

AGENDA

Greenwood City Council Meeting

Wednesday, November 6, 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: 10-02-19 City Council Worksession / Meeting Minutes
 - B. Approve: Sep Cash Summary Report
 - C. Approve: Sep Certificates of Deposit Report
 - D. Approve: Oct Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: Nov Payroll Register
 - F. Approve: Liquor License
 - G. Approve: Res 43-19 St. Alban's Bay Lk Improvement Dist 2020 Budget, Tax Levy, Assessment Roll
- 7:05pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. Comments are limited to 3 minutes. Typically, the council will not take action on items presented at this time, but will refer items to staff for review, action, and / or recommendation for future council action.
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
- A. Chief Meehan: Quarterly Police Update
 - B. Ken Potts: Annual Prosecution Update
 - C. Announcement: Special Meeting, CUP Signage Application, Greenwood Market, 21380 Hwy 7, Th 11/14 at 5:30pm, Council Chambers
- NONE 5. PUBLIC HEARINGS
- NONE 6. ACTION RELATED TO PUBLIC HEARINGS
- 7:20pm 7. PLANNING, ZONING & SUBDIVISION ITEMS
- A. Consider: Res 42-19, Variance Findings to Exceed Maximum Permitted Building Volume, Roland & Rane Jacobus, 5290 Meadville Street
 - B. 1st Reading: Ord 294, Amending Section 1135.05 C-2 Zoning District
- 7:50pm 8. UNFINISHED BUSINESS
- A. Consider: Estimates for Maintenance of Greenwood Park Tennis Court
- 8:00pm 9. NEW BUSINESS
- A. Discuss: Possible Comments re: LMCD Harvesting Program Evaluation and Starry Stonewart Protection & Emergency Action Plan
- 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 typically includes the most recent council minutes, cash summary report, verified report, electronic fund transfers, and check registers. The consent agenda also may include the 2nd reading of ordinances that were approved unanimously by the council at the 1st reading. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

Council Action: Required. Possible motion ...

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

MINUTES

Greenwood City Council Meeting

Tuesday, October 2, 2019

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

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

Members Present: Mayor Kind; Councilmembers 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 2G to 7AA. Second by Cook.

Motion passed 5-0.

2. CONSENT AGENDA

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~~

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

3. MATTERS FROM THE FLOOR

No one spoke during Matters from the Floor.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. Presentation: Res 35-19, Commendation & Appreciation for Retiring City Attorney Mark Kelly

Motion by Roy that the city council approves resolution 35-19, a resolution of appreciation and commendation for Mark Kelly as written. Second by Cook. Motion passed 5-0.

View the presentation at LMCC-TV.org.

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

5. PUBLIC HEARINGS

A. Public Hearing: Delinquent Accounts re: Unpaid Sewer, Stormwater, and Recycling Charges

Motion by Roy that the council opens the public hearing. Second by Fletcher. 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. Res 38-19 Delinquent Accounts re: Unpaid Sewer, Stormwater, and Recycling Charges

Motion by Kind that the council approves resolution 38-19 and the assessment roll for delinquent sewer, stormwater, and recycling charges. Second by Fletcher. Motion passed 5-0.

7. PLANNING, ZONING & SUBDIVISION ITEMS

AA. (2G) Consider: Res 40-19, Final Plat Findings, John & Bridgette Dunn, 4940 St. Albans Bay Road

Motion by Fletcher that 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," with revisions as discussed. Fletcher further moved that the council directs the city clerk to mail a copy of the

findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file. Second by Cook. Motion passed 5-0.

- A. 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

Motion by Fletcher 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 with revisions as discussed, 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. Second by Cook. Motion passed 4-1 with Kind voting nay.

- B. Consider: Res 26-19, Variance Findings and Res 27-19, Conditional Use Permit Findings,
re: Proposed Propane Tank, Minnoco Gas Station, 21380 State Highway 7

Roger Patel, Minnoco Owner, stated that he is going to get the water issue fixed and that he will comply with health and safety issues at the gas station.

Motion by Fletcher that the city council 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. Second by Cook. Motion passed 5-0.

Motion by Fletcher that the city council adopts resolution 26-19 laying out the findings of fact DENYING the setback variance 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. Second by Cook. Motion passed 5-0.

- C. Consider: Res 36-19, Conditional Use Permit Findings, Henry & LuAnn Wudlick, 4930 Sleepy Hollow Road
Marta Snow, Architect and Daughter of Applicant, described the revisions to the variance-free plan.

Motion by Fletcher that 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 discussed, directs the staff to mail a copy of the findings to the applicant and the DNR, and directs that an Affidavit of Mailing for each of the mailings be placed in the property file. Second by Roy. Motion passed 5-0.

- D. Discuss: Potential "Mother-In-Law Apartment" Ordinance

Rob Wudlick, 4930 Sleepy Hollow Road, requested that any ordinance include broad language regarding the ability of the property owner to collect rent.

Luann Wudlick, 4930 Sleepy Hollow Road, requested that any ordinance allow more than one bedroom.

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

- E. Discuss: Potential Ordinance Revision for Above-Grade Hot Tub Setbacks

Motion by Fletcher that the city council directs staff to prepare a draft ordinance revising regulations for Above-Grade Hot Tub setbacks from 35ft to 50ft for a public hearing and recommendation at the 11-21-19 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. *View discussion at LMCC-TV.org.*

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

Motion by Cook that the city council (1) authorizes a tree and lilac replacement project along Excelsior Blvd; (2) authorizes the installation of 7 trees; (3) authorizes the installation of up to 56 2-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; and (6) authorizes the city forester to determine the location of the plantings and the timing of the project. Second by Fletcher. Motion passed 5-0.

