

# AGENDA

## Greenwood City Council Meeting

Wednesday, October 2, 2019

20225 Cottagewood Road, Deephaven, MN 55331



*The public is invited to speak when items come up on the agenda (comments are limited to 3 minutes).*

*The public may speak regarding other items during Matters from the Floor (see below). Agenda times are approximate.*

*Hearing devices are available from the recording technician.*

- 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: 09-04-19 City Council Worksession / Meeting Minutes
  - B. Approve: Aug Cash Summary Report
  - C. Approve: Aug Certificates of Deposit Report
  - D. Approve: Sep Verifieds, Check Register, Electronic Fund Transfers
  - E. Approve: Oct Payroll Register
  - F. Approve: Res 39-19 Updating City Appointments & Assignments
  - G. Approve: Res 40-19, Final Plat Findings, John & Bridgette Dunn, 4940 St. Albans Bay Road
- 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. Presentation: Res 35-19, Commendation & Appreciation for Retiring City Attorney Mark Kelly
  - B. Announcement: St. Alban's Bay Lake Improvement District Annual Meeting, 10-22-19, 7pm, Council Chambers
  - C. Announcement: Fall Sales Ratio Meeting with Assessors, 10-31-19, 4pm, Council Chambers
- 7:15pm 5. PUBLIC HEARINGS
- A. Delinquent Accounts re: Unpaid Sewer, Stormwater, and Recycling Charges
- 7:20pm 6. ACTION RELATED TO PUBLIC HEARINGS
- A. Res 38-19 Delinquent Accounts re: Unpaid Sewer, Stormwater, and Recycling Charges
- 7:25pm 7. PLANNING, ZONING & SUBDIVISION ITEMS
- A. Approve: Res 29-19, Conditional Use Permit Findings Approving Landscaping Grading, Chuck & Cindy Hengel, 4680 Linwood Circle
  - B. Consider: Res 26-19, Variance Findings for Denial and Res 27-19, Conditional Use Permit Findings for Denial, re: Proposed Propane Tank, Minnoco Gas Station, 21380 State Highway 7
  - C. Consider: Res 36-19, Grading Conditional Use Permit Findings, Henry & LuAnn Wudlick, 4930 Sleepy Hollow Road
  - D. Discuss: Potential "Mother-In-Law Apartment" Ordinance
  - E. Discuss: Potential Ordinance Revision for Above-Grade Hot Tub Setbacks
- 8:00pm 8. UNFINISHED BUSINESS
- A. Consider: Estimates for Maintenance of Greenwood Park Tennis Court
  - B. Consider: Estimate for Replacing Excelsior Blvd Trees & Lilacs
- 8:10pm 9. NEW BUSINESS
- A. 1st Reading: Ord 295, Amending Chapter 5 Fee Schedule, Gasoline Station & Auto Repair Shops; Ord 296 Amending Section 420, Gasoline Stations & Auto Repair Shops; and Resolution 41-19, A Summary of Ord 296
- NONE 10. OTHER BUSINESS
- 8:15pm 11. COUNCIL REPORTS
- A. Conrad: Planning Commission
  - B. Cook: LMCD, SABLID, Public Works Committee
  - C. Fletcher: LMCC, Fire, Administrative Committee, Metro Cities, League of MN Cities
  - D. Kind: Police, Administrative Committee, Public Works Committee, Mayors' Meetings, Website
  - E. Roy: Minnetonka Community Education
- 8:30pm 12. ADJOURNMENT



**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 Worksession & Regular Meeting

Tuesday, September 4, 2019  
20225 Cottagewood Road, Deephaven, MN 55331



### Worksession

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

Mayor Kind called the worksession to order at 6:00pm.

Members Present: Mayor Kind; Councilmembers Kristi Conrad, Bill Cook, Tom Fletcher, Rob Roy

**Motion by Cook to approve the agenda. Second by Roy. Motion passed 5-0.**

#### 2. DISCUSSION: 2020 Budget & Fees

The council discussed the revised 2020 budget and fee changes. No further changes were made. The preliminary 2020 budget / levy and fees were approved during the regular meeting.

#### 3. ADJOURNMENT

**Motion by Roy to adjourn the meeting at 6:20pm. Second by Cook. Motion passed 5-0.**

### Regular Meeting

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

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

Members Present: Mayor Kind; Councilmembers Kristi Conrad, Bill Cook, Tom Fletcher, Rob Roy

Staff Members Present: City Zoning Administrator Dale Cooney, City Attorney Bob Vose

**Motion by Kind to approve the agenda with the change to move item 7F to 11.5 so the city council can hold a closed session at the end of the meeting. Second by Cook. Motion passed 5-0.**

#### 2. CONSENT AGENDA

A. Approve: 08-07-19 City Council Meeting Minutes

B. Approve: Jul Cash Summary Report

C. Approve: Jul Certificates of Deposit Report

D. Approve: Aug Verifieds, Check Register, Electronic Fund Transfers

E. Approve: Sep Payroll Register

F. Approve: Lake Minnetonka Communications Commission 2020 Budget

**Consent agenda motion: Motion by Kind that the city council approves the 2020 Lake Minnetonka Communications Commission budget as presented and directs that a copy of this motion is forwarded to the LMCC operations manager for LMCC records. Second by Roy. Motion passed 5-0.**

~~G. Approve: St. Alban's Bay Lake Improvement District JCA Amendment (discussed under 10A)~~

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

#### 3. MATTERS FROM THE FLOOR

David Steingas, 21500 Fairview Street, read a May 2019 letter written by Bob & Maureen Burns, 5080 Meadville Street, and stated that he would like to make the letter public.\* Steingas stated that he is a planning commission member and that he is concerned that the city council continually allows houses to be built that go against the city's ordinances and the planning commission's recommendations. Specifically, he expressed concern regarding the recent approval of the Krezowski project. The council explained that the Krezowski's plans changed significantly from what was reviewed by the planning commission and that the neighbors met with the Krezowskis and were supportive of the revised plans.

\* This letter is included in the 05-01-19 supplemental materials folder available for the public to view online at [greenwoodmn.com](http://greenwoodmn.com).

Matthew Nolan, 5040 Highview Place and 21441 Minnetonka Blvd, stated that he is interested in whether or not the city is interested in selling the property located next to his Minnetonka Blvd property. He and the owner of the property on the other side of the city-owned property are interested in reconfiguring the 4 parcels into 2 parcels that front on Highview. The council stated that the potential sale will be discussed in closed session at the end of the meeting and the results of that closed session will be communicated to him.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. None.

5. PUBLIC HEARINGS

A. Public Hearing: Tobacco License Fee Change

**Motion by Roy that the council opens the public hearing. Second by Cook. Motion passed 5-0.**

No one spoke during the public hearing.

**Motion by Roy that the council closes the public hearing. Second by Cook. Motion passed 5-0.**

6. ACTION RELATED TO PUBLIC HEARINGS

A. 1st Reading: Ord 293, 2020 Fee Updates

**Motion by Fletcher the city council (1) approves the 1st reading of ordinance 293 amending chapter 5 fee schedule as amended; (2) waives the 2nd reading; and (3) directs that the ordinance is published in the city's official newspaper. Second by Roy. Motion passed 5-0.**

7. PLANNING, ZONING & SUBDIVISION ITEMS

A. 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

Juston Dooley, Dooley's Petroleum, stated that he wanted to make it clear that his business is not related to past health and safety issues at the gas station.

**Motion by Fletcher that action regarding the variance findings resolution 26-19 be continued to the 10-02-19 city council meeting. Second by Conrad. Motion passed 5-0.**

**Motion by Fletcher that the city council (1) directs that the conditional use permit findings resolution 27-19 be amended to DENY the conditional use permit request of Dooley's Petroleum for 21380 State Highway 7 based on the council discussion, and (2) directs that the revised resolution be considered at the 10-02-19 city council meeting. Second by Roy. Motion passed 4-1 with Cook voting nay because he believes there are more things wrong that should be added to the list supporting denial.**

B. 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

Bob Palmer, Hengel's Landscaping Contractor, stated that the Hengels prefer their original landscaping plan and are open to withdrawing the spa variance request in order to move forward with the rest of the project as soon as possible.

Chuck Hengel, Applicant, stated that he concurred with the statement made by his landscaping contractor and encouraged the council to consider their efforts to create a project that respects the land of their former neighbor who was a much beloved gardener in the city.

**Motion by Cook that the city council (1) takes no action on resolution 28-19 laying out the findings of fact DENYING the setback variance request subject to the applicant withdrawing the application; (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 with revisions to make it clear that the spa is removed from the plan and that trap rock or river rock is used instead of patio stones; and (3) directs the staff to include the revised resolution 29-19 and revised landscaping plan on the 10-02-19 agenda for final approval.**

- C. Consider: Res 30-19, Preliminary Plat Application (Subdivision) Findings, John & Bridgette Dunn, 4940 Saint Albans Bay Road

Merritt Jones, 5045 Kings Court, asked what the next steps are in the process. The council explained that once the property is subdivided, any future building on the property would need to go through the building permit process. It is likely that the project will trigger the need for a conditional use permit for grading which will require planning commission review and city council approval. The council also advised that the city has ordinances that prevent additional stormwater from being dumped on neighboring properties.

**Motion by Fletcher that the city council (1) 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; and (2) directs 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. Motion passed 4-1 with Cook voting nay because he did not want the grading plan included in the council packet even though the grading plan is not part of the approval of the resolution.**

- D. Consider: Res 34-19, Conditional Use Permit Findings, Patrick & Meredith Murphy, 5135 Weeks Road

**Motion by Fletcher that city council (1) adopts resolution 34-19 laying out the findings of fact APPROVING the conditional use permit request of Patrick and Meredith Murphy, 5135 Weeks Road with revisions as discussed; (2) directs the city staff to mail a copy of the findings to the applicant and the DNR; and (3) directs an Affidavit of Mailing for each of the mailings be placed in the property file. Second by Conrad. Motion passed 5-0.**

- E. Consider: Res 35-19, Variance Findings and Res 36-19, Conditional Use Permit Findings, Henry & LuAnn Wudlick, 4930 Sleepy Hollow Road

Marta Snow, Architect and Daughter of Applicant, stated that she can take out a wall to make the project a single family home. She encouraged the council to establish a mother-in-law suite ordinance because there is a need for this type of housing in the community. She asked the council to clarify if the setback is 30ft or 15ft from the unimproved right-of-way.

Brian Burdick, 4950 Sleepy Hollow Road, stated that he would like the city council to follow the rules in our code and that it is important to keep the right-of-way open for others to use. Mr. Burdick also outlined points in his letter dated 09-03-19 and asked that his attorney's letter dated 09-04-19 be included in the public record.\*

*\* The 09-03-19 letter and 09-04-19 attorney letter will be included in the 09-04-19 supplemental materials folder available for the public to view online at [greenwoodmn.com](http://greenwoodmn.com).*

Trisha Burdick, 4950 Sleepy Hollow Road, stated that she would like to have access to the right-of-way to maintain her property.

Rob Wudlick, 4930 Sleepy Hollow Road (Son of the Applicant), stated there is precedent showing that the setback should be 15ft, it is not practical to tear down the existing house, that the right-of-way is not a traveled road, and that the goal is to limit the removal of trees and need for grading. He asked the council to give clarity regarding several questions: Is the city going to require removal of the access to his house; is the setback from the ROW 15ft or 30ft; does the existing house need to be brought into compliance (electrical, plumbing, furnace, etc); and does driveway need to be removed off ROW per the planning commission recommendation? He also would like the city council to address the mother-in-law suite issue (he currently pays rent).

**Motion by Cook that the city council supports staff's determination that the setback from the unimproved city right-of-way is 15ft. Second by Conrad. Motion passed 5-0.**

**Motion by Fletcher that there is no need for a variance and therefore the city should refund the variance fee to the applicant. Second by Conrad. Motion passed 5-0.**

Council direction for the applicant: evaluate removing the driveway from the right-of-way, make sure the current setback encroachments are removed with the new plan, make an interior connection that clearly is not establishing a 2nd dwelling, the building official determines what needs to be brought up to code.

The council consensus was for staff to move forward with drafting a "mother-in-law" ordinance.

Mayor Kind stated that it is important for the applicant to submit a withdrawal of their variance application and stated that the city will invoke its authority to take an additional 60 days to process conditional permit request to give the applicant time to revise their plans based on the council discussion.

~~F. Consider: Potential Purchase of City Property, 21495 Minnetonka Blvd~~

This item was moved to 11.5 on the agenda and discussed in a closed session.

G. Discuss: Ord 294, Amending Section 1135.05 C-2 Zoning District

**Motion by Fletcher that the city council directs staff to hold a public hearing on the ordinance revisions at the next available planning commission meeting. Second by Cook. Motion passed 5-0.**

8. UNFINISHED BUSINESS

A. Consider: Estimates for Maintenance of Greenwood Park Tennis Court

No council action, since no estimates have been received by the city.

B. Consider: Estimates for Replacing Excelsior Blvd Trees & Lilacs

No council action, since no estimates have been received by the city.

9. NEW BUSINESS

A. Consider: Resolution 34-19, Approving 2020 Preliminary Tax Levy

**Motion by Cook that the council approves resolution 34-19 approving \$636,492 as the preliminary tax levy for taxes collectible in 2020. Second by Roy. Motion passed 5-0.**

10. OTHER BUSINESS

A. 2G Approve: St. Alban's Bay Lake Improvement District JCA Amendment

**Motion by Fletcher that the city council (1) approves the St. Alban's Bay Lake Improvement District Joint Cooperation Agreement IV with revisions as discussed to give the SABLID Board more flexibility for setting the date of the Annual Meeting, (2) authorizes the mayor and city clerk to sign 3 hardcopies of the JCA, (3) directs that this motion and the 3 signed hardcopies be sent to the Excelsior City Council for consideration and signatures, and if approved (4) directs that 1 hardcopy is retained by Excelsior, 1 hardcopy is retained by Greenwood, and 1 hardcopy is sent to the SABLID secretary. Second by Cook. Motion passed 5-0.**

11. COUNCIL REPORTS

A. Conrad: Planning Commission

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

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

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

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

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

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

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

E. Roy: Minnetonka Community Education

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

11.5 Consider: Potential Purchase of City Property, 21495 Minnetonka Blvd

**Motion by Kind that the city council goes into a closed session pursuant to MN Statute 13D.05 Subd. 3(c) to determine the asking price for property to be sold by the city for the property located at 21495 Minnetonka Blvd. Second by Roy. Motion passed 5-0.**

Mayor Kind declared the closed session over at 10:42pm.

