Pay</u>	Rate	Weeks	FFs	Hrs		
		13.26	52	4	24	66,194	
	Night Time Duty Crew Staffing	Rate	Weeks	FFs	Days		
		60	52	4	7	87,360	
	Exceptional Service Award		10,000			10,000	
						337,756	
107	<b>Fire Officer's Salaries</b>						
	Assistant Chief	2.0%	5,593				
	Battalion Chiefs (2)	2.0%	9,436				
	Captains (5)	2.0%	14,280				
	Apparatus Coordinator	2.0%	2,292				
	Coordinators (8)	2.0%	9,189			40,790	
121	<b>PERA</b>						
	Fire Chief	Formula	18,471				
	Fire Marshal	Formula	10,793				
	Admin Specialist	Formula	3,626				
	PT Fire Inspector	Formula	0			32,890	
122	<b>FICA</b>						
	Firefighters	Formula	20,941				
	PT Fire Inspector	Formula	1,047				
	Admin Specialist	Formula	2,998				
	Admin 2	Formula	677				
	Fire Officers	Formula	2,529			28,192	
123	<b>Medicare</b>						
	Fire Chief	Formula	1,580				
	Fire Marshal	Formula	923				
	PT Fire Inspector	Formula	245				
	Firefighters	Formula	4,897				
	Admin 2	Formula	158				
	Fire Officers	Formula	591				
	Admin Specialist	Formula	701			9,097	
	Total FICA/MC						37,288
131	<b>Health Insurance</b>						
	Fire Chief	10.0%	19,353				
	Fire Marshal	10.0%	11,480				
	Admin Specialist	10.0%	8,515				
	Dental Insurance	5.0%	1,605				
	(2) employees					40,953	
133	<b>Life Insurance</b>						
	3 employees x \$0.50 per month		18			18	
151	<b>Workers Compensation</b>	5.70%	35,759			35,759	
	<b>TOTAL PERSONNEL SERVICES</b>					774,259	

**CATEGORY  
SUPPLIES**

	Detail Item Amount	Line Item Total	Category Total
200 Office Supplies		3,800	
212 Motor Fuels		13,000	
217 Clothing		30,250	
Turnout Gear (5 sets)	11,500		
Helmets (6)	1,000		
ID for helmets	200		
Hoods (10)	1,000		
Gloves (10 pairs)	500		
Boots (6 pairs)	1,400		
Turnout Gear Cleaning	6,000		
Turnout Gear Repair	1,800		
Firefighter Uniforms (6)	1,650		
Badges & Uniform Brass	800		
Firefighter Work Uniforms (10)	1,100		
Fire Inspector Uniforms	400		
Duty Uniforms	500		
Fire Chief Uniforms	400		
Cold Water Rescue Suits (1)	700		
Class A Uniforms	1,300		
220 Repair and Maintenance Supplies		6,620	
Batteries	720		
Culligan Water Station 1 & 2	700		
Solar Salt Station 2	700		
Small Tools	1,500		
Vehicle and Station Supplies	3,000		
221 First Aid Supplies		4,800	
222 Fire Fighting Supplies/Tools		9,600	
Fire Extinguisher Powder	450		
Cartridge Refills	350		
Oxygen Refills	2,000		
Firefighting Foam	1,600		
Extinguisher Refill	1,700		
Small tools (Acct Tags, Saws, Wn	2,000		
Hazmat Supplies	500		
Hose	1,000		
241 Fire Prevention		4,200	
Code Books	500		
Open House	1,200		
Supplies & Handouts	2,000		
Sparky Costume Maintenance	200		
Life Safety Video	300		

**TOTAL SUPPLIES**

**72,270**

**PROFESSIONAL SERVICES**

304 Legal		3,000	
307 Fiscal Management		22,500	
311 Auditing		15,025	
District Audit	10,500		
Northland Securities	1,525		
Relief Actuarial	3,000		
312 Refuse		800	
313 Janitorial		10,500	
318 Medical Fees		7,000	
319 Professional services		30,345	
Recording Secretary	2,500		
Computer Services	26,345		
CISD	500		
LMCC Recording Fees	1,000		

**TOTAL PROFESSIONAL SERVICES**

**89,170**

**CATEGORY**

**OTHER SERVICES AND CHARGES**

	Detail Item Amount	Line Item Total	Category Total
321 Communications		26,600	
Telephone	15,100		
Cell Phones	4,350		
Pagers (4 @ 475)	1,900		
Pager Repair	1,700		
Internet	1,450		
MDC Air Cards	800		
IPAD Connectivity	1,300		
322 Postage		400	
323 Radio Units		41,260	
Hennepin County Radio Lease	39,760		
Hennepin County Radio Repair	500		
MDC Maintenance	1,000		
331 Conferences		6,650	
Mn Fire Dept. Conference			
Mn Fire Chief's Conference	1,200		
I Chiefs Conference	1,800		

Fire Department Instr. Conf.	3,000	
Emergency Mgmt Conf.	400	
Fire Inspectors Conference	250	
332 Mileage and Travel		150
333 Meeting Expenses		4,000
334 Training Expenses		26,676
Training Tower / Simulator	2,500	
EMT (4 @ 1800)	7,200	
EMT Refresher	5,500	
FFI	2,000	(No longer fully funded by MBFTE Funds)
FFII	1,200	
Haz-Mat Ops	2,000	
Vo-Tech Schools	776	
State Sectional Schools	-	
Boat Training	300	
Bloodborne/Right To Know	100	
Training Aids	600	
Support Staff training	300	
Fire Chief Training	300	
Fire Inspector Training	700	
Blue Card ICS Training	2,700	
Training Equipment	500	
350 Printing And Publishing		1,375
Call Sheets	700	
Film & Developing	100	
Stationary	350	
Printer cartridges	225	
Other Printing		
360 Insurance		24,000
381 Electric Utilities		33,500
383 Gas Utilities		11,000
386 Water and Sewer Utilities		1,400
401 Building Repair		30,000
<b>STATION 1</b>		
HVAC	4,700	
Boiler	500	
Generator	2,700	
Garage Doors	5,500	
Air Compressor Maint	900	
Bathroom Fixtures Repair	700	
Elevator Maint	450	
Light Bulb Replacement	900	
Outdoor Maint (mulch, trees, plants, weeds)	800	
Outdoor Sprinkler Maint	900	
Data/Phone jack repairs	500	
Fire Sprinkler/Alarm (Repair, Monitoring, Permits)	2,000	
Elevator Inspection	1,850	
Garage Floor Maint	600	
<b>STATION 2</b>		
HVAC	800	
Generator	1,500	
Garage Doors	700	
Air Compressor Maint	500	
Bathroom Fixtures Repair	200	
Light Bulb Replacement	500	
Outdoor Maint (mulch, trees, plants, weeds)	300	
Outdoor Sprinkler Maint	200	
Garage Floor Maint	400	
Water Softener Maint & Repairs	400	
Fire Sprinkler/Alarm (Repair, Monitoring, Perr	1,500	
404 Repair And Maintenance Of Apparatus		26,650
Truck Repair	15,880	
Pump Testing	1,720	
Service	5,500	
Major Repairs	2,700	
Supplies	850	

**CATEGORY**

**OTHER SERVICES AND CHARGES (Cont.)**

	Detail Item Amount	Line Item Total	Category Total
405 Fire Equipment Maintenance		19,450	
Compressor Service	1,500		
Air	475		
Gas Powered Equipment	500		
SCBA Service	5,425		
31 packs @\$175/per pack			
Fit Testing			
SCBA Flow Testing			
SCBA Hydro Testing	2,000		
SCBA Maintenance	1,000		
Ladder Testing	2,000		
Hose Testing	4,900		
Air Monitor	850		
Air Monitor Calibration	300		
Maint. Agreement Fitness Room	500		
430 Misc Expenses		1,220	
Bank Expenses	500		
Payroll Direct Deposit Fees	720		

433 Dues And Subscriptions			6,761
Nat. Volunteer Fire Council	30		
IAFC/Int Assoc Of Fire Chiefs	210		
Int Assn Of Arson Investigators		50	
NAFI		40	
Mn State Fire Chiefs Assoc	275	130	
ACFEI		130	
MSFDA		355	
Fire Marshals Assoc Of Mn (2)	70		
NFPA			
ACS Firehouse Solutions	3,252		Change to Emergency Reporting Records Management
Hennepin County Fire Chiefs	20		
Hennepin County Fire Chiefs (FIT	500		
United Firefighters Assoc		30	
Firehouse Magazine	30		
Smoke Eater (22)	160		
Lake Region Mutual Aid		75	
Southwest Mutual Aid		100	
Metro Fire Chief's	100		
Fire Chiefs	74		
Vol FF Benefit Association	350	780	
439 Contingency			
440 Fund Balance / Reserve			
<b>TOTAL OTHER SERVICES AND CHARGES</b>			<b>261,092</b>

# Excelsior Fire District 2019 - 2025 Budget

2019 - 2025 Proposed

13-May-19

Version 2

Account Code	Object Description	2019 Approved Budget	Assumed Growth Rate	2020 Req Budget	2021 Proposed	2022 Proposed	2023 Proposed	2024 Proposed	2025 Proposed
<b>Fund 230</b>		<b>FIRE OPERATING FUND</b>							
<b>Dep't 42200</b>		<b>Fire Operations</b>							
<u>Personal Services</u>									
230-42200-101	Employees Regular	223,992	SCHEDULE	220,998	224,306	229,893	369,374	501,504	547,036
230-42200-103	Part-Time Employees	5,846	SCHEDULE	27,807	26,832	27,027	43,580	43,905	44,242
230-42200-106	Firefighter's Salaries	282,167	SCHEDULE	337,756	347,394	347,941	350,876	362,215	374,332
230-42200-107	Fire Officer's Salaries	39,990	2%	40,790	41,606	42,438	43,287	44,152	45,035
230-42200-121	PERA	32,602	FORMULA	32,890	33,797	34,651	58,198	80,497	88,116
230-42200-122	FICA/MC	29,106	FORMULA	37,288	38,121	38,384	41,570	44,499	46,236
230-42200-129	State Aid	-		-	-	-	-	-	-
230-42200-131	Employer Paid Health	43,500	2%	40,953	41,772	42,608	43,460	44,329	45,215
230-42200-133	Employer Paid Life Insurance	18	2%	18	18	19	19	19	20
230-42200-151	Worker's Comp Insurance	29,300	FORMULA	35,759	36,488	36,896	45,667	53,906	57,255
<b>Total Personal Services</b>		<b>686,521</b>		<b>774,259</b>	<b>790,334</b>	<b>799,855</b>	<b>996,031</b>	<b>1,175,027</b>	<b>1,247,487</b>
230-42200-170	Firefighter Pension Contribution	-		-					
<u>Supplies</u>									
230-42200-200	Office Supplies	3,800	2%	3,800	3,838	3,876	3,915	3,954	3,994
230-42200-212	Motor Fuels	12,500	2%	13,000	13,130	13,261	13,394	13,528	13,663
230-42200-217	Clothing	29,750	2%	30,250	30,553	30,858	31,167	31,478	31,793
230-42200-220	Repair/Maint. Supplies	6,620	2%	6,620	6,686	6,753	6,821	6,889	6,958
230-42200-221	First Aid Supplies	2,500	2%	4,800	4,848	4,896	4,945	4,995	5,045
230-42200-222	Firefighting Supplies	10,900	2%	9,600	9,696	9,793	9,891	9,990	10,090
230-42200-241	Fire Prevention Tools	4,300	2%	4,200	4,242	4,284	4,327	4,371	4,414
<b>Total Supplies</b>		<b>70,370</b>		<b>72,270</b>	<b>72,993</b>	<b>73,723</b>	<b>74,460</b>	<b>75,204</b>	<b>75,956</b>
<u>Professional Services</u>									
230-42200-304	Legal	3,000	2%	3,000	3,060	3,121	3,184	3,247	3,312
230-42200-307	Fiscal Management Fees	19,096	2%	22,500	22,950	23,409	23,877	24,355	24,842
230-42200-311	Auditing	15,025	2%	15,025	15,326	15,632	15,945	16,264	16,589
230-42200-312	Refuse & Recycling Collection	1,200	2%	800	816	832	849	866	883
230-42200-313	Janitorial Services	8,000	2%	10,500	10,710	10,924	11,143	11,366	11,593
230-42200-318	Medical Fees	7,000	2%	7,000	7,140	7,283	7,428	7,577	7,729
230-42200-319	Professional Services	30,845	2%	30,345	30,952	31,571	32,202	32,846	33,503
<b>Total Professional Services</b>		<b>84,166</b>		<b>89,170</b>	<b>90,953</b>	<b>92,772</b>	<b>94,628</b>	<b>96,520</b>	<b>98,451</b>
<u>Other Services and Charges</u>									
230-42200-321	Telephone/Communications	26,600	2%	26,600	27,132	27,675	28,228	28,793	29,369
230-42200-322	Postage	500	2%	400	408	416	424	433	442
230-42200-323	Radio Units	41,260		41,260	42,085	42,927	43,785	44,661	45,554
230-42200-331	Conferences	4,850	2%	6,650	6,783	6,919	7,057	7,198	7,342
230-42200-332	Mileage	200	2%	150	153	156	159	162	166
230-42200-333	Meeting Expenses	4,000	2%	4,000	4,080	4,162	4,245	4,330	4,416
230-42200-334	Training & Schools	27,000	2%	26,676	27,210	27,754	28,309	28,875	29,452
230-42200-350	Printing & Publishing	1,375	2%	1,375	1,403	1,431	1,459	1,488	1,518

230-42200-360	Insurance	21,000	2%	24,000	24,480	24,970	25,469	25,978	26,498
230-42200-381	Electric Utilities	33,500	2%	33,500	34,170	34,853	35,550	36,261	36,987
230-42200-383	Gas Utilities	10,000	2%	11,000	11,220	11,444	11,673	11,907	12,145
230-42200-386	Water and Sewer Utilities	1,100	2%	1,400	1,428	1,457	1,486	1,515	1,546
230-42200-401	Repairs & Maint. Contracted Bldg.	28,250	2%	30,000	30,600	31,212	31,836	32,473	33,122
230-42200-404	Repairs/Maint. Machinery/Equip.	25,650	2%	26,650	27,183	27,727	28,281	28,847	29,424
230-42200-405	Fire Equipment Maintenance	19,450	2%	19,450	19,839	20,236	20,640	21,053	21,474
230-42200-430	Misc Expenses (Bank)	1,220	2%	1,220	1,244	1,269	1,295	1,321	1,347
230-42200-433	Dues and Subscriptions	3,184	2%	6,761	6,896	7,034	7,175	7,318	7,465
230-42200-439	Contingency				-	-	-	-	-
<b>Total Other Services</b>		<b>249,139</b>		<b>261,092</b>	<b>266,314</b>	<b>271,640</b>	<b>277,073</b>	<b>282,614</b>	<b>288,267</b>
<b>Total Operating Budget</b>		<b>1,090,196</b>		<b>1,196,791</b>	<b>1,220,594</b>	<b>1,237,990</b>	<b>1,442,191</b>	<b>1,629,366</b>	<b>1,710,161</b>
<b>Capital Outlay</b>									
230-42200-720	Building Fund Transfer	-		-					
230-42200-720	Fire Relief Fund Transfer	-		-					
230-42200-720	Fund Balance/ Reserve	-		-					
	Building Imp Fund Transfer	24,000		30,000	30,000	30,000	45,000	45,000	45,000
230-42200-720	Capital Equip Transfer	180,000		190,000	190,000	190,000	190,000	190,000	190,000
230-42200-720	Fire Facilities Transfer	538,050		528,150	528,150	528,150	378,750	-	-
	Fire Facilities Replacement						-	133,333	133,333
<b>Total Capital Outlay</b>		<b>742,050</b>		<b>748,150</b>	<b>748,150</b>	<b>748,150</b>	<b>613,750</b>	<b>368,333</b>	<b>368,333</b>
<b>Totals Fund 230 Fire Operating</b>		<b>1,832,246</b>		<b>1,944,941</b>	<b>1,968,744</b>	<b>1,986,140</b>	<b>2,055,941</b>	<b>1,997,699</b>	<b>2,078,494</b>

		2019 Approved Budget		2020 Req Budget	2021 Proposed	2022 Proposed	2023 Proposed	2024 Proposed	2025 Proposed
<b>Operating Revenue</b>									
34202	Municipal Contribution	1,776,498	2.95%	1,828,905	1,882,858	1,938,402	1,995,585	2,034,499	2,074,171
	Shared Services Income	35,248	Form	35,248	36,288	37,358	38,460	39,595	40,763
36210	Interest Income	2,000	2%	2,000	2,059	2,120	2,182	2,247	2,313
36228	Refunds and Reimbursements	14,000	0%	15,000	14,000	14,000	14,000	14,000	14,000
36230	Donations / Other Income	0		-	-	-	-	-	-
39203	Special Events	4,500	2%	5,500	5,662	5,829	6,001	6,178	6,361
39203	Fund Transfers	0		-	-	-	-	-	-
	State Fire Aid								
<b>Total Revenue</b>		<b>1,832,246</b>		<b>1,886,653</b>	<b>1,940,867</b>	<b>1,997,709</b>	<b>2,056,229</b>	<b>2,096,519</b>	<b>2,137,608</b>
<b>Balance</b>		0		(58,288)	(27,877)	11,569	287	98,819	59,114
<b>Balance, January 1st</b>		<b>402,321</b>		<b>402,321</b>	<b>344,033</b>	<b>316,156</b>	<b>327,725</b>	<b>328,013</b>	<b>426,832</b>
<b>Adjustment</b>									
<b>Balance, December 31st</b>				<b>344,033</b>	<b>316,156</b>	<b>327,725</b>	<b>328,013</b>	<b>426,832</b>	<b>485,946</b>
<b>Fund Balance %</b>				<b>28.75%</b>	<b>25.90%</b>	<b>26.47%</b>	<b>22.74%</b>	<b>26.20%</b>	<b>28.42%</b>