9. NEW BUSINESS

- A. Consider: 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

Motion by Fletcher that the city council (1) approves the 1st readings of ordinances 295 and 296 regarding Gasoline Stations & Auto Repair Shops with revisions as discussed; (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. Second by Roy. Motion passed 5-0.

10. OTHER BUSINESS

- A. None

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: LMCC, Fire, Administrative Committee, Metro Cities, League of MN Cities
No council action taken. *View report at LMCC-TV.org.*
- D. Kind: Police, Administrative Committee, Public Works 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.*

12. ADJOURNMENT

Motion by Roy to adjourn the meeting at 9:50pm. 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 for 1 year, and on DVD at the city office (permanent archive).

Check Issue Date(s): 10/01/2019 - 10/31/2019

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
10/19	10/16/2019	11338	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	334.05
10/19	10/16/2019	11339	10	AMERICAN SOLUTIONS FOR BUSINES	101-20100	176.84
10/19	10/16/2019	11340	51	BOLTON & MENK, INC.	404-20100	2,519.00
10/19	10/16/2019	11341	762	CATALYST GRAPHICS INC	101-20100	96.00
10/19	10/16/2019	11342		Information Only Check	101-20100	.00 V
10/19	10/16/2019	11343	9	CITY OF DEEPHAVEN	101-20100	27,754.33
10/19	10/16/2019	11344	822	ECM PUBLISHERS INC	101-20100	345.10
10/19	10/16/2019	11345	52	EXCELSIOR FIRE DISTRICT	101-20100	36,608.71
10/19	10/16/2019	11346	819	FINANCE & COMMERCE INC	101-20100	23.53
10/19	10/16/2019	11347	68	GOPHER STATE ONE CALL	602-20100	43.20
10/19	10/16/2019	11348	886	KENNETH N. POTTS, P.A.	101-20100	400.00
10/19	10/16/2019	11349	788	KRISTI CONRAD	101-20100	22.15
10/19	10/16/2019	11350	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,323.07
10/19	10/16/2019	11351	689	Mission Communications LLC	602-20100	1,737.00
10/19	10/16/2019	11352	893	REPUBLIC SERVICES #894	101-20100	2,036.35
10/19	10/16/2019	11353	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	27,838.25
10/19	10/16/2019	11354	902	WASTE MANAGEMENT OF WI-MN	101-20100	15.03
10/19	10/16/2019	11355	145	XCEL ENERGY	101-20100	638.35
Totals:						<u>102,910.96</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

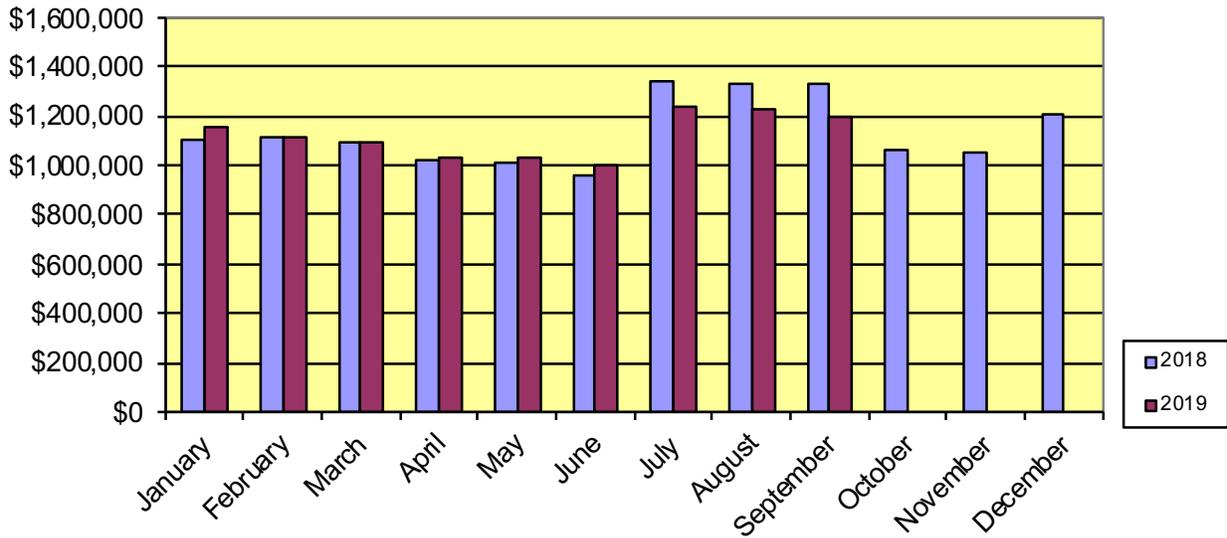
Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
ADVANTAGE SIGNS & GRAPHICS INC					
808	ADVANTAGE SIGNS & GRAPHIC	00039982	SIGNS	10/04/2019	334.05
Total ADVANTAGE SIGNS & GRAPHICS INC					334.05
AMERICAN SOLUTIONS FOR BUSINES					
10	AMERICAN SOLUTIONS FOR BU	INV04379707	ENVELOPES	10/04/2019	176.84
Total AMERICAN SOLUTIONS FOR BUSINES					176.84
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0239996	2019 DEVELOPMENT REVIEW	09/30/2019	192.00
		0239997	2019 MISC DRAINAGE	09/30/2019	1,428.00
		0239998	2019 MISC ENGINEERING	09/30/2019	222.00
			2019 MISC ENGINEERING		296.00
			2019 MISC ENGINEERING		118.00
		0239999	2019 STREET IMPROVEMENTS	09/30/2019	263.00
Total BOLTON & MENK, INC.					2,519.00
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	24485	CITY NEWSLETTER	09/25/2019	96.00
Total CATALYST GRAPHICS INC					96.00
CITY OF DEEPPHAVEN					
9	CITY OF DEEPPHAVEN	OCT 2019	RENT & EQUIPMENT	10/01/2019	487.45
			Postage		193.60
			COPIES		196.70
			SEWER		1,249.20
			WEED/TREE/MOWING		1,209.12
			PARK MAINTENANCE		1,511.40
			AUG STREET MNTNCE		2,081.72
			Clerk Services		3,232.80
			ZONING		757.74
			1/2 NEWSLETTER SHIP FEE		7.50
			1/2 OF ENVELOPE COST		137.93
			3RD QTR BLDG PERMITS		16,689.17
Total CITY OF DEEPPHAVEN					27,754.33
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	726995	LEGAL NOTICE	09/26/2019	130.90
		726996	LEGAL NOTICE	09/26/2019	77.35
		728781	LEGAL NOTICE	10/03/2019	47.60
		730835	LEGAL NOTICE	10/10/2019	89.25
Total ECM PUBLISHERS INC					345.10
EXCELSIOR FIRE DISTRICT					
52	EXCELSIOR FIRE DISTRICT	4TH QTR 2019	4th Qtr. Buildings	10/01/2019	15,291.60
			4th Qtr. Operations		21,317.11
Total EXCELSIOR FIRE DISTRICT					36,608.71
FINANCE & COMMERCE INC					
819	FINANCE & COMMERCE INC	744445136	PLANNING COMM PUBLIC HEARING	09/26/2019	23.53