## 12. ADJOURNMENT

**Motion by Roy to adjourn the meeting at 10:43pm. Second by Cook. Motion passed 5-0.**

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

## GREENWOOD CERTIFICATES OF DEPOSIT

**Report Date**      **8/31/19**

Acct #	Bank	Date	Term	Maturity	Rate	Amount
x237	Bridgewater Bank	11/08/18	18 Month	05/08/20	2.48%	\$ 133,255.39
x238	Bridgewater Bank	03/08/19	18 Month	09/08/20	2.82%	\$ 133,180.73
x239	Bridgewater Bank	05/08/18	18 Month	11/08/20	2.48%	\$ 133,103.67
x240	Bridgewater Bank	05/08/18	16 Month	09/08/19	1.74%	\$ 132,856.94
x241	Bridgewater Bank	05/08/18	18 Month	11/08/19	2.08%	\$ 133,421.01
x242	Bridgewater Bank	05/08/18	22 Month	03/08/20	2.08%	\$ 133,421.01
<b>TOTAL</b>						<b>\$ 799,238.75</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.*

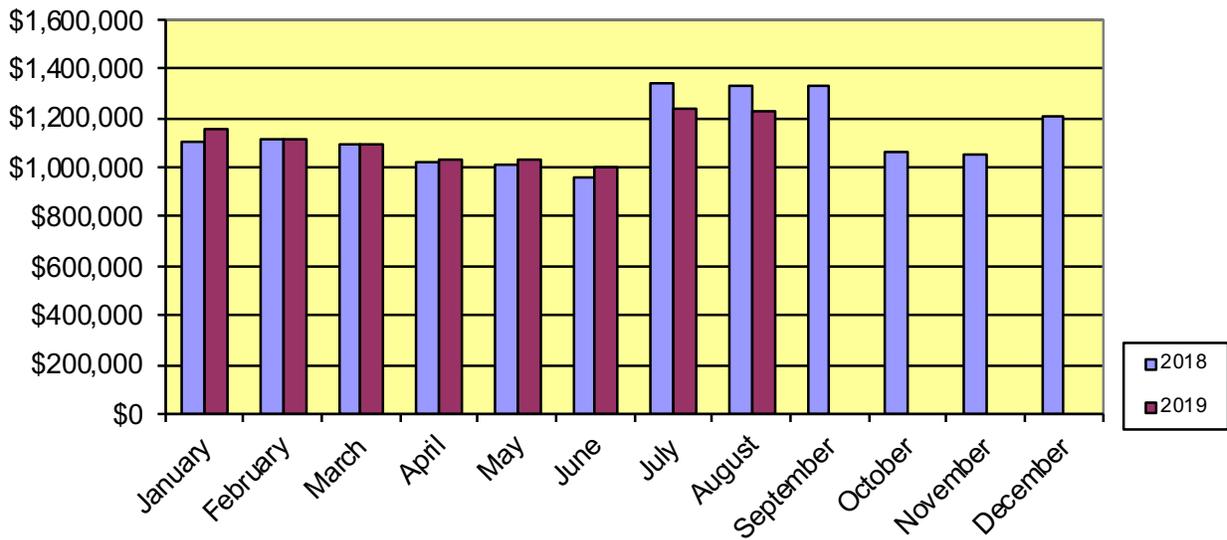
*11-02-16 Motion by Fletcher that the city council authorizes an increase from \$500,000 to \$600,000 for the city's maximum balance of certificate of deposit. Second by Roy. Motion passed 5-0.*

*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	\$1,235,754	\$234,440	-\$107,840
August	\$1,334,231	\$1,229,599	-\$6,155	-\$104,632
September	\$1,336,282		-\$1,229,599	-\$1,336,282
October	\$1,063,710		\$0	-\$1,063,710
November	\$1,056,473		\$0	-\$1,056,473
December	\$1,210,299		\$0	-\$1,210,299

Bridgewater Bank Checking	\$24,510
Bridgewater Bank Money Market	\$405,850
Bridgewater Bank CD's	\$799,239
	<b>\$1,229,599</b>

<b><u>ALLOCATION BY FUND</u></b>	
General Fund	\$388,441
Special Project Fund	\$8,436
General Fund Designated for Parks	\$14,580
Bridge Capital Project Fund	\$181,274
Road Improvement Fund	\$108,964
Stormwater Fund	\$34,171
Sewer Enterprise Fund	\$383,447
Marina Enterprise Fund	\$110,336
	<b>\$1,229,599</b>

Check Issue Date(s): 09/01/2019 - 09/30/2019

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
09/19	09/18/2019	11311	51	BOLTON & MENK, INC.	101-20100	6,882.00
09/19	09/18/2019	11312	9	CITY OF DEEPHAVEN	101-20100	6,355.56
09/19	09/18/2019	11313	889	DIVE GUYS	605-20100	1,350.00
09/19	09/18/2019	11314	822	ECM PUBLISHERS INC	101-20100	190.40
09/19	09/18/2019	11315	199	ELECTRIC PUMP	602-20100	1,554.45
09/19	09/18/2019	11316	581	EMERY'S TREE SERVICE, INC.	101-20100	1,600.00
09/19	09/18/2019	11317	68	GOPHER STATE ONE CALL	602-20100	70.20
09/19	09/18/2019	11318	601	HENNEPIN COUNTY TREASURER	101-20100	10,500.00
09/19	09/18/2019	11319	626	HENRY AND LUANN WUDLICK	101-20100	400.00
09/19	09/18/2019	11320	886	KENNETH N. POTTS, P.A.	101-20100	400.00
09/19	09/18/2019	11321	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,772.50
09/19	09/18/2019	11322	891	LEAGUE OF MINNESOTA CITIES	101-20100	30.00
09/19	09/18/2019	11323	26	LEAGUE OF MN CITIES	101-20100	902.00
09/19	09/18/2019	11324	255	LMC INSURANCE TRUST	101-20100	4,254.00
09/19	09/18/2019	11325	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,323.07
09/19	09/18/2019	11326	859	PRIDE CONSTRUCTION & EXC INC	404-20100	7,500.00
09/19	09/18/2019	11327	893	REPUBLIC SERVICES #894	101-20100	1,926.55
09/19	09/18/2019	11328	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	16,334.25
09/19	09/18/2019	11329	901	TWIN CITY OUTDOOR SERVICES INC	404-20100	5,000.00
09/19	09/18/2019	11330	902	WASTE MANAGEMENT OF WI-MN	101-20100	6.79
09/19	09/18/2019	11331	145	XCEL ENERGY	602-20100	617.26
Totals:						<u>69,969.03</u>

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

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

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0238486	2019 SEWER PROJECT	08/31/2019	4,249.00
		0238550	2019 DEVELOPMENT REVIEW	08/31/2019	640.00
		0238552	2019 MISC DRAINAGE	08/31/2019	290.00
		0238553	2019 MISC ENGINEERING	08/31/2019	30.00
			2019 MISC ENGINEERING		30.00
			2019 MISC ENGINEERING		60.00
		0238554	2019 STREET IMPROVEMENTS	08/31/2019	1,583.00
Total BOLTON & MENK, INC.					6,882.00
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	SEPT 2019	Clerk Services	09/01/2019	3,232.80
			ZONING		1,121.04
			COUNCIL DESK SIGNS		29.02
			LIFT STN BATTERIES		148.00
			SEWER MNTNCE		1,824.70
Total CITY OF DEEPHAVEN					6,355.56
<b>DIVE GUYS</b>					
889	DIVE GUYS	5177	AQUATIC WEED REMOVAL	08/30/2019	1,350.00
Total DIVE GUYS					1,350.00
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	718795	LEGAL NOTICE	08/22/2019	89.25
		718796	LEGAL NOTICE	08/22/2019	71.40
		718797	LEGAL NOTICE	08/22/2019	29.75
Total ECM PUBLISHERS INC					190.40
<b>ELECTRIC PUMP</b>					
199	ELECTRIC PUMP	0066349-IN	LIFT STATION REPAIR	09/09/2019	1,554.45
Total ELECTRIC PUMP					1,554.45
<b>EMERY'S TREE SERVICE, INC.</b>					
581	EMERY'S TREE SERVICE, INC.	22626	TREE MAINTENANCE	09/05/2019	1,600.00
Total EMERY'S TREE SERVICE, INC.					1,600.00
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	9080431	Gopher State calls	08/31/2019	70.20
Total GOPHER STATE ONE CALL					70.20
<b>HENNEPIN COUNTY TREASURER</b>					
601	HENNEPIN COUNTY TREASURER	1000135440	2ND 1/2 2019 ASSMTS	08/22/2019	10,500.00
Total HENNEPIN COUNTY TREASURER					10,500.00
<b>HENRY AND LUANN WUDLICK</b>					
626	HENRY AND LUANN WUDLICK	09 16 19	VARIANCE FEE REFUND	09/16/2019	400.00
Total HENRY AND LUANN WUDLICK					400.00
<b>KENNETH N. POTTS, P.A.</b>					
886	KENNETH N. POTTS, P.A.	09 01 19	PROSECUTION SVCS	09/01/2019	400.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total KENNETH N. POTTS, P.A.				400.00
<b>LAKE MTKA CONSERVATION DISTRIC</b>					
99	LAKE MTKA CONSERVATION DI	3RD QTR 2019	3rd QTR LEVY PMT	06/24/2019	1,772.50
	Total LAKE MTKA CONSERVATION DISTRIC				1,772.50
<b>LEAGUE OF MINNESOTA CITIES</b>					
891	LEAGUE OF MINNESOTA CITIES	SEPT 1 2019	ANNUAL MEMBERSHIP DUES	09/01/2019	30.00
	Total LEAGUE OF MINNESOTA CITIES				30.00
<b>LEAGUE OF MN CITIES</b>					
26	LEAGUE OF MN CITIES	SEPT 1, 2019	Membership Dues 2019-2020	09/01/2019	902.00
	Total LEAGUE OF MN CITIES				902.00
<b>LMC INSURANCE TRUST</b>					
255	LMC INSURANCE TRUST	09 16 19	Municipality Insurance	09/16/2019	4,254.00
	Total LMC INSURANCE TRUST				4,254.00
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERV	0001100363	Monthly wastewater Charge	09/06/2019	2,323.07
	Total METRO COUNCIL ENVIRO SERVICES				2,323.07
<b>PRIDE CONSTRUCTION &amp; EXC INC</b>					
859	PRIDE CONSTRUCTION & EXC I	09 08 19	4945 SLEEPY HOLLOW RD WORK	09/08/2019	7,500.00
	Total PRIDE CONSTRUCTION & EXC INC				7,500.00
<b>REPUBLIC SERVICES #894</b>					
893	REPUBLIC SERVICES #894	0894-004974353	RECYCLING SVCS	08/15/2019	1,926.55
	Total REPUBLIC SERVICES #894				1,926.55
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	SEPT 2019	2019 OPERATING BUDGET	09/01/2019	16,334.25
	Total SO LAKE MINNETONKA POLICE DEPT				16,334.25
<b>TWIN CITY OUTDOOR SERVICES INC</b>					
901	TWIN CITY OUTDOOR SERVICE	SM-5646	CONCRETE REPLACEMENT	08/07/2019	5,000.00
	Total TWIN CITY OUTDOOR SERVICES INC				5,000.00
<b>WASTE MANAGEMENT OF WI-MN</b>					
902	WASTE MANAGEMENT OF WI-M	7294590-1593-3	RECYCLING SVCS	08/29/2019	6.79
	Total WASTE MANAGEMENT OF WI-MN				6.79
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	08 22 19	LIFT STATION #3	08/22/2019	35.92
			LIFT STATION #4		42.71
			LIFT STATION #6		88.40
		08 23 19	LIFT STATION #1	08/23/2019	43.85
		08 26 19	4925 MEADVILLE STREET *	08/26/2019	8.26

---

<u>Vendor</u>	<u>Vendor Name</u>	<u>Invoice No</u>	<u>Description</u>	<u>Inv Date</u>	<u>Net Inv Amt</u>
		08 28 19	Sleepy Hollow Road *	08/28/2019	8.28
		09 03 19	Street Lights *	09/03/2019	<u>389.84</u>
	Total XCEL ENERGY				<u>617.26</u>

Total Paid: 69,969.03  
Total Unpaid: -  
Grand Total: 69,969.03

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
10/01/19	PC	10/01/19	10011901	CONRAD, KRISTI	39		001-10101	286.53
10/01/19	PC	10/01/19	10011902	COOK, WILLIAM B.	37		001-10101	286.53
10/01/19	PC	10/01/19	10011903	Fletcher, Thomas M	33		001-10101	186.53
10/01/19	PC	10/01/19	10011904	Kind, Debra J.	34		001-10101	429.80
10/01/19	PC	10/01/19	10011905	ROY, ROBERT J.	38		001-10101	286.53
Grand Totals:								<u>1,475.92</u>

## Resolution 39-19 – City of Greenwood 2019 Appointments & Assignments

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments and assignments for 10-02-19 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)	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.)
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 2nd day of October, 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: **2G**

Agenda Date: **10-02-19**

*Prepared by Dale Cooney*

**Agenda Item:** Consider: Res 40-19, Final Plat Findings, John and Bridgette Dunn, 4940 St. Albans Bay Road

**Summary:** Copies of the application materials and staff report are attached reference. The city council reviewed the Preliminary Plat application at their 08-07-2019 and 09-03-2019 meeting and recommended approval with conditions of the request. No public hearing is required for Final Plat, and the planning commission does not review the Final Plat application.

**Key Dates:**

Application complete:	<del>September 19, 2019</del>
City Council Consideration:	October 2, 2019
60 Day Deadline:	November 18, 2019

**City Council Action:** Final action required by November 18, 2019. Consent agenda motion ...

1. I move the city council adopts resolution 40-19 laying out the findings of fact **APPROVING** the final plat subdivision request John and Bridgette Dunn for the plat named "Dunn Heights," 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.

**Council Action:** The city council must take action by 08-12-18 unless the council decides to exercise the city's option to take another 60 days to consider the request. Suggested motions ...

1. I move the city council adopts resolution **XX-18** laying out the findings of fact **APPROVING** the variance requests of David and Kimberly Barry to encroach 17.8 feet into the minimum required lake yard setback, and to exchange 49.2 square feet of landscape-related impervious surfaces for structural-related impervious surfaces for the proposed covered porch at 21550 Excelsior Boulevard, as proposed. 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 variance requests of David and Kimberly Barry, 21550 Excelsior Boulevard, to be considered at the September 5, 2018 city council meeting. I further move the city council directs city staff to exercise the city's option to take 60 additional days to process the variance application 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 David and Kimberly Barry, 21550 Excelsior Boulevard, 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:** Consider: Res 40-19, Findings for final plat subdivision request, John and Bridgette Dunn, property owners, at 4940 St. Albans Bay Road for the plat named “Dunn Heights”

**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 is required to go through the platting process. (The property was recently subdivided as a part of the Frauenshuh Third Addition.) The submitted final plat conforms to the proposed lot dimensions submitted at preliminary plat.