2021-2025 Payroll & Benefit Worksheet

	2020				2021				2022				2023				2024				2025				
	Inc	Salary		TOTALS	Inc	Salary		TOTALS	Inc	Salary		TOTALS	Inc	Salary		TOTALS	Inc	Salary		TOTALS	Inc	Salary		TOTALS	
101 Fire Chief		106,837			3.0%	110,042			3.0%	113,343			3.0%	116,744			3.0%	120,246			3.0%	123,853			
Fire Inspector		63,673			2.0%	64,946			2.0%	66,245			2.0%	67,570			2.0%	68,921			2.0%	70,300			
Admin Specialist		48,351			2.0%	49,318			2.0%	50,304			2.0%	51,310			2.0%	52,337			2.0%	53,383			
Asst Chief (10/1/2022)										0				0				85,000				86,700			
Deputy Chief - 24hr shift (7/2023)										0			2.0%	35,000			2.0%	70,000			2.0%	71,400			
Deputy Chief - 24hr shift (7/2023)										0				35,000			2.0%	70,000			2.0%	71,400			
Deputy Chief - 24hr shift (7/2023)										0				0			2.0%	35,000			2.0%	70,000			
<b>Total</b>				218,861				224,306					229,893				369,374				501,504			547,036	
103 <b>PT Employees</b>																									
PT Fire Inspector (May - October)	Rate	Hrs/Wk	Wks		Rate	Hrs/Wk	Wks		Rate	Hrs/Wk	Wks		Rate	Hrs/Wk	Wks		Rate	Hrs/Wk	Wks		Rate	Hrs/Wk	Wks		
Admin 2	21.65	15	52	16,887	21.65	15	52	16,887	21.65	15	52	16,887	21.65	24	52	27,019	21.65	24	52	27,019	21.65	24	52	27,019	
	12.50	15	52	9,750	12.75	15	52	9,945	13.00	15	52	10,140	13.27	24	52	16,561	13.53	24	52	16,885	13.80	24	52	17,222	
106 <b>Firefighters Salary</b>																									
Station 1 Call Pay	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	
	13.26	256	15	1	50,918	13.53	264	15	1	53,579	13.79	272	15	1	56,263	14.06	280	15	1	59,052	14.34	288	15	1	61,949
Station 2 Call Pay	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	
	13.26	144	10	1	19,094	13.53	148	10	1	20,024	13.79	153	10	1	21,099	14.06	157	10	1	22,074	14.34	162	10	1	23,231
All Call Pay	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	Rate	Calls	FF's	Hrs	
	13.26	50	20	1.5	19,890	13.53	52	20	1.5	21,107	13.79	53	20	1.5	21,926	14.06	55	20	1.5	23,199	14.34	56	20	1.5	24,091
Station 1 Drill Pay	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	
	13.26	50	25	2	33,150	13.53	50	25	2	33,825	13.79	50	25	2	34,475	14.06	50	25	2	35,150	14.34	50	25	2	35,850
Station 2 Drill Pay	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	
	13.26	50	12	2	15,912	13.53	50	12	2	16,236	13.79	50	12	2	16,548	14.06	50	12	2	16,872	14.34	50	12	2	17,208
Duty Officer Pay	Rate	Days			Rate	Days			Rate	Days			Rate	Days			Rate	Days			Rate	Days			
\$85.00 per day x 365	85	365		31,025	86.7	365		31,646	88.44	245		21,668	90.2	150		13,530	92	150			93.85	150		14,078	
\$26.52 per call x 120	Rate	Calls		Hrs	Rate	Calls		Hrs	Rate	Calls		Hrs	Rate	Calls		Hrs	Rate	Calls		Hrs	Rate	Calls		Hrs	
	13.26	120		1.5	2,387	13.53	120		1.5	2,435	13.79	120		1.5	2,482	14.06	120		1.5	2,531	14.34	120		1.5	2,581
Duty Crew Pay	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	
	13.26	52	4	24	66,194	13.53	52	4	24	67,542	13.79	52	4	24	68,840	14.06	52	4	24	70,188	14.34	52	4	24	71,585
Night Time Duty Crew Staffing	Rate	Weeks	FFs	Days	Rate	Weeks	FFs	Days	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	Rate	Weeks	FFs	Hrs	
	60	52	4	7	87,360	62.5	52	4	7	91,000	65	52	4	7	94,640	67.5	52	4	7	98,280	70	52	4	7	101,920
Exceptional Service Award				10,000				10,000					10,000				10,000				10,000				10,000
				335,931				347,394					347,941				350,876				362,215				374,332
107 <b>Fire Officer's Salaries</b>																									
Assistant Chief	2.0%	5,593			2.0%	5,705			2.0%	5,819			2.0%	0			2.0%	0			2.0%	0			
Battalion Chiefs (2)	2.0%	9,436			2.0%	9,625			2.0%	9,817			2.0%	10,014			2.0%	10,214			2.0%	10,418			
Captains (5)	2.0%	14,280			2.0%	14,566			2.0%	14,857			2.0%	15,154			2.0%	15,457			2.0%	15,766			
Apparatus Coordinator	2.0%	2,292			2.0%	2,338			2.0%	2,385			2.0%	2,432			2.0%	2,481			2.0%	2,531			
Coordinators (8)	2.0%	9,189		40,790	2.0%	9,373		41,606	2.0%	9,560		42,438	2.0%	9,751		37,351	2.0%	9,946		38,098	2.0%	10,145		38,860	
121 <b>PERA</b>																									
Fire Chief	Formula	18,109			Formula	18,652			Formula	19,212			Formula	19,788			Formula	20,382			Formula	20,993			
Fire Marshal	Formula	10,793			Formula	11,008			Formula	11,229			Formula	11,453			Formula	11,682			Formula	11,916			
Admin Specialist	Formula	3,626			Formula	3,699			Formula	3,773			Formula	3,848			Formula	3,925			Formula	4,004			
PT Fire Inspector	Formula	0			Formula	438			Formula	438			Formula	438			Formula	438			Formula	438			
Asst Chief (10/2022)										0				10,806				14,408				14,696			
Deputy Chief - 24hr shift (7/2023)														5,933				11,865				12,102			
Deputy Chief - 24hr shift (7/2023)														5,933				11,865				12,102			
Deputy Chief - 24hr shift (7/2023)														0				5,933				11,865			
				32,528				33,797						34,651				58,198				80,497			88,116
122 <b>FICA</b>																									
Firefighters	Formula	20,828			Formula	21,538			Formula	21,572			Formula	21,754			Formula	22,457			Formula	23,209			
PT Fire Inspector	Formula	1,047			Formula	1,047			Formula	1,047			Formula	1,675			Formula	1,675			Formula	1,675			
Admin Specialist	Formula	2,998			Formula	3,058			Formula	3,119			Formula	3,181			Formula	3,245			Formula	3,310			
Admin 2	Formula	605			Formula	617			Formula	629			Formula	1,027			Formula	1,047			Formula	1,068			
Fire Officers	Formula	2,529		28,006	Formula	2,580		28,839	Formula	2,631		28,998	Formula	2,316		29,953	Formula	2,362		30,786	Formula	2,409		31,671	
123 <b>Medicare</b>																									
Fire Chief	Formula	1,549			Formula	1,596			Formula	1,643			Formula	1,693			Formula	1,744			Formula	1,796			
Fire Marshal	Formula	923			Formula	942			Formula	961			Formula	980			Formula	999			Formula	1,019			
PT Fire Inspector	Formula	245			Formula	245			Formula	245			Formula	392			Formula	392			Formula	392			
Firefighters	Formula	4,871			Formula	5,037			Formula	5,045			Formula	5,088			Formula	5,252			Formula	5,428			
Fire Officers	Formula	591			Formula	603			Formula	615			Formula	542			Formula	552			Formula	563			
Admin Specialist	Formula	701			Formula	715			Formula	729			Formula	744			Formula	759			Formula	774			
Admin 2	Formula	141			Formula	144			Formula	147			Formula	240			Formula	245							

**EXCELSIOR FIRE DISTRICT**

Proposed Budget 2020  
Allocation by City using Joint Powers Agreement 2010 Funding Formula

\$1,183,836 Operating  
\$748,150 Facilities  
(\$47,103) Reserves  
(\$55,978) Other Income  
\$1,828,905

**Proposed 2020 Budget \$ 1,828,905**

	<u>Tax Capacity</u>		<u>Estimated Market Value</u> (Inc. Personal Property)		<u>Est. Population*</u>		<u>Tax Parcels</u>		<u>3 Year Call Data</u>		<u>Share Per JPA</u>	<u>Cities' Calculated Share of Cost</u>				
	<u>Dollars</u>	<u>Percent</u>	<u>Dollars</u>	<u>Percent</u>	<u>Population</u>	<u>Percent</u>	<u>Parcels</u>	<u>Percent</u>	<u>Calls</u>	<u>Percent</u>		<u>Operations</u>	<u>Facilities</u>	<u>Reserves</u>	<u>Oth Inc</u>	<u>Total</u>
Deephaven	\$15,200,500	29.61%	\$1,330,049,170	29.71%	3,878	24.02%	1,568	22.93%	155	20.45%	<b>29.61%</b>	\$350,511	\$221,513	-\$13,946	-\$16,574	\$541,503
Excelsior	\$6,478,840	12.62%	\$514,707,660	11.50%	2,321	14.37%	925	13.53%	203	26.78%	<b>12.62%</b>	\$149,397	\$94,414	-\$5,944	-\$7,064	\$230,802
Greenwood	\$4,169,912	8.12%	\$356,952,800	7.97%	706	4.37%	354	5.18%	35	4.62%	<b>8.12%</b>	\$96,155	\$60,767	-\$3,826	-\$4,547	\$148,549
Shorewood**	\$18,759,696	36.54%	\$1,687,904,947	37.70%	7,693	47.64%	3,191	46.66%	294	38.79%	<b>36.54%</b>	\$432,583	\$273,380	-\$17,212	-\$20,455	\$668,296
Tonka Bay	\$6,730,124	13.11%	\$587,357,640	13.12%	1,550	9.60%	801	11.71%	71	9.37%	<b>13.11%</b>	\$155,191	\$98,076	-\$6,175	-\$7,338	\$239,754
	<u>\$51,339,072</u>	<u>100%</u>	<u>\$4,476,972,217</u>	<u>100%</u>	<u>16,148</u>	<u>100%</u>	<u>6,839</u>	<u>100%</u>	<u>758</u>	<u>100%</u>	<b>100.00%</b>	<b>\$1,183,836</b>	<b>\$748,150</b>	<b>(\$47,103)</b>	<b>(\$55,978)</b>	<b>\$1,828,905</b>

(Using 2019 Hennepin County Assessors' valuations)

\*\* Total 2019 Tax Capacity less reduction for The Islands served by the Mound FD.

**Quarterly Billings**

	<u>Quarterly Billings</u>				<u>Total</u>		<u>Per Capita</u>	<u>Per \$1M Market Value</u>	<u>Per \$1K Tax Capacity</u>
	<u>Operations</u>	<u>Buildings</u>	<u>Reserves</u>	<u>Other Income</u>					
Deephaven	\$ 87,627.70	\$ 55,378.16	\$ (3,486.57)	\$ (4,143.50)	\$ 135,375.79	Deephaven	\$139.63	\$407.13	\$35.62
Excelsior	\$ 37,349.16	\$ 23,603.58	\$ (1,486.07)	\$ (1,766.06)	\$ 57,700.61	Excelsior	\$99.44	\$448.41	\$35.62
Greenwood	\$ 24,038.67	\$ 15,191.74	\$ (956.46)	\$ (1,136.67)	\$ 37,137.27	Greenwood	\$210.41	\$416.16	\$35.62
Shorewood**	\$ 108,145.72	\$ 68,344.96	\$ (4,302.95)	\$ (5,113.70)	\$ 167,074.03	Shorewood**	\$86.87	\$395.93	\$35.62
Tonka Bay	\$ 38,797.76	\$ 24,519.06	\$ (1,543.70)	\$ (1,834.56)	\$ 59,938.55	Tonka Bay	\$154.68	\$408.19	\$35.62
					\$ 457,226.25	Overall	<b>\$113.26</b>		
					\$ 1,828,905.00				

## 2020 Allocation by City Compared to 2018 & 2019

### 2020 Operating Budget and Capital less Reserves Use and Other Income

City	2018 Contribution	2019 Budget	Increase	Inc %	2020 Proposed	Increase	Inc %
Deephaven	\$ 503,390.00	\$ 516,565.00	\$ 13,175.00	2.62%	\$541,503.00	\$ 24,938.00	4.83%
Excelsior	\$ 206,681.00	\$ 221,100.00	\$ 14,419.00	6.98%	\$230,802.00	\$ 9,702.00	4.39%
Greenwood	\$ 141,335.00	\$ 146,435.00	\$ 5,100.00	3.61%	\$148,549.00	\$ 2,114.00	1.44%
Shorewood	\$ 625,953.00	\$ 651,969.00	\$ 26,016.00	4.16%	\$668,296.00	\$ 16,327.00	2.50%
Tonka Bay	\$ 231,402.00	\$ 240,428.00	\$ 9,026.00	3.90%	\$239,754.00	\$ (674.00)	-0.28%
Total Contribution	\$ 1,708,761.00	\$ 1,776,497.00	\$ 67,736.00	3.96%	\$1,828,904.00	\$ 52,407.00	2.95%



**Agenda Item:** Dave Martini, 2019 Engineering Projects

**Summary:** City Engineer Dave Martini will attend the city council meeting to discuss additional 2019 engineering projects.

**Note:** The city council still needs to authorize the city engineer to submit the project approval form for CAMA funds.

Below are city fund balances as of **05-31-19** that may be used for any city purpose:

- \$381,537** Sewer Enterprise Fund (interfund transfer OUT code 602-43200-720, capital outlay code 602-43200-530, engineering code 602-43200-303)
- \$33,769** Stormwater Special Revenue Fund (interfund transfer OUT code 502-43200-720, interfund transfer IN code 502-34405, capital outlay code 502-43200-530, engineering code 502-43200-303)
- \$181,274** Bridge Capital Project Fund (general fund transfer OUT to bridge fund code 101-49000-500, interfund transfer IN code 403-39200, capital outlay 403-45100-530, engineering code 403-45100-303)
- \$117,009** Road Improvement Fund – Includes \$124,000 from 2019 general fund budget to be transferred to the road improvement fund minus the negative – \$6,991 current road improvement fund balance (general fund transfer OUT to road fund code 101-43200-500, interfund transfer IN code 404-36230, capital outlay 404-45100-100, engineering code 404-45100-303)
- \$4,000** 2019 Contingency Budget (general fund code 101-49000-439)

In addition, below is the General Fund Reserve balance as of 12-31-18. Reserve funds may be used for any city purpose:

- \$541,528** General Fund Reserves (interfund transfer OUT code 101-43200-500) – This number is approximately 70.68% of operating expenditures. Goal is 35-50%.

County Aid to Municipalities: In 1957, Hennepin County established a County Aid to Municipalities (CAM) program to provide financial assistance for roadways and bridges to cities with populations under 5,000. Typically, the funding is between \$1,000 and \$3,000 per year. The city must submit a project approval form to receive the funds.

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

1. I move the city council:

- a. approves the bid from \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to complete the \_\_\_\_\_ project; and authorizes payment from the \_\_\_\_\_ Fund (capital outlay code \_\_\_\_\_ and engineering code \_\_\_\_\_);
- b. approves the bid from \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to complete the \_\_\_\_\_ project; and authorizes payment from the \_\_\_\_\_ Fund (capital outlay code \_\_\_\_\_ and engineering code \_\_\_\_\_);
- c. authorizes the city treasurer to transfer \$ \_\_\_\_\_ from the \_\_\_\_\_ Fund (code \_\_\_\_\_) to the \_\_\_\_\_ Fund (code \_\_\_\_\_); and from the \_\_\_\_\_ Fund (code \_\_\_\_\_) to the \_\_\_\_\_ Fund (code \_\_\_\_\_);
- d. authorizes the city engineer to submit the project approval form to receive CAMA funds for the city's 2019 road projects.

2. Do nothing or other motion ???



**Agenda Number: 7A**

**Agenda Date: 08-07-19**

*Prepared by Deb Kind*

**Agenda Item:** Consider: Res 25-19, Temporary Suspension of Planning Commission

**Summary:** The planning commission was unable to convene a quorum at their July meeting. Therefore, the city council must approve the attached resolution to temporarily suspend the operation and duties of the planning commission so the city council may assume the duties of the planning commission.

**Council Action:** Action is required by the city council. Suggested motion ...

I move the city council approves resolution 25-19 temporarily suspending the planning commission through August 13, 2019.



## City of Greenwood Resolution 25-19

### A RESOLUTION TEMPORARILY SUSPENDING THE PLANNING COMMISSION

**WHEREAS**, the City of Greenwood has established a planning commission whose duties include hearing, reviewing, initiating, and offering recommendations to the city council on zoning ordinance amendments, variances, appeals, conditional uses, platting, subdivision, planned developments and improvement requests referred to it by the city council; and

**WHEREAS**, per Section 220.10, Subd. 3, the city ordinance code states that no hearing shall be conducted by the planning commission without a quorum consisting of 3 members or alternatives, and further stating that the concurring vote of the quorum shall be necessary to any action by the planning commission.; and

**WHEREAS**, the planning commission was unable to convene a quorum consisting of 3 members or alternatives for the July 10, 2019 planning commission meeting; and

**WHEREAS**, per Section 220.02 of the city ordinance code, in the event that the commission is unable to convene a quorum as mandated by section 220.10, subd. 3 and otherwise perform its duties, then the city council may by resolution, supported by two-thirds of all members, as authorized by section 1101 of the zoning code, act at a regular or special meeting to temporarily suspend the operation and duties of the planning commission for a specific term not greater than 60 days; and

**WHEREAS**, upon the suspension of the planning commission, the city council shall assume all duties of the planning commission, including but not limited to, the conduct of public hearings and reviews pursuant to sections 600 et seq., 1150 et seq., 1155 et seq. and any other applicable code section as if no planning commission had ever been established under Minnesota statutes section 462.355, subdivision 1; and

**WHEREAS**, per Section 220.02 of the city ordinance code, at the expiration of the term of suspension the planning commission shall automatically be restored to full powers and duties under the code.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Greenwood, Minnesota, that the planning commission is hereby suspended due to the inability to convene a quorum for its July 7, 2019 meeting and that the city council shall assume all duties of the planning commission through August 13, 2019.

**ADOPTED** by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_, 2019.

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

CITY OF GREENWOOD

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

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



Agenda Number: **7B**

Agenda Date: **08-07-19**

Prepared by Dale Cooney

**Agenda Item:** Consider Res 26-19, Findings for Variance Request, and Res 27-19, Findings for Conditional Use Permit Request, Dooley's Petroleum, 21380 State Highway 7 (Minnoco).

**Summary:** Copies of the application materials and staff report are attached for reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 06-27-19. Due to a failure to convene a quorum, the planning commission did not hold a public hearing at their regularly scheduled 7-10-19 meeting. The city council must incorporate city code sections 1150.20 CUP criteria and 1155.20 variance criteria as well as any conditions in the motion.

**Planning Commission Action:** Due to a failure to convene a quorum, the planning commission did not hold a public hearing at their regularly scheduled 7-10-19 meeting.

**Key Dates:**

Application complete:	<del>June 18, 2019</del>
Notice of Public Hearing published:	<del>June 27, 2019</del>
Planning Commission Public Hearing:	<del>July 10, 2019</del> No meeting held due to a lack of a quorum.
City Council Consideration:	August 7, 2019
60-Day Deadline:	August 17, 2019
120-Day Deadline:	October 16, 2019

**Council Action:** The city council must take action by 08-17-19 unless the council decides to exercise the city's option to take another 60 days to consider the request. Possible motions ...

1. I move the city council 1) adopts resolution 26-19 laying out the findings of fact **APPROVING** the setback variance request 2) adopts resolution 27-19 laying out the findings of fact **APPROVING** the conditional use permit request of Dooley's Petroleum for 21380 State Highway 7, as proposed, and 3) directs the staff 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 1) the city council **DENIES** the setback variance request, 2) directs staff to draft an resolution based upon said findings to be considered at the September 10 city council meeting, 3) the city council **DENIES** the conditional use permit request, 4) directs staff to draft an resolution based upon said findings to be considered at the September 10 city council meeting, and 5) directs city staff to exercise the city's option to take 60 additional days to process requests of Dooley's Petroleum for 21380 State Highway 7 by mailing written notice and placing an Affidavit of Mailing 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 and conditional use permit application of Dooley's Petroleum for 21380 State Highway 7, by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is:  
\_\_\_\_\_.

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



**Agenda Item:** Public hearing to consider variance and conditional use permit requests of Dooley's Petroleum, contractor for the property owner, to encroach into the exterior yard setback for a proposed propane tank, and to amend the conditional use permit for the property at 21380 State Highway 7 (Minnoco).

**Summary:** Dooley's Petroleum, contractor for the property owner, is proposing to install a propane tank that would encroach into the exterior side yard setback for the property at 21380 State Highway 7 (Minnoco). The existing business on the property is also a legal nonconforming use operating under a valid Conditional Use Permit (CUP). Modifications to the use of the property require amending the CUP. The property is zoned C-1.

The primary use of the petroleum will be for filling propane cylinders commonly used for grills, heated structures (fish houses, garages), and other heating uses. The cylinders themselves will only be filled by trained staff, not the general public. The propane compliments the existing uses on the property which includes bait sales, and a propane tank exchange.

**Setback Variance:**

Section 1140.10(C) of the Greenwood Zoning Code requires that "Miscellaneous Secondary Accessory Structures" be set back a minimum of 30 feet from any property line that faces a street (known as an "exterior side yard setback"). The existing building encroaches into the setback requirements for the Excelsior Boulevard right-of-way. The proposed 500 gallon propane tank is considered a Miscellaneous Secondary Accessory Structure. The tank is 37.5 inches wide and 10 feet long. The proposed location is near the southeast corner of the existing building. Depending on the final placement of the tank, it could be as close as 15 feet from the Excelsior Boulevard right of way. The tank would meet other setback requirements.

The property's three exterior side yard setbacks create practical difficulties for the property owner in meeting the ordinance setback requirements and there does not appear to be a code compliant location for the tank that would be beyond the drive areas for the vehicle traffic. The proposed location would eliminate three parking spaces for the property.

Excelsior Fire District Oversight:

Staff believes that the request meets the practical difficulty standard, but also recognizes that the zoning considerations are much less important than the fire safety oversight. City staff has been direct contact with the Excelsior Fire District Fire Marshal, Kellie Murphy-Ringate. She is very aware of the project and will have direct oversight into the final approval of the project and conformance with NFPA (National Fire Protection Association) codes. Ringate has also been in contact with the applicant. Due to the public safety issue inherent in the request, and the technical nature of the fire codes, staff is inclined to defer to the Excelsior Fire District's oversight on the request.

**Conditional Use Permit:**

The existing business on the property is currently a legal non-conforming business operating under a 1982 Conditional Use Permit (see attached). Any changes to the use of the property require amending the conditional use permit per the process and review criteria of Section 1150.10. It is the opinion of staff that the propane tank is an appropriate complementary product for the existing business and that it meets the standards listed under 1150.20. While the use itself is appropriate, it is essential that the tank meet Excelsior Fire District requirements in order not to "be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city." Any approval would be conditioned on the approval of the Excelsior Fire District.

**Staff Recommendation for variance request:**

Staff recommends approval with conditions of the variance request of Dooley's Petroleum for variances to encroach into north exterior side yard setback by up to 15 feet for the propane tank at 21380 State Highway 7, as proposed. The recommendation is conditioned that:

- A. The applicants comply with the conditions of and receive approval from the Excelsior Fire District.
- B. The project must be completed according to the specifications and design requirements in the submitted plans.

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

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

- a) The variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to prevent adverse impacts arising from overcrowding or competing uses associated with the placement of accessory structures and uses. The proposed propane tank is consistent with that purpose since the location will be located close to the existing building on the property and consistent with the commercial nature of the intersection.
- b) The variance, if granted, will be consistent with the comprehensive plan in that it does not put undue impacts on adjacent residential areas.
- c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because: it is a relatively small, inconspicuous addition to the legal nonconforming commercial property.
- d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: The existing building is nonconforming for setbacks on two sides, including the most appropriate location for the tank. The property has three street-facing property lines requiring increased setback standards.
- e) The variance, if granted, will not alter the essential character of the locality, because: the proposed propane tank is a minor, inconspicuous alteration to the property.
- f) The variance, if granted, will not:
  - i. Impair an adequate supply of light and air to adjacent property;
  - ii. Unreasonably increase the congestion in the public street;
  - iii. Increase the danger of fire or endanger the public safety; or
  - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

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

Staff recommends approval with conditions of the conditional use permit request of Dooley's Petroleum for 21380 State Highway 7 to amend the CUP for the property by adding a propane tank. The recommendation is conditioned that:

- A. The applicants comply with the conditions of and receive approval from the Excelsior Fire District.
- B. The public right of way to the west of the tank shall not be used for automobile parking/idling.
- C. The project must be completed according to the specifications and design requirements in the submitted plans.
- D. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

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

- a) The proposed uses will comply with the regulations specified for the R-1 zoning district.
- b) The uses are conditional uses permitted for the R-1 zoning district.
- c) The uses will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- d) The proposed uses will be harmonious with the objective(s) of the comp plan.
- e) The uses will not be hazardous or disturbing to existing or future neighboring uses.
- f) The uses will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- g) The uses will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- h) The uses will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- i) The uses will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- j) The uses will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- k) The use will not depreciate surrounding property values.