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total FINANCE & COMMERCE INC				23.53
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	9090431	Gopher State calls	09/30/2019	43.20
	Total GOPHER STATE ONE CALL				43.20
KENNETH N. POTTS, P.A.					
886	KENNETH N. POTTS, P.A.	10 01 19	PROSECUTION SVCS	10/01/2019	400.00
	Total KENNETH N. POTTS, P.A.				400.00
KRISTI CONRAD					
788	KRISTI CONRAD	10 07 19	2019 JULY 4TH PARADE	10/07/2019	22.15
	Total KRISTI CONRAD				22.15
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001101476	Monthly wastewater Charge	10/08/2019	2,323.07
	Total METRO COUNCIL ENVIRO SERVICES				2,323.07
Mission Communications LLC					
689	Mission Communications LLC	1034113	Annual Service Package	10/04/2019	1,737.00
	Total Mission Communications LLC				1,737.00
REPUBLIC SERVICES #894					
893	REPUBLIC SERVICES #894	0894-005000965	RECYCLING SVCS	09/15/2019	2,036.35
	Total REPUBLIC SERVICES #894				2,036.35
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE	OCT 2019	2019 OPERATING BUDGET	10/01/2019	16,334.25
		OCT 2019	DEBT SERVICE	10/01/2019	11,504.00
	Total SO LAKE MINNETONKA POLICE DEPT				27,838.25
WASTE MANAGEMENT OF WI-MN					
902	WASTE MANAGEMENT OF WI-M	7304506-1593-7	RECYCLING SVCS	09/30/2019	15.03
	Total WASTE MANAGEMENT OF WI-MN				15.03
XCEL ENERGY					
145	XCEL ENERGY	10 03 19	Street Lights *	10/03/2019	390.59
			4925 MEADVILLE STREET *		8.32
			Sleepy Hollow Road *		8.34
			LIFT STATION #1		41.32
			LIFT STATION #3		44.94
			LIFT STATION #4		46.72
			LIFT STATION #6		98.12
	Total XCEL ENERGY				638.35

Total Paid:	102,910.96
Total Unpaid:	<u>-</u>
Grand Total:	<u><u>102,910.96</u></u>

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
11/01/19	PC	11/01/19	11011901	CONRAD, KRISTI	39		001-10101	286.53
11/01/19	PC	11/01/19	11011902	COOK, WILLIAM B.	37		001-10101	286.53
11/01/19	PC	11/01/19	11011903	Fletcher, Thomas M	33		001-10101	186.53
11/01/19	PC	11/01/19	11011904	Kind, Debra J.	34		001-10101	429.80
11/01/19	PC	11/01/19	11011905	ROY, ROBERT J.	38		001-10101	286.53
Grand Totals:								<u>1,475.92</u>

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	\$1,196,210	-\$33,389	-\$140,072
October	\$1,063,710	\$1,063,710	-\$1,196,210	-\$1,063,710
November	\$1,056,473	\$1,056,473	\$0	-\$1,056,473
December	\$1,210,299	\$1,210,299	\$0	-\$1,210,299

Bridgewater Bank Checking	\$22,847
Bridgewater Bank Money Market	\$373,928
Bridgewater Bank CD's	\$799,435
	\$1,196,210

ALLOCATION BY FUND

General Fund	\$363,111
Special Project Fund	\$8,406
General Fund Designated for Parks	\$26,311
Bridge Capital Project Fund	\$181,244
Road Improvement Fund	\$94,881
Stormwater Fund	\$34,010
Sewer Enterprise Fund	\$379,311
Marina Enterprise Fund	\$108,986
	\$1,196,210

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date 9/30/19

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	18 Month	03/08/21	2.23%	\$ 133,053.28
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
TOTAL						\$ 799,435.09

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.



Agenda Number: 2F
Agenda Date: 11-06-19
Prepared by Dana Young

Agenda Item: 2020 Liquor License

Summary: Mayette Enterprises, LLC is requesting approval from the Greenwood City Council for the renewal of their 2020 Liquor License. This would include both their On-Sale and Sunday Liquor License. Mayette Enterprises has submitted all required applications and fees to the City Clerk. Once approval has been granted by the Greenwood City Council, their application is submitted to the Minnesota Department of Public Safety for their review and approval.

Council Action: Required. Consent agenda motion ...

I move the council approves the 2020 On-Sale and Sunday Liquor License for Mayette Enterprises, LLC.