**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.

**Driveway Easement:** The applicants were proposing to maintain the location of the driveway to their property with the dedication of a private driveway easement. Section 1140.10 of the city code requires that driveways be setback 5 feet from the side lot line. As one of the conditions of preliminary plat, the city council determined that driveway for Lot 2 shall be reconfigured to fit within Lot 2, that the new driveway alignment be at least 5 feet from the property line and that the driveway reconfiguration shall be completed prior to the recording of the plat.

**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.

**Evidence of Title:**

Per code, an up-to-date certified abstract of title, registered property report or such other evidence as the city attorney may require showing title or control of the property. As of this writing, staff is awaiting that documentation.

**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. A condition of preliminary plat approval was that the applicant pay the required park dedication fee at the time of Final Plat application. The applicant has submitted a check for park dedication fees in the required amount.

**Review Process for 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 an application for Final Plat. The city must approve the Final Plat if all conditions of the Preliminary Plat have been met.

If the Final Plat is approved by the council, the applicant shall record it with the county registrar of deeds or registrar of titles within 6 months after the date of approval; otherwise the approval shall be considered void. The applicant shall, immediately upon recording, furnish the clerk with 2 prints of the final plat showing evidence of the recording.

**Conditions of Preliminary Plat:**

- (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. Status: Not complete. Will need to be completed prior to recording.
- (b) The building proposal for Lot 1 is preliminary, and approval only involves the general acceptability of the layout. Status: No action necessary.
- (c) Applicant pay the required park dedication fee at the time of Final Plat application. Status: Paid
- (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. Status: To be completed upon approval.

**Staff Recommendation:** Staff recommends approval (pending the receipt of evidence of title prior to the October 2, 2019 city council meeting) of the final plat for the plat named "Dunn Heights". The applicants have met the final plat submission requirements per city code Section 600.15, the final plat conforms to the preliminary plat, and meets the design standards and engineering specifications set forth in the ordinance.

# Generic Application Form

(this form is not a permit or license)



**Person completing form:**  Property Owner  Business Manager  Builder  Other:

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

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

Date form completed	September 19, 2019
Applicant (first name, full middle name, last name)	John Edward Dunn
Property address	4940 St. Albans Bay Road
Mailing address (if different than property address)	
Cell phone	952.200.2501
Email address	jdunn@express-scripts.com
MN license number (if applicable)	

**Type of permit / license desired:** *application for subdivision-Final Plat*

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

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

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

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

Signature of applicant

Date: September 19, 2019

<b>For Office Use Only</b>	Approved By:	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check	Amount \$	Approval Date:
----------------------------	--------------	--	-----------	----------------

*Form Updated 06.02.15*



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.

---

**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:

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

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

That the application of John and Bridgette Dunn for:

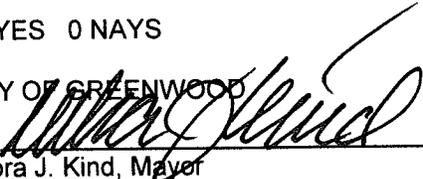
The Preliminary Plat to subdivide the property commonly known as 4940 St. Albans Bay Road, Greenwood, Minnesota into two lots pursuant to Greenwood ordinance code section 600.10 as shown in the survey Exhibit A attached hereto, is APPROVED with the following conditions:

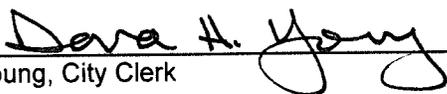
- (e) The driveway for Lot 2 shall be reconfigured to fit within Lot 2 and that the new driveway alignment be at least 5 feet from the property line. The driveway reconfiguration shall be completed prior to the recording of the subdivision plat; and
- (f) The building proposal for Lot 1 is preliminary, 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.
- (g) Applicant pay the required park dedication fee at the time of Final Plat application; and
- (h) 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.

**PASSED** this 4th day of September, 2019 by the city council of the city of Greenwood, Minnesota.

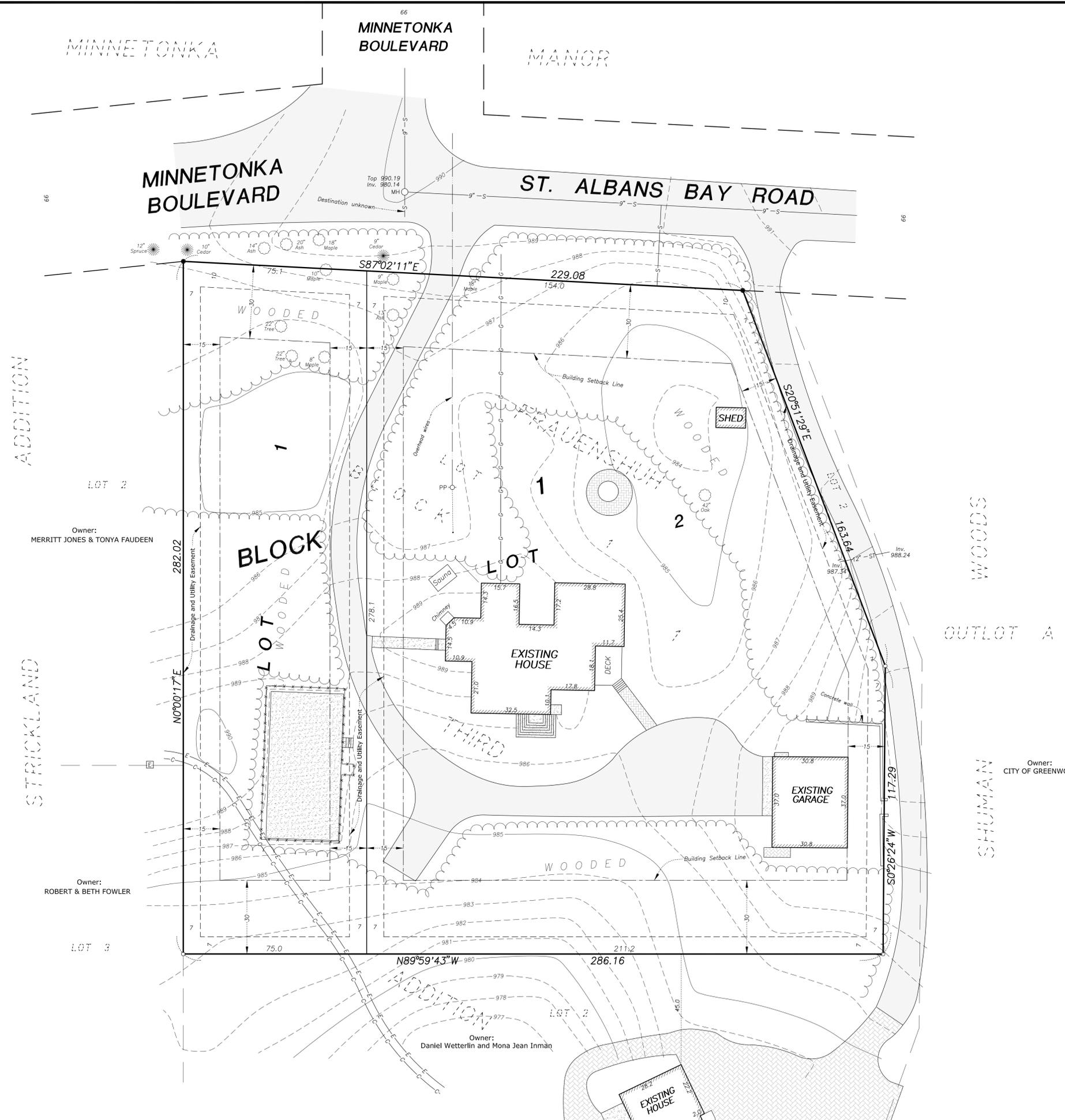
5 AYES 0 NAYS

CITY OF GREENWOOD

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

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

# 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

# DUNN HEIGHTS

R.T. DOC. NO. \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS: That John E. Dunn and Bridgette E. Dunn, husband and wife, fee owners of the following described property situated in the County of Hennepin, State of Minnesota to wit:

Lot 1, Block 1, FRAUENSHUH THIRD ADDITION.

Have caused the same to be surveyed and platted as DUNN HEIGHTS and do hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said John E. Dunn and Bridgette E. Dunn, husband and wife, have hereunto set their hand this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

John E. Dunn

Bridgette E. Dunn

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by John E. Dunn and Bridgette E. Dunn, husband and wife.  
STATE OF \_\_\_\_\_

Notary Printed Name

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

I, Gary C. Huber do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Gary C. Huber, Licensed Land Surveyor  
Minnesota License No. 22036

STATE OF MINNESOTA  
COUNTY OF DAKOTA

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Gary C. Huber.

Notary Printed Name

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

CITY COUNCIL, CITY OF GREENWOOD, MINNESOTA

This plat of DUNN HEIGHTS was approved and accepted by the City Council of the City of Greenwood, Minnesota at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 2019, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Greenwood, Minnesota

By: \_\_\_\_\_, Mayor

By: \_\_\_\_\_, Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that the taxes payable in 2019 and prior years have been paid for land described on this plat, dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Mark V. Chapin, County Auditor

By: \_\_\_\_\_, Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MN. STAT. Section 383B.565 (1969), this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Chris F. Mavis, County Surveyor

By: \_\_\_\_\_

EXAMINER OF TITLES, Hennepin County, Minnesota

Pursuant to Minn. Stat. Sec. 508.62, I certify that this plat is approved for filing for lands described herein owned by the dedicators and included in Certificate of Title No. \_\_\_\_\_ upon the prior filing of Certificate of Trust and Affidavit of Trustee marked \_\_\_\_\_.

Susan T. Ledray, Examiner of Titles

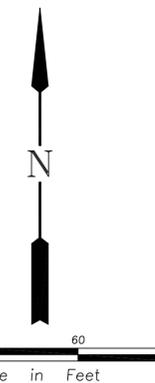
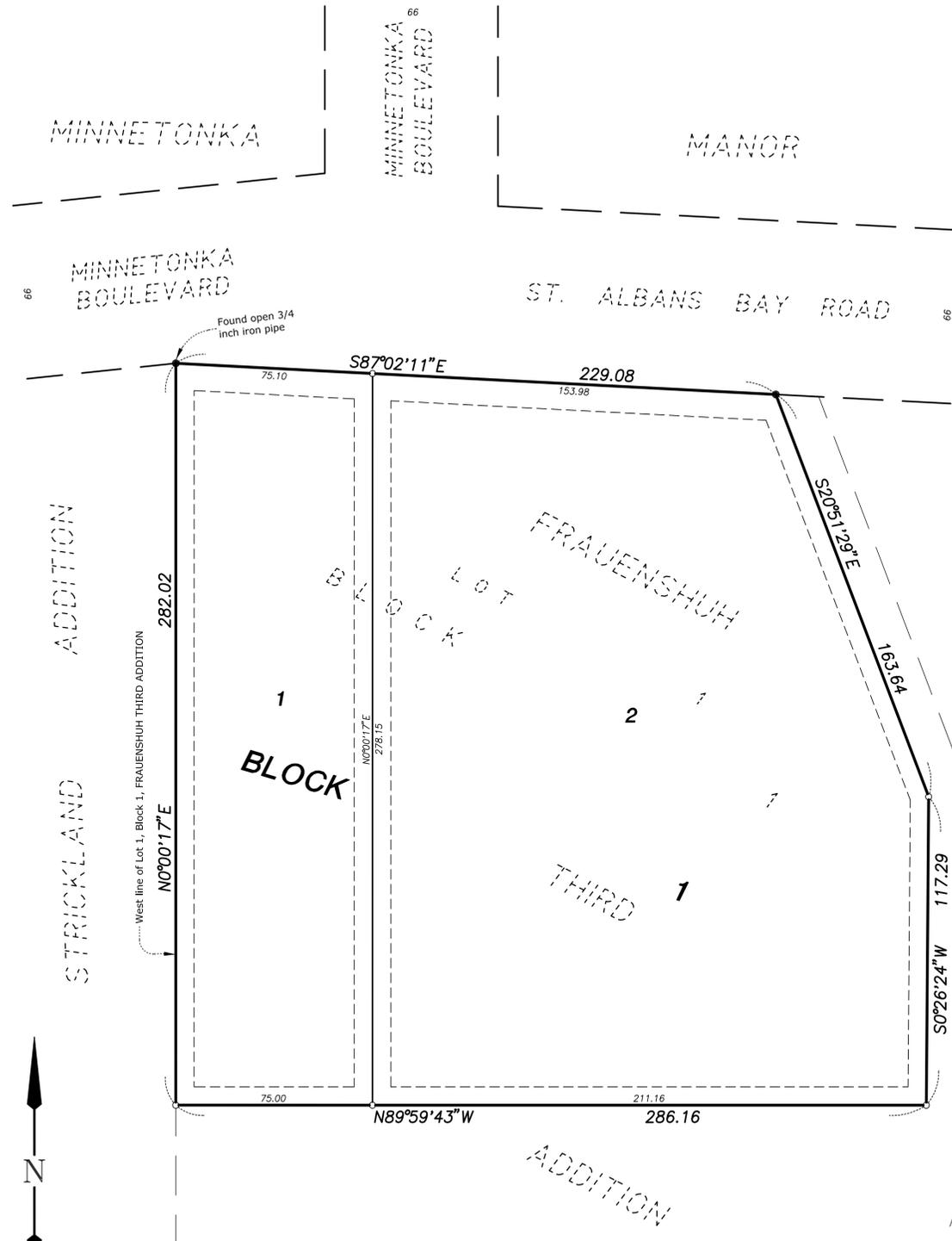
By: \_\_\_\_\_, Deputy Examiner

REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of FRAUENSHUH THIRD ADDITION was filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Martin McCormick, Registrar of Titles

By: \_\_\_\_\_, Deputy



- The west line of Lot 1, Block 1, FRAUENSHUH THIRD ADDITION has a bearing of N0°00'17\"E.
- Denotes iron monument found as noted
  - Denotes 1/2 inch by 14 inch iron monument set and marked by Minnesota License No. 22036 unless otherwise shown.

Drainage and Utility Easements are shown thus:



Being 7 feet in width and adjoining lot lines and being 10 feet in width and adjoining right of way lines.

**RESOLUTION NO 40-19**

**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 Final Plat pursuant to Greenwood ordinance code Section 600.15 for the plat named Dunn Heights 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.**

---

---

**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 Final Plat for the above-named property to subdivide the property into two lots; and

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

LOT 1, BLOCK 1, FRAUENSHUH THIRD ADDITION, HENNEPIN COUNTY, MINNESOTA.

; and

**WHEREAS**, notice of a public hearing for Preliminary Plat was published, a public hearing was held, and public comment was taken 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.