6/18



# 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	6/18/2019
Date application complete (office use only)	
Property address	21380 Hwy 7, Greenwood, MN 55331
Property identification number (PID)	3511723120017
Property owner's current mailing address	5501 Brookdale Dr N (Apt. 301), Brooklyn Park MN
Names of all property owners	Akshay Patel
Cell phone and email of property owner(s)	612-323-0274 patelakshay12@gmail.com
Name of builder / architect (if any)	Juston Dooley
Company name of builder / architect	Dooley's Petroleum Inc.
Cell phone and email of builder / architect	612-244-3450 jdooley@dooleypetro.com
Company address	1301 3rd Ave SW, Willmar MN 56201
Present use of property	C-Store/Gas Station
Property acreage	0.25
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 checked="" type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	Place a 500-1000 gallons propane fueling tank on site, to the left of the building

## Requested variance(s):

		Required*	Proposed	Difference
<input checked="" type="checkbox"/>	Side Yard (feet)	10	8	2
<input type="checkbox"/>	Front Yard (feet)			
<input checked="" type="checkbox"/>	Rear Yard (feet)	30	28	2
<input type="checkbox"/>	Lake Setback (feet)			
<input type="checkbox"/>	Building Height (feet)			
<input type="checkbox"/>	Structure Height (feet)			
<input type="checkbox"/>	Wetland Setback (feet)			
<input type="checkbox"/>	Bluff Setback (feet)			
<input type="checkbox"/>	Maximum Above Grade Building Volume (cubic feet)			
<input type="checkbox"/>	Hardcover (percentage)			
<input type="checkbox"/>	Other:			

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

## Making your case for the grant of a variance

Per state law and city code section 1155 (view at city hall or at [www.greenwoodmn.com](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.

**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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: The propane tank that we are proposing is 2 feet shy of the side and 2 feet shy of the rear Property line.</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                  Please explain: I have shown in great detail where we would like to place the propane tank.</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: We fell like having a propane tank on this property would be a great addition to the community since it is so close to the lakes for easy grilling propane refills</p>
<p>Are there unique circumstances to the property not created by the landowner?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: This is a gas station that would als like to give his customers the option to fill their 20lb cylinders at his location.</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: It is a samll propane tank that will not alter any characters of the buildings or its locality.</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 propane tank will be to the left of the building where there is no need for additional lights.</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: It will not be on the street.</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: This will be a brand new propane tank and will have all the saftey regulations in place, including monthly inspections preformed by the land owner and the installer (Dooley's Petroleum Inc).</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: This tank is not perमित and can be easily removed if need be. Again it will be a brand new tank and will be well kept by Dooley's Petroleum Inc. and the property owner.</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.

<b>Neighbor #1 Address:</b>	
Signature:	Date:
Print Name:	

<b>Neighbor #2 Address:</b>	
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 with in 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: <i>Akshay patel</i>	Justin Dooley	Date: 07/20/2019
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**Property owner's acknowledgement and signature:** The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: <i>Akshay patel</i>	Date: 07/20/2019
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*Note: If the property owner is different than the applicant, signatures from the both the applicant and the property owner are required.*

Variance Fee (nonrefundable)	\$450
Shoreland Management Review Fee (nonrefundable)	\$200
<b>Total Amount Due (make check payable to the City of Greenwood)</b>	<b>\$650</b>

<b>For Office Use Only</b>	Fee Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check #: 158282	Amount \$ 450.00
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**VARIANCE APPLICATION - Page 3 of 3** Form Updated 06-13-18

6/12



# Conditional Use Permit 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	6/18/2019
Date application complete (office use only)	
Property address	21380 Hwy 7, Greenwood, MN 55331
Property identification number (PID)	3511723120017
Property owner's current mailing address	5501 Brookdale Dr N (Apt. 301), Brooklyn Park MN
Names of all property owners	Akshay Patel
Cell phone and email of property owner(s)	612-323-0274 patelakshay12@gmail.com
Name of builder / architect (if any)	Juston Dooley
Company name of builder / architect	Dooley's Petroleum Inc.
Cell phone and email of builder / architect	612-244-3450 jdooley@dooleypetro.com
Company address	1301 3 <sup>rd</sup> Ave SW, Willmar MN 56201
Present use of property	C-Store/Gas Station
Property acreage	0.25
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 type="checkbox"/> Replace <input checked="" type="checkbox"/> Other: Adding Propane Tank
The CUP is being requested to (e.g. install a swimming pool)	Place a 500-1000 gallons propane fueling tank on site, to the left of the building

**Making your case for the grant of a conditional use permit:** The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1150 (view at city hall or at [www.greenwoodmn.com](http://www.greenwoodmn.com)). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: I have a variance application filled out and if that is approved it will.
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: I could not find anything on propane tanks in the conditional uses. But, yes I believe the city provides permits for such a project.
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: These tanks are very safe and will also be brand new off the factory floor. There is two separate automatic shut offs that are built into the tank and cabinet.
Will the proposed use be harmonious with the objectives of the comp plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: We will follow all regulations set fourth both by the city and fire department.
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The tank is clean and will be well maintained by the owner and installer. The pump that is associated with it is very quite while fueling cylinders.

Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: If they choose to have their 20lb cylinder filled.
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: This tank is not permanent and can be removed at anytime.
Will the proposed use involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: Training will be provided by Dooley's Petroleum Inc. and only qualified personal will be able to use it. It will be locked when the station is not open.
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Vehicales are able to park next to the cabinet or in the assessable parking spots on the property.
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The tank and cabinet will sit on a skid which will then sit on the ground.
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: This tank is not perminit and can be easily removed if need be. Again it will be a brand new tank and will be well kept by Dooley's Petroleum Inc. and the property owner.

The applicant(s) 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 with in 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: <i>Akshay patel</i>	Justin Dooley	Date: 07/20/2019
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**Property owner's acknowledgement and signature:** The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: <i>Akshay patel</i>	Date: 07/20/2019
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Note: If the property owner is different than the applicant, signatures from the both the applicant and the property owner are required.

Conditional Use Permit 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 checked="" type="checkbox"/> Check #: 158283	Amount \$ 400
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June 15, 2004

Schulte Roth & Zable LLP  
Chicago Title Insurance Company  
C/o Eric S. Anderson  
Fredrikson & Byron, P.A.  
200 South Sixth Street – Suite 4000  
Minneapolis, MN 55402-1425

**Re: Zoning Compliance Letter**  
**21380 State Highway 7, Greenwood Minnesota**  
**Legally described on Exhibit A attached hereto (the "Project")**

Ladies and Gentlemen:

We are the authority responsible for the enforcement of building codes, zoning ordinances and similar codes or ordinances related to commercial development, and the issuance of certificates of occupancy, in the City of Greenwood (the "City"). In response to your request concerning the Project's compliance with applicable codes, regulations and ordinances, please be advised as follows:

1. A certificate of occupancy has been issued without condition or variance and is in effect for the improvements located at the Project. We were unable to locate a copy of the certificate of occupancy. We are not aware of any circumstances which would render the certificate of occupancy invalid or cause it to be revoked.
2. The Project is zoned C-1, Commercial under the applicable zoning laws and ordinances. This zoning classification permits the existing use as a conditional use requiring the issuance of a new conditional use permit should the use deviate from the existing and approved use.
3. Attached hereto are true copies of the resolution approving the conditional use relating to the zoning and use of the Project. A conditional use may be reconstructed only with the permission of the City Council and the issuance of a new conditional use permit.
4. As far as we are aware, the Project is in compliance with all applicable building codes, fire codes, other health and safety rules and regulations, parking density and height requirements and other building and zoning laws.

Sincerely,  
CITY OF GREENWOOD

  
Gus Karpas  
Zoning Coordinator

RESOLUTION NO. 4-82

WHEREAS, Northern Oil Co. and Food-N-Fuel, Inc. have requested a conditional use permit from the City of Greenwood to convert Payless Tire Station to a retail food and gas outlet, and

WHEREAS, said request covers property zoned commercial described as the westerly 1/2 of Lot 20, Patridge Heights, and

WHEREAS, a public hearing on such request has been held before the Greenwood Planning Commission as duly published, posted and mailed notice, and

WHEREAS, the Greenwood City Council is in receipt of the recommendation of the City Planning Commission and after full consideration adopts this conditional use resolution subject to its terms and conditions;

NOW, THEREFORE, be it resolved:

1. A conditional use permit for the operation of a gasoline station at the Christmas Lake intersection on property described generally as the westerly 1/2 of Lot 20, Patridge Heights, as a retail convenience store which also offers gasoline for sale as hereby granted subject to the following restrictions:

(1) A landscaping plan shall be filed forthwith with the City Clerk which plan shall be subject to the approval of this Council and include the following:

- a. Full landscape treatment for the northwest corner; no parting to be permitted in this area.
- b. North side of property to be screened by twelve 3' high Techny arborvitae or equivalent.
- c. All trash containers to be fully screened.
- d. Building and signs to be repainted in earth tone colors.
- e. Damage to asphalt curbs to be repaired.
- f. Cedar fence on north side to be extended to east line of property.

(2) A performance bond for the amount of the building permit issued for remodelling should be filed with the City Clerk

(3) Annual maintenance bond of \$2,000.00 to be filed with the City which shall guarantee maintenance of the exterior building, fences and landscaping.

(4) No electronic games shall be permitted on the premises.

(5) Failure to comply with any of the restrictions or requirements of this permit shall be basis for the right of the City of Greenwood to withdraw the conditional use permit.

Adopted by the City Council of the City of Greenwood this  
2 day of February, 1982.

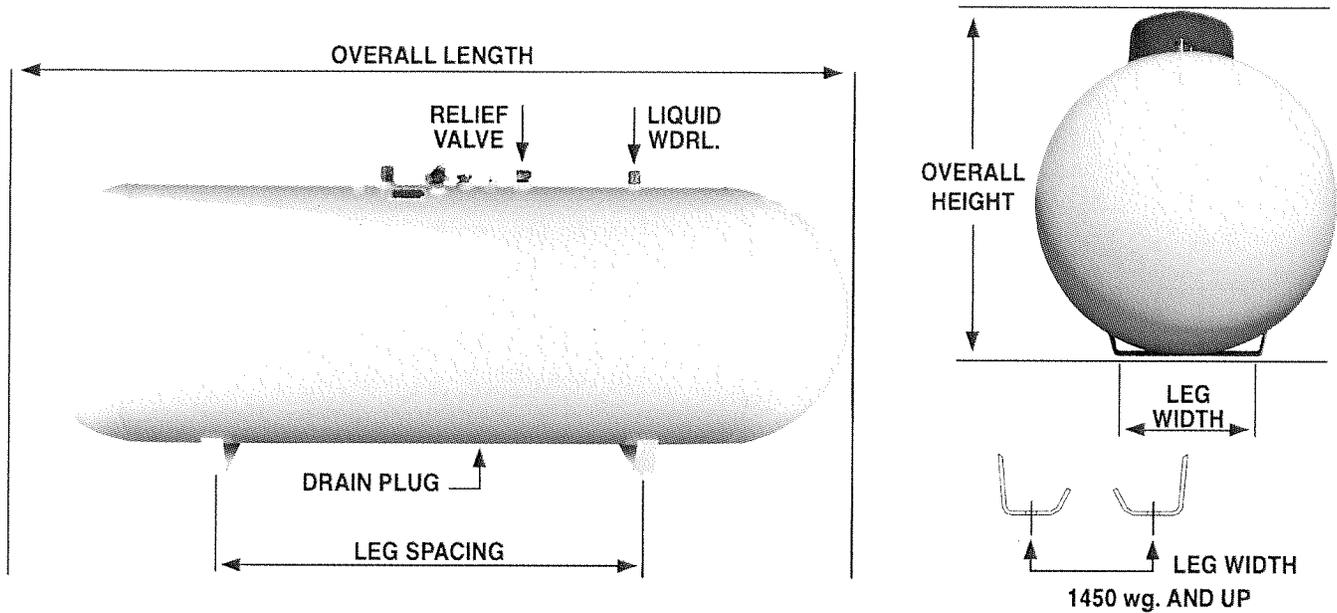
Vote: 5 yeas.

0 nays.

A handwritten signature in cursive script, appearing to read "F. B. J.", written over a horizontal line.

# ABOVEGROUND TANKS (AG)

Consult our dimension and specification chart below to find the tank that best fits your needs. Visit our website at, [www.propanetank.com](http://www.propanetank.com) for more information.



## APPROXIMATE ABOVEGROUND VESSEL DIMENSIONS AND SPECIFICATIONS

WATER CAPACITY	DIAMETER (OD)	HEAD TYPE	OVERALL LENGTH	OVERALL HEIGHT	LEG** WIDTH	LEG** SPACING	WEIGHT (lbs.)	***QUANTITY	
								FULL LOAD	PER STACK
*120 wg.	24"	Ellip.	5'-8"	2'-10"	1'-1 1/2"	2'-10 1/2" or 3'-11"	260	108   112	16   14
*250 wg.	30"	Hemi.	7'-10"	3'-6"	1'-5"	4'-11"	480	54	9
*320 wg.	30"	Hemi.	9'-7"	3'-6"	1'-5"	5'	620	45	9
500 wg.	37 1/2"	Hemi.	10'	4'	1'-8"	5'	950	37   30	8   6
1000 wg.	41"	Hemi.	16'	4'-3"	1'-8"	10'-1"	1,800	15	5
1450 wg.	46 1/2"	Ellip.	17'-4"	4'-9"	1'-9"	11'-7"	2,650	12	4
1990 wg.	46 1/2"	Ellip.	23'-11"	4'-9"	1'-9"	16'	3,520	8	4

Dimensions and specifications shown are approximate. Individual vessels may vary.

\* Drain plug may not be available in this size. By special request only.

\*\* Leg spacing +/- 2". Leg widths and spacing may vary based on mfg. location. Check with your salesperson for details. 120, 250, 320 wg. Standard tanks - no holes in legs (one center hole on request). 500 and 1000 wg. standard tanks - 2 - 3/4" holes, 16" on center each leg. 1450 wg. and up as shown above.

\*\*\* Full load and stack quantities vary by shipping location. Check with your salesperson for details.



**HOME OFFICE**  
2914 U.S.61  
Cleveland, MS 38732  
800-345-2495

**OHIO LOCATION**  
721 Graham Drive  
Fremont, OH 43420  
419-334-2664

**UTAH LOCATION**  
5601 Axel Park Rd.  
West Jordan, UT 84081  
801-280-1133

RESOLUTION NO 26-19

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

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**In Re: Application of Dooley's Petroleum for the property at 21380 State Highway 7 for a variance from Greenwood ordinance code Section 1140.10(C) to encroach into the north exterior side yard setback in conjunction with the installation of a 500 gallon, above-ground propane tank on the property.**

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**WHEREAS**, Applicants Dooley's Petroleum (hereinafter 'Applicant') is the contractor for the property commonly known as 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017) being real property in Hennepin County Minnesota and legally described as follows:

That part of Lot 20, "Partridge Heights" lying and being Westerly of a line described as follows: Commencing at the most Easterly corner of said Lot 20; thence Westerly along the Northerly line thereof a distance of 275.00 feet to the actual point of beginning; thence deflect to the left 89 degrees 01 minutes 35 seconds a distance of 68.58 feet more or less to the Southerly line of said Lot 20 and there terminating; together with the vacated portion of street; all according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

; and

**WHEREAS**, the applicant proposes to install a 500 gallon, above-ground propane tank; and

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

**WHEREAS**, public comment was taken at the public hearing before the city council on August 7, 2019; and

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

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

**FINDINGS OF FACT**

1. That the real property located at 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017) is a commercial lot of record located within the C-1 zoning district.
2. The applicant proposes to install a 500 gallon, above-ground propane tank that would encroach into the west and north exterior side yard setbacks on the property. Section 1140.10(C) of the Greenwood Zoning Code requires that "Miscellaneous Secondary Accessory Structures" be set back a minimum of 30 feet from any property line that faces a street (known as an "exterior side yard setback"). The existing building encroaches into the setback from the Excelsior Boulevard right-of-way. The proposed 500 gallon propane tank is considered a Miscellaneous Secondary Accessory Structure. The tank is 37.5 inches wide. Depending on the final location of the tank, it could be as close as 15 feet from the Excelsior Boulevard (north) right-of-way.
3. The property's three exterior side yard setbacks and the location of the existing building create challenges for the property owner in meeting the ordinance setback requirements and there does not appear to be a code compliant location for the tank that would be beyond the drive areas for the vehicle traffic.
4. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

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

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

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

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

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

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

- 5. The applicants assert that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
- 6. City staff recommended approval with conditions of the variance request of Dooley's Petroleum for variances to encroach into the north exterior side yard setback by up to 15 feet for the propane tank at 21380 State Highway 7, as proposed. The recommendation is conditioned that:
  - A. The applicants comply with the conditions of and receive approval from the Excelsior Fire District.
  - B. The project must be completed according to the specifications and design requirements in the submitted plans.
  - C. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

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

- (a) The variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to prevent adverse impacts arising from overcrowding or competing uses associated with the placement of accessory structures and uses. The proposed propane tank is consistent with that purpose since the location will be located close to the existing building on the property and consistent with the commercial nature of the intersection.
- (b) The variance, if granted, will be consistent with the comprehensive plan in that it does not put undue impacts on adjacent residential areas.
- (c) Though the property owner's proposed manner of use of the property is not permitted by the zoning ordinance without a variance, the proposed manner of use is reasonable because: it is a relatively small, inconspicuous addition to the legal nonconforming commercial property.
- (d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: The existing building is nonconforming for setbacks on two sides, including the most appropriate location for the tank. The property has three street-facing property lines requiring increased setback standards.
- (e) The variance, if granted, will not alter the essential character of the locality, because: the proposed propane tank is a minor, inconspicuous alteration to the property.
- (f) The variance, if granted, will not:
  - i. Impair an adequate supply of light and air to adjacent property;
  - ii. Unreasonably increase the congestion in the public street;
  - iii. Increase the danger of fire or endanger the public safety; or
  - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

- 7. Due to a failure to convene a quorum, the planning commission did not hold a public hearing at their regularly scheduled 7-10-19 meeting.

8. Based on the foregoing, the city council determined that the variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

### CONCLUSIONS OF LAW

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

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the granting of variances from Section 1140.10(C) and therefore variances to encroach into the north exterior side yard setback by up to 15 feet in conjunction with the installation of a 500 gallon, above-ground propane tank at 21380 State Highway 7 be **APPROVED**.

The approval is conditioned that:

- A. The applicants comply with the conditions of and receive approval from the Excelsior Fire District.
- B. The project must be completed according to the specifications and design requirements in the submitted plans.
- C. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

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

That the application of Dooley’s Petroleum for the property at 21380 State Highway 7, Greenwood, Minnesota 55331 for variances from Section 1140.10(C) and therefore variances to encroach into the north exterior side yard setback by 15 feet in conjunction with the installation of a 500 gallon, above-ground propane tank at 21380 State Highway 7 is **APPROVED**.

The approval is conditioned that:

- A. The applicants comply with the conditions of and receive approval from the Excelsior Fire District.
- B. The project must be completed according to the specifications and design requirements in the submitted plans.
- C. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**PASSED** this 7th day of August, 2019 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

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

CITY OF GREENWOOD

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

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

RESOLUTION NO 27-19

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

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APPROVING

In Re: Application of Dooley's Petroleum for the property at 21380 State Highway 7 for a conditional use permit under Greenwood ordinance code section 1150.20 to amend the conditional use permit for the property by authorizing the installation and use of a 500 gallon, above-ground propane tank.

---

**WHEREAS**, Applicants Dooley's Petroleum (hereinafter 'Applicant') is the contractor for the property commonly known as 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017) being real property in Hennepin County Minnesota and legally described as follows:

That part of Lot 20, "Partridge Heights" lying and being Westerly of a line described as follows: Commencing at the most Easterly corner of said Lot 20; thence Westerly along the Northerly line thereof a distance of 275.00 feet to the actual point of beginning; thence deflect to the left 89 degrees 01 minutes 35 seconds a distance of 68.58 feet more or less to the Southerly line of said Lot 20 and there terminating; together with the vacated portion of street; all according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

; and

**WHEREAS**, the applicant proposes to install a 500 gallon, above-ground propane tank; and

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

**WHEREAS**, public comment was taken at the public hearing before the city council on August 7, 2019; and

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

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

**FINDINGS OF FACT**

1. That the real property located at 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017) is a commercial lot of record located within the C-1 zoning district.
2. The applicant is proposing to install a 500 gallon, above-grade propane tank on the property. The existing business on the property is currently a legal non-conforming business operating under a 1982 Conditional Use Permit and any changes to the use of the property require amending the conditional use permit per the process and review criteria of Section 1150.10.
3. Pursuant to Greenwood ordinance code section 1150.20, Subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, Subd 1 states:  
  
"Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:  
  
(a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.

- (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
  - (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
  - (d) The use will be harmonious with the objectives of the comp plan.
  - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
  - (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
  - (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  - (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
  - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
  - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, Subd 1.
  7. City staff recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, Subd 1. Staff’s recommendation is made with the following conditions:
    - A. The applicants comply with the conditions of and receive approval from the Excelsior Fire District.
    - B. The project must be completed according to the specifications and design requirements in the submitted plans.
    - C. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.
  8. Due to a failure to convene a quorum, the planning commission did not hold a public hearing at their regularly scheduled 7-10-19 meeting.
  9. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 subd 1, subject to the conditions requested by staff.

**CONCLUSIONS OF LAW**

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

1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1150.20 necessary for the granting of a CUP.
2. The granting of the CUP is subject to the following conditions:
  - A. The applicants comply with the conditions of and receive approval from the Excelsior Fire District.
  - B. The project must be completed according to the specifications and design requirements in the submitted plans.
  - C. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to amend the conditional use permit for the property by authorizing the installation and use of a 500 gallon, above-ground propane tank. The granting of the CUP is subject to the following conditions.