Agenda Number: 2G

Agenda Date: 11-06-19

Prepared by Deb Kind

Agenda Item: St. Alban's Bay Improvement District 2020 Tax Levy, Budget, and Assessment Roll (Resolution 43-19)

Summary: At their annual meeting on 10-22-19, the St. Alban's Bay Lake Improvement District board and district property owners present at the meeting approved the 2020 budget and tax levy. Per the Joint Cooperation Agreement, the cities of Excelsior and Greenwood are required to approve the budget and levy. The JCA allows either Excelsior or Greenwood to reduce the levy by up to 25%.

The county also requires the city to approve the assessment roll for certification to the county. Copies of the assessment roll and the resolution authorizing certification are attached.

Council Action: Required. Consent agenda motion ...

I move that the Greenwood city council (1) accepts the St. Alban's Bay Lake Improvement District (SABLID) board and property owner's recommendation and approves the 2020 budget and levy as presented; (2) approves the levy amounts as presented; (3) approves resolution 43-19 which includes the assessment roll and authorization for the city clerk to certify the assessment roll to the county; and (4) directs the city clerk to email a copy of this motion and a copy of resolution 43-19 to the SABLID secretary.



**City of Greenwood
Resolution 43-19**

**A RESOLUTION APPROVING THE ST. ALBAN'S BAY LAKE IMPROVEMENT DISTRICT
BUDGET, LEVY & ASSESSMENT ROLL FOR 2020**

WHEREAS, the St Alban's Bay Lake Improvement District has caused a notice to be published fixing the time and place of its October 22, 2019 Annual Meeting to approve the 2020 budget and levy for the Lake Improvement District, more specifically described in the "Notice of Annual Meeting" published in the Sun-Sailor; and

WHEREAS, notice of said meeting has been given to all property owners whose property is to be assessed, by publication thereof and via US mail 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 2020 assessment roll, as prepared by the St. Alban's Bay Lake Improvement District secretary, 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 the city 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 6th day of November, 2019.

__ AYES __ NAYS

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Dana H. Young, City Clerk

ST ALBANS BAY LAKE IMPROVEMENT DISTRICT (SAB-LID) FINANCIAL HISTORY

9/26/19

WDS

SOURCE OF FUNDS	2010	2011	2012	2013	2014	2015	2016	2017	2018	BUDGET 2018	BUDGET 2019	2019-A YTD
CARRYOVER		\$ 2,326	\$ 15,991	\$ 29,031	\$ 25,133	\$ 35,106	\$ 19,273	\$ 23,655	\$ 23,446	\$ 23,446	\$ 38,265	\$ 38,265
Tax Receipts		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,094	\$ 34,626	\$ 17,721	\$ 23,400	\$ 23,400	\$ 12,116
Contributions	\$ 2,326	\$ 66,694	\$ 17,147	\$ 26,414	\$ 12,650	\$ 16,293	\$ -	\$ -	\$ 29			
DNR Grant		\$ 8,250	\$ -	\$ 3,724	\$ -	\$ -	\$ -	\$ -	\$ -			
Cities		\$ 2,500	\$ 2,000	\$ 7,500	\$ 2,500	\$ 5,000	\$ 5,000	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Total Funds	\$ 2,326	\$ 79,770	\$ 35,138	\$ 66,669	\$ 40,283	\$ 56,399	\$ 36,367	\$ 60,781	\$ 43,696	\$ 49,346	\$ 64,165	\$ 52,881
EXPENSES												
LMA Management		\$ 5,606	\$ 5,627	\$ 5,124	\$ 2,077	\$ 1,100	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Refunds			\$ 425	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Greenwood/Postage					\$ 3,100	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PLM Delineation							\$ 2,410	\$ 2,500	\$ 2,400	\$ 2,500	\$ 2,500	\$ -
CLP Treatment							\$ 7,653	\$ 14,891	\$ 1,789	\$ 20,300	\$ 4,000	\$ -
EWM Treatment							\$ -	\$ 16,516	\$ -	\$ 8,500	\$ 16,000	\$ 31,863
Pt Intercept						\$ 2,552	\$ 2,390	\$ 2,390	\$ 2,390	\$ 2,390	\$ 2,390	\$ 2,120
Total Treatment	\$ 58,167			\$ 36,412		\$ 32,564	\$ 12,453	\$ 36,297	\$ 4,189	\$ 33,690	\$ 24,890	\$ -
League of MN Cities Policy							\$ -	\$ 1,000	\$ 993	\$ 1,000	\$ 1,000	\$ 993
Office Expenses			\$ 55			\$ 338	\$ 259	\$ 38	\$ 249	\$ 100	\$ 100	\$ -
Total Expenses	\$ 63,773	\$ 6,107	\$ 6,107	\$ 41,536	\$ 5,177	\$ 36,554	\$ 12,712	\$ 37,335	\$ 5,431	\$ 34,790	\$ 25,990	\$ 34,976
NET CARRYOVER	\$ 15,997	\$ 29,031	\$ 25,133	\$ 25,133	\$ 35,106	\$ 19,845	\$ 23,655	\$ 23,446	\$ 38,265	\$ 14,556	\$ 38,175	\$ 17,905

Deposit 4/28/16 from LMA Funds:
 \$19,273,39
 Deposit 5/26/16
 \$ 5,000 Greenwood

**ST ALBANS BAY-LAKE IMPROVEMENT DISTRICT
2020 BUDGET**

10/22/19

SOURCE OF FUNDS	FUNDS
CARRYOVER FUNDS	\$ 17,905
TAX RECEIPTS:	\$ 35,520
Cities Contributions	\$ 2,500
TOTAL:	\$ 55,925

EXPENSES:

PLM:			
Delineation:	\$ 2,500		
CLP Treatment	\$ 2,400		
EWM	\$ -		
Pt Intercept	\$ 2,400		
Total	\$ 7,300	\$ 7,300	
LMCIT Insurance	\$ 1,000		
Office Expenses:	\$ 250		
Media/Printing/Supplies/etc	\$ 100		
Total	\$ 8,650		

REMAINING CARRYOVER \$ 47,275

2611723340055	21750	BYRON CIR	220.00
2611723340056	21800	BYRON CIR	220.00
2611723340012	21825	BYRON CIR	220.00
2611723340057	21830	BYRON CIR	150.00
2611723340016	21845	BYRON CIR	150.00
2611723340017	21860	BYRON CIR	150.00
2611723340031	21885	BYRON CIR	150.00
2611723340030	21895	BYRON CIR	150.00
2611723340006	21925	BYRON CIR	150.00
2611723440070	20840	CHANNEL DR	75.00
2611723440023	20845	CHANNEL DR	75.00
2611723440022	20885	CHANNEL DR	75.00
2611723440002	20890	CHANNEL DR	75.00
2611723440060	20895	CHANNEL DR	75.00
2611723440047	20896	CHANNEL DR	75.00
2611723440025	20965	CHANNEL DR	220.00
2611723440036	20980	CHANNEL DR	150.00
2611723440037	20985	CHANNEL DR	220.00
2611723310016	5120	CURVE ST	150.00
2611723310017	5130	CURVE ST	150.00
2611723310037	5140	CURVE ST	150.00
2611723420042	5145	CURVE ST	150.00
2611723420043	5155	CURVE ST	220.00
3511723110024	21080	EXCELSIOR BLVD	150.00
3511723110058	21100	EXCELSIOR BLVD	150.00
3511723110059	21120	EXCELSIOR BLVD	150.00
3511723110023	21150	EXCELSIOR BLVD	150.00
3511723110022	21170	EXCELSIOR BLVD	150.00
3511723110021	21190	EXCELSIOR BLVD	150.00
3511723120003	21210	EXCELSIOR BLVD	220.00
3511723120004	21230	EXCELSIOR BLVD	150.00
3511723120005	21250	EXCELSIOR BLVD	150.00
3511723120006	21270	EXCELSIOR BLVD	150.00
3511723120007	21290	EXCELSIOR BLVD	150.00
3511723120008	21320	EXCELSIOR BLVD	150.00
3511723120009	21350	EXCELSIOR BLVD	220.00
3511723120035	21380	EXCELSIOR BLVD	150.00
3511723120036	21420	EXCELSIOR BLVD	150.00
3511723120033	21450	EXCELSIOR BLVD	150.00
3511723120034	21470	EXCELSIOR BLVD	220.00
3511723120013	21500	EXCELSIOR BLVD	75.00
3511723120032	21550	EXCELSIOR BLVD	75.00
2611723420049	5075	GREENWOOD CIR	75.00
2611723420053	5085	GREENWOOD CIR	220.00
2611723420002	5105	GREENWOOD CIR	150.00
2611723420076	5115	GREENWOOD CIR	150.00
2611723420034	5125	GREENWOOD CIR	150.00
2611723420035	5135	GREENWOOD CIR	150.00

2611723420036	5145	GREENWOOD CIR		150.00
2611723420037	5155	GREENWOOD CIR		150.00
2611723420038	5165	GREENWOOD CIR		150.00
2611723420039	5175	GREENWOOD CIR		220.00
2611723420040	5185	GREENWOOD CIR		150.00
2611723420041	5195	GREENWOOD CIR		150.00
2611723420045	5040	KINGS COURT		75.00
2611723420047	5050	KINGS COURT		75.00
3511723210025	6	MACLYNN RD		220.00
3511723120031	8	MACLYNN RD		220.00
3511723120030	10	MACLYNN RD		220.00
3511723120026	12	MACLYNN RD		220.00
3511723120025	14	MACLYNN RD		220.00
2611723410055	5110	MANOR RD		150.00
2611723440024	5330	MANOR RD		75.00
2611723440021	5350	MANOR RD		75.00
2611723440020	5370	MANOR RD		75.00
2611723440046	5470	MANOR RD		75.00
2611723440066	5490	MANOR RD		75.00
2611723440053	5470	MAPLE HEIGHTS RD		150.00
2611723440058	5475	MAPLE HEIGHTS RD		150.00
2611723440007	5480	MAPLE HEIGHTS RD		220.00
3511723110089	5490	MAPLE HEIGHTS RD		150.00
3511723110090	5500	MAPLE HEIGHTS RD		150.00
3511723110061	5510	MAPLE HEIGHTS RD		150.00
3511723110028	5520	MAPLE HEIGHTS RD		150.00
3511723110029	5530	MAPLE HEIGHTS RD		150.00
3511723110093	5540	MAPLE HEIGHTS RD		220.00
3511723110092	5560	MAPLE HEIGHTS RD		220.00
3511723120001	5570	MAPLE HEIGHTS RD		220.00
3511723110096	5580	MAPLE HEIGHTS RD		150.00
3511723110037	5600	MAPLE HEIGHTS RD		150.00
2611723340022	21793	MINNETONKA BLVD		220.00
2611723340026	21795	MINNETONKA BLVD		150.00
2611723340013	21945	MINNETONKA BLVD		1,200.00
2611723340034	21955	MINNETONKA BLVD	1	100.00
2611723340035	21955	MINNETONKA BLVD	2	100.00
2611723340036	21955	MINNETONKA BLVD	3	100.00
2611723340037	21955	MINNETONKA BLVD	4	100.00
2611723340038	21955	MINNETONKA BLVD	5	100.00
2611723340039	21955	MINNETONKA BLVD	6	100.00
2611723340040	21955	MINNETONKA BLVD	7	100.00
2611723340041	21955	MINNETONKA BLVD	8	100.00
2611723340042	21955	MINNETONKA BLVD	9	100.00
2611723340043	21955	MINNETONKA BLVD	10	100.00
2611723340045	21957	MINNETONKA BLVD	11	100.00
2611723340046	21957	MINNETONKA BLVD	12	100.00
2611723340047	21957	MINNETONKA BLVD	13	100.00