**WHEREAS**, the city council of the city of Greenwood approved with conditions the Preliminary Plat on September 3, 2019; and

**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 section 600.15, the applicant has submitted an application for Final Plat for the plat to be named "Dunn Heights."
4. The Final Plat document shows locations and dimensions of proposed Lot 1 and Lot 2 which conform to the approved Preliminary Plat.
5. The request complies with the criteria in Greenwood ordinance code, to-wit:
  - (a) The properties meet the minimum lot size and setback requirements for the zoning district as outlined in Section 1120.05;
  - (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.

6. The Preliminary Plat request 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.
  
7. The applicant met the required conditions requested for Final Plat. Other conditions that remain outstanding are required to be completed prior to recording of the Final Plat.

## 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 600.15 necessary for granting approval of a Final Plat and therefore the application for Final Plat for the plat known as “Dunn Heights” 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 pursuant to Greenwood ordinance code section 600.15 for the plat known as “Dunn Heights”, is APPROVED.

**PASSED** this 2nd day of October, 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: 4A**

**Agenda Date: 10-02-19**

*Prepared by Deb Kind*

**Agenda Item:** Res 35-19, Resolution of Appreciation & Commendation for Mark Kelly

**Summary:** The proposed resolution is attached.

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

1. I move the city council approves resolution 35-19, a resolution of appreciation and commendation for Mark Kelly as written.
2. Do nothing or other motion ???



RESOLUTION 35-19

## A Resolution of Appreciation & Commendation

WHEREAS, in 1994 Mark Kelly succeeded Wm. F. Kelly and began his career as Greenwood City Attorney after serving as the City Prosecutor and Assistant City Attorney since 1981; and

WHEREAS, Mark provided exemplary advice to Greenwood City Council Members and Mayors Brixius, Albrecht, Nagel, Newman, and Kind; City Clerks Langley, Whipple, Karpas, and Young; and City Zoning Administrators Karpas and Cooney; and

WHEREAS, on September 5, 2019, Mark resigned after 25 years of service as Greenwood's City Attorney; and

WHEREAS, Mark's resignation brings to a close 63 years of Kelly Law Office legal representation of local governments, including 44 years as Greenwood's City Attorney and serving as legal counsel to Excelsior, Shorewood, Tonka Bay, South Lake Minnetonka Police Department, and the Minnetonka Public School District.

NOW, THEREFORE, BE IT RESOLVED that the city council of Greenwood, Minnesota, on behalf of the residents of Greenwood, offers deep appreciation to

## **MARK KELLY**

and commends him for his 38 years of contributions to the city of Greenwood.

Adopted by the city council of the city of Greenwood, Minnesota this 2nd day of October, 2019.

There were 5 AYES and 0 NAYS

---

Debra J. Kind, Mayor

ATTEST: Dana H. Young, City Clerk



Agenda Number: **5A&6A**

Agenda Date: 10-02-19

*Prepared by Deb Kind*

**Agenda Item:** Public Hearing & Res 38-19, Delinquent Sewer, Stormwater, and Recycling Charges

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

**Council Action:**

5A – Council action is needed to open and close the public hearing. Suggested motions for the public hearing:

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

6A – The council also is required to take action to certify assessments to the county to be collected with property taxes. A copy of a proposed resolution is attached. Suggested motions ...

1. I move the council approves resolution 38-19 and the assessment roll for delinquent sewer, stormwater, and recycling charges.
2. I move the council approves resolution 38-19 and the assessment roll for delinquent sewer, stormwater, and recycling charges with the following revision(s): \_\_\_\_\_.
3. Other motion ???

## **CITY OF GREENWOOD**

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

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Greenwood will hold a public hearing at City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on Wednesday, October 2, 2019 at 7:00 p.m. or as soon thereafter as practical to hear, consider and pass upon proposed assessments with respect to delinquent sewer, storm water, and recycling charges. The assessment roll is available for public inspection in the office of the City Clerk, Monday through Friday, between 8:00 a.m. and 4:30 p.m.

Any assessment not paid by November 15, 2019 will be certified on the 2020 tax rolls and shall be payable in the same year as the taxes contained therein. Certified assessments of sewer, storm water, and recycling charges are subject to a 12.0% interest rate per annum. Amounts owed are presently due and payable and can draw interest from December 1, 2019 as determined by the City Council.

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

Dana H. Young  
City Clerk

Published in the Sun Sailor on September 19, 2019 and September 26, 2019.



**City of Greenwood  
Resolution 38-19**

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

**WHEREAS**, the city council of the city of Greenwood has caused a notice to be published fixing the time and place of the council meeting to pass upon the proposed assessment roll for delinquent sewer, stormwater, and recycling charges, more specifically described in the "Notice of Public Hearing" published September 19, 2019 and September 26, 2019 in the Sun-Sailor publication; and

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

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

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

1. That the assessment roll, as prepared by the city clerk, is hereby approved, and the assessments therein contained are hereby determined to be the special assessments for the services herein included.
2. That said assessments are found to be properly assessed upon the properties so served.
3. That each of such unpaid assessments shall bear interest at the rate of 12% per annum accruing on the full amount from December 1, 2019.
4. Prior to certification of the assessment to the county auditor, the owner of any lot, piece or parcel of land assessed hereby may at any time pay the whole of such assessment inclusive of the penalties, to the city treasurer, prior to 4:30pm on November 15, 2019.
5. That the city utility clerk is hereby directed to certify such assessment to the county auditor for collection and remittance to the city treasurer in the same manner as assessments for local improvements.

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

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

CITY OF GREENWOOD

By: \_\_\_\_\_

Debra J. Kind, Mayor

Attest: \_\_\_\_\_

Dana H. Young, City Clerk



Agenda Number: **7A**

Agenda Date: **10-02-19**

Prepared by Dale Cooney

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

**Summary:** The city council reviewed the application at their August 7 and September 4 meeting. The city council requested that the proposed spa meet the setback standards and that a grading CUP could not be issued until the plans were finalized. The applicants have revised the plans to meet code requirements by proposing a freestanding spa and removing the patio area near the fire pit.

**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:	<del>August 7, 2019</del>
60-Day Deadline:	<del>August 9, 2019</del>
City Council Consideration:	<del>September 4, 2019</del>
City Council Consideration:	October 2, 2019
120-Day Deadline:	October 8, 2019

**Council Action:** The city council must take action by 10-08-19. Possible motions ...

1. I move the city council 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 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 1) directs staff to draft **FINDINGS FOR DENIAL** of the conditional use permit requests of Chuck and Cindy Hengel for 4680 Linwood Circle, to be considered at a special city council meeting prior to October 8, 2019.

*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).*



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 300 square foot area, and to authorize the installation of retaining walls within the lake yard setback.

**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. Pursuant to Greenwood ordinance code section 1150.20, Subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
5. Greenwood ordinance section 1150.20, Subd 1 states:

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

  - (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
  - (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
  - (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
  - (d) The use will be harmonious with the objectives of the comp plan.
  - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
  - (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
  - (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  - (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
  - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
  - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, Subd 1.
7. 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. Applicants will comply with the recommendations of the city engineer.
  - 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 1140.19(3), 1176.04 (Subd. 7) and 1150.20 necessary for the granting of a CUP.
2. The granting of the CUP is subject to the following conditions:
  - A. Applicants will comply with the recommendations of the city engineer.
  - 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 alter site/lot topography that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in a 300 square foot area, and to install retaining walls within the lake yard setback for the property at 4680 Linwood Circle. The granting of the CUP is subject to the following conditions.

- A. Applicants will comply with the recommendations of the city engineer.
- 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 2nd day of October, 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: **7B**

Agenda Date: **10-02-19**

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 / Greenwood Market).

**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.

**City Council Action:** At the 08-07-19 council meeting, there was a motion by Cook that 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 to allow the applicant time to prepare a detailed site plan and for staff to submit the site plan to the Fire Marshall for written comments and a recommendation. Second by Roy. Motion passed 4-0.

After the August council meeting, Hennepin County Environmental Health contacted the city to request help regarding ongoing issues with compliance at Greenwood Market. Documents were in the 09-04-19 council packet.

At the 09-24-19, the council approved the following motion ...

**Motion by Fletcher that action regarding the variance findings resolution 26-19 be continued to the 10-02-19 city council meeting. Second by Conrad. Motion passed 5-0.**

**Motion by Fletcher that the city council (1) directs that the conditional use permit findings resolution 27-19 be amended to DENY the conditional use permit request of Dooley's Petroleum for 21380 State Highway 7 based on the council discussion, and (2) directs that the revised resolution be considered at the 10-02-19 city council meeting. Second by Roy. Motion passed 4-1 with Cook voting nay because he believes there are more things wrong that should be added to the list supporting denial.**

**Key Dates:**

Application complete:	June 18, 2019
Notice of Public Hearing published:	June 27, 2019
Planning Commission Public Hearing:	July 10, 2019 <i>No meeting held due to a lack of a quorum.</i>
City Council Consideration:	August 7, 2019
City Council Consideration:	September 4, 2019
120-Day Deadline:	October 16, 2019

**Council Action:** The city council must take action by 10-16-19 unless the applicant grants an extension in writing. Potential motions ...

1. I move the city council 1) adopts resolution 26-19 laying out the findings of fact **DENYING** the setback variance request 2) adopts resolution 27-19 laying out the findings of fact **DENYING** 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. Other motion ????

*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).*

RESOLUTION NO 26-19

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

---

**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.**

---

**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. At its October 2, 2019 meeting the city council denied a Conditional Use Permit for the proposed propane tank. The Council also noted that the Variance Application was not signed by the property owner A S Patel LLC.
9. Based on the foregoing, the city council denied the variance request since it determined that based on the denial of the Conditional Use Permit the Variance Application was moot.

## 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 1140.10(C) since it was not granted the Conditional Use Permit that would be a prerequisite for the Variance 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 are **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 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 **DENIED**.

**PASSED** this 2nd day of October, 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

---

DENYING

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. The City Council at its meeting on September 4, 2019 determined that the use may endanger public health and safety and may be hazardous or disturbing to existing and future neighborhood uses based on applicant’s lack of compliance with past and current fire safety and health regulations. Specifically records provided by Kellie Murphy Ringate show that in the most recent full Excelsior Fire District Inspection on December 31, 2013 it took until April 7, 2015 to have the violations corrected and the Fire Marshall had to enlist the Fire Chief to contact the Greenwood Market when she was having difficulty obtaining compliance on her own. A later inspection on October 16, 2016 took through April 17, 2017 to obtain compliance with the Fire Marshall’s notes from February 6, 2017 showing that she told Akshay/Roger that she “will shut down the station if not in compliance” and that on February 21, 2017 she met with Akshay/Roger and “explained situation – frustration – Lack of compliance” Once again the Fire Marshall referred to Fire Chief on March 10, 2017 who then obtained compliance.

In addition Hennepin County Environmental Health Department contacted the City including an email dated August 22, 2019 that was included in the Council meeting packet regarding health department visits from June 5, 2017 to the present time regarding detected Total Coliform levels exceeding the EPA’s Maximum Contaminant Limit (MCL) for primary drinking water for which the property owner had not cooperated with the health department to correct the issue and had removed postings that were required to notify the public regarding the excess Total Coliform Levels.

10. Based on the foregoing, the city council determined that the proposed CUP request does not comply with the CUP standards in Greenwood ordinance section 1150.20 subd 1,

### **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 sections 1150.20 necessary for the granting of a CUP. Specifically, as noted in Findings of Fact 9 the use may endanger public health and safety and may be hazardous or disturbing to existing or future neighborhood uses.

**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 denies a Conditional Use Permit to amend the conditional use permit for the property to authorize the installation and use of a 500 gallon, above-ground propane tank.

**PASSED** this 4th day of September, 2019 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

5 AYES 0 NAYS

CITY OF GREENWOOD

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

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



Agenda Number: **7C**

Agenda Date: **10-04-19**

Prepared by Dale Cooney

**Agenda Item:** Consider conditional use permit request of Henry and LuAnn Wudlick to regrade the property in conjunction with the construction of a home addition at 4930 Sleepy Hollow Road.

**Summary:** The city council considered the request at their 09-04-19 meeting. At the time, the council requested that the applicant consider access options to the proposed addition that do not rely exclusively on the vacant public right-of-way. For that reason, the grading was expected to be revised and the city council postponed making a decision on the conditional use permit request.

The applicants had also requested a variance from the side yard setback from the vacant public right-of-way. The city council determined that the side yard is not considered an exterior side yard and that the proposed addition did not require a variance since it met the 15-foot side yard setback requirement.

The proposal has been significantly revised since the 09-04-19 with the proposed driveway removed from the public right-of-way and with the relocation/reconfiguration of the proposed additions. Due to the timing of the delivery of updated plans, staff has not had time to complete a plan review, solicit city engineer comments, or update the staff report, but will provide that information prior to the city council meeting.

**Planning Commission Action:** Motion by Steingas, second by Barta to recommend approval the exterior side yard setback encroachment request for the proposed house addition with the condition that the driveway access be removed from the public ROW. Motion carried 2-1 with Nelson voting against. (Nelson was supportive of the setback request and was not opposed to the driveway remaining located in the public ROW.)

Motion by Steingas to recommend approval of the wheelchair access ramp with the condition that it be at least 5 feet from the property line. Motion was seconded by Barta. Motion carried 3-0. Motion by Steingas to recommend approval of the grading conditional use permit as proposed. Second by Barta. Motion carried 3-0.

**Key Dates:**

Application complete:	July 29, 2019
Notice of Public Hearing published:	August 1, 2019
Planning Commission Public Hearing:	August 14, 2019
City Council Consideration:	September 4, 2019
60-Day Deadline:	September 27, 2019
City Council Consideration	October 2, 2019
120-Day Deadline:	November 26, 2019

**Council Action:** The city council must take action by 11-26-19. Possible motions ...

1. I move the city council adopts resolution 36-19 laying out the findings of fact **APPROVING** the grading conditional use permit request of Henry and LuAnn Wudlick for 4930 Sleepy Hollow Road, as proposed, and 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 directs staff to draft **FINDINGS FOR DENIAL** of the conditional use permit requests of Henry and LuAnn Wudlick for 4930 Sleepy Hollow Road, to be considered at the November 6, 2019 city council meeting.