- A. The applicants comply with the conditions of and receive approval from the Excelsior Fire District.
- B. The project must be completed according to the specifications and design requirements in the submitted plans.

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

**PASSED** this 7th day of August, 2019 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

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

CITY OF GREENWOOD

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

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



Agenda Number: **7C**

Agenda Date: **08-07-19**

Prepared by Dale Cooney

**Agenda Item:** Consider Res 28-19, Findings for Variance Request, and Res 29-19, Findings for Conditional Use Permit Request, Chuck and Cindy Hengel, 4680 Linwood Circle.

**Summary:** Copies of the application materials and staff report are attached for reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 06-27-19. Due to a failure to convene a quorum, the planning commission did not hold a public hearing at their regularly scheduled 7-10-19 meeting. The city council must incorporate city code sections 1150.20 CUP criteria and 1155.20 variance criteria as well as any conditions in the motion.

**Planning Commission Action:** Due to a failure to convene a quorum, the planning commission did not hold a public hearing at their regularly scheduled 7-10-19 meeting.

**Key Dates:**

Application complete:	<del>June 10, 2019</del>
Notice of Public Hearing published:	<del>June 27, 2019</del>
Planning Commission Public Hearing:	<del>July 10, 2019</del> No meeting held due to a lack of a quorum.
City Council Consideration:	August 7, 2019
60-Day Deadline:	August 9, 2019
120-Day Deadline:	October 8, 2019

**Council Action:** The city council must take action by 08-09-19 unless the council decides to exercise the city's option to take another 60 days to consider the request. Possible motions ...

1. I move the city council 1) adopts resolution 28-19 laying out the findings of fact **DENYING** the setback variance request 2) adopts resolution 29-19 laying out the findings of fact **APPROVING** the conditional use permit request of Chuck and Cindy Hengel for 4680 Linwood Circle, as proposed, and 3) directs the staff 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** the setback variance request, 2) directs staff to draft an approval resolution based upon said findings to be considered at the September 10 city council meeting, 3) adopts resolution 29-19 laying out the findings of fact **APPROVING** the conditional use permit request of Chuck and Cindy Hengel for 4680 Linwood Circle, as proposed, and 4) directs city staff to exercise the city's option to take 60 additional days to process the variance and conditional use permit applications by mailing written notice and placing an Affidavit of Mailing 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 Chuck and Cindy Hengel, 4680 Linwood Circle, 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 Item:** Public hearing to consider variance and conditional use permit requests of Chuck and Cindy Hengel to encroach into the lake yard setback for a proposed in-ground spa, and to regrade the property and install retaining walls in conjunction with the a landscaping project at 4680 Linwood Circle.

**Summary:** Chuck and Cindy Hengel, property owners at 4680 Linwood Circle, are working on a landscaping project for their property. The project grading, location of the retaining walls, and in-ground spa triggers a conditional use permit. The location of the spa triggers a lake yard setback variance. The property is zoned R-1, and is 26,115 square feet in size.

*Staff note: Due to some confusion, the applicant has not formally submitted a variance application (but has paid the application fee) for the in-ground spa. Staff expects to have that documentation prior to the city council meeting.*

**In-Ground Spa Setback Variance:**

Section 1140.10(C) of the Greenwood Zoning Code requires that in-ground pools and spas be set back a minimum of 50 feet from the OHW. The proposed 10 x 7 foot spa would be located 34.5 feet from the OHW. There are a limited number of areas within the property where the spa could fit on the property. As shown on the attached drawing by staff, those areas are proximate to the deck expansion, and the proposed outdoor kitchen and dining area. Staff is generally disinclined to recommend variances for amenities such as in-ground spas where other amenities could be reconfigured to accommodate the request within the setbacks. At minimum, staff would prefer to see the proposed in-ground spa at least partially located within the required setbacks.

Alternately, freestanding hot tubs have a reduced lake yard setback (35 feet) and could be easily incorporated into the existing layout. The question for the city council is: are there lake yard impacts presented by the in-ground spa in this location that are not presented by a freestanding spa? If there is no impact difference, staff might recommend a code amendment that makes in-ground and above ground spas have the same setback requirements. As the code is currently written, however, staff would not recommend approval of the request.

**In-Ground Spa Conditional Use Permit:**

Section 1140.10 (Subd. 7) states that a conditional use permit is required for all in-ground pools and in-ground spas subject to reasonable conditions for the protection of public safety, health, and welfare. In this case, staff would be comfortable recommending approval of the in-ground spa if the required setbacks were met. The spa itself is modest in size and is situated between the lake and a minimally travelled street. The impacts of the spa would be minor and staff would not recommend any conditions other than setback requirements be placed on the Conditional Use Permit.

**Grading:**

The proposed grading changes exceed the City's Conditional Use Permit threshold. Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for any grading or site/lot topography alteration request that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area. The patio areas will be regarded by up to 3 feet in some places, but most of the regrading will not be more than 2 feet. The patio areas generally follow the existing grade and terrace downward towards the lakeshore.

**Retaining Walls:**

The landscaping project proposes a number of retaining walls within the lake yard setback. Section 1176.04 (Subd. 7) of the city code states that retaining walls shall not be placed within the lake yard setback without a conditional use permit. The walls themselves are boulder retaining walls, typically 2 to 3 feet tall, which support the terracing of the patios and the stairways connecting the terraces. As with the patios, the boulder walls follow the grading of the property as it creates several terraces down towards the lake. In the opinion of staff, the proposal is a thoughtful project that attempts to naturally integrate walls, terraces, and plantings into the lake yard of the property in an unobtrusive way while still providing functionality for the property owners.

**Stormwater:**

Section 1140.17, Subd. 2 requires stormwater management for impervious surface expansions that exceed 200 square feet. The project proposes an impervious surface expansion of 1,230 square feet. Per Subd. 3c, this requirement does not apply for those properties that are able to demonstrate that the topographic features of the property will convey stormwater towards naturally occurring water features without impacting neighboring properties. The site plan for the project demonstrates that the improvements will drain towards Lake Minnetonka without impacting neighboring properties.

**Staff Recommendation for variance request:**

Staff recommends denial of the variance request of Chuck and Cindy Hengel for variances to encroach into the south side yard setback by 34.5 feet for the proposed spa at 4680 Linwood Circle, as proposed.

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

- a) The variance, if granted, will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to provide for the wise use and development of the shoreland and preserve the natural environmental values of shorelands. The location of the in-ground spa does not preserve the wise use or environmental values of the shoreland and is not in keeping with the spirit and intent of the ordinance.
- b) The variance, if granted, will NOT be consistent with the comprehensive plan which states that the city will implement Shoreland Management Standards that maintain or exceed Department of Natural Resources shoreline standards to protect the shoreland from undue hardcover and specifically protect the shore impact zone from structures and adverse consequences of development.
- 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: of the proposed location within the shoreland setback where other reasonable and easily achievable alternatives exist.
- d) The plight of the landowner-applicant is NOT due to circumstances unique to the property and IS created by the landowner because: there are other locations on the property that would provide for meeting the required setbacks. Alternately, the applicant could install a freestanding spa that has reduced setback requirements.
- e) The variance, if granted, WILL alter the essential character of the locality, because: it would create a visible encroachment into the shoreland setback where these types of structural encroachments are extremely uncommon.
- f) The variance, if granted, WILL:
  - i. NOT Impair an adequate supply of light and air to adjacent property;
  - ii. NOT Unreasonably increase the congestion in the public street;
  - iii. NOT Increase the danger of fire or endanger the public safety; or
  - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

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

Staff recommends approval of the conditional use permit request of Chuck and Cindy Hengel for 4680 Linwood Circle to regrade the property, install retaining walls within the lake yard setback, and install an in-ground spa, as proposed. Staff findings based on the CUP review criteria found in city code section 1155.20:

- a) The proposed uses will comply with the regulations specified for the R-1 zoning district.
- b) The uses are conditional uses permitted for the R-1 zoning district.
- c) The uses will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- d) The proposed uses will be harmonious with the objective(s) of the comp plan, particularly the objective of: Maintaining the overall pattern of drainage from the property and not increasing stormwater runoff.
- e) The uses will not be hazardous or disturbing to existing or future neighboring uses.
- f) The uses will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- g) The uses will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- h) The uses will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- i) The uses will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

- j) The uses will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- k) The use will not depreciate surrounding property values.

And subject to the following conditions:

- A. The in-ground spa shall meet the setback requirements of Section 1140.10(C) of the city code.
- B. Applicants will comply with the recommendations of the city engineer.
- C. The project must be completed according to the specifications and design requirements in the submitted plans.
- D. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

6/10



# Conditional Use Permit 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	6/7/2019
Date application complete (office use only)	
Property address	4680 Linwood Circle, Greenwood, MN 55331
Property identification number (PID)	2611723120023
Property owner's current mailing address	3005 Maplewood Road, Woodland, MN 55391
Names of all property owners	Chuck & Cindy Hengel
Cell phone and email of property owner(s)	ccengel@yahoo.com 952-270-5543
Name of builder / architect (if any)	Landscape Renovations - Stephanie Gosiak
Company name of builder / architect	Landscape Renovations
Cell phone and email of builder / architect	sgosiak@landscaperenovations.com 651-728-0550
Company address	12515 40th Street South, Arden, MN 55001
Present use of property	Lake Home
Property acreage	0.6 ACRES
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 type="checkbox"/> Replace <input checked="" type="checkbox"/> Other: Landscape Installation
The CUP is being requested to (e.g. install a swimming pool)	Install patios, retaining walls, spa, plantings, etc.

**Making your case for the grant of a conditional use permit:** The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1150 (view at city hall or at [www.greenwoodmn.com](http://www.greenwoodmn.com)). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

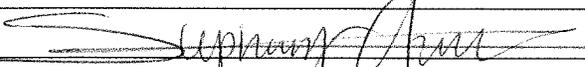
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use be harmonious with the objectives of the comp plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

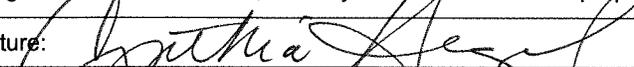
**The applicant(s) contacted the following regulatory bodies and will seek approvals if required:**

(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: 6/7/2019
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**Property owner's acknowledgement and signature:** The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	Date: 6-7-2019
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Note: If the property owner is different than the applicant, signatures from both the applicant and the property owner are required.

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

<b>For Office Use Only</b>	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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Permit #	<b>FORM #8</b> Return this document to City Hall
Receipt #	

# Grading Permit Application

This form becomes a "permit" when city staff issues a permit number. If you prefer to complete this form electronically, it is available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

Property Owner(s)	Chuck & Cindy Hengel
Property Address	4680 Linwood Circle, Greenwood, MN 55331

Person completing this form:  Grading Contractor  Property Owner  Builder / Architect  
 This sheet is accompanied by a **Building Permit Application (Form #1)**:  Yes (skip to section 2)  No (complete section 1)

## SECTION 1

Date Application Submitted	6/7/2019
Property Owner's Mailing Address	3005 Maplewood Road, Woodland, MN 55391
Property Owner's Phone Number	952-270-5543
Property Owner's Email	cchengel@yahoo.com
Contractor or Builder / Architect Name	Landscape Renovations - Stephanie Gosiak
Contractor or Builder / Architect Address	12515 40th Street SW, Eden, MN 55001
Contractor or Builder / Architect Phone	651-728-0550
Contractor or Builder / Architect Email	sgosiak@landscape-renovations.com

## SECTION 2

Total surface area to be moved, disturbed, cut, or filled (square feet)	3,116
Total volume of soil or earth to be moved, disturbed, cut, or filled (cubic feet)	30 cu yds.
Estimated start date	07/22/2019

Work is required for:  Remodeling of an existing structure  Construction of a new structure  Other: *Landscape*

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

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

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

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

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

Signature	<i>Stephanie Gosiak</i>	Date:	6/7/2019
Print Name	Stephanie Gosiak		

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

<b>For Office Use Only</b>	Fee Amount \$	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #	Date Pmt Received:
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Form Updated 10-27-14



Permit #	<b>FORM #15</b> Return this document to City Hall
Receipt #	

# Stormwater Management Plan

If you prefer to complete this form electronically, it is available at [greenwoodmn.com](http://greenwoodmn.com).

Property Owner(s)	Cindy & Chuck Hengel
Property Address	4680 Linwood Circle, Greenwood, MN 55331

Person completing this form:  Grading Contractor  Property Owner  Builder / Architect  
 This sheet is accompanied by a **Building Permit Application (Form #1)**:  Yes (skip to section 1)  No (complete below)

Date Application Submitted	6/7/2019
Property Owner's Mailing Address	3005 Maplewood Road, Woodland, MN 55391
Property Owner's Phone Number	952-270-5543
Property Owner's Email	ccengel@yahoo.com
Contractor or Builder / Architect Name	Landscape Renovations - Stephanie Gosiak
Contractor or Builder / Architect Address	12515 40th Street South, Appleton, MN 55001
Contractor or Builder / Architect Phone	651-728-0550
Contractor or Builder / Architect Email	sgosiak@landscaperenovations.com

**SECTION 1.** Stormwater management (code section 1140.17) must be implemented for any alteration which results in increased impervious surface coverage of 200 SF or more or any increase that results in a total impervious surface coverage that is greater than what is allowed in the zoning district. Does your proposed project increase impervious surface by 200 SF or increase the surface coverage by an amount that is greater than what is allowed in the zoning district?  Yes (complete section 2)  No (skip to section 3)

**SECTION 2.** Choose ONE of the following four options:

- For alterations that do NOT exceed hardcover requirements, I will provide stormwater runoff volume reduction practice(s) on-site with capacity to retain a minimum volume of (\_\_\_\_\_ SF X 1.25 gallons per SF = \_\_\_\_\_).  
Type of volume reduction practice: \_\_\_\_\_
- For alterations that DO exceed hardcover requirements, I will provide stormwater runoff volume reduction practice(s) on-site with capacity to retain a minimum volume of the greater of added impervious surface area (\_\_\_\_\_ SF) or the area that exceeds the hardcover requirements (\_\_\_\_\_ SF) X 1.25 gallons per SF. Type of volume reduction practice: \_\_\_\_\_
- Attached is a report and calculations demonstrating that stormwater runoff management practice(s) proposed limits the peak runoff rate from a 2-inch – 60-minute rainfall event does not exceed existing conditions for the same event.
- The attached site plan demonstrates through topographic features that water will be conveyed towards naturally occurring water features such as lakes, wetlands, creeks, or channels without impacting neighboring properties.

And submit the following with this form:

- (a) When a certified site survey is required by code, the survey shall include:
  - i) An impervious surface calculation for existing and proposed impervious surface conditions.
  - ii) The location of proposed activities.
  - iii) Plans, specifications, and calculations showing compliance with all required stormwater management performance practices and compliance with section 1140.17 subd 3.
- (b) When a certified site survey is not required by code, the applicant shall provide:
  - i.) An impervious surface calculation worksheet with existing and proposed impervious surface conditions.
  - ii.) A site plan or drawing showing the location of proposed activities.
  - iii.) Plans, specifications, and calculations showing compliance with all required stormwater management performance practices and compliance with section 1140.17 subd 3.

Note: A **Stormwater Maintenance Agreement** between the property owner and the city that documents all responsibilities for the long-term operation and maintenance is required for systems that require continuing physical maintenance. The maintenance agreement shall be executed and recorded against the parcel with the county, must be disclosed by the selling party to the buyer, shall be inspected by a qualified third-party technician hired by the property every 5 years in years ending in 0 and 5 and prior to a sale or transfer of the property. 5-year inspection reports must be submitted to the city by August 1 of that year. Any maintenance identified during the inspections shall be completed within 12 months of the inspection. For properties that are for sale, the inspection report must be submitted to the city prior to closing, and all repairs must be completed prior to closing or disclosed to the buyer and completed within 12 months of closing.

**SECTION 3.** The undersigned hereby submits this Stormwater Management Plan form and certifies the property owner(s) listed above are the sole fee title owner(s) of the described property; information provided on this form and in the submitted documents is true, complete, and accurate; if the plan is approved, the work will be in accordance with the plan and city code section 1140.17.

Signature		Date:	6/7/2019
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Form Updated 01-08-19



Permit #	<b>FORM #12</b> Return this document to City Hall
Receipt #	

# Shoreland Management Worksheet

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

Property Owner(s)	Cindy & Chuck Hengel
Property Address	41880 Linwood Circle, Greenwood, MN 55331

Person completing this form:  Property Owner  Builder / Architect

Per the Construction Site Management ordinance (section 305.00 subd 2b) a Shoreland Management Worksheet is required for building projects \$10,000+. Per section 1176.03, subd. 3 & 10, a Shoreland Compliance Review is required for all properties within 1,000 feet of the Ordinary High Water Level of Lake Minnetonka (all properties in the city). **Fee: \$200. Collected on Form #1.**

The proposed project includes the following (check all that apply):

- Repair
- Improve
- Change or alter use of land
- Change size or shape of lot
- Erect a structure
- Expand impervious surface
- Install or maintain water line
- Install or maintain sewer line
- Grade or fill
- Remove vegetation
- Trim vegetation

Current lot size (square feet)	26,155 sq. ft.
Proposed lot size (square feet)	
Dimensions of proposed structure(s)	
Total square footage of proposed structure(s)	
Percent of existing hardcover	18.7%
Total hardcover including proposed hardcover	23.4%
Amount of fill to be added (cubic yards)	0
Amount of soil to be removed (cubic yards)	0
Type and area of vegetation to be removed	Turf

The undersigned hereby certifies that the above information is true and correct to the best of his / her knowledge.

Signature		Date:	6/9/2019
Print Name	Stephanie Gysiak		

Form Updated 10-27-14

## Dale Cooney

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**Subject:** FW: 4680 Linwood Circle -- Hengel Residence

**From:** Bob Bean [mailto:Robert.Bean@bolton-menk.com]

**Sent:** Wednesday, June 12, 2019 10:37 AM

**To:** Dale Cooney

**Subject:** RE: 4680 Linwood Circle -- Hengel Residence

Dale,

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

1. Existing drainage patterns will be maintained with the proposed improvements. Runoff will continue to drain from the front of the lot toward the back.
2. Perimeter erosion control measures should be indicated on the plan. Measures should be installed by the Contractor and inspected by the City prior to any other work. Contractor must provide minimum 24 hour notice prior to inspection.
3. Proposed improvements will not result in exceedance of hardcover requirements, and runoff will not impact any adjacent properties. Therefore, volume reduction properties should not be required. However, due to increasing precipitation patterns in Minnesota, runoff volume mitigation practices should be considered for inclusion to maintain existing runoff volumes and limit potential impacts downstream.
4. Clear drive lanes should be maintained on Linwood Circle at all times.
5. The applicant may be required to obtain a Minnehaha Creek Watershed District permit for the proposed improvements. A copy of the permit should be provided to the City conditional to final approval.

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

Thanks,

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

Water Resources Project Engineer

Bolton & Menk, Inc.