2611723340048	21957	MINNETONKA BLVD	14	100.00
2611723340049	21957	MINNETONKA BLVD	15	100.00
2611723340050	21957	MINNETONKA BLVD	16	100.00
2611723340051	21957	MINNETONKA BLVD	17	100.00
2611723340052	21957	MINNETONKA BLVD	18	100.00
2611723340053	21957	MINNETONKA BLVD	19	100.00
2611723340054	21957	MINNETONKA BLVD	20	100.00
2611723340008	21965	MINNETONKA BLVD		400.00
2611723440065	20915	OAK LA		75.00
2611723440061	20920	OAK LA		75.00
2611723440064	20925	OAK LA		75.00
2611723440059	20940	OAK LA		75.00
2611723440003	20960	OAK LA		150.00
2611723440063	21035	OAK LA		75.00
2611723440062	21045	OAK LA		75.00
2611723440048	21050	OAK LA		220.00
2611723440051	21020	OAK LA S		220.00
2611723420050	5165	QUEENS CIR		75.00
2611723420052	5175	QUEENS CIR		150.00
2611723410048	4940	ST ALBANS BAY RD		150.00
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2611723410003	5190	ST ALBANS BAY RD		150.00
2611723440044	20860	ST ALBANS GREEN		75.00
2611723440042	20870	ST ALBANS GREEN		150.00
2611723440041	20880	ST ALBANS GREEN		150.00
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2611723440039	20900	ST ALBANS GREEN		150.00
2611723410058	5105	WEEKS RD		150.00
2611723410036	5115	WEEKS RD		150.00
2611723410010	5125	WEEKS RD		220.00
2611723410029	5135	WEEKS RD		220.00
2611723410028	5145	WEEKS RD		220.00
2611723410009	5155	WEEKS RD		220.00
2611723310011	5110	WEST ST		220.00
2611723310012	5120	WEST ST		150.00
2611723310013	5125	WEST ST		150.00
2611723310014	5135	WEST ST		150.00



Agenda Number: 4A

Agenda Date: 11-06-19

Prepared by Deb Kind

Agenda Item: Quarterly Police Update

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

Council Action: None required.



Agenda Number: 4B

Agenda Date: 10-06-19

Prepared by Deb Kind

Agenda Item: City Prosecutor Ken Potts, Annual Prosecution Update

Summary: City prosecutor Ken Potts will attend the October council meeting to present the annual prosecution update. Specific cases will not be discussed, but this is an opportunity for the council to get an overview of prosecution cases from the preceding 12 months. This also will be an opportunity for the council to ask questions.

Council Action: None required.



Agenda Number: **7A**

Agenda Date: **11-06-19**

Prepared by Dale Cooney

Agenda Item: Consider Res 42-19, Findings for Variance Request, Roland & Rane Jacobus for 5290 Meadville Street

Summary: Copies of the application materials and staff report are attached reference. Notice of the public hearing was published in the Finance & Commerce newspaper on 10-11-19. The planning commission held a public hearing at their 10-24-19, meeting. The planning commission considered public comment, applicant's comments, application materials, and staff reports when making their recommendation (see planning commission action below). The city council must incorporate city code section 1155.20 variance criteria as well as any conditions in the motion.

Planning Commission Action: The planning commission held a public hearing on the request at a special meeting on October 24, 2019 and on a 3-0 vote recommended denial of the request.

Findings for Denial: The findings for denial were not prepared in time to include in the council packet. The findings will be sent to the city council via email and hardcopies will be available at the council meeting.

Key Dates:

Application complete:	October 15, 2019
Notice of Public Hearing published:	October 11, 2019
Planning Commission Public Hearing:	October 24, 2019
City Council Consideration:	November 6, 2019
60-Day Deadline:	December 14, 2019
120-Day Deadline:	February 12, 2020

Council Action: The city council must take action by 12-14-19 unless the council decides to exercise the city's option to take another 60 days to consider the request. Possible motions ...

1. I move the city council adopts resolution 42-19 laying out the findings of fact **DENYING** the building volume variance requests of Roland and Rane Jacobus for 5290 Meadville Street, as proposed. I further move the council directs the city clerk to mail a copy of the findings to the applicant, 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 APPROVAL** of the variance requests of Roland and Rane Jacobus, 5290 Meadville Street, to be considered at the December 4, 2019 city council meeting.
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 Roland and Rane Jacobus, 5290 Meadville Street, by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is: _____.

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



Agenda Item: Consider variance requests of Roland and Rane Jacobus to exceed the maximum permitted building volume in conjunction with the construction of a new house at 5290 Meadville Street.

Summary: Roland and Rane Jacobus, property owners at 5290 Meadville Street, are applying for an after-the-fact variance request to exceed the maximum permitted building volume. The house, which is currently under construction, was approved via a variance requests in January and February of 2019 (see attached). It was brought to the property owners' attention that the house likely exceeded building volume requirements and that the house would 1) need to be reduced to comply with building volume, or 2) that a variance would be required to make the house legal nonconforming.

The property is zoned R-1, is 6,080 square feet in size and is 40-feet wide.

Building Volume:

As proposed, the house would have an above grade building volume of 40,531 cubic feet. Per Section 1140.18 (Subd. 3)(1) of the zoning code, the maximum allowable building volume for the property is 36,480 cubic feet, and the applicants are seeking a variance of 4,051 cubic feet from the maximum allowable building volume. The originally submitted volume calculation for the house was 33,614 cubic feet, which was subsequently confirmed to be inaccurate.