*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).*



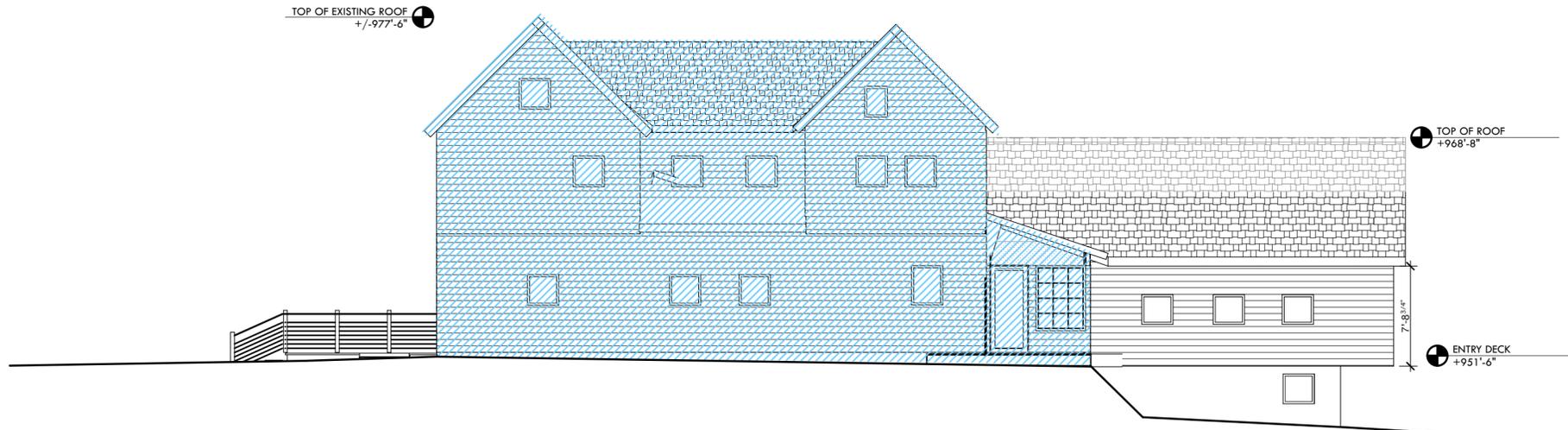


Not For Construction



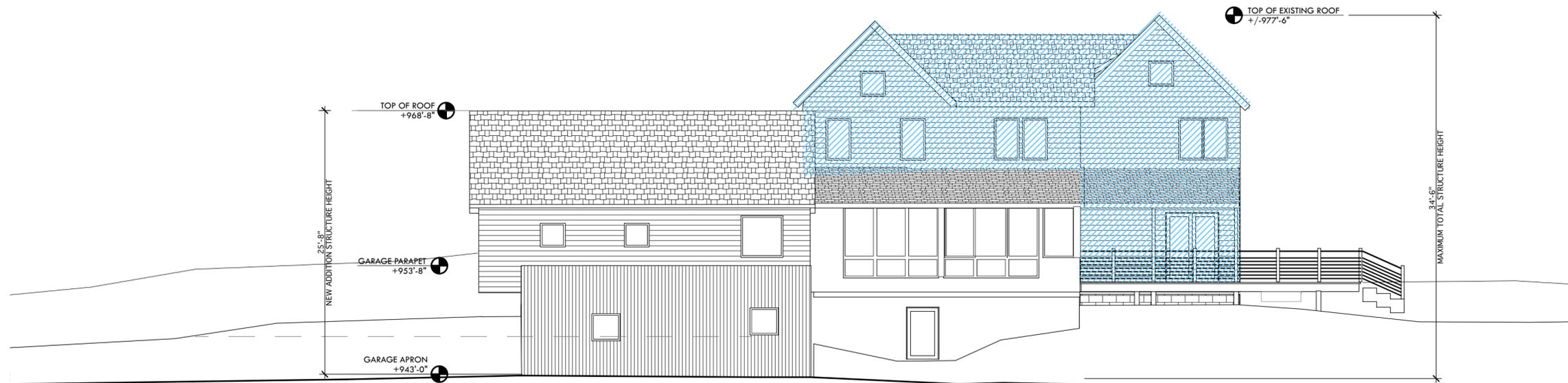
SALA ARCHITECTS  
SALAARC.COM

MINNEAPOLIS  
T 612.379.3037  
F 612.379.0001  
326 E HENNEPIN AVE #200  
MINNEAPOLIS, MN 55414



EAST ELEVATION

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



WEST ELEVATION

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

WUDLICK ADDITION

4930 SLEEPY HOLLOW RD  
GREENWOOD, MN 55331

DATE	DESCRIPTION
09.19.2019	CONDITIONAL USE PERMIT REVIEW

PROJECT NUMBER  
17093  
PROJECT ARCHITECTS  
MARTA SNOW  
JODY MCGUIRE  
DRAWN BY MARTA SNOW

These documents are instruments of service and as such remain the property of SALA Architects. Use or publication requires the written approval from SALA Architects.

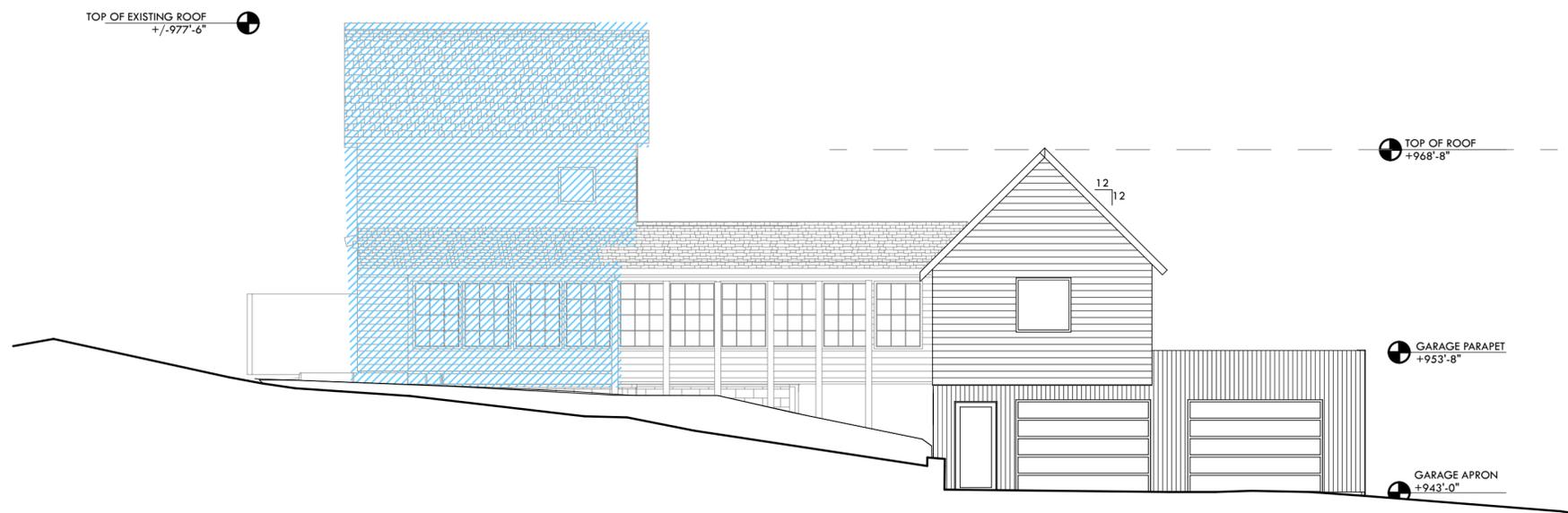
SHEET NO. **A2**  
File: 17093 WUDLICK reduced and garage at street 09182019.pln • Printed: 9/19/19



SALA ARCHITECTS  
SALAARC.COM

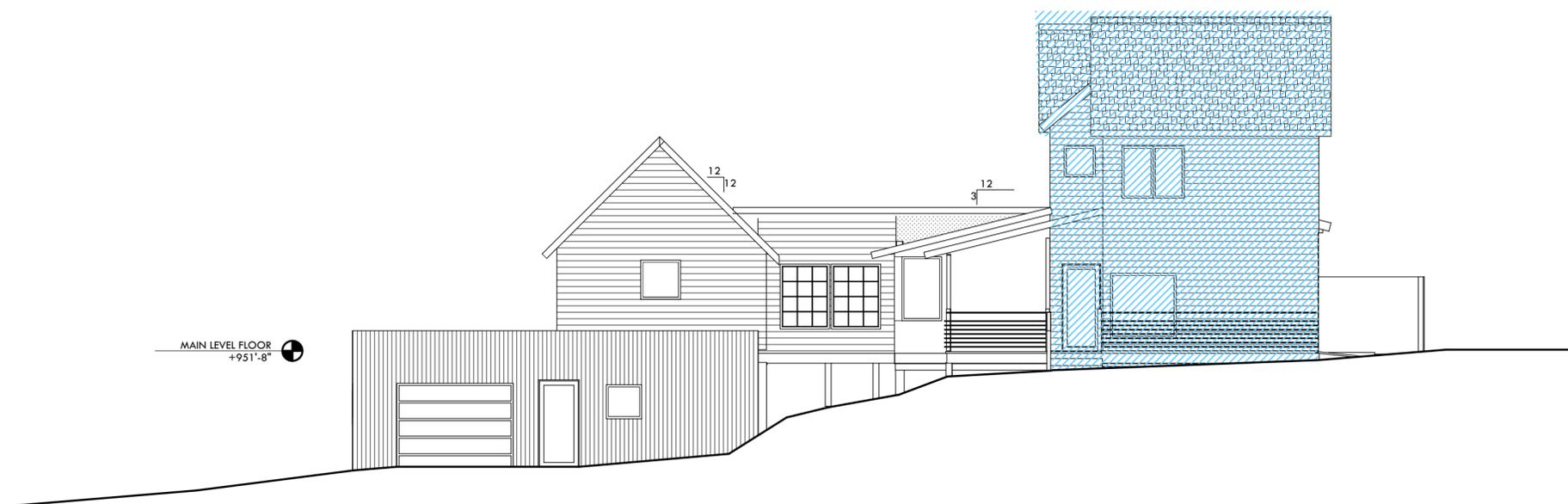
MINNEAPOLIS  
T 612.379.3037  
F 612.379.0001  
326 E HENNEPIN AVE #200  
MINNEAPOLIS, MN 55414

Not For Construction



### NORTH ELEVATION

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



### SOUTH ELEVATION

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

# WUDLICK ADDITION

4930 SLEEPY HOLLOW RD  
GREENWOOD, MN 55331

DATE	DESCRIPTION
09.19.2019	CONDITIONAL USE PERMIT REVIEW

PROJECT NUMBER  
17093  
PROJECT ARCHITECTS  
MARTA SNOW  
JODY MCGUIRE

DRAWN BY MARTA SNOW

These documents are instruments of service and as such remain the property of SALA Architects. Use or publication requires the written approval from SALA Architects.

SHEET NO. **A3**

File: 17093 WUDLICK reduced and garage at street 09182019.pln • Printed: 9/19/19

**LEGAL DESCRIPTION:**  
 Lot 191, AUDITOR'S SUBDIVISION NO. 141, Hennepin County, Minnesota.

**SCOPE OF WORK & LIMITATIONS:**

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- As noted on the survey, we assumed the direction of the North line of Lot 191 to go to an old found iron near the NW corner of said Lot 191. There is little evidence on the Auditor's Subdivision for the direction of that line. If this issue is of importance to you we suggest contacting your title insurance company to get the underlying description of this lot prior to being platted as the Auditor's Subdivision. If you don't have title insurance we suggest getting some legal counsel to assist you in this matter.
- While we show that the road of Sleepy Hollow Road has taken a portion of this property for the road, it could be that the county has only as easement for said road. Again if this issue is of importance we ask that you supply us with a title insurance policy or a title opinion that addresses this issue. We can then revise the survey if necessary.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
- While we show the building setback lines per the City of Greenwood web site, we suggest you show this survey to the appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to design anything for this site.

**STANDARD SYMBOLS & CONVENTIONS:**

"●" Denotes iron survey marker, set, unless otherwise noted.

**GRADING & EROSION CONTROL NOTES:**

**BEFORE DEMOLITION AND GRADING BEGIN**

- Install silt fence/bio roll around the perimeter of the construction area.
- Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
- A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.
- Contractor shall install inlet protection on all existing storm sewer inlets in accordance with the city standard details. Inlet protection shall also be provided on all proposed storm sewer inlets immediately following construction of the inlet. Inlet protection must be installed in a manner that will not impound water for extended periods of time or in a manner that presents a hazard to vehicular or pedestrian traffic.

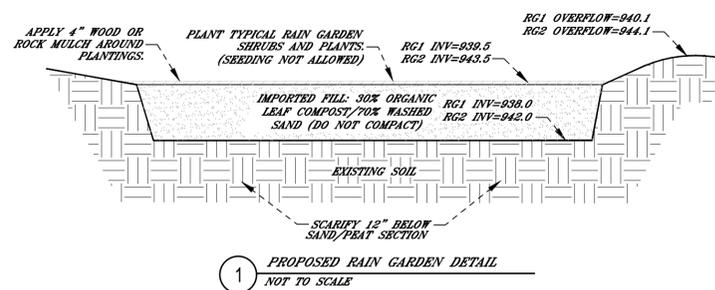
**DURING CONSTRUCTION:**

- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall be in accordance with Minnesota Pollution Control Agency requirements.
- A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.
- Concrete truck washout shall be in the plastic lined ditch and dispose of washings as solid waste.

- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
- Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.
- If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.
- Moisture shall be applied to disturbed areas to control dust as needed.
- Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.
- If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.
- Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins and additional silt fencing as deemed necessary to control erosion.