2638 Shadow Lane

Suite 200

Chaska, MN 55318-1172

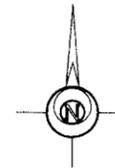
Phone: 952-448-8838 ext. 2892

Mobile: 612-756-3184

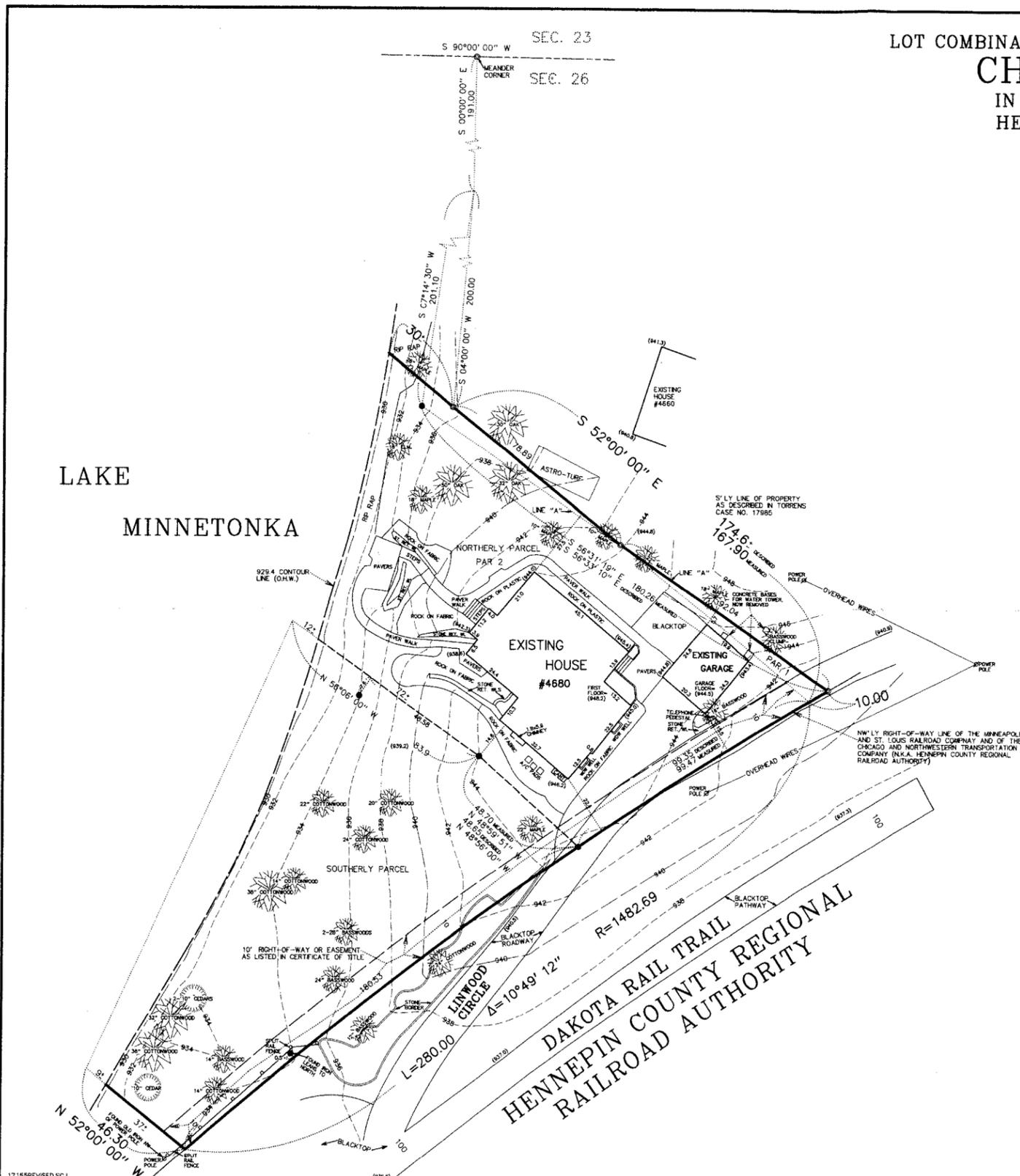
Bolton-Menk.com



LOT COMBINATION AND CERTIFICATE OF SURVEY FOR  
**CHARLES HENGEL**  
 IN GOV'T LOT 1, SEC. 26-117-23  
 HENNEPIN COUNTY, MINNESOTA



LAKE  
 MINNETONKA



**LEGAL DESCRIPTION OF PARCELS TO BE COMBINED :**

**NORTHERLY PARCEL (per Certificate of Title No. 1218020)**

Par 1: That part of Government Lot 1, Section 26, Township 117, Range 23, described as follows: Commencing at the meander corner on the North line of said Government Lot 1; thence on an assumed bearing of South, at a right angle to said North line, a distance of 191 feet; thence south 4 degrees 00 minutes 00 seconds West 200 feet; thence South 52 degrees 00 minutes 00 seconds East 174.6 feet, more or less, to the Northwestern right-of-way line of Hennepin County Regional Railroad Authority (formerly the right-of-way line of the Minneapolis and St. Louis Railroad Company and of the Chicago and Northwestern Transportation Company) which is the point of beginning of the land to be described; thence Northeastly along said Northwestern right-of-way line, 10 feet, more or less, to it's intersection with "Line A"; thence North 52 degrees 00 minutes 00 seconds West from the point of beginning; thence South 52 degrees 00 minutes 00 seconds East to the point of beginning.

"Line A" is described as follows: Commencing at the meander corner on the North line of said Government Lot 1; thence on an assumed bearing of South, at a right angle to said North line, a distance of 191 feet; thence South 7 degrees 14 minutes 30 seconds West 201.1 feet to the actual point of beginning of said "Line A"; thence South 56 degrees 33 minutes 10 seconds East to the intersection with said Northwestern right-of-way line and there terminating.

Par 2: All that part of Government Lot 1, Section 26, Township 117 North, Range 23, West of the 5th Principal Meridian described as follows: Commencing at a point 191 feet south of the meander corner between Sections 23 and 26; thence South 4 degrees west 200 feet; thence South 52 degrees East 174.6 feet to the Northwestern right-of-way line of the Minneapolis and St. Louis Railroad Company, which is the point of beginning of the land to be described; thence Southwesterly along the Northwestern right-of-way line of Minneapolis and St. Louis Railroad Company, 99.35 feet; thence North 48 degrees 56 minutes West 48.65 feet; thence North 56 degrees 06 minutes West 83.9 feet to the shore of Lake Minnetonka; thence Northerly along the shore of said lake to the intersection of said shore with a line bearing North 52 degrees West from the point of beginning; thence South 52 degrees East 203.6 feet to the point of beginning.

Subject to a right-of-way or easement adjoining said railway right-of-way 10 feet wide; (as to land in Par2)

**SOUTHERLY PARCEL (per Certificate of Title No. 1320233)**

That part of Government Lot 1, Section 26, Township 117 North, Range 23, West of the 5th Principal Meridian described as follows: Commencing at a point 191 feet south of the meander corner between Sections 23 and 26; thence south 4 degrees west 200 feet; thence south 52 degrees east 174.6 feet to the northwesterly right-of-way line of the Minneapolis and St. Louis Railroad Company; thence southwesterly along the northwesterly line of said right-of-way 280.0 feet which is the point of beginning of the land to be described; thence northeasterly along said northwesterly right-of-way line 180.65 feet; thence north 48 degrees 56 minutes west 48.65 feet; thence north 56 degrees 06 minutes west 83.9 feet to the shore of Lake Minnetonka; thence southerly along the shore of said lake to the intersection of said shore with a line bearing north 52 degrees west from the point of beginning; thence south 52 degrees east 46.3 feet to the point of beginning.

Subject to a right-of-way or easement adjoining said railway right-of-way 10 feet wide;

● : denotes iron marker found

⊙ : denotes Judicial Landmark found

(908.3) : denotes existing spot elevation, mean sea level datum

---917--- : denotes existing contour line, mean sea level datum

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of an existing house, spot elevations, topography, major trees and improvements thereon. It does not purport to show any other improvements or encroachments.

**GRONBERG & ASSOCIATES, INC.**  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS  
 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356  
 952-473-4141

DATE  
 4-17-17  
 1"=20'  
 17-18

PROJECT

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, License Number 12255  
 Mark S. Gronberg  
 Minnesota License Number: 12255

REMARKS



RESOLUTION NO 28-19

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

---

**In Re: Application of Chuck and Cindy Hengel for the property at 4680 Linwood Circle for a variance from Greenwood ordinance code Section 1140.10(C) in order to encroach into the lake yard setbacks in conjunction with the construction of an in-ground spa on the property.**

---

**WHEREAS**, Applicants Chuck and Cindy Hengel (hereinafter 'Applicant') is the owner of property commonly known as 4680 Linwood Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-12-0023) being real property located in Hennepin County, Minnesota and legally described as follows:

THAT PART OF GOVERNMENT LOT 1, SECTION 26, TOWNSHIP 117, RANGE 23, DESCRIBED AS FOLLOWS: COMMENCING AT THE MEANDER CORNER ON THE NORTH LINE OF SAID GOVERNMENT LOT 1; THENCE ON AN ASSUMED BEARING OF SOUTH, AT A RIGHT ANGLE TO SAID NORTH LINE, A DISTANCE OF 191 FEET; THENCE SOUTH 4 DEGREES 00 MINUTES 00 SECONDS WEST 200 FEET; THENCE SOUTH 52 DEGREES 00 MINUTES 00 SECONDS EAST 174.6 FEET, MORE OR LESS, TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY (FORMERLY THE RIGHT-OF-WAY LINE OF THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY AND OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY) WHICH IS THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE NORTHEASTERLY, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, 10 FEET, MORE OR LESS, TO ITS INTERSECTION WITH "LINE A"; THENCE NORTHWESTERLY ALONG SAID "LINE A" TO THE INTERSECTION WITH A LINE BEARING NORTH 52 DEGREES 00 MINUTES 00 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 52 DEGREES 00 MINUTES 00 SECONDS EAST TO THE POINT OF BEGINNING. "LINE A" IS DESCRIBED AS FOLLOWS: COMMENCING AT THE MEANDER CORNER ON THE NORTH LINE OF SAID GOVERNMENT LOT 1; THENCE ON AN ASSUMED BEARING OF SOUTH, AT A RIGHT ANGLE TO SAID NORTH LINE, A DISTANCE OF 191 FEET; THENCE SOUTH 7 DEGREES 14 MINUTES 30 SECONDS WEST 201.1 FEET TO THE ACTUAL POINT OF BEGINNING OF SAID "LINE A"; THENCE SOUTH 56 DEGREES 33 MINUTES 10 SECONDS EAST TO THE INTERSECTION WITH SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND THERE TERMINATING. ALSO ALL THAT PART OF GOVERNMENT LOT 1, SECTION 26, TOWNSHIP 117, RANGE 23 DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 191 FEET SOUTH OF THE MEANDER CORNER BETWEEN SECTIONS 23 AND 26; THENCE SOUTH 4 DEGREES WEST 200 FEET THENCE SOUTH 52 DEGREES EAST 174.6 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY, WHICH IS THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY, 99.35 FEET; THENCE NORTH 48 DEGREES 56 MINUTES WEST 48.65 FEET; THENCE NORTH 56 DEGREES, 06 MINUTES WEST 83.9 FEET TO THE SHORE OF LAKE MINNETONKA; THENCE NORTHERLY ALONG THE SHORE OF SAID LAKE TO THE INTERSECTION OF SAID SHORE WITH A LINE BEARING NORTH 52 DEGREES WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 52 DEGREES EAST 203.6 FEET TO THE POINT OF BEGINNING. ALSO THAT PART OF GOVERNMENT LOT 1, SECTION 26, TOWNSHIP 117, NORTH OF RANGE 23, WEST OF THE FIFTH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 191 FEET SOUTH OF THE MEANDER CORNER BETWEEN SECTIONS 23 AND 26: THENCE SOUTH 4 DEGREES WEST 200 FEET: THENCE SOUTH 52 DEGREES EAST 174.6 FEET THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY: THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID RIGHT-OF-WAY 280.0 FEET WHICH IS THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED: THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE 180.65 FEET: THENCE NORTH 48 DEGREES, 56 MINUTES WEST 48.65 FEET: THENCE NORTH 56 DEGREES, 06 MINUTES WEST 83.9 FEET TO THE SHORE OF LAKE MINNETONKA: THENCE SOUTHERLY ALONG THE SHORE OF SAID LAKE TO THE INTERSECTION OF SAID SHORE WITH A LINE BEARING NORTH 52 DEGREES WEST FROM THE POINT OF BEGINNING: THENCE SOUTH 52 DEGREES EAST 46.3 FEET TO THE POINT OF BEGINNING

; and

**WHEREAS**, the applicant proposes to encroach into the lake yard setbacks in order to construct an in-ground spa on the property; and

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

**WHEREAS**, public comment was taken at the public hearing before the city council on August 7, 2019; and

**WHEREAS**, the city council of the city of Greenwood has received the staff report, the recommendation of staff, 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 4680 Linwood Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-12-0023) is a single-family lot of record located within the R-1 district.
2. The applicants propose to build an in-ground spa that would encroach into the lake yard setbacks on the property. Section 1140.10(C) of the city code requires a lake yard setback of 50 feet. Applicants are proposing lake yard setback of 34.5 feet.
3. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

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

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

Economic considerations alone shall not constitute practical difficulties.

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

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

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

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

4. The applicants assert that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
5. City staff recommended that the city council deny the request of Chuck and Cindy Hengel to vary from city code Section 1140.10(C) to encroach into the lake yard setback by 15.5 feet, in order to build an in-ground spa at 4680 Linwood Circle, as proposed. The motion was based on the following findings:
  - a) The variance, if granted, will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to provide for the wise use and development of the shoreland and preserve the natural environmental values of shorelands. The location of the in-ground spa does not preserve the wise use or environmental values of the shoreland and is not in keeping with the spirit and intent of the ordinance.
  - b) The variance, if granted, will NOT be consistent with the comprehensive plan which states that the city will implement Shoreland Management Standards that maintain or exceed Department of Natural Resources shoreline standards to protect the shoreland from undue hardcover and specifically protect the shore impact zone from structures and adverse consequences of development.
  - 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: of the proposed location within the shoreland setback where other alternatives exist.
  - d) The plight of the landowner-applicant is NOT due to circumstances unique to the property and IS created by the landowner because: there are other locations on the property that would provide for meeting the required setbacks. Alternately, the applicant could install a freestanding spa that has reduced setback requirements.

- e) The variance, if granted, WILL alter the essential character of the locality, because: it would create a visible encroachment into the shoreland setback where these types of structural encroachments are extremely uncommon.
- f) The variance, if granted, WILL:
  - i. NOT Impair an adequate supply of light and air to adjacent property;
  - ii. NOT Unreasonably increase the congestion in the public street;
  - iii. NOT Increase the danger of fire or endanger the public safety; or
  - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

6. Based on the foregoing, the city council determined that the variance request does not comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

### **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 granting of variances from section 1120.15 and therefore variances to encroach into lake yard setback by 15.5 feet, in order to install an in-ground spa at 4680 Linwood Circle 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 Chuck and Cindy Hengel for the property at 4680 Linwood Circle, Greenwood, Minnesota 55331 for variances from Section 1140.10(C) to encroach into lake yard setback by 15.5 feet, in order to build an in-ground spa at 4680 Linwood Circle is **DENIED**.

**PASSED** this 7<sup>th</sup> day of August, 2019 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

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

CITY OF GREENWOOD

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

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

RESOLUTION NO 29-19

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

APPROVING

In Re: Application of Chuck and Cindy Hengel for the property at 4680 Linwood Circle for a conditional use permit under Greenwood ordinance code section 1140.19(3), Section 1176.04 (Subd. 7), 1140.10 (Subd. 7), and 1150.20 to authorize grading or site / lot topography alterations that increase or decrease the average grade (existing compared to final conditions) by more than 1 foot in a 350 square foot area, to authorize the installation of retaining walls within the lake yard setback, and to authorize an in-ground spa.

**WHEREAS**, Applicants Chuck and Cindy Hengel (hereinafter 'Applicant') is the owner of property commonly known as 4680 Linwood Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-12-0023) being real property located in Hennepin County, Minnesota and legally described as follows:

THAT PART OF GOVERNMENT LOT 1, SECTION 26, TOWNSHIP 117, RANGE 23, DESCRIBED AS FOLLOWS: COMMENCING AT THE MEANDER CORNER ON THE NORTH LINE OF SAID GOVERNMENT LOT 1; THENCE ON AN ASSUMED BEARING OF SOUTH, AT A RIGHT ANGLE TO SAID NORTH LINE, A DISTANCE OF 191 FEET; THENCE SOUTH 4 DEGREES 00 MINUTES 00 SECONDS WEST 200 FEET; THENCE SOUTH 52 DEGREES 00 MINUTES 00 SECONDS EAST 174.6 FEET, MORE OR LESS, TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY (FORMERLY THE RIGHT-OF-WAY LINE OF THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY AND OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY) WHICH IS THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE NORTHEASTERLY, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, 10 FEET, MORE OR LESS, TO ITS INTERSECTION WITH "LINE A"; THENCE NORTHWESTERLY ALONG SAID "LINE A" TO THE INTERSECTION WITH A LINE BEARING NORTH 52 DEGREES 00 MINUTES 00 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 52 DEGREES 00 MINUTES 00 SECONDS EAST TO THE POINT OF BEGINNING. "LINE A" IS DESCRIBED AS FOLLOWS: COMMENCING AT THE MEANDER CORNER ON THE NORTH LINE OF SAID GOVERNMENT LOT 1; THENCE ON AN ASSUMED BEARING OF SOUTH, AT A RIGHT ANGLE TO SAID NORTH LINE, A DISTANCE OF 191 FEET; THENCE SOUTH 7 DEGREES 14 MINUTES 30 SECONDS WEST 201.1 FEET TO THE ACTUAL POINT OF BEGINNING OF SAID "LINE A"; THENCE SOUTH 56 DEGREES 33 MINUTES 10 SECONDS EAST TO THE INTERSECTION WITH SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND THERE TERMINATING. ALSO ALL THAT PART OF GOVERNMENT LOT 1, SECTION 26, TOWNSHIP 117, RANGE 23 DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 191 FEET SOUTH OF THE MEANDER CORNER BETWEEN SECTIONS 23 AND 26; THENCE SOUTH 4 DEGREES WEST 200 FEET THENCE SOUTH 52 DEGREES EAST 174.6 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY, WHICH IS THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY, 99.35 FEET; THENCE NORTH 48 DEGREES 56 MINUTES WEST 48.65 FEET; THENCE NORTH 56 DEGREES, 06 MINUTES WEST 83.9 FEET TO THE SHORE OF LAKE MINNETONKA; THENCE NORTHERLY ALONG THE SHORE OF SAID LAKE TO THE INTERSECTION OF SAID SHORE WITH A LINE BEARING NORTH 52 DEGREES WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 52 DEGREES EAST 203.6 FEET TO THE POINT OF BEGINNING. ALSO THAT PART OF GOVERNMENT LOT 1, SECTION 26, TOWNSHIP 117, NORTH OF RANGE 23, WEST OF THE FIFTH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 191 FEET SOUTH OF THE MEANDER CORNER BETWEEN SECTIONS 23 AND 26: THENCE SOUTH 4 DEGREES WEST 200 FEET: THENCE SOUTH 52 DEGREES EAST 174.6 FEET THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY: THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID RIGHT-OF-WAY 280.0 FEET WHICH IS THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED: THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE 180.65 FEET: THENCE NORTH 48 DEGREES, 56 MINUTES WEST 48.65 FEET: THENCE NORTH 56 DEGREES, 06 MINUTES WEST 83.9 FEET TO THE SHORE OF LAKE MINNETONKA: THENCE SOUTHERLY ALONG THE SHORE OF SAID LAKE TO THE INTERSECTION OF SAID SHORE WITH A LINE BEARING NORTH 52 DEGREES WEST FROM THE POINT OF BEGINNING: THENCE SOUTH 52 DEGREES EAST 46.3 FEET TO THE POINT OF BEGINNING

; and

**WHEREAS**, the applicant proposes to regrade the property in conjunction with the construction of a lake yard patio area; and

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

**WHEREAS**, public comment was taken at the public hearing before the city council on August 7, 2019; and

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

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

## FINDINGS OF FACT

1. That the real property located at 4680 Linwood Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-12-0023) is a single-family lot of record located within the R-1 district.
2. The applicant is proposing to alter site/lot topography that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in an area greater than 300 square feet in conjunction with the construction of lake yard patio area. Pursuant to Greenwood ordinance code 1140.19(3), the increase or decrease the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area requires a conditional use permit.
3. The applicant is proposing to install retaining walls within the lake yard setback in conjunction with the construction of lake yard patio area. Pursuant to Greenwood ordinance code Section 1176.04 (Subd. 7), the installation of retaining walls within the lake yard setback requires a conditional use permit.
4. The applicant is proposing to install an in-ground spa on the property. Pursuant to Greenwood ordinance code Section 1140.10 (Subd. 7) a conditional use permit is required for all in-ground pools and in-ground spas.
5. Pursuant to Greenwood ordinance code section 1150.20, Subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
6. Greenwood ordinance section 1150.20, Subd 1 states:

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

  - (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
  - (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
  - (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
  - (d) The use will be harmonious with the objectives of the comp plan.
  - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
  - (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
  - (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  - (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
  - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
  - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, Subd 1.
7. City staff recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, Subd 1. Staff’s recommendation is made with the following conditions:
  - A. The in-ground spa shall meet the setback requirements of Section 1140.10(C) of the city code.
  - B. Applicants will comply with the recommendations of the city engineer.
  - C. The project must be completed according to the specifications and design requirements in the submitted plans.
  - D. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.
8. Due to a failure to convene a quorum, the planning commission did not hold a public hearing at their regularly

scheduled 7-10-19 meeting.

- 9. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 subd 1, subject to the conditions requested by staff.

**CONCLUSIONS OF LAW**

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

- 1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.19(3), and 1150.20 necessary for the granting of a CUP.
- 2. The granting of the CUP is subject to the following conditions:
  - A. The in-ground spa shall meet the setback requirements of Section 1140.10(C) of the city code.
  - B. Applicants will comply with the recommendations of the city engineer.
  - C. The project must be completed according to the specifications and design requirements in the submitted plans.
  - D. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to alter site/lot topography that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in a 350 square foot area, install retaining walls within the lake yard setback, and to install an in-ground spa for the property at 4680 Linwood Circle . The granting of the CUP is subject to the following conditions.

- A. The in-ground spa shall meet the setback requirements of Section 1140.10(C) of the city code.
- B. Applicants will comply with the recommendations of the city engineer.
- C. The project must be completed according to the specifications and design requirements in the submitted plans.
- D. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**PASSED** this 7th day of August, 2019 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: **7D**

Agenda Date: **08-07-19**

Prepared by Dale Cooney

**Agenda Item:** Consider: Res 30-19, Findings for preliminary plat subdivision request, John and Bridgette Dunn, property owners at 4940 St. Albans Bay Road.

**Summary:** Copies of the application materials and staff report are attached reference. Notice of the public hearing was published in the Sun Sailor newspaper on 6-27-19. Due to a failure to convene a quorum, the planning commission did not hold a public hearing at their regularly scheduled 7-10-19 meeting. The city council **must** incorporate the provisions of city code Chapter 6 as well as any conditions in the motion.

**Planning Commission Action:** Due to a failure to convene a quorum, the planning commission did not hold a public hearing at their regularly scheduled 7-10-19 meeting.

**Key Dates:**

Application complete: ~~June 17, 2019~~  
Notice of Public Hearing published: ~~June 27, 2019~~  
Planning Commission Public Hearing: ~~July 10, 2019~~ *No meeting held due to a lack of a quorum.*  
City Council Consideration: August 7, 2019  
120-Day Deadline: October 15, 2019

**City Council Action:** Final action required by October 15, 2019. Potential motions...

1. I move the city council adopts resolution 30-19 laying out the findings of fact **APPROVING WITH CONDITIONS** the preliminary plat subdivision request of John and Bridgette Dunn for the property at 4940 St. Albans Bay Road, as presented. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs staff to draft **FINDINGS FOR DENIAL** for the preliminary plat subdivision request of John and Bridgette Dunn for the property at 4940 St. Albans Bay Road, as presented, to be considered at the February 6, 2019 city council meeting.
3. Other motion ...