At 6,080 square feet in size and 40 feet wide, the property is one of the smallest in Greenwood. The R-1 zoning code requires that an existing vacant lot of record be 6,750 square feet in size and 45 feet wide to be considered buildable. The maximum allowable building volume for a minimum sized lot is 40,500.

To give some context for the scale of the requested volume excess, the proposed house would be zoning code compliant on a lot with an additional 675 square feet, which amounts to a 5-foot lot width increase on the existing lot. For the sake of comparison, some similar properties in Greenwood that have recently been reviewed by the City Council:

5130 Meadville (Krezowski): Lot size - 7,113. Max building volume - 42,678. Permitted building volume - 43,589
5260 Meadville (Kroening): Lot size – 7,234. Max building volume – 43,404 Permitted building volume - 48,215
5185 Greenwood Circle (Getchell): Lot size - 6,478. Max building volume – 38,868. Permitted building volume – 36,503
(No variance requested.)

Staff Recommendation:

Staff recommends approval of the variance request of Roland and Rane Jacobus for a variance to exceed the maximum permitted building volume by 4,051 cubic feet in order to construct a new house at 5290 Meadville Street, as proposed.

- 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 provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district. The proposed house is consistent with that purpose.
- b) The variance, if granted, will be consistent with the comprehensive plan which encourages, safe, healthy, and quality housing that respects the natural environment of the community.
- 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 seeks to create a modestly sized house on a small, substandard property. The building volume increase is modest, comparable to other newly approved houses in the community, and could be accommodated on a slightly larger property (6,755 square feet). The proposed building volume is essentially equal to the building volume permitted on the minimum buildable lot size within the R-1 zoning district.
- d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: at 6,080 square feet in size and 40 feet wide, the property is one of the smallest in the city. The creation of an appropriately sized home on the property is difficult within the building volume constraints. A

slight increase in the property size (5 feet of lot width) would provide sufficient additional lot area for the proposed house to be zoning code compliant.

- e) The variance, if granted, will not alter the essential character of the locality, because: the proposed house is similar to or less than the building volume on recently constructed houses on other similarly sized lots.
- 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.

Variance Application



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

Date application submitted	10/11/19
Date application complete (office use only)	
Property address	5290 Meadville Street, Greenwood, MN 55331
Property identification number (PID)	26-117-23-33-0008
Property owner's current mailing address	5290 Meadville Street, Greenwood, MN 55331
Names of all property owners	Ronald Ranee Jacobus
Cell phone and email of property owner(s)	612-750-1522
Name of builder / architect (if any)	Todd Francis
Company name of builder / architect	Hampton Construction
Cell phone and email of builder / architect	952-220-2137
Company address	1824 Buerkle Rd., White Bear Lake, MN
Present use of property	Residential
Property acreage	0.14
Existing variances or conditional use permits	<input type="checkbox"/> No <input type="checkbox"/> Yes – please attach a copy
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	Increase Maximum above grade building volume allowance on new home under construction.

Requested variance(s):

	Required*	Proposed	Difference
<input type="checkbox"/> Side Yard (feet)			
<input type="checkbox"/> Front Yard (feet)			
<input type="checkbox"/> Rear Yard (feet)			
<input type="checkbox"/> Lake Setback (feet)			
<input type="checkbox"/> Building Height (feet)			
<input type="checkbox"/> Structure Height (feet)			
<input type="checkbox"/> Wetland Setback (feet)			
<input type="checkbox"/> Bluff Setback (feet)			
<input checked="" type="checkbox"/> Maximum Above Grade Building Volume (cubic feet)	36,480	40531	4051
<input type="checkbox"/> Hardcover (percentage)			
<input type="checkbox"/> Other:			

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

Making your case for the grant of a variance

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

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

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

Establishing a "practical difficulty"

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

<p>Is the variance in harmony with the purposes and intent of the ordinance?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The variance presents the best solution to moving and rebuilding an existing 22' x 30' ramshackle garage that has sat in a public easement for over 35 years. This solution significantly increases fire and emergency access to the house and neighbors properties, relieves clutter at end of street, further increases light, drainage and air flow between properties, creates a street-visible front yard, and relieves congestion on street due to off-street availability of guest parking for 5290.</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The City's Comprehensive Housing and Land Use Plan Page 9 -- "Properties will likely be improved through repair, renovation, or demolition and reconstruction". The City Council unanimously approved my new home footprint for the property, acknowledged the need to demolish the garage, and then asked that the rebuild bring the garage entirely on to my lot. All of this is consistent with the City's comprehensive plan to enhance the community when opportunity's occur to outdated properties.</p>
<p>Does the proposal put the property to use in a reasonable manner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The variance proposal significantly enhances the look and functionality of the property, as well as the street and neighborhood. It clears the garage out of the Public Easement, creates important fire and emergency access and turnaround, and gets guests vehicles out of the street. The garage size has been decreased to 22' x 24' to accommodate a street-side front door for the home. City Council knows moving garage on to the property will increase hard cover that Owner had reduced significantly from 49.4% to 32.4% prior to their request. The variance still lowers hardcover from previous conditions to 43.8%, and utilizes the lot and available green space much more effectively.</p>
<p>Are there unique circumstances to the property not created by the landowner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: After approving a variance for a new home, the City Council requested that the homeowner look at all options to successfully move the existing garage out of the public easement. Given the size of the lot and the size of the public easement on this narrow street, City Council knew this request would require Owner to file another variance and change hard cover and building volume from the existing approved variance.</p>
<p>Will the variance alter the essential character of the locality?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: It will significantly improve and enhance the character. This variance will complete a very positive upgrade of the entire property by creating an attractive full-time residence and front yard visible from Meadville Street, Minnetonka Blvd. and the bike path. It will also get rid of the existing visible clutter and congestion on Meadville Street due to crowding and lack of off-street parking</p>
<p>Will the variance impair an adequate supply of light and air to adjacent property?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The requested variance enhances the already approved variance, which demonstrated an increase in light, air and drainage between adjacent properties. Moving the garage back will create even more light and air by creating an open front yard, relieving congestion by the neighbors garage and sidewalk to house, and relieving parking congestion on the street. Currently, tight proximity to neighbor, ramshackle fence, a crumbing lean-to, and sprawling, unmanicured hardcover significantly impacts the properties.. All of these issues will be corrected.</p>
<p>Will the variance unreasonably increase the congestion in the public street?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The variance proposal significantly decreases congestion. The variance will provide complete access and turnaround for fire and emergency vehicles, as well as City street maintenance. Visitors will also have off-street parking and turnaround access in the driveway</p>
<p>Will the variance increase the danger of fire or endanger the public safety?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The variance will decrease the risk significantly, as there will now actually be enough room for fire and emergency access and turnaround.</p>
<p>Will the variance unreasonably diminish or impair established property values within the neighborhood?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: When garage is moved back to adjoin the new home being built on the property, the finished full-time residence will showcase a beautiful front elevation and landscaped yard to traffic on the bike trail and Minnetonka Blvd. It will also de-clutter and relieve congestion currently visible on Meadville street. We believe this variance proposal is very much in concert with other significant renovations being made all along Meadville Sreet and Excelsior Bay that upgrades the value and character of Solberg's Point.</p>