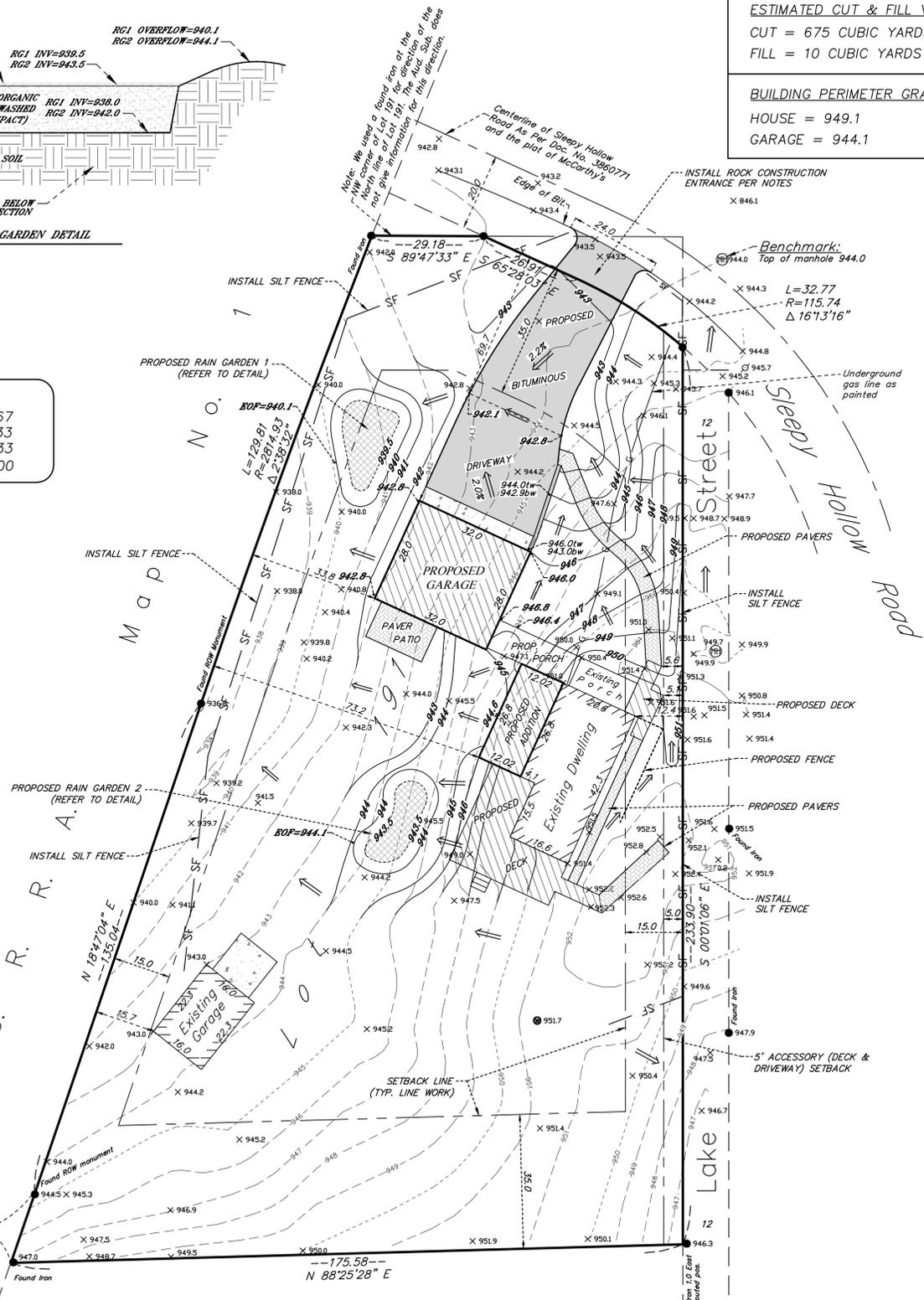
**SITE WORK COMPLETION:**

- When final grading has been completed but before placement of seed or sod an "as built" survey shall be done per City of Greenwood requirements to insure that grading was properly done.
- When any remedial grading has been completed, sod or seeding shall be completed including any erosion control blankets for steep areas.
- When turf is established, silt fence and inlet protection and other erosion control devices shall be disposed of and adjacent streets, alleys and walks shall be cleaned as needed to deliver a site that is erosion resistant and clean.
- Contractor shall maintain positive drainage of a minimum 2% slope away from proposed building.



**PROPOSED ELEVATIONS**

FIRST FLOOR (SUB-FLOOR) = 951.67  
 TOP OF FOUNDATION = 951.33  
 BASEMENT FLOOR = 942.33  
 GARAGE FLOOR(DOOR) = 943.00



BUILDING VOLUME = 43,568 CF  
 BUILDING HEIGHT = 25.0'  
 STRUCTURE HEIGHT = 34.5'  
 (INFORMATION PROVIDED BY CLIENT)

**ESTIMATED CUT & FILL VOLUMES**  
 CUT = 675 CUBIC YARDS  
 FILL = 10 CUBIC YARDS

**BUILDING PERIMETER GRADE**  
 HOUSE = 949.1  
 GARAGE = 944.1

**Advance**  
 Surveying & Engineering, Co.

17917 Highway 7  
 Minnetonka, Minnesota 55345  
 Phone (952) 474-7964  
 Web: www.advsur.com

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

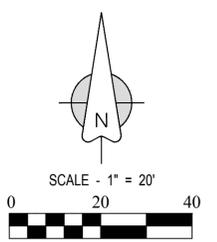
*Josella S. Rinke*  
 Josella S. Rinke

# 52716

LICENSE NO.  
 JULY 30, 2019

DATE:

**DRAWING ORIENTATION & SCALE**



**CLIENT NAME / JOB ADDRESS**

**MARTA SNOW**  
 4930 SLEEPY HOLLOW ROAD  
 GREENWOOD, MN

DATE	REVISION DESCRIPTION
8/5/19	ADDED RG VOLUME TAB.
8/13/19	EXPANDED RG2
9/20/19	REVISED HOUSE/SITE PLAN

DATE SURVEYED: AUGUST 10, 2017

DATE DRAFTED: JULY 30, 2019

SHEET TITLE

**PROPOSED SURVEY**

DRAWING NUMBER

191042 JR

SHEET SIZE 22 X 34

SHEET NUMBER

**S1**

**LEGEND**

EXISTING CONTOUR	--- 950 ---
EXISTING SPOT ELEVATION	X 950.5
PROPOSED CONTOUR	— 950 —
PROPOSED SPOT ELEVATION	950.5
DRAINAGE ARROW - FLOW	⇒
SILT FENCE/BIO ROLL	— SF —

EXISTING HARDCOVER	
House	809 Sq. Ft.
Existing Decks	654 Sq. Ft.
Porch North	128 Sq. Ft.
Gravel Areas	1,315 Sq. Ft.
Garage	356 Sq. Ft.
Concrete Surfaces	333 Sq. Ft.
Porch West	168 Sq. Ft.
Stone Patio	110 Sq. Ft.
<b>TOTAL EXISTING HARDCOVER</b>	<b>3,893 Sq. Ft.</b>
<b>AREA OF LOT</b>	<b>33,535 Sq. Ft.</b>
<b>PERCENTAGE OF HARDCOVER TO LOT</b>	<b>11.6%</b>

PROPOSED HARDCOVER	
House	1,131 Sq. Ft.
Garage	896 Sq. Ft.
Decks	696 Sq. Ft.
Bituminous Driveway	1,676 Sq. Ft.
Pavers	603 Sq. Ft.
Porch	188 Sq. Ft.
Retaining Wall	24 Sq. Ft.
Concrete Apron	124 Sq. Ft.
Existing Porch North	128 Sq. Ft.
Existing Garage	356 Sq. Ft.
Exist. Concrete Surf.	144 Sq. Ft.
<b>TOTAL PROPOSED HARDCOVER</b>	<b>5,966 Sq. Ft.</b>
<b>AREA OF LOT</b>	<b>33,535 Sq. Ft.</b>
<b>PERCENTAGE OF HARDCOVER TO LOT</b>	<b>17.8%</b>

**STORMWATER MANAGEMENT REQUIREMENTS**

- VOLUME CONTROL - ONSITE RETENTION OF 2-INCH STORM EVENT OVER PROPOSED INCREASE IN IMPERVIOUS SURFACES.  
 PROPOSED IMPERVIOUS AREA INCREASE = 2,073 SQUARE FEET  
 REQUIRED VOLUME TO RETAIN = 2,073 X (2/12) = 346 CUBIC FEET  
 VOLUME OF RETENTION PROVIDED (RAIN GARDENS)  
 STORAGE PROVIDED ABOVE GROUND = 361 CUBIC FEET



Permit #	<b>FORM #5</b> Return this document to City Hall
Receipt #	

## Building Volume Compliance Form

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

Property Owner(s)	Henry and LuAnn Wudlick
Property Address	4930 Sleepy Hollow Rd

Person completing this form:  Property Owner  Builder / Architect

Per code section 1140.18 (view at [www.greenwoodmn.com](http://www.greenwoodmn.com) or at city hall), no lot in the residential zones of the city may be host to principal and accessory buildings and structures whose above grade building volume (expressed in cubic feet) is greater than the following maximums:

- (1) Lots of 7500 square feet or less in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 6 times the lot area.
- (2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 42,000 cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).
- (3) Lots greater than 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 75,000 cubic feet plus a volume of cubic feet equal to a figure 2 times (lot area minus 15,000 square feet).

- **Exclusions.** All space above unroofed structures such as decks, patios, and wholly in-ground, at grade, pools with no exposed sides shall be excluded from the calculation of building volume.
- **Inclusions.** Enclosed or unenclosed porches or porticos shall be included in the total volume of the building.
- **Building Perimeter Grade** means the average of all elevation measurements taken off the finished grade or surface of the ground, sidewalk or paving around the perimeter of a building or structure at (a) points 5 feet distant and perpendicular to the building perimeter commencing at the most northerly corner thereof and thence clockwise at similarly situated points every 10 feet around the building perimeter, (b) the point of highest grade within 5 feet of the building perimeter and (c) the point of lowest grade within 5 feet of the building perimeter.

**Exemption for small projects:** The proposed improvements involve an area equal to 20% or less of the first floor of the principal structure, therefore I request the city zoning administrator waive the requirement to submit the additional survey requirements and the "above grade building volume" calculation.

<b>The "above grade building volume" calculation for the property is:</b>	<b>43,568 cu. ft.</b>
---	-----------------------

**Sworn Statement:** The undersigned hereby submits this "sworn statement" that the "above grade building volume" calculation is prepared in conformance with the provisions of code section 1140.18. In the event of inaccuracies, misstatements, incomplete information, or errors in the application and/or supporting materials, the city may issue stop work orders, or delay action on applications pending receipt of corrected or additional information. The undersigned assumes all risk of loss or expenses caused by any such deficiency, delay, or structural changes required to cause the structure to come into code compliance.

Signature		Date: 09.19.2019
Print Name	Marta Snow	

**As-Built Construction Statement (to be signed prior to a certificate of occupancy being issued):** The undersigned hereby submits this "sworn statement" and the attached as-built plans verifying the "above grade building volume" of the structure conforms to code section 1140.18.

Signature		Date:
Print Name		



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)	Henry and LuAnn Wudlick
Property Address	4930 Sleepy Hollow Rd

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	July 29, 2019 Revised September 19, 2019
Property Owner's Mailing Address	4930 Sleepy Hollow Rd, Greenwood, MN 55331
Property Owner's Phone Number	612-916-3389
Property Owner's Email	rwudlick@gmail.com
Contractor or Builder / Architect Name	Marta Snow, SALA Architects
Contractor or Builder / Architect Address	326 E. Hennepin Ave., #200, Minneapolis, MN 55414
Contractor or Builder / Architect Phone	612-767-4136
Contractor or Builder / Architect Email	msnow@SALAarc.com

## SECTION 2

Total surface area to be moved, disturbed, cut, or filled (square feet)	<del>4,000 square feet</del> <b>11,390 SF</b>
Total volume of soil or earth to be moved, disturbed, cut, or filled (cubic feet)	<del>35 cubic yards</del> <b>675</b> (including foundation work)
Estimated start date	<del>September 15, 2019</del> <b>OCT. 15, 2019</b>

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

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		Date: <del>07.30.2019</del> 09.19.2019
Print Name	Marta Snow	

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

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

Permit #	FORM #12 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)	Henry and LuAnn Wudlick
Property Address	4930 Sleepy Hollow Rd

Person completing this form:  Property Owner  Builder / Architect

Under 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)	33,471 sf
Proposed lot size (square feet)	33,471 sf
Dimensions of proposed structure(s)	approx. 48' x 48' 28'x32' + 12'x26' +8'x24'
Total square footage of proposed structure(s)	<del>2656 sf</del> footprint 1400 sf footprint
Percent of existing hardcover	11.6%
Total hardcover including proposed hardcover	<del>6,965 sf</del> 5966 sf
Amount of fill to be added (cubic yards)	<del>50 cu yd</del> 10 cu yard
Amount of soil to be removed (cubic yards)	<del>435 cu yd</del> 675 cu. yard
Type and area of vegetation to be removed	center lot trees of varying diameter, moss, ornamental plants

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

Signature		Date: 07-30-2019 09.19.2019
Print Name	Marta Snow	



Not For Construction



**SALA ARCHITECTS**  
SALAARC.COM

MINNEAPOLIS  
T 612.379.3037  
F 612.379.0001  
326 E HENNEPIN AVE #200  
MINNEAPOLIS, MN 55414

**WUDLICK ADDITION**

4930 SLEEPY HOLLOW RD  
GREENWOOD, MN 55331

DATE	DESCRIPTION
09.19.2019	

PROJECT NUMBER  
17093

PROJECT ARCHITECTS  
JODY McGUIRE MARTA SNOW

DRAWN BY MARTA SNOW

These documents are instruments of service and as such remain the property of SALA Architects. Use or publication requires the written approval from SALA Architects.

SHEET NO. **A1**

RESOLUTION NO 36-19

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

---

APPROVING

In Re: Application of Henry and LuAnn Wudlick for the property at 4930 Sleepy Hollow Road for a conditional use permit under Greenwood ordinance code section 1140.19(2) and 1150.20 20 to permit 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 300 square foot area.

---

**WHEREAS**, Applicants Henry and LuAnn Wudlick (hereinafter 'Applicant') is the owner of property commonly known as 4930 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0002) being real property located in Hennepin County, Minnesota and legally described as follows:

**Lot 191, AUDITOR'S SUBDIVISION NO. 141, Hennepin County, Minnesota.**

; and

**WHEREAS**, the applicant proposes to regrade the property in conjunction with the construction of a new house 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 planning commission to consider the application; and

**WHEREAS**, public comment was taken at the public hearing before the planning commission on August 14, 2019; and

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

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

**FINDINGS OF FACT**

1. That the real property located at 4930 Sleepy Hollow Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0002) 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 order to accommodate a house addition and a driveway. 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. 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.”
5. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, Subd 1.
6. The planning commission held a public hearing and discussed the CUP request and on a 3-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance sections 1140.19 and 1150.20, Subd 1. The approval recommendation is subject to the following conditions:
- A. Applicants will comply with the recommendations of the city engineer.
  - B. The project must be completed according to the specifications and design requirements in the submitted plans.
  - C. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**CONCLUSIONS OF LAW**

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

- 1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.19(2) and 1150.20 necessary for the granting of a CUP.
- 2. The approval recommendation is subject to the following conditions:
  - A. Applicants will comply with the recommendations of the city engineer.
  - 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 approve the Conditional Use Permit to alter site / lot topography alterations that increase or decrease the average grade (existing compared to final conditions) by more than 1 foot in a 300 square foot area for the property at 4930 Sleepy Hollow Road, subject to the following conditions:

- A. Applicants will comply with the recommendations of the city engineer.
- 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 \_\_\_\_ day of \_\_\_\_\_, 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: 10-02-19**

*Prepared by Dale Cooney*

**Agenda Item:** Potential “Mother-in-law Apartment” Ordinance

**Summary:** The number of guest suites within the city creates a potential vulnerability for having multi-unit rentals within the city’s single-family zoning districts. While the city supports non-rental guest suites and age-in-place opportunities in existing single-family houses, a guest suite (mother-in-law unit) could circumvent current zoning regulations by providing multi-unit rentals within the same principal structure.

Attached are ordinances from area cities that attempt to address this issue. Staff was unable to find numerous examples that might fit the needs of Greenwood, as not too many cities have something like this on the books. Many cities are silent on the issue, while many other cities do allow rental units and attached / detached accessory dwelling units.