**Agenda Item:** Public Hearing to consider preliminary plat application (subdivision) request of John and Bridgette Dunn, property owners, to subdivide 4940 Saint Albans Bay Road into two lots.

**Summary:** John and Bridgette Dunn are proposing to subdivide their property at 4940 Saint Albans Bay Road into two lots. Subdivisions are regulated by Chapter 6 of the city code, and the proposal will be required to go through the platting process with a public hearing by the planning commission at the preliminary plat phase per Section 600.10 of the city code. The property was recently subdivided as a part of the Fraeunshuh Third Addition. No additional lots were created as a part of that process, but 4940 Saint Albans Bay road lost its narrow lake yard and was reduced in size from 110,698 square feet to 74,407 square feet.

**Zoning Compliance:**

The proposed lot line reconfiguration is within the R-1 zoning district. The applicant has submitted a survey with existing conditions and the proposed lot reconfiguration as well as a site plan with proposed conditions for the two properties.

	Existing Lot Area (sf)	Proposed Lot Area (sf)	Lot Width	Lot Depth	Proposed Impervious Surface Area	Proposed Front Setback (ft)	Proposed Side Setbacks (ft)	Proposed Rear Setback (ft)
<b>Required</b>	15,000	--	75	150	30%	30	15	35
<b>4940 St. Albans Bay Road (Lot 2)</b>	74,407	53,400	154 (street)	278.1	18.3%	>30	32(W) / 15 (E)	43.5
<b>Lot 1</b>	--	21,000	75.1 (street)	282.02	28.2%	>30	15 (W) / 15 (E)	45

**Lot Size and Shape:**

Per the subdivision code: *“At least 2 sides of all lots shall each be at least 100 feet in length. Lots shall be at least 100 feet wide abutting either the street or the lake. Lot lines shall not be drawn in irregular shapes for the purpose of circumventing this requirement.”* As proposed, the properties meet this requirement.

**Access:**

Subdivision code requires that *“All lots shall abut on a publicly dedicated or private street.”* Proposed lots would meet this requirement.

**Impervious Area:** As proposed, both properties meet the required 30% impervious surface area limitation. However, since both properties’ stormwater drainage is via adjacent properties, any hardcover expansion of greater than 200 square feet must meet the stormwater management requirements of Section 1140.17. This may require significant mitigation for proposed Lot 1.

Proposed Lot 1 contains a low area that is adjacent to the house on the neighboring property. Additional impervious will need to be adequately and carefully managed to prevent future stormwater issues that would impact the neighboring house and the property.

**Nonconformities:** The proposed lot configuration would create a minor encroachment (approximately a 1 foot encroachment in the northeast corner of the court) with the existing sport court on Lot 1. The sport court would not meet the required 10 foot setback. Staff feels that this is a minor issue and would not recommend removal of the court as a condition of approval.

**Driveway Easement:** The applicants are proposing to maintain the location of the driveway to their property with the dedication of a private driveway easement. The current driveway encroaches 15 feet into proposed Lot 1. Section 1140.10 of the city code requires that driveways be setback 5 feet from the side lot line. The easement proposal will also impact the impervious surface area calculations for both properties. For the long-term needs of the property, it would be best if the driveway was reconfigured to fit on the property with which it is associated and that the new driveway be at least 5 feet from

the property line. However, doing so would require removal of a number of significant trees on the property. The Planning Commission should make a recommendation on this point.

**Trees and Grading:** As proposed, Lot 1 would be required to obtain a Conditional Use Permit for grading prior to the issuance of any building permits. A tree inventory is not required as a part of this process. As proposed, Lot 1 may trigger a variance for tree removal since the property contains wooded areas. This will be impossible to determine until a specific proposal is put forward for the property.

**Drainage and Utility Easements:** Existing perimeter drainage and utility easements would remain in place on the current property, with additional easements added along the proposed property boundaries.

**Park Dedication:**

Park dedication land or fees are typically required during the subdivision process when additional lots are created that would generate additional demands on the city's park system. Many of the existing properties within Greenwood were developed prior to park dedication requirements and were never subject to park dedication. For that reason, a subdivision request may trigger park dedication fees for an entire property rather than just any new lots created. In the case of 4940 Saint Albans Bay Road, however, the property is part of the Schuman Woods Plat from which 2.65 acres of park land was donated to the City of Greenwood. For those reasons, it is staff's opinion that park dedication can only be requested of the new, undeveloped portion of the property.

Per Section 600.35, Subd. 3 the council may require 8% 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 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.

The City of Greenwood has no plans for adding new recreation, park, trail, or open space amenities, and therefore staff would recommend a fee-in-lieu of park dedication. The city assessor estimated the market value of the pre-subdivision property at \$520,000. The new property, at 28.2% of the land area, would represent \$146,640 in value for a park dedication fee requirement of \$11,731.

**Variances and Exceptions:**

As with administering the zoning code, the city may also permit variances as part of the subdivision standards. Section 600.35 of the Subdivision chapter states: *"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."*

**Review Process:**

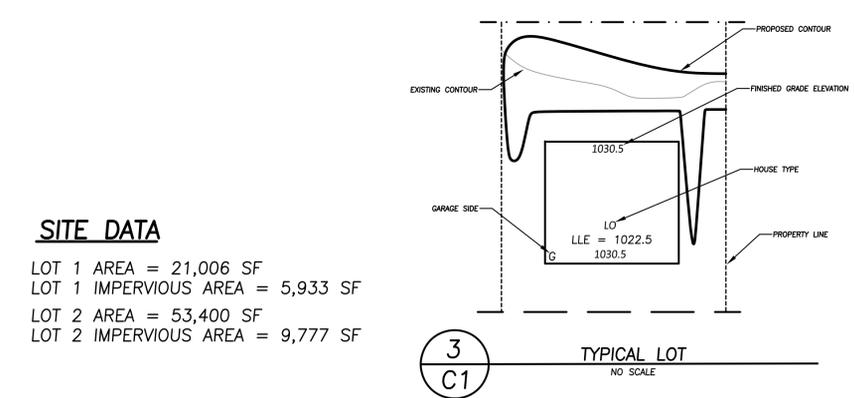
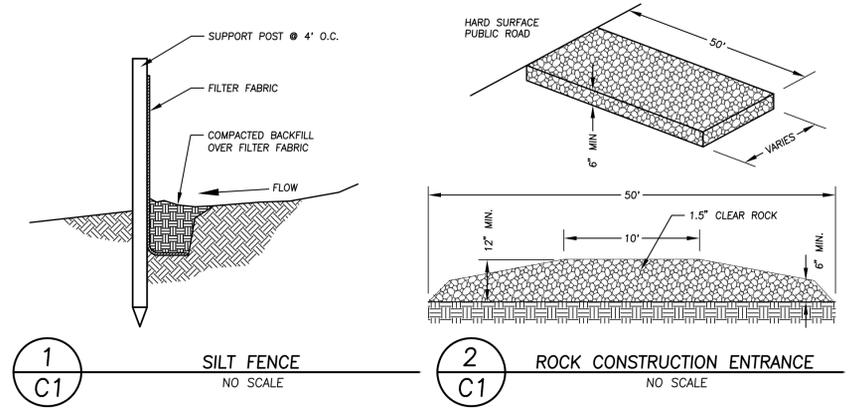
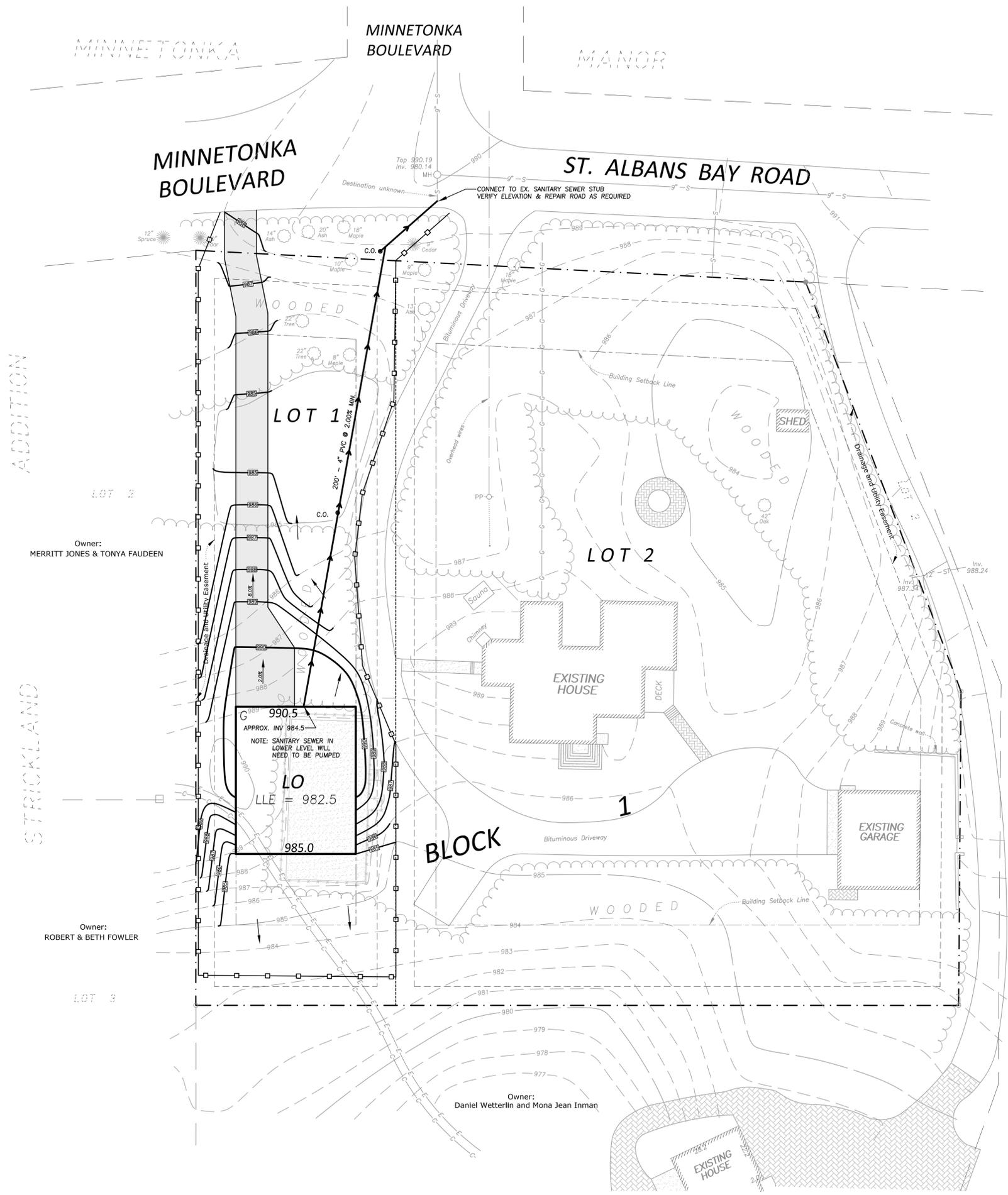
Preliminary Plat: State law requires action within 120 days of a Preliminary Plat application. Much like other zoning applications, the Planning Commission must hold a public hearing and make a recommendation to the City Council.

Final Plat: Applicant must apply for Final Plat within 6 months of Preliminary Plat approval. Action must be taken within 60 days of a Final Plat application. No public hearing is required, and the Planning Commission does not review the application for Final Plat. The city must approve the Final Plat if all conditions of the Preliminary Plat have been met.

**Staff Recommendation:** Staff recommends **approval with conditions** of the preliminary plat for 4940 Saint Albans Bay Road since the proposal conforms with the design standards of Section 600.20 and the lot requirements of Section 1120.10.

Staff's recommendation is subject to the following conditions:

- (a) The driveway for Lot 2 shall be reconfigured to fit within Lot 2 and that the new driveway alignment be at least 5 feet from the property line. The driveway reconfiguration shall be completed prior to the recording of the subdivision plat; and
- (b) The building proposal for Lot 1 is preliminary, and approval only involves the general acceptability of the layout. Subsequent approval to determine conformance with city codes will be required prior to the issuance of building permit for the property.
- (c) Applicant pay the required park dedication fee at the time of Final Plat application; and
- (d) The Final Plat of the subdivision shall be recorded with the county registrar of deeds or registrar of titles within 6 months of city approval.



**SITE DATA**

LOT 1 AREA = 21,006 SF  
 LOT 1 IMPERVIOUS AREA = 5,933 SF  
 LOT 2 AREA = 53,400 SF  
 LOT 2 IMPERVIOUS AREA = 9,777 SF

**GRADING NOTES**

- 1 - All elevations shown are to final surfaces.
- 2 - Within 48 hours of final grading, all disturbed areas not to be landscaped shall be sodded with fresh, clean, strongly rooted sod not less than 2 years old with a uniform thickness of not less than 2 inches and free of weeds.
- 3 - Gutter downspouts shall be directed to a flat stabilized area.
- 4 - To the extent possible, limit the amount of construction traffic around the site to prevent against undue soil compaction.
- 5 - Contractor shall obtain all necessary permits for utility work and restoration in the right-of-way.

**EROSION CONTROL NOTES**

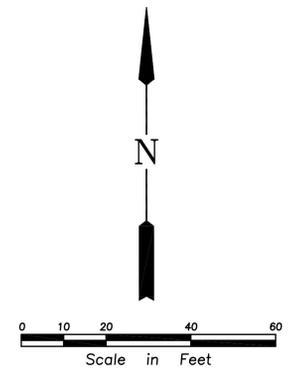
- 1 - All erosion control measures shown shall be installed prior to grading operations and maintained until all areas disturbed have been restored.
- 2 - Sweep paved public streets as necessary where construction sediment has been deposited.
- 3 - Each area disturbed by construction shall be restored per the specifications within 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- 4 - Temporary soil stockpiles must have silt fence around them and cannot be placed in surface waters, including storm water conveyances such as curb and gutter systems, or conduits and ditches.
- 5 - Excess concrete/water from concrete trucks shall be disposed of in portable washout concrete basin or disposed of in a City approved contained area.
- 6 - Spring/summer temporary turf establishment: seed shall be MNDOT Mixture 21-111 @ 100 lbs/acre and mulch shall be MNDOT Type 1 @ 2 tons/acre.  
 Winter temporary turf establishment: seed shall be MNDOT Mixture 21-112 @ 100 lbs/acre and mulch shall be MNDOT Type 1 @ 2 tons/acre.

**UTILITY NOTES**

- 1 - Sanitary sewer services shall be 4" (SDR 26) PVC.

**LEGEND**

- PROPOSED CLEANOUT
- PROPOSED SANITARY SEWER
- PROPOSED STD. DUTY BITUMINOUS
- PROPOSED CONTOUR
- SILT FENCE
- BOUNDARY/ROW/BLOCK LINE
- - - EASEMENT
- - - LOT LINE
- BUILDING/PARKING SETBACK LINE
- DRAINAGE ARROW
- EXISTING SANITARY SEWER
- ST — EXISTING STORM SEWER
- G — EXISTING BURIED GAS LINE
- E — EXISTING BURIED ELECTRIC LINE
- C — EXISTING BURIED COMMUNICATIONS LINE
- 980 — EXISTING CONTOUR
- x 995.50 EXISTING ELEVATION



**Rehder & Associates, Inc.**  
 Civil Engineers, Planners and Land Surveyors  
 3440 Federal Drive, Suite 110 • Eagan, Minnesota 55122  
 651-929-5051 • Fax: 651-929-9797 • email: info@rehder.com

I hereby certify that this plan was prepared by me or a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
**PRELIMINARY**  
 Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Reg. No.: \_\_\_\_\_

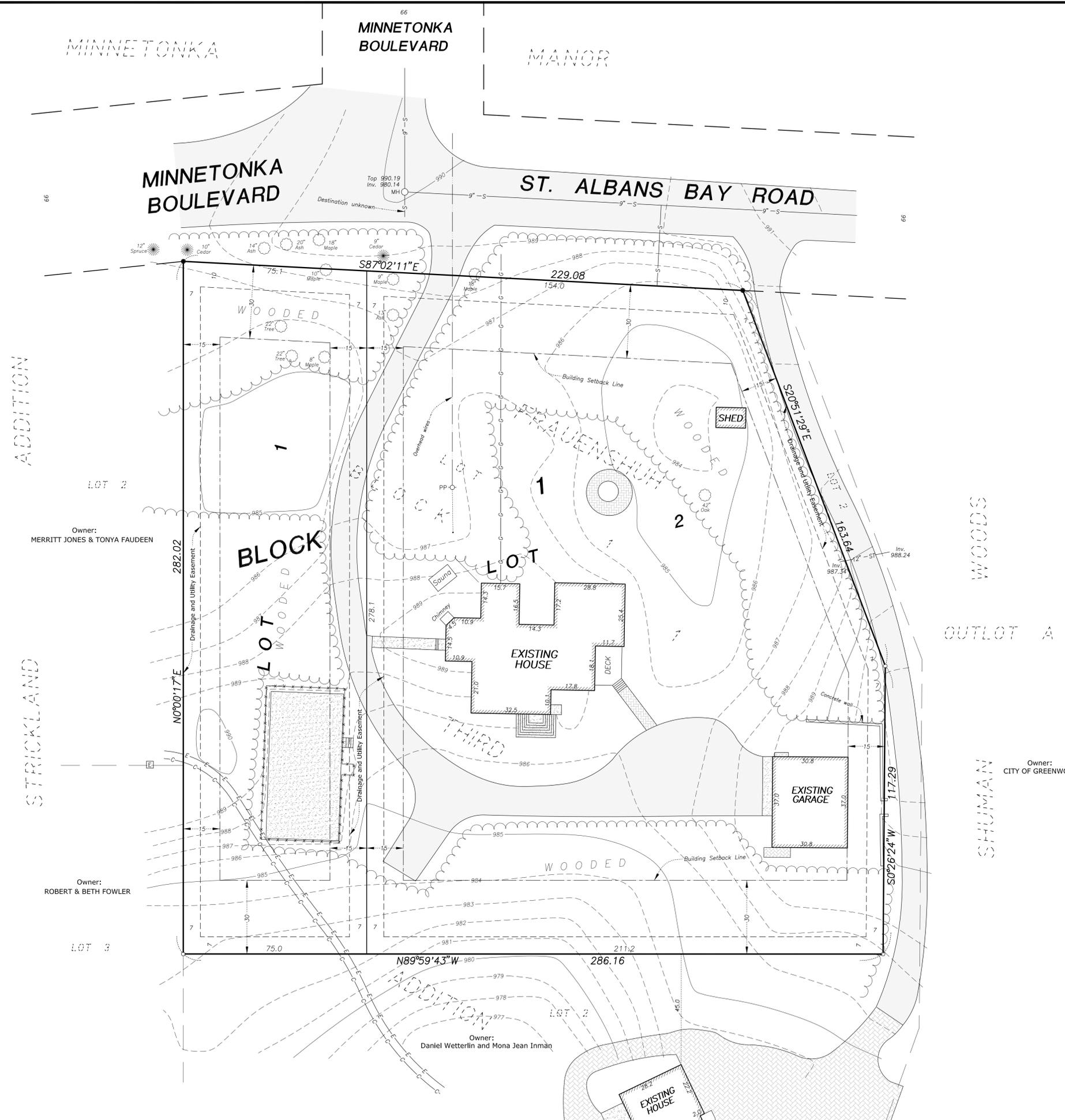
ISSUED	DATE	REVISION
CITY SUBMITTAL	6-10-19	
CITY COMMENTS	6-28-19	
ADDRESS CITY COMMENTS		

**GRADING, DRAINAGE, EROSION CONTROL & UTILITY PLAN**  
 LOT 1, BLOCK 1 DUNN HEIGHTS  
 CITY OF GREENWOOD

SHEET NUMBER  
**C1**

PROJECT NO.: 191-1319.010 DRAWING FILE: 3119010.DWG

# Preliminary Plat of: DUNN HEIGHTS



### NOTES

- \* Bearings shown are based on the plat of FRAUENSHUH THIRD ADDITION.
- \* Utilities shown are from information furnished by the City of Shorewood and respective utility companies in response to Gopher State One Call Ticket No. 191481565 and are verified where possible.
- \* Contact Gopher State One Call for utility locations before any construction shall begin. Phone 651-454-0002.
- \* Zoning: R-1 (Single Family District).
- \* Areas: Total = 74,407 square feet (1.71 acres).  
Lot 1 = 21,006 square feet (0.48 acre).  
Lot 2 = 53,400 square feet (1.23 acres).
- \* Impervious surface areas: Lot 1 = 5,933 square feet.  
Lot 2 = 9,777 square feet.

### LEGEND

- Iron Monument Found
- Iron Monument Set
- S— Sanitary Sewer
- ST— Storm Sewer
- W— Watermain
- Hyd. ◊ Hydrant
- GV • Gate Valve
- MH ○ Manhole
- Inv. ◊ Invert Elevation
- PP ○ Power Pole
- Electrical Transformer
- Communications Pedestal
- Concrete Surface
- Bituminous Surface
- Brick Paver Surface
- G— Buried Gas
- C— Buried Communications
- E— Buried Electric
- ..... Guy Wire

### OWNERS

John and Bridgette Dunn  
4940 St. Albans Bay Road  
Greenwood, Minnesota 55331  
Phone: 952-200-2501

### SURVEYOR/ENGINEER

Rehder & Associates, Inc.  
3440 Federal Drive  
Suite 110  
Eagan, Minnesota 55122  
Phone: 651-337-6729  
Attention: Nick Adam, PE

### PROPERTY DESCRIPTION

Lot 1, Block 1, FRAUENSHUH THIRD ADDITION, Hennepin County, Minnesota.