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

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

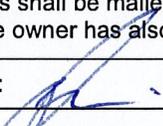
Neighbor #1 Address: 5280 Meadville Street, Greenwood, MN. 55331	
Signature:	Date:
Print Name: Jeff Solum will be notified via email	

Neighbor #2 Address: 21900 Minnetonka Boulevard, Excelsior, MN. 55331	
Signature:	Date:
Print Name: Kent Carlson will be notified via email	

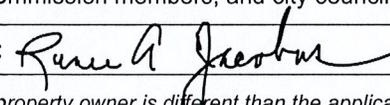
The undersigned contacted the following regulatory bodies and will seek approvals if required:

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

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

Signature: 	Date: 10/11/2019
--	------------------

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

Signature: 	Date: 10/11/2019
--	------------------

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

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

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

634 cubic ft

5,762 cubic ft

13,059 cubic ft

1,632 cubic ft

1,530 cubic feet

15,876 cubic ft

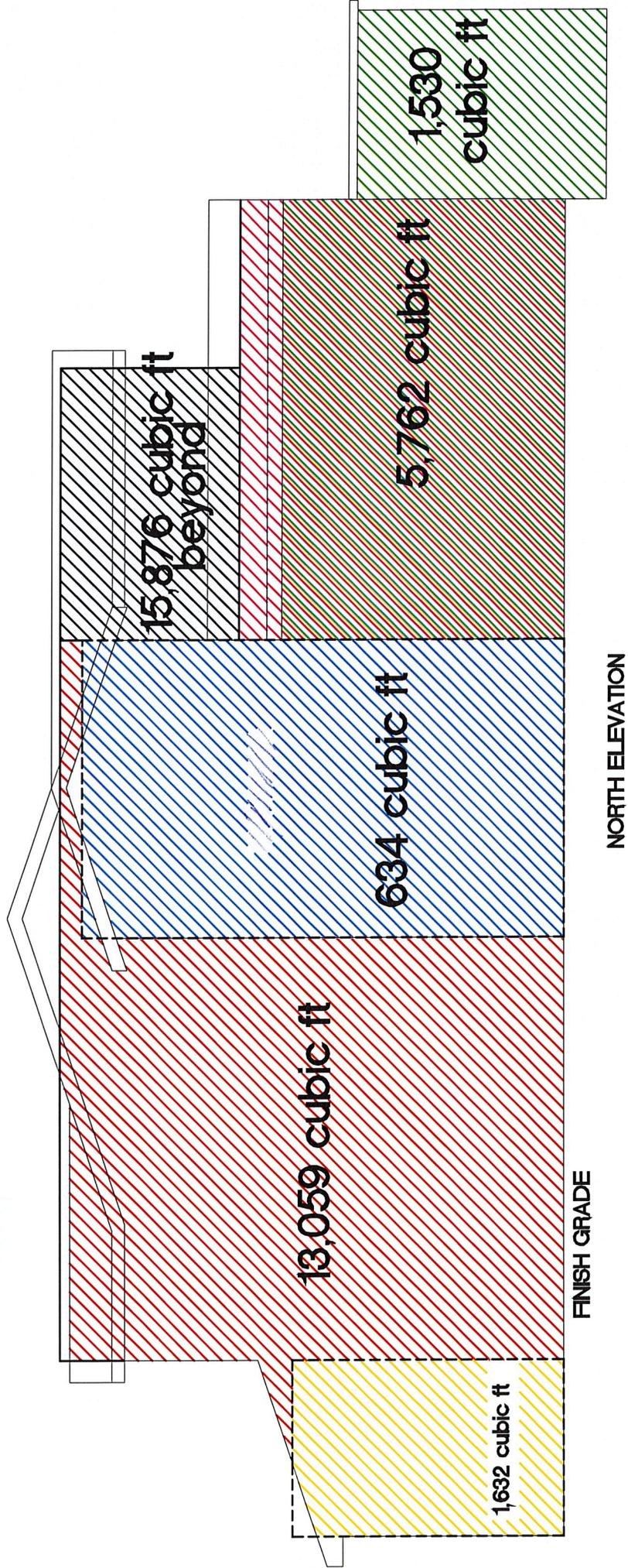
2,038 cubic feet

Jacobus
5290 Meadville