**Timeline:**

- 10-02-19 City council discusses potential revisions to the ordinance.
- 11-06-19 Draft Ordinance is presented to the city council.
- 11-21-19 The public hearing notice is submitted to the Sun-Sailor for publication.
- 11-28-19 The public hearing notice is published in the Sun-Sailor (10+ days prior to planning commission meeting).
- 12-10-19 Planning commission holds public hearing and makes recommendation.
- 01-02-20 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 01-09-20 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 01-16-20 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 02-05-20 City council considers 2nd reading of the ordinance (may make revisions).
- 02-06-20 The ordinance is submitted to the Sun-Sailor for publication.
- 02-13-20 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

1. I move the city council direct staff to prepare a draft “Mother-in-law Apartment” ordinance for review at the 11-06-19 city council meeting.
2. I move the city maintain its current ordinance regulations.
3. Other motion ...

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

## **Orono:**

### **DIVISION 2. - R-1A ONE-FAMILY RESIDENTIAL DISTRICT**

Within any R-1A one-family residential district, no structure or land shall be used except for one or more of the following uses:

- (1) City-owned public service structures that have been approved by the city council after the required public hearings for public improvement projects, provided that:
  - a. All buildings are located at least 50 feet from any adjacent property zoned for residential use.
  - b. The architectural design of the structure is found to be compatible with the surrounding area.
  - c. [Reserved.]
- (2) Gardens.
- (3) Municipal buildings.
- (4) Nonrental guest apartments (no exterior ingress or egress). An apartment within the principal residence structure on a lot for the sole use of the occupants of the principal residence, including their domestic employees or nonpaying guests. The only means of ingress or egress to the apartment shall be from within the principal structure. Application for such a guest apartment shall address the concerns of parking, sewage treatment, entryway and interior access method. Such apartments shall not have utilities metered separately from the principal residence utilities and shall not have a separate street address.
- (5) One-family detached dwellings.
- (6) Publicly owned parks and playgrounds.

## **Minnetrusta:**

### **505.01 Definitions**

Guest apartment means an apartment that is located within the structure of the principal residence on the property which is used by the occupants residing in the primary residence, their nonpaying guests or their domestic service employees that work on the premises.

### **505.07 General Regulations**

Subd. 9. Accessory Structures and Uses (a) The following uses are permitted in residential and agricultural zoning districts as accessory uses, subject to the terms listed herein and subject to the regulations set forth in the residential zoning districts:

- (1) accessory structures
- (2) guest apartments
- (3) guest homes smaller than 1,000 square feet of gross floor area are allowed in the A, AP, and R-1 zoning districts
- (4) home occupations, subject to the regulations in this section
- (5) privately-owned recreational facilities on a single-family lot (including, but not limited to, pools, tennis courts, playhouses)
- (6) Building-integrated solar energy systems and solar energy systems, with the exception that solar energy systems are permitted uses in the Agricultural Preserve district. In all other residential and agricultural

zoning districts, solar energy systems are a conditional use permit provided that there is a principal use to which the system is accessory.

## Wayzata:

### CHAPTER 952 - R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

#### 952.05 - Conditional Uses.

Subject to applicable provisions of this Ordinance, the following are conditional uses in an "R-1" District: (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 904 of this Ordinance.)

- A. One guest, carriage, or caretaker's house as an accessory use, provided that:
1. The structure will not be used for rental purposes.
  2. The structure, design, building materials and color are compatible with the principal structure and surrounding land uses.
  3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met. (CUP standards)

## Independence:

#### 510.05. - Definitions.

"Accessory dwelling unit." A secondary dwelling unit that is:

- (a) Physically attached to or within a single-family dwelling unit or within a detached accessory building that has a principal structure on the parcel; and
- (b) Subordinate in size to the single-family dwelling unit; and
- (c) Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door; and
- (d) Architecturally compatible with the principal structure (using similar materials, finishes, style and colors similar to the principal structure); and
- (e) The lesser of 33 percent of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet. The total square footage shall not include a designated mechanical room or unfinished basement below the accessory dwelling unit; and
- (f) Not in excess of the maximum square footage for accessory structures as permitted in this Code; and
- (g) Has permanent provisions for cooking, living and sanitation; and
- (h) Has no more than two bedrooms; and
- (i) Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and
- (j) Uses the existing on-site septic system <sup>b</sup> or an approved holding tank; and
- (k) Respectful of the future subdivision of the property and the primary and secondary septic sites. The city may require a sketch of the proposed future subdivision of a property; and
- (l) In compliance with the adopted building code relating to all aspects of the dwelling unit.
  1. On lots less than 2.5 acres, the accessory dwelling unit must be attached to the principal dwelling unit or located/constructed within an existing detached accessory structure that meets all criteria of this section.
  2. The existing on-site septic system will be required to be inspected by the city to ensure compliance with all applicable standards. Any system that does not meet all applicable standards shall be brought into compliance as a part of the approval of the accessory dwelling unit.

"Non-rental guest apartment." An apartment within the principal residence structure or its garage on an existing undivided lot for the sole use of the homesteaded owner occupants of the principal residence, including their fulltime domestic employees or non-paying guests.

"Guest house." A separate building constructed on an existing undivided lot for the sole use of the homesteaded owner occupants of the principal building or their non-paying guests, and consisting only of one or more sleeping rooms with or without bathrooms.

#### **530.05. - Rural Residential District established.**

Subd. 4. *Conditional uses.* The following conditional uses may be permitted in the Rural Residential District by action of the city council pursuant to subsections 520.09, 520.11, and 520.13 of this Code:

- (j) Guest houses and non-rental guest apartments;

## **Woodland**

#### **900.02 Definitions.**

Subd. 17. Guesthouse means an accessory structure used as a dwelling for nonpaying guests or persons employed on the premises.

#### **900.12 Additional Requirements; Structures in Yards.**

Subd. 3. Guesthouses. The following requirements shall be applicable to guesthouses:

- (a) a guesthouse is not permitted on any lot less than 2 acres in size;
- (b) a guesthouse must not cover more than 700 square feet of land surface and must not exceed 20 feet in height;
- (c) a guesthouse must be designed or located to reduce its visibility from public waters by use of vegetation, topography, increased setbacks or color (assuming summer leaf-on conditions).



Agenda Number: **7E**

Agenda Date: **10-02-19**

Prepared by *Deb Kind*

**Agenda Item:** Potential Ordinance Revision for Above-Grade Hot Tub Setbacks

**Summary:** At the 09-04-19 council meeting, the council observed that the setback rules are less restrictive for an above-grade hot tub / spa vs an inground hot tub / spa. The council consensus was to discuss a potential ordinance revision at the 10-02-19 meeting.

**Timeline:**

- 10-02-19 City council discusses potential revisions to the ordinance.
- 11-06-19 Draft ordinance is presented to the city council.
- 11-21-19 The public hearing notice is submitted to the Sun-Sailor for publication.
- 11-28-19 The public hearing notice is published in the Sun-Sailor (10+ days prior to planning commission meeting).
- 12-10-19 Planning commission holds public hearing and makes recommendation.
- 01-02-20 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 01-09-20 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 01-16-20 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 02-05-20 City council considers 2nd reading of the ordinance (may make revisions).
- 02-06-20 The ordinance is submitted to the Sun-Sailor for publication.
- 02-13-20 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

1. I move the city council direct staff to prepare a draft ordinance revising regulations for Above-Grade Hot Tub Setbacks for review at the 11-06-19 city council meeting.
2. I move the city maintain its current ordinance regulations.
3. Other motion ...

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. In order to publish an ordinance by title and summary the ordinance must be approved by a 4/5ths vote. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.*



**Agenda Number: 8B**

**Agenda Date: 10-02-19**

*Prepared by Deb Kind with  
content from Manuel Jordan*

**Agenda Item:** Estimate for Replacing Excelsior Blvd Trees & Lilacs

**Summary:** The city forester, Manuel Jordan, looked into the status of the trees along Excelsior Blvd that were planted as part of the MCES infrastructure project.

- All of the trees are alive. However, there are 6 swamp white oaks trees, 1 basswood and 1 Autumn Blaze maple that are damaged enough (and / or struggling to survive) that removal would be warranted. All but 1 of these trees should be replaced (the oak located is under / in front of the city of Greenwood sign should be removed). This is a total of 7 trees to be replaced.
- There are a total of 56 lilac shrubs that are either gone or struggling enough that they would warrant replacement.
- Manuel recommends planting bare-rooted trees as replacements, versus the typical balled and burlapped (B&B) or container trees. He recommends a Twin Cities company that provides bare-rooted trees that have been "held" in a gravel bed.
- These trees are planted with bare roots, but with all their leaves. This technique minimizes transplant shock and establishment time. The cost of installing trees from this contractor is \$250-\$375 per tree depending on species for a total cost of \$1750-\$2650 to plant 7 trees. Note: Bare-rooted trees are 1"-1.5" in diameter and 6'-10' tall (a little smaller than the typical 2.5"-3" B&B tree. Available species include swamp white oak, KY coffeetree, hybrid maple (e.g. Autumn Blaze maple), all of which are a part of the existing planting. They also have hackberry, catalpa, London plane and tulip poplar (NOT related to cottonwoods). So, if interested, we have options regarding the selection of replacements.
- Regarding the lilacs, the approximate installed costs per plant would be \$39 (2-gallon container), \$60 (5-gallon container), or \$99 (7-gallon container) for a total cost of \$2184, \$3360, and \$5544 respectively. Exact availability of the different sizes and colors (common white or common purple) is a bit sketchy due to the number of replacements and the limited availability of plants at this time of year. Note: We could conceivably reduce the overall number of replacements, if we go with bigger sizes.
- If the council is considering moving on this project this season, we should act promptly as the season is nearing its end and availability of plants is diminishing.

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

1. I move the city council (1) authorizes a tree and lilac replacement project along Excelsior Blvd; (2) authorizes up to \$\_\_\_\_\_ for the installation of 7 bare-rooted trees; (3) authorizes up to \$\_\_\_\_\_ for the installation of up to 56 \_\_\_-gallon container size lilac shrubs; (4) directs that the costs be paid from the city's park fund; (5) authorizes the city forester to determine the species of the trees; (6) authorizes the city forester to determine the location of the trees and lilacs; and (7) directs that the project be completed the fall of 2019 (or spring of 2020).
2. Do nothing or other motion ???



Agenda Number: **9A**

Agenda Date: **10-02-19**

Prepared by *Deb Kind*

**Agenda Item:** 1st Reading: Ord 295, Amending Chapter 5 Fee Schedule, Gasoline Station & Auto Repair Shops; Ord 296 Amending Section 420, Gasoline Stations & Auto Repair Shops; and Resolution 41-19, A Summary of Ord 296

**Summary:** Hennepin County Environmental Health and MN Department of Health have been having difficulties with compliance at the Minnoco / Greenwood Market gas station. To aid in enforcement, 2 ordinances have been drafted to amend the code regarding Gasoline Stations & Auto Repair Shops. See attached files.

**Timeline:**

- 10-02-19 City council considers 1st reading of the ordinances (may make revisions / may waive 2nd reading).
- 10-03-19 If the 2nd reading is waived, the ordinances are submitted to the Sun-Sailor for publication.
- 10-10-19 If the 2nd reading is waived, the ordinances are published in the Sun-Sailor.
- 11-06-19 City council considers 2nd reading of the ordinances (may make revisions).
- 11-07-19 The ordinances are submitted to the Sun-Sailor for publication.
- 11-14-19 The ordinances are published in the Sun-Sailor.

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

1. I move the city council (1) approves the 1st reading of ordinances 295 and 296 regarding Gasoline Stations & Auto Repair Shops; (2) waives the 2nd readings of the ordinances; (3) approves summary resolution 41-19 for publication of ordinance 296; and (4) directs ordinance 295 and summary resolution 41-19 are submitted to the city's official newspaper for publication.
2. Do nothing or other motion ...

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. 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 CHAPTER 5 FEE SCHEDULE  
REGARDING GASOLINE STATION / AUTO REPAIR LICENSE**

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

SECTION 1.

The Greenwood ordinance code section 510 fee schedule is amended to add the following language to the fee for Gasoline Station / Auto Repair License:

“\$500 per site per year, plus proof of 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 cancelled for any cause either by the insured or the insurance company without first giving 10 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.”

SECTION 2.

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

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

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 420  
REGARDING GASOLINE STATION / AUTO REPAIR SHOPS**

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

SECTION 1.

The Greenwood ordinance code section 420 is amended to read as follows:

**“SECTION 420. GASOLINE STATIONS AND AUTO REPAIR SHOPS.**

**Section 420.00. Definitions and Penalties.**

See Chapter 12 [Section 1205](#) for [D](#)efinitions [and Section 1210](#) for Penalties.

**Section 420.05. License Required.**

No person, firm, or corporation shall engage in the business of operating a gasoline station or auto repair shop within the corporate limits of the city unless they have secured a license to do so from the city council.

**Section 420.10. Application.**

The application for such license shall state the name of the applicant and, if applicable, the name of the person or corporation who will regularly supply the gasoline or oil to be sold upon the premises for which license is requested and whether the applicant is a lessee or owner of the premises. The application must be accompanied by a plat plan and description of the building and equipment proposed to be erected on the premises to be licensed, if there is no existing gasoline station or auto repair shop on the premises, and also shall contain such information as shall show compliance with all the requirements of the state or city fire marshal, [with all requirements and orders from regulatory health authorities](#), and with all laws or ordinances applicable to the construction of buildings to be used as gasoline service stations or auto repair shops.

**Section 420.15. License Fee.**

The annual license fee for each auto repair shop or gasoline station at one location, shall be the required license fee as duly set by the council from time to time and set forth in chapter 5 of this code book.

**Section 420.20. Regulations.**

- A. Storage of junked or partly dismantled vehicles, or the parts thereof, except in an appropriate building is prohibited.
- B. Parking of vehicles “For Sale” for more than one hour on the premises is prohibited.
- C. Discarded oil cans and debris shall be kept in appropriate containers.
- D. ~~Daily~~ [T](#)he property shall be physically inspected [daily](#) and kept free of debris and litter.
- E. [The business shall comply with orders from the state or city fire marshal.](#)
- F. [If the business serves, vends, offers for sale, or otherwise provides \(with or without charge\) food, meals, beverages, or similar items for consumption on or off the premises, it shall comply with the requirements and orders from regulatory health authorities including, but not limited to, Hennepin County Environmental Health and the Minnesota Department of Health.”](#)

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

**RESOLUTION 41-19**

**A RESOLUTION OF THE CITY OF GREENWOOD, MINNESOTA  
APPROVING PUBLICATION OF ORDINANCE NUMBER 296 BY TITLE AND SUMMARY**

**WHEREAS**, on October 2, 2019 the city council of the city of Greenwood adopted "Ordinance 296 Amending Greenwood Ordinance Code Section 420 Regarding Gasoline Stations & Auto Repair Shops."