I hereby certify that this preliminary plat was prepared by me or under my direction and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 10th day of June, 2019

REHDER & ASSOCIATES, INC.

*Gary C. Huber*  
Gary C. Huber, Land Surveyor  
Minnesota License No. 22036  
Revised June 26, 2019

**Rehder and Associates, Inc.**

CIVIL ENGINEERS AND LAND SURVEYORS  
3440 Federal Drive • Suite 110 • Eagan, Minnesota • Phone (651) 452-5051

JOB: 194-3119.010

RESOLUTION NO 30-19

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

---

**APPROVING**

**IN RE:** The application of John and Bridgette Dunn for approval of a Preliminary Plat pursuant to Greenwood ordinance code chapter 6 to subdivide the property commonly known as 4940 St. Albans Bay Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0048) into two lots.

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**RECITALS**

**WHEREAS**, Applicant John and Bridgette Dunn (hereinafter 'Applicant') are property owners of real property commonly known as 4940 St. Albans Bay Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0048).

**WHEREAS**, Applicant has submitted an application for a Preliminary Plat for the above-named property; and

**WHEREAS**, the real property at 4940 St. Albans Bay Road is legally described as follows:

LOT 1, SHUMAN WOODS, HENNEPIN COUNTY, MINNESOTA.

; and

**WHEREAS**, Applicant made an application for a preliminary plat to subdivide the property into two lots; and

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

**WHEREAS**, public comment was taken at the public hearing before the city council on August 7, 2019; and

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

**NOW, THEREFORE**, the city council of the city of Greenwood, Minnesota does hereby make the following:

**FINDINGS OF FACT**

1. The foregoing Recitals are adopted as if set out here at in full.
2. That the real property commonly known as 4940 St. Albans Bay Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0048), is a lot of record located within the Greenwood R-1 district.
3. In conformance with the requirements of Greenwood ordinance code chapter 6, the Applicant has submitted an application for Preliminary Plat in order to subdivide the property into two lots.
4. The survey submitted by the Applicant, (attached hereto as Exhibit A), illustrates the locations and dimensions of the proposed reconfigured property boundaries. Said survey also illustrates the existing improvements, setbacks, and hardcover for the property.
5. Upon review of the submitted information, city staff found that the request complies with the criteria in Greenwood ordinance code and recommended approval with conditions of the Preliminary Plat request based upon the following findings, to-wit:
  - (a) The proposed subdivision would meet the minimum lot size, width, and depth requirements for the zoning district as outlined in Section 1120.10;
  - (b) Except for a minor encroachment of the existing sport court, the proposed subdivision would meet the setback requirements for the zoning district as outlined in Section 1120.15;

- (c) The proposed subdivision would meet the lot design standards of Section 600.20 Subd. 4.;
- (d) The proposed subdivision will not negatively impact the public health, safety and general welfare.

Staff's recommendation was subject to the following conditions:

- (a) The driveway for Lot 2 shall be reconfigured to fit within Lot 2 and that the new driveway alignment be at least 5 feet from the property line. The driveway reconfiguration shall be completed prior to the recording of the subdivision plat; and
- (b) The building proposal for Lot 1 is preliminary, and approval only involves the general acceptability of the layout. Subsequent approval to determine conformance with city codes will be required prior to the issuance of building permit for the property.
- (c) Applicant pay the required park dedication fee at the time of Final Plat application; and
- (d) The Final Plat of the subdivision shall be recorded with the county registrar of deeds or registrar of titles within 6 months of city approval.

6. The city council agrees with and adopts the above findings and conditions of the staff.

## CONCLUSIONS OF LAW

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

The Applicant has made an adequate demonstration of facts for a subdivision meeting the standards of section 600.10 necessary for granting approval of a Preliminary Plat. Now therefore:

- 1. The Preliminary Plat application to subdivide the property commonly known as 4940 St. Albans Bay Road, Greenwood, Minnesota into two lots should be approved.

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

That the application of John and Bridgette Dunn for:

- 1. Preliminary Plat to subdivide the property commonly known as 4940 St. Albans Bay Road, Greenwood, Minnesota into two lots pursuant to Greenwood ordinance code section 600.10 as shown in the survey Exhibit A attached hereto, is APPROVED.

**PASSED** this 7th day of August, 2019 by the city council of the city of Greenwood, Minnesota.

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

CITY OF GREENWOOD

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

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



Agenda Number: **7E**

Agenda Date: **08-07-19**

Prepared by Dale Cooney

**Agenda Item:** Public hearing for ordinance revisions to Sections 1102.00 and 1140.20 regarding window wells.

**Summary:** Window wells are currently unregulated encroachments into side yard setbacks. Window wells are often innocuous requirements for egress. But, the current trend has been to fully build out basements which can include a large number of windows or a bay of windows to allow for additional light. These basement window arrays often include plans for large window wells that can be 6 feet deep or more. Because window wells are often located in side yards, their impacts on neighboring property owners can be disproportionate.

Staff is recommending an ordinance amendment that would limit window well encroachments into a required yard setback to the minimum extent required by building code for egress. Non-encroaching window wells would remain unregulated other than via building code requirements.

**Planning Commission Action:** The planning commission was scheduled to hold a public hearing on this item at their July 10, 2019 meeting, but the meeting was cancelled due to a lack of a quorum.

**Timeline:**

~~06-05-19 City council discusses potential revisions to the ordinance.~~

~~06-20-19 The public hearing notice is submitted to the Sun-Sailor for publication.~~

~~06-27-19 The public hearing notice is published in the Sun-Sailor (10+ days prior to planning commission meeting).~~

~~07-10-19 Planning commission holds public hearing and makes recommendation. Cancelled due to lack of a quorum.~~

08-07-19 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).

08-08-19 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.

08-15-19 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).

09-04-19 City council considers 2nd reading of the ordinance (may make revisions).

09-05-19 The ordinance is submitted to the Sun-Sailor for publication.

09-12-19 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** Potential motions ...

1. I move the city council approve the ordinance 291 amendment regarding window wells as written / as amended.
2. I move the city council maintain the current ordinance.

*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 1140.20 REGARDING  
WINDOW WELLS**

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

SECTION 1.

Greenwood ordinance code section 1102.00 is amended to read as follows:

“Window Well means the space maintained between a below grade window and the surrounding soil for the purposes of providing egress or light to the window. Retaining walls for which the primary function is to provide egress or light to below grade windows shall be considered window wells.”

SECTION 1.

Greenwood ordinance code section 1140.20 Subd. 5 is amended to read as follows:

“Subd. 5. Regulations of Obstructions in Required Yards.

- A. *Obstructions in Front or Exterior Side Yards.* The required front yard or exterior side yard (corner lots) shall not contain any wall, fence, structure, tree, shrub, or other growth that may cause danger to traffic on a public street by obscuring the view.
- B. *Air Conditioners and Generators.* Must be located within 5 feet of the wall of a principal structure or accessory structure. May encroach into a required yard setback as long as there is a minimum of a 5-foot setback from the property line. Generators over 20kw require a conditional use permit subject to reasonable conditions for the protection of public safety, health, and welfare.
- C. *Awnings.* Must extend no more than 4 feet from the wall of a principal structure or accessory structure. May encroach into a required yard setback as long as there is a minimum of a 5-foot setback from the property line.
- D. *Eaves and Gutters.* Eaves and gutters encroaching into a required yard setback may extend no more than 30 inches from the wall of a principal structure or accessory structure. Eaves and gutters may encroach into a required yard setback as long as there is a minimum of a 7.5-foot setback from the property line. Gutter downspouts may encroach up to 5 feet into a yard setback.
- E. *Fire Escapes.* Open or lattice enclosed fire escapes or fireproof outside stairways may project into a required yard setback up to 2 feet as long as there is a minimum of a 8-foot setback from the property line.

F. *Window Wells.* Window wells encroaching into a required yard setback will be permitted to the minimum extent required by building code for egress.”

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 \_\_\_\_\_, 2019.

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

CITY OF GREENWOOD

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

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

First reading: \_\_\_\_\_, 2019  
Second reading: \_\_\_\_\_, 2019  
Publication: \_\_\_\_\_, 2019



Agenda Number: **7F**

Agenda Date: **08-07-19**

Prepared by Dale Cooney

**Agenda Item:** Draft ordinance revising Section 1140.80 to include White Poplars as Noxious Trees

**Summary:** City staff is recommending the inclusion of White Poplars on the city's Noxious Tree list. City Forester Manual Jordan suggested that, due to the fact that the trees aggressively sucker from the roots, colonize areas, and choke out other species, the trees would be good candidates to add to the list. Jordan was quick to note that not all Poplar trees have this characteristic and is only recommending that White Poplars be added to the noxious tree list.

**Planning Commission Action:** The planning commission was scheduled to hold a public hearing on this item at their July 10, 2019 meeting, but the meeting was cancelled due to a lack of a quorum.

**Timeline:**

- ~~06-05-19 City council discusses potential revisions to the ordinance.~~
- ~~06-20-19 The public hearing notice is submitted to the Sun Sailor for publication.~~
- ~~06-27-19 The public hearing notice is published in the Sun Sailor (10+ days prior to planning commission meeting).~~
- ~~07-10-19 Planning commission holds public hearing and makes recommendation. Cancelled due to lack of a quorum.~~
- 08-07-19 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 08-08-19 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 08-15-19 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 09-04-19 City council considers 2nd reading of the ordinance (may make revisions).
- 09-05-19 The ordinance is submitted to the Sun-Sailor for publication.
- 09-12-19 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** Potential motions ...

1. I move the city council approve the ordinance 292 amendment regarding noxious trees as written / as amended.
2. I move the city council maintain the current ordinance.

*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 1140.80 REGARDING NOXIOUS TREES**

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

SECTION 1.

Greenwood ordinance code section 1140.80 subdivision 2 is amended to read as follows:

“Subd. 2. General.

A. *Tree or Trees* as used herein includes:

- (1) A coniferous / evergreen tree, being a woody plant of at least 6 feet in height which at maturity is at least 12 feet or more in height, having foliage at the outermost portion of the branches year round; or
- (2) A deciduous tree, either hardwood or softwood, being a woody plant with a trunk of 3" diameter (9" circumference) or greater for hardwood, or 4" diameter (13" circumference) or greater for softwood, and which at maturity is at least 15 feet or more in height, having a defined crown and which loses leaves annually. The trunk diameter shall be measured at 48" above grade or at the top of the remaining stump if already cut or harvested.

B. *Hardwood Deciduous Tree* examples are Ash, Birch, Catalpa, Elm, Hickory, Ironwood, Maple (hard), Oak, and Walnut.

C. *Softwood Deciduous Tree* examples are Poplars, Aspen, Silver Maple, Basswood, and Willow.

D. *If the tree type is unclear*, the city forester shall determine whether it is classified as either a conifer, hardwood deciduous, or softwood deciduous tree.

E. *Significant Tree* is a healthy tree, measuring a minimum of 6" in diameter (19" circumference) or greater for hardwood deciduous trees, 10" in diameter (31.5" circumference) or greater for softwood deciduous trees, or 8" in diameter (25" circumference) or greater for conifer / evergreen trees. The trunk diameter of significant trees shall be measured at 48" above grade or at the top of the remaining stump if already cut or harvested.

F. *Noxious Trees* are Buckthorn, Sumac, Box Elder, Siberian Elm, ~~and Green Ash,~~ and White Poplar.

G. *A Tree Preservation Plan* is a plan which meets the requirements of subdivision 5 of this section.

H. *Intentional Harm* to a tree shall include the cutting, poisoning, damaging, killing, or causing of disease or other act intended to damage, disease, or kill a tree.”

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 \_\_\_\_\_, 2019.

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

CITY OF GREENWOOD

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

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

First reading: \_\_\_\_\_, 2019  
Second reading: \_\_\_\_\_, 2019  
Publication: \_\_\_\_\_, 2019



**Agenda Number: 9A**

**Agenda Date: 08-07-19**

*Prepared by Deb Kind*

**Agenda Item:** Discuss: Maintenance of Greenwood Park Tennis Court

**Summary:** At the July council meeting under Council Reports, the city council discussed the potential need for tennis court maintenance. The council decided to place this item on the city council agenda for further discussion and potential action.

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

1. I move the city council authorizes staff to spend up to \$\_\_\_\_\_ from the Park Maintenance budget (101-43900-314) in the General Fund to complete the \_\_\_\_\_ project at Greenwood Park tennis court.
2. Do nothing or other motion ???



**Agenda Number: 9B**

**Agenda Date: 08-07-19**

*Prepared by Deb Kind*

**Agenda Item:** Discuss: Excelsior Blvd Trees & Lilacs

**Summary:** At the June council meeting under Council Reports, the city council discussed the potential need to replace lilacs and trees along Excelsior Blvd. The council decided to place this item on the city council agenda for further discussion and potential action.

For the council's reference, attached is an email received from Janice Creamer.

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

1. I move the city council authorizes staff to secure an estimate to replace dead trees and lilacs along Excelsior Blvd.
2. Do nothing or other motion ???

**From:** Janice Creamer jycreamer4@gmail.com  
**Subject:** Greenwood Boulevard and Lilacs  
**Date:** July 22, 2019 at 12:01 PM  
**To:** Debra Kind dkind100@me.com

---



Hello Deb,

As the summer has progressed and we are soon into August. My concern for the lilacs missing and weeds along Greenwood's Boulevard has increased.

The healthy lilacs that were planted after road construction are doing well. My issue is there are missing lilacs and the weeds are terrible. The "grass" along the boulevard has been nothing but weeds and thistles. My request is to replant the missing lilacs with a plan to double the row of lilacs as has been done by the gas station. The bike path is also growing weeds in the cracks. Who addresses the curb appeal for Greenwood.

Thanks so much for your consideration of this issue. I wrote previously regarding this very problem and then a fire was started while the cotton was falling from the trees and the fire trucks were called. Damage was already done and only increased with the loss of the lilacs.

Thank you for your work and continuing support to making Greenwood a wonderful place to live.

Janice Y; Creamer  
21020 Excelsior Boulevard  
Greenwood, MN 55331



**Agenda Number: 9D**

**Agenda Date: 08-07-19**

*Prepared by Deb Kind*

**Agenda Item:** Consider: Res 31-19 City Administrator Appointment

**Summary:** See the attached letter from Mayor Kind to the Excelsior Fire District Board outlining the city's desire to have separate representation on the EFD Operating Committee because it is unfair and unrealistic to expect Deephaven City Administrator Dana Young to represent both Deephaven and Greenwood on the Operating Committee.

The EFD Board asked their attorney to weigh in regarding this topic. Attached is the EFD attorney's opinion that only the Chief Administrative Officer (either a City Manager, a City Administrator, or City Clerk) of a member city may be appointed to the Operating Committee. The attorney does not say that the City Administrator cannot be an elected official.

The League of Minnesota Cities Handbook (see attached) notes that city councils may establish, by ordinance or resolution, a Chief Administrative Officer, often called the City Administrator position. The city may assign coordinating duties of the City Administrator to the City Clerk, Deputy Clerk, or Special Administrative Officer. The LMC Handbook also notes that state statutes do not specifically provide for a City Administrator or define the powers of the position and that duties can vary greatly from city to city. In Greenwood, it can be argued that the City Administrator responsibilities are carried out by Mayor Kind ...

Budget preparation  
Review payables and sign checks  
City council meeting packet preparation  
Drafting of meeting minutes  
Website management  
Newsletter preparation  
Day-to-day interaction with staff  
And more ...

Minnesota state statute 410.191 (attached) says city council members cannot be full-time employees of the city. This means that city council members can be appointed to positions such as a City Administrator as long as the position is not full-time.

The Greenwood city council has appointed Dana Young to serve as our City Clerk, but we have not appointed anyone to serve as our City Administrator.

If the Greenwood city council wishes to have separate representation on the EFD Operating Committee, the council must appoint a City Administrator.

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

1. I move the city council approves resolution 31-19 appointing Deb Kind as the Greenwood City Administrator.
2. Do nothing or other motion.

May 25, 2019

Excelsior Fire District Board  
c/o Chief Ken Prillaman  
24100 Smithtown Road  
Shorewood, MN 55331



SENT VIA EMAIL

**Re: Greenwood's EFD Operating Committee Appointment**

EFD Board Members,

Since Greenwood's city clerk Dana Young also is the city administrator for Deephaven, it is unfair and unrealistic to expect him to represent two cities on the EFD Operating Committee. Therefore, at the 05-29-19 EFD Board meeting, I respectfully request that the Board honors Greenwood's decision to appoint an elected official to serve as Greenwood's Ex-Officio Member / Operating Committee Member. *Note: EFD JPA 2.2b states, "The chief administrative officer (city manager, administrator, or clerk) of each Member City shall serve on the Board as a non-voting Ex-Officio Member. EFD JPA 2.7 states the Ex-Officio Members shall comprise the Operating Committee.*

At our 04-03-19 meeting, the Greenwood city council appointed Councilman Tom Fletcher (Greenwood's EFD Board Member) as the city's Fire District Chief Administrative Officer to comply with EFD JPA 2.2b, so Greenwood can have representation on the Operating Committee. If the Board prefers, it is likely that the Greenwood city council would be willing to appoint me (Mayor Kind) instead. *Note: Councilman Fletcher and I comprise Greenwood's Administrative Committee and are the chief administrative officers of the city.*

Another option would be to proceed under EFD JPA 2.2c and have Greenwood's Alternate Member participate in the absence of an Ex-Officio Member. Since EFD JPA 2.2c specifically requires an elected official serve as the Alternate Ex-Officio Member / Operating Committee Member, there is not a JPA or state statute conflict by having an elected official serve in this capacity – contrary to what is stated in the 05-29-19 EFD Operating Committee Board Packet Memo.

The EFD Operating Committee Board Packet Memo also states, "The presence of an elected official at [Operating Committee] meetings could be to the detriment of the management of the organization, especially if the fire chief is experiencing issues with the Board." Minnesota Statute 13D.01 requires that "all meetings must be open to the public when required or permitted by law to transact public business in a meeting of any committee of a public body." Per EFD JPA 2.7, the Operating Committee has the authority to approve budgeted expenditures (transact public business). Thus, it is not appropriate to exclude elected officials or any other member of the public from Operating Committee meetings as implied in the memo. It is important that the EFD Board and Operating Committee immediately evaluate the Operating Committee procedures going forward to ensure full compliance with the Minnesota Open Meeting Law.

My hope is that this matter is resolved in a manner that is agreeable for all the EFD cities at the 05-29-19 Board meeting. If this is not possible, I respectfully request the EFD Board obtain the opinion of its attorney regarding the JPA's terms as they apply to Greenwood's appointment of an elected official to serve on the Operating Committee.

Sincerely,

A handwritten signature in black ink that reads "Debra J. Kind". The signature is written in a cursive style with a large, prominent "D" and "K".

Debra J. Kind  
Mayor, City of Greenwood

CC: EFD Operating Committee, Greenwood City Council

**GREGERSON, ROSOW, JOHNSON & NILAN, LTD.**  
**ATTORNEYS AT LAW**

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ROBERT I. LANG (1922-2012)  
ROGER A. PAULY (RETIRED)

#Also admitted in Illinois  
\*Also admitted in Wisconsin  
†Also admitted in North Dakota  
+MSBA Board Certified Real Property Specialist

Writer's Direct Dial: 612-436-7477  
Writer's E-mail: rrosow@grjn.com

July 11, 2019

Curt Mackey, Fire Chief  
Excelsior Fire District  
24100 Smithtown Road  
Shorewood, MN 55331

VIA EMAIL

**RE: Joint Powers Agreement Questions**  
**Our File No.: 2013**

Dear Chief Mackey:

The Board of the Excelsior Fire District has submitted eight (8) questions to me relating to representation on the Operating Committee and potential amendment to the Joint Powers Agreement ("JPA"). Ken Prillaman's letter of June 11, 2019 contains the following recitation of the questions:

1. *The City of Greenwood has expressed a desire to appoint a representative to the Operating Committee. The city has no employees.*
  - a. *Under the current JPA, can they appoint a representative to the operating committee?*
  - b. *Can they appoint an elected official to the operating committee based upon the existing terms in the JPA?*
  - c. *If they can appoint an elected official, does it need to be an elected official who does not concurrently serve on the board?*
  - d. *Does an elected official on the operating committee create any liability if personnel matters are discussed during an operating committee meeting?*
  - e. *Would an elected official, on the operating committee, have any unintended legal consequences?*
  - f. *Would the JPA need to be amended in order to allow Greenwood to have representation on the operating committee?*
2. *The general consensus is that the Operating Committee is subject to open meeting rules as an ad hoc committee of the board. The board recognizes that this creates a scenario where the fire chief is limited as to the topics that might be discussed, or the timing of those discussions.*
  - a. *Can the JPA be modified so that meetings between the fire chief and the operating committee can be "staff meetings," and not subject to open meeting rules.*

- b. *Would this change have unintended consequences with regard to limiting other business that could be handled by the operating committee?*

In reviewing this matter, I have reviewed the 3<sup>rd</sup> Amendment to the JPA dated November 16, 2011 and additional documents forwarded by Ken Prillaman. I have also consulted my research files regarding the open meeting law. Based on that review I have the following responses to the questions that the Board presented.

**Question 1. a: Under the current JPA, can they (*City of Greenwood*) appoint a representative to the operating committee?**

Response: The JPA provides authority for each member City, including Greenwood, to appoint a representative to the operating committee. The JPA provides that only ex-officio members of the Board shall comprise the Operating Committee. Ex-officio members are defined as the “chief administrative officer of a member city, either a city manager, a city administrator or city clerk. Greenwood has no employees but contracts with the City of Deephaven for administrative services. Dana Young, the City Administrator for Deephaven, therefore also serves as the City Administrator for Greenwood. Mr. Young qualifies as an ex-officio member on the Operating Committee for Deephaven and Greenwood.

**Question 1. b: Can they (*the City of Greenwood*) appoint an elected official to the operating committee based upon the existing terms in the JPA?**

Response: No. Under the existing terms of the JPA only the Chief Administrative Officer of a member City may be appointed to the Operating Committee.

**Question 1. c: If they (*the City of Greenwood*) can appoint an elected official, does it need to be an elected official who does not concurrently serve on the board?**

Response: Not applicable, as an elected official cannot be appointed as stated above.

**Question 1. d: Does an elected official on the operating committee create any liability if personnel matters are discussed during an operating committee meeting?**

Response: The Operating Committee does not have jurisdiction over personnel matters. Under Section 5.1 personnel matters, including hiring, termination, supervisor, discipline and direction of District Personnel, the establish of rules of conduct for personnel, and the carrying out of policies and procedures adopted by the Board are delegated to the Fire Chief/District Administrator. The Operating Committee has no role under the JPA in personnel matters. Normally a chief administrator of a public entity discusses personnel matters with another employee of the entity who serves in a supervisory capacity with respect to the employee whose conduct is at issue.

Even if the JPA was amended to provide personnel oversight duties to the Operating Committee, the opportunity to close a meeting is limited under the Open Meeting Law. Minnesota Statutes § 13D.05 Subd 2.(b) provides that “A public body shall close one or more meetings for

*preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open.”* If the JPA is amended to allow the Operating Committee to have personnel oversight duties and to allow for elected officials to serve on the Operating Committee, I do not believe that liability is created so long as the Open Meeting Law is fully complied with.

**Question 1. e: Would an elected official, on the operating committee, have any unintended legal consequences?**

Response: This is very difficult to answer in the abstract. If the JPA is amended as set forth above, the Operating Committee should take care to act in accordance with the law, including the Open Meeting Law. The fact there is an elected official on the Operating Committee does not change the responsibilities all members of the Operating Committee have with respect to legal compliance matters.

**Question 1. f: Would the JPA need to be amended in order to allow Greenwood to have representation on the operating committee?**

Response: This depends on who is proposed to represent Greenwood on the Operating Committee. If it is someone other than the Chief Administrative Officer, then the answer is yes. An agent cannot serve two principals with respect to the same subject matter without consent of both. If Deephaven and Greenwood agree and consent that Mr. Young can serve on the Operating Committee for both cities, then the JPA does not need to be amended.

**Question 2. a: Can the JPA be modified so that meetings between the fire chief and the operating committee can be “staff meetings,” and not subject to open meeting rules.**

Response: No. It is my opinion that you cannot change the result by changing the name of the meeting that is attended by the members of the Operating Committee. It is the facts that govern. Operating Committee members are not employees of the District. Calling a meeting they attend a “staff meeting” does not make the members employees. As stated above, the JPA can be amended to give personnel oversight duties to the Operating Committee. The meetings would still be subject to the Open Meeting Law, however, and would not be considered staff meetings.

**Question 2. b: Would this change have unintended consequences with regard to limiting other business that could be handled by the operating committee?**

Response: See above response. Amending the JPA to add personnel oversight responsibilities to the Operating Committee would not limit the other business that would otherwise be handled by the Operating Committee.

Curt Mackey, Fire Chief  
July 15, 2019  
Page 4

Very truly yours,

GREGERSON, ROSOW, JOHNSON & NILAN, LTD.

---

Richard F. Rosow

RFR

P:\home\2013.001 - Excelsior Fire District - General\Correspondence\Correspondence - Out\Drafts\2019 07 11 - RFR to Mackey  
Re Board Questions on Operating Committee - MLN rev.docx

CONFIDENTIAL DRAFT

## RELEVANT LINKS:

[Minn. Stat. § 412.111.](#)

[Minn. Stat. § 412.111.](#)

[A.G. Op. 471-F \(Oct. 24, 1961\). \*Jewell Belting Co. v. Village of Bertha\*, 91 Minn. 9, 97 N.W. 424 \(1903\).](#)

### 1. City administrator

The city council may appoint employees for the city as deemed necessary for its proper management and operation. Standard Plan and Plan A city councils may establish, by ordinance or resolution, a chief administrative officer, often called the city administrator position. The city may assign coordinating duties of the city administrator to the city clerk, deputy clerk or special administrative officer.

The history of the city administrator position is less defined than the clerk and manager positions. In Minnesota, the city administrator position has typically grown out of the city clerk position. As a city's operations grow more complex, it becomes unrealistic for the elected body to personally oversee all day-to-day operations. In a move toward delegating some of these day-to-day functions, many city councils have chosen to create the position of city administrator.

A key issue in the creation of the city administrator position is the level of authority, particularly supervisory authority over other city staff that will be vested in the position. In some cities, the responsibilities may be essentially an expansion of the city clerk's duties. Other cities may give the administrator broader powers.

Since state statutes do not specifically provide for a city administrator, or define the powers of the position, duties can vary greatly from city to city. Generally, the council delegates day-to-day responsibilities of city administration. But when the position is combined with that of the city clerk, the position will include all the duties of the city clerk as well.

Delegated duties must be ministerial. The courts will not permit the delegation of legislative discretion. The duties the council may delegate include the supervision of workers, accounting, preparation of reports, factual determinations, and execution of council policies. The administrator may not hire and fire employees or make purchases and allow contracts unless the council sets specific standards governing these actions.

The following responsibilities are among those often assigned to city administrators:

- **Administration direction.** Direct the administration of the city as provided by council action, and state and federal statutes.
- **City affairs.** Coordinate with the city council in administering city affairs.
- **Policy recommendations.** Recommend adoption of policies that will further goals of the city council and generally improve the quality of city administration.

## RELEVANT LINKS:

- **Local improvements and city projects.** Prepare reports and summaries relating to proposed municipal projects/improvements and submit them with recommendations as may be required to the council for study and subsequent action.
- **Budgets.** Prepare a recommended budget for consideration by the city council.
- **Financial statements.** Prepare the annual financial statement and perform other duties as required by statute.
- **Meetings.** Attend and participate in all council meetings. Attend (at administrator's discretion or by invitation) other committee and commission meetings.
- **City programs.** Coordinate city programs and activities as authorized by the council.
- **Financial reports.** Submit quarterly reports to the council on the financial condition of the city's accounts.
- **Elections.** Supervise the administration of local elections in accordance with prescribed laws and regulations.
- **Supervision.** Supervise and have day-to-day oversight over the activities of all city department heads and administrative staff.
- **Employment.** Provide recommendations to the council regarding employment and removal of city staff.
- **Cooperate with professional staff.** Work in cooperation with the city attorney and city engineer.
- **Public relations.** Prepare news releases, and develop and discuss public relations materials. Maintain effective public relations with the local media and general public.
- **Consultation.** Consult with appointed officials and other public or private entities as may be required.
- **Other public programs.** Stay informed of all federal, state, and county programs that affect the city.
- **Labor negotiation.** Negotiate or delegate the negotiation of the terms and conditions of employee labor contracts.
- **Other duties.** Perform all other duties required of administrator by ordinances or resolutions adopted by the council.

Cities should consult their city ordinances for a list of the administrator's job duties. Home rule charter cities with administrators should consult their charters for similar information.

## 2. Other offices

There are a number of other types of offices that city councils create to serve the needs of the city. These offices will vary in their responsibilities from city to city.

**410.191 CITY COUNCIL MEMBERS; CITY EMPLOYMENT.**

Notwithstanding any charter provision, neither the mayor nor any city council member may be employed by the city. For purposes of this section, "employed" refers to full-time permanent employment as defined by the city's employment policy.

## Resolution 31-19 – City of Greenwood 2019 Appointments & Assignments

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments and assignments for 08-07-19 through 01-01-20.

OFFICE & DESIGNATIONS	2018 HOLDER	2019 HOLDER
Administrative Committee	Deb Kind, Tom Fletcher	Deb Kind, Tom Fletcher
Accountant	CliftonLarsonAllen	CliftonLarsonAllen
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Mark Kelly, Bob Vose (alternate)	Mark Kelly, Bob Vose
Attorney - Conduit Financing Projects	Jennifer Hanson	Jennifer Hanson
Attorney - Prosecutor	Ken Potts	Ken Potts
Bank Signatures	Kind, Fletcher, Courtney	Kind, Fletcher, Courtney
Building Official	Lenny Rutledge (City of Minnetonka)	Lenny Rutledge (City of Minnetonka)
City Administrator		Deb Kind
City Clerk	Dana Young	Dana Young
Depositories	Bridgewater Bank, Allerus Bank	Bridgewater Bank, Allerus Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wednesdays (Jan, Mar, May, Jul, Sep, Nov)	Tom Fletcher, Bob Quam (alt.)	Tom Fletcher, Rob Roy (alt.)
<del>Fire District Chief Administrative Officer – Operating Committee Representative</del>		Tom Fletcher
Forester / Certified Tree Inspector	Manuel Jordan	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representative - 2 reps (1 elected official), meets 2nd Thursdays (Feb, Apr, May, Jul, Aug, Oct, Dec)	Tom Fletcher, Deb Kind	Tom Fletcher, Deb Kind
Lake Minnetonka Conservation District (LMCD) Rep - 2nd & 4th Wednesdays	Bill Cook (3yr term expires 1/31/20)	Bill Cook (3yr term expires 1/31/20)
Marina Clerk	Dana Young	Dana Young
Mayor Pro-Tem	Bob Quam	Tom Fletcher
Minnetonka Community Education (MCE) Advisory Council Representative – meets 5 Mondays (Jan, Mar, May, Oct, Nov)	Bob Quam	Rob Roy
Newspapers	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)
Planning Commissioners and City Council Liaison – 3rd Wednesdays	A-1 Dean Barta (6/18-3/20)	A-1 Dean Barta (6/18-3/20)
	A-2 David Steingas (10/16-3/20)	A-2 David Steingas (10/16-3/20)
	A-3 Kelsey Nelson (11/18-3/20)	A-3 Kelsey Nelson (11/18-3/20)
	B-1 Pat Lucking (2/01-3/19)	B-1 Pat Lucking (2/01-3/21)
	B-2 Jennifer Gallagher (9/16-3/19)	B-2 Vacant (___-3/21)
	Alt-1 Vacant (___-3/20)	Alt-1 Vacant (___-3/20)
	Alt-2 Vacant (___-3/19)	Alt-2 Vacant (___-3/21)
	Alt-3 Kristi Conrad (council liaison)	Alt-3 Kristi Conrad (council liaison)
Public Safety City Administrator Representative (police and fire)	Dana Young	Dana Young
Public Works Committee (roads, sewer, stormwater, etc.)	Bob Quam, Bill Cook	Deb Kind, Bill Cook
Responsible Authority (Govt. Data Practices Act)	Dana Young	Dana Young
St. Alban's Bay Lake Improvement District Ex-Officio Director	Bill Cook	Bill Cook
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (must be mayor, meets quarterly)	Deb Kind, Bob Quam (alt.)	Deb Kind, Tom Fletcher (alt.)
Treasurer	Mary Courtney	Mary Courtney
Utility Billing Clerk	Deborah Hicks	Deborah Hicks
Weed Inspector (must be mayor), Assistant Weed Inspector	Deb Kind, John Menzel (assistant)	Deb Kind, John Menzel (assistant)
Zoning Administrator	Dale Cooney	Dale Cooney

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

**ADOPTED** by the city council of the city of Greenwood, Minnesota this \_\_\_ day of \_\_\_, 2019.

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

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

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



Agenda Number: **11A-E**

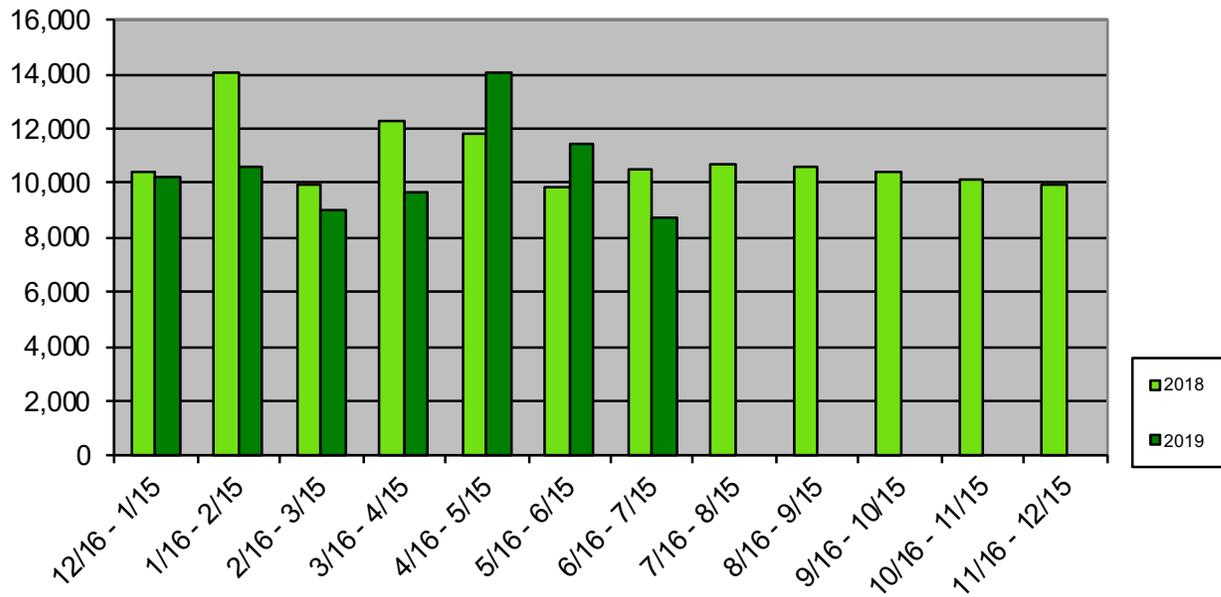
**Agenda Item:** Council Reports

**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	2018	2019	Variance with Prior Month	Variance with Prior Year	Bulk Email List
12/16 - 1/15	10,441	10,255	356	-186	176
1/16 - 2/15	14,039	10,576	321	-3,463	175
2/16 - 3/15	9,974	9,038	-1,538	-936	174
3/16 - 4/15	12,252	9,638	600	-2,614	174
4/16 - 5/15	11,773	14,074	4,436	2,301	173
5/16 - 6/15	9,836	11,420	-2,654	1,584	173
6/16 - 7/15	10,511	8,766	-2,654	-1,745	173
7/16 - 8/15	10,658		-8,766	-10,658	
8/16 - 9/15	10,555		0	-10,555	
9/16 - 10/15	10,439		0	-10,439	
10/16 - 11/15	10,159		0	-10,159	
11/16 - 12/15	9,899		0	-9,899	
<b>AVERAGE</b>	<b>10,878</b>	<b>10,538</b>			

**POPULATION: 724**  
**EMAIL ADDRESSES % OF POPULATION: 24.61%**

Population source: [www.metrocouncil.org](http://www.metrocouncil.org), Data & Maps, Download Data, Population and Household Estimates  
Population figure updated: 03-24-19

## 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.

<b>Begin Date</b>	<input type="text" value="6/16/2019"/>
<b>End Date</b>	<input type="text" value="7/15/2019"/>
<b>Report Name</b>	<input type="text" value="Page Views (Default)"/>

## Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	4428	50.51%
<a href="#">Agendas, Minutes, Meeting Packets</a>	558	6.37%
<a href="#">City Departments</a>	313	3.57%
<a href="#">Welcome to Greenwood</a>	225	2.57%
<a href="#">Planning Commission</a>	222	2.53%
<a href="#">Assessments &amp; Taxes</a>	218	2.49%
<a href="#">REPs &amp; Bids</a>	208	2.37%
<a href="#">Budget &amp; Finances</a>	172	1.96%
<a href="#">Code Book of Ordinances</a>	164	1.87%
<a href="#">Forms, Permits, Licenses</a>	162	1.85%
<a href="#">Mayor &amp; City Council</a>	136	1.55%
<a href="#">Public Safety</a>	132	1.51%
<a href="#">Garbage &amp; Recycling</a>	104	1.19%
<a href="#">Community Surveys</a>	84	0.96%
<a href="#">Elections, Voting</a>	80	0.91%
<a href="#">Spring Clean-Up Day</a>	77	0.88%
<a href="#">Photo Gallery</a>	76	0.87%
<a href="#">July 4th</a>	75	0.86%
<a href="#">Fire Department</a>	71	0.81%
<a href="#">Links</a>	70	0.8%
<a href="#">Parks, Trails &amp; Watercraft Amenities</a>	62	0.71%
<a href="#">Sewer, Stormwater, Water, Garbage, Recycling</a>	61	0.7%
<a href="#">Lake Minnetonka</a>	60	0.68%
<a href="#">Email Sign-Up</a>	60	0.68%
<a href="#">Watercraft Spaces</a>	60	0.68%
<a href="#">Toilet Drain Guide</a>	55	0.63%
<a href="#">St. Alban's Bay Lake Improvement District</a>	55	0.63%
<a href="#">Agendas, Minutes, Meetings</a>	52	0.59%
<a href="#">Meetings</a>	52	0.59%
<a href="#">Finances, Taxes, Assessments</a>	51	0.58%
<a href="#">Comp Plan</a>	49	0.56%

<a href="#">News, Events</a>	47	0.54%
<a href="#">Recreation, Amenities</a>	42	0.48%
<a href="#">Search Results</a>	41	0.47%
<a href="#">Coyotes &amp; Animal Services</a>	39	0.44%
<a href="#">Old Log Events</a>	39	0.44%
<a href="#">Tree Contractors</a>	37	0.42%
<a href="#">Well Water</a>	36	0.41%
<a href="#">City Newsletters</a>	35	0.4%
<a href="#">Homesteading</a>	34	0.39%
<a href="#">Meetings on TV</a>	34	0.39%
<a href="#">SABLID Email Sign-Up</a>	33	0.38%
<a href="#">Emergency Preparedness</a>	33	0.38%
<a href="#">Tour de Tonka</a>	29	0.33%
<a href="#">Smoke Testing</a>	27	0.31%
<a href="#">Luck O' the Lake</a>	27	0.31%
<a href="#">Library Events</a>	20	0.23%
<a href="#">Christkindlsmarkt</a>	18	0.21%
<a href="#">Unsubscribe</a>	3	0.03%
<b>TOTAL</b>	<b>8766</b>	<b>100%</b>

### Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	1138	28.46%
City Departments	247	6.18%
Agendas, Minutes, Meeting Packets	245	6.13%
Welcome to Greenwood	139	3.48%
Forms, Permits, Licenses	124	3.1%
Assessments & Taxes	123	3.08%
Public Safety	108	2.7%
Planning Commission	100	2.5%
Mayor & City Council	93	2.33%
Code Book of Ordinances	92	2.3%
Garbage & Recycling	78	1.95%
Budget & Finances	76	1.9%
July 4th	65	1.63%
Elections, Voting	63	1.58%
Photo Gallery	63	1.58%
Spring Clean-Up Day	57	1.43%
Community Surveys	56	1.4%
Lake Minnetonka	55	1.38%
Parks, Trails & Watercraft Amenities	52	1.3%
Email Sign-Up	51	1.28%
Watercraft Spaces	48	1.2%
St. Alban's Bay Lake Improvement District	48	1.2%
Sewer, Stormwater, Water, Garbage, Recycling	47	1.18%
Meetings	46	1.15%
Toilet Drain Guide	46	1.15%
RFPs & Bids	45	1.13%
Agendas, Minutes, Meetings	44	1.1%
Fire Department	44	1.1%
Links	41	1.03%
Finances, Taxes, Assessments	41	1.03%
Comp Plan	41	1.03%
News, Events	37	0.93%
Coyotes & Animal Services	35	0.88%
Recreation, Amenities	34	0.85%
Old Log Events	34	0.85%
Well Water	33	0.83%
City Newsletters	32	0.8%
Tree Contractors	31	0.78%

Homesteading	30	0.75%
Meetings on TV	29	0.73%
SABLID Email Sign-Up	28	0.7%
Emergency Preparedness	28	0.7%
Tour de Tonka	27	0.68%
Search Results	24	0.6%
Smoke Testing	23	0.58%
Luck O' the Lake	22	0.55%
Library Events	17	0.43%
Christkindlsmarkt	16	0.4%
Unsubscribe	2	0.05%
<b>TOTAL</b>	<b>3998</b>	<b>100%</b>

Generate Download File (.csv) for the current report: [Generate and Download](#)

**Done**



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.

Vickie Schleuning, Executive Director  
Lake Minnetonka Conservation District  
5341 Maywood Road, Suite 200  
Mound, MN 55364

July 5, 2019

Deb Kind, Mayor  
City of Greenwood  
5140 Curve Street  
Excelsior, MN 55331

RE: 5135 West Street-Compliance with LMCD Code

Dear Executive Director Schleuning and Mayor Kind:

I request your assistance.

Thomas and Tammy Smith appear to be renting boat slips at their property. The Smiths live at 5135 West Street in Greenwood. They keep 4 boats at their property. Their lot is very narrow, and all 4 boats are very large. In order to moor all the boats, the Smith have an excessively long dock.

I ask that you confirm the Smiths are in compliance with LMCD Code regarding the ownership/number of boats stored at their dock, the length of their dock, and the appropriate setbacks.

Based on the Smith's interactions with other neighbors, I am reluctant to identify myself as I fear retaliation. I also see nothing in the LMCD code that requires a signed complaint.

Now that you are aware of the situation, I remind you of our obligation to the public to enforce your code and ask that you do so here.

Thank you.

CC: Bill Cook  
Greenwood Council Member/LMCD Representative  
5195 Greenwood Circle  
Excelsior, MN 55331

Thomas and Tammy Smith  
5135 West Street  
Excelsior, MN 55331