**WHEREAS**, the city council has prepared a summary of ordinance 296 as follows:

1. The purpose of this ordinance is to protect and safeguard the health, safety, and welfare of the public.
2. The ordinance adds regulations stating Gasoline Stations & Auto Repair Shops must comply with all the requirements of the state or city fire marshal and with all requirements and orders from regulatory health authorities.
3. The ordinance states that Gasoline Stations & Auto Repair Shops must be in compliance with the regulations in order to be licensed to operate in the city.

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

1. The city council finds that the above title and summary of ordinance 296 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 296 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

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

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

CITY OF GREENWOOD

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

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

CITY OF GREENWOOD  
Debra J. Kind, Mayor  
Attest: Dana H. Young, City Clerk  
First reading: \_\_\_\_\_, 2019  
Second reading: \_\_\_\_\_, 2019  
Publication: \_\_\_\_\_, 2019



Agenda Number: **11A-E**

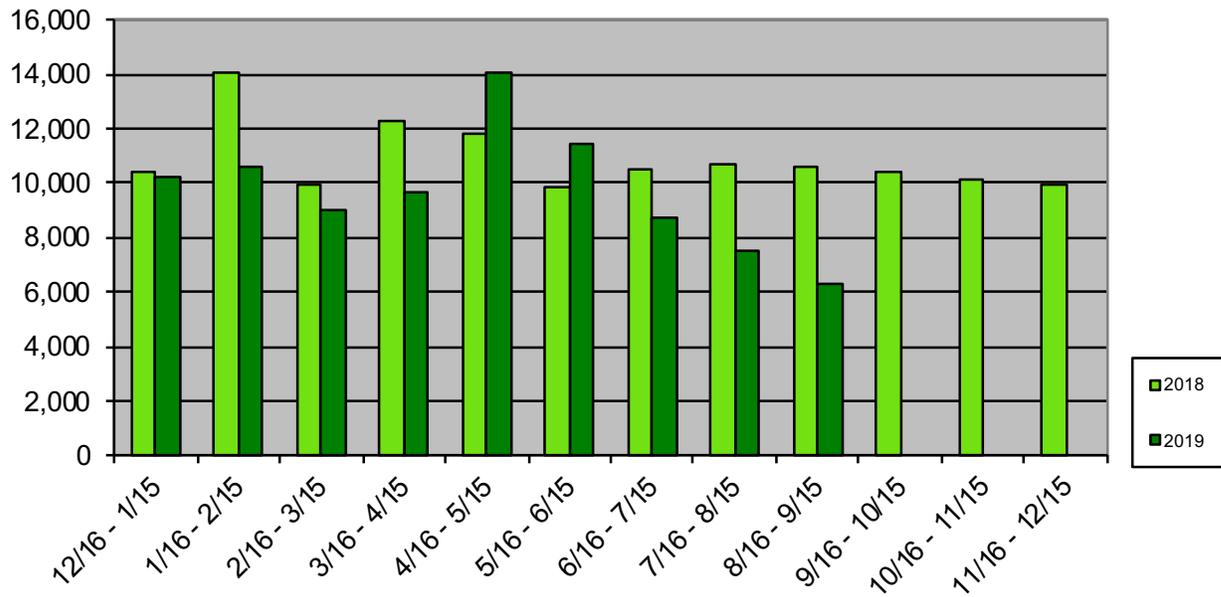
**Agenda Item:** Council Reports

**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	7,489	-1,277	-3,169	
8/16 - 9/15	10,555	6,326	-1,163	-4,229	
9/16 - 10/15	10,439		-6,326	-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>9,731</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.

**Begin Date**

**End Date**

**Report Name**

## Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	2003	31.66%
<a href="#">Agendas, Minutes, Meeting Packets</a>	686	10.84%
<a href="#">RFPs &amp; Bids</a>	294	4.65%
<a href="#">City Departments</a>	270	4.27%
<a href="#">Planning Commission</a>	233	3.68%
<a href="#">Welcome to Greenwood</a>	228	3.6%
<a href="#">Assessments &amp; Taxes</a>	192	3.04%
<a href="#">Code Book of Ordinances</a>	175	2.77%
<a href="#">Budget &amp; Finances</a>	169	2.67%
<a href="#">Forms, Permits, Licenses</a>	131	2.07%
<a href="#">Mayor &amp; City Council</a>	125	1.98%
<a href="#">Public Safety</a>	96	1.52%
<a href="#">Garbage &amp; Recycling</a>	89	1.41%
<a href="#">Email Sign-Up</a>	82	1.3%
<a href="#">Agendas, Minutes, Meetings</a>	78	1.23%
<a href="#">Photo Gallery</a>	72	1.14%
<a href="#">Community Surveys</a>	71	1.12%
<a href="#">Spring Clean-Up Day</a>	70	1.11%
<a href="#">Links</a>	66	1.04%
<a href="#">Lake Minnetonka</a>	66	1.04%
<a href="#">St. Alban's Bay Lake Improvement District</a>	64	1.01%
<a href="#">Elections, Voting</a>	63	1%
<a href="#">Parks, Trails &amp; Watercraft Amenities</a>	60	0.95%
<a href="#">Toilet Drain Guide</a>	57	0.9%
<a href="#">Meetings</a>	55	0.87%
<a href="#">Comp Plan</a>	55	0.87%
<a href="#">Coyotes &amp; Animal Services</a>	53	0.84%
<a href="#">News, Events</a>	53	0.84%
<a href="#">Watercraft Spaces</a>	48	0.76%
<a href="#">Tree Contractors</a>	47	0.74%
<a href="#">Meetings on TV</a>	45	0.71%

<a href="#">Fire Department</a>	45	0.71%
<a href="#">Finances, Taxes, Assessments</a>	44	0.7%
<a href="#">Emergency Preparedness</a>	41	0.65%
<a href="#">Sewer, Stormwater, Water, Garbage, Recycling</a>	39	0.62%
<a href="#">Homesteading</a>	35	0.55%
<a href="#">July 4th</a>	33	0.52%
<a href="#">Recreation, Amenities</a>	33	0.52%
<a href="#">Search Results</a>	32	0.51%
<a href="#">Well Water</a>	30	0.47%
<a href="#">Tour de Tonka</a>	29	0.46%
<a href="#">City Newsletters</a>	28	0.44%
<a href="#">Old Log Events</a>	27	0.43%
<a href="#">Smoke Testing</a>	26	0.41%
<a href="#">Library Events</a>	22	0.35%
<a href="#">SABLID Email Sign-Up</a>	21	0.33%
<a href="#">Christkindlsmarkt</a>	21	0.33%
<a href="#">Luck O' the Lake</a>	19	0.3%
<a href="#">Unsubscribe</a>	3	0.05%
---	2	0.03%
<b>TOTAL</b>	<b>6326</b>	<b>100%</b>

### Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	1002	26.07%
Agendas, Minutes, Meeting Packets	320	8.33%
City Departments	221	5.75%
Welcome to Greenwood	142	3.7%
Planning Commission	118	3.07%
Code Book of Ordinances	106	2.76%
Forms, Permits, Licenses	106	2.76%
Assessments & Taxes	105	2.73%
Mayor & City Council	89	2.32%
Public Safety	87	2.26%
Budget & Finances	77	2%
Email Sign-Up	73	1.9%
Garbage & Recycling	67	1.74%
Lake Minnetonka	62	1.61%
Photo Gallery	59	1.54%
Elections, Voting	58	1.51%
Community Surveys	53	1.38%
St. Alban's Bay Lake Improvement District	53	1.38%
Comp Plan	51	1.33%
Parks, Trails & Watercraft Amenities	50	1.3%
Links	50	1.3%
Agendas, Minutes, Meetings	50	1.3%
Toilet Drain Guide	49	1.28%
Meetings	44	1.14%
Tree Contractors	43	1.12%
RFPs & Bids	43	1.12%
Spring Clean-Up Day	43	1.12%
Coyotes & Animal Services	41	1.07%
Fire Department	40	1.04%
Watercraft Spaces	40	1.04%
Meetings on TV	39	1.01%
Finances, Taxes, Assessments	37	0.96%
Sewer, Stormwater, Water, Garbage, Recycling	36	0.94%
News, Events	36	0.94%
Emergency Preparedness	36	0.94%
Homesteading	32	0.83%
Recreation, Amenities	30	0.78%

July 4th	29	0.75%
Well Water	28	0.73%
City Newsletters	27	0.7%
Tour de Tonka	24	0.62%
Old Log Events	24	0.62%
Smoke Testing	23	0.6%
Library Events	21	0.55%
SABLID Email Sign-Up	20	0.52%
Christkindlsmarkt	19	0.49%
Luck O' the Lake	18	0.47%
Search Results	18	0.47%
Unsubscribe	2	0.05%
---	2	0.05%
<b>TOTAL</b>	<b>3843</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.

September 18, 2019



Robert J. Vose  
470 U.S. Bank Plaza  
200 South 6th Street  
Minneapolis, MN 55402

Re: Application for Variance by Henry and LuAnn Wudlick, 4930 Sleepy Hollow Road

Dear Mr. Vose:

My clients were extremely disappointed that the City Council decided the Wudlicks do not require a variance to build within 30-feet of the Lake Street Extension (the "ROW"). The Burdicks believe, justifiably as far as I'm concerned, that the Council's decision was arbitrary and unfairly discriminatory.

You are familiar with the history. A few years ago, the Burdicks proposed to build a shed within 30 feet of the ROW. The City Zoning Coordinator told them, unequivocally, that they would need a variance from the 30-foot exterior side yard setback – even though the shed would barely extend within 30 feet of the ROW. The Zoning Coordinator also told the Burdicks that applying for even such a minimal variance would be a waste of their time. The City would never grant it.

Fast forward to the present. The Wudlicks propose to build an addition that would extend substantially beyond 30 feet of the ROW. The current Zoning Coordinator, Mr. Cooley, advised the Wudlicks that they will need a variance from the 30-foot setback requirement but did not discourage them from applying. Perhaps Mr. Cooley believed that the City Council would view the application more sympathetically, given the plight of the Wudlicks' son and of Mr. Wudlick.

What occurred next is unreasonable, arbitrary, and illegal. The law obligates the City Council to apply the ordinances equally and impartially, no matter what the members' sympathies, feelings, or desires may be. That did not happen here. The City Council changed the way it interpreted the ordinances in the Burdicks' situation and decided that the 30-foot exterior side yard setback requirement does not apply to the Wudlicks' property.

At the hearing, the Mayor sought to distinguish the Burdicks' situation. She claimed that the Burdicks' property abutting the ROW is a front yard and, therefore, is subject to the 30-foot front yard setback. She claimed that the Wudlicks' property abutting the ROW is an interior side yard and, therefore, subject to the lesser, 15-foot setback requirement.

But the fact remains that, just a few years ago, the City Zoning Coordinator advised the Burdicks that their property was subject to the 30-foot exterior side yard setback. What changed between then and now, other than the applicants?

Despite the above, the Burdicks are not going to press their case in court at this time. The City Council advised the Wudlicks at the hearing that they must modify their plans to comply with the 5-foot driveway setback and the 15-foot side yard setback. Assuming that the Wudlicks do so, the Burdicks will tolerate the addition. However, the following conditions must also be met.

Robert W. Vose  
September 18, 2019  
Page 2

At the hearing, Mr. Burdick asked the Zoning Coordinator to notify him when the Wudlicks submit their revised plans. Mr. Burdick will be out of the country for the next couple of months. Please notify me, instead. If you or the City Zoning Coordinator do not intend to comply with this request for notice, please advise me immediately.

There was a consensus among the City Council that the addition, as proposed, would constitute a separate residence, in violation of the City's zoning ordinances. The Council directed the Wudlicks to modify their plans to provide that the existing structure and the addition share an open wall. My clients will review any modified plan to ensure that the Wudlicks have complied with the City Council's directive.

As an aside, under the zoning ordinances, integrating the addition as the Council directed will require the Wudlicks to alter the existing nonconforming residence to meet the current building code. The Burdicks will be monitoring the situation to ensure that the City enforces its ordinances in this regard.

In addition, pursuant to City ordinances, the City Council directed the Wudlicks to remove the two non-permitted structures (the covered, wood walkway and the so-called "deck") currently located on the ROW. The Wudlicks should be able to accomplish this by next spring. The Burdicks will be monitoring this situation as well. Once again, the Burdicks merely seek to ensure that the Council enforces the City's ordinances without showing favoritism.

As the Council is aware, the Burdicks are far from the first or only residents to complain that the Council does not interpret and enforce its ordinances in a consistent, fair, and impartial manner. At the hearing, David Steingas voiced this same complaint on behalf of many residents of Greenwood.

The Burdicks sincerely hope that the City Council takes this letter and the comments of Mr. Steingas to heart. Otherwise, the Burdicks will turn to the courts to curb the City Council's arbitrariness.

Thank you.

Very truly yours,



David A. Orenstein

cc: clients

**From:** Vose, Robert J. rvose@Kennedy-Graven.com

**Subject:** Wudlick matter; City of Greenwood

**Date:** September 20, 2019 at 3:18 PM

**To:** David A. Orenstein dao@dewittllp.com

**Cc:** Dale Cooney dalec@mediacombb.net, Debra Kind dkind100@me.com, Short, Jean M. jshort@Kennedy-Graven.com

BV

David:

I received your letter dated September 18, 2019. I am glad to hear your client, Mr. Burdick, does not intend to pursue litigation with respect to the Wudlick project. I have passed your letter along to the City. I understand that staff will provide any updated plans to you (or to me, to provide to you).

That said, the premise of your letter—that the City is interpreting and applying its ordinances arbitrarily and illegally--- is false. You fail to mention that on our recent call, I explained to you, in detail, the prior planner's rationale for treating Mr. Burdick's frontage on the ROW as his front yard. You may disagree with that interpretation but it is not arbitrary. More importantly, Mr. Burdick did not previously "propose to build a shed within 30 feet of the ROW." He built the shed or garage without making a proposal or requesting a variance. His structure was constructed entirely in the setback except for a relatively small portion that encroached beyond his lot line into the City's ROW. That is, he constructed a structure in a setback without receiving City approvals, and that structure ended up encroaching off his property onto City ROW. The prior planner may have advised Mr. Burdick that an after-the-fact variance on those facts would be difficult. But in any case, the distinctions between the Wudlick's proposal and associated land use application and Mr. Burdick's actions are self-evident.

Thank you

Bob Vose  
Kennedy & Graven  
470 US Bank Plaza  
200 S. 6th Street  
Minneapolis, MN 55402  
(p) 612.337.9275  
(f) 612.337.9310  
(c) 612.481.3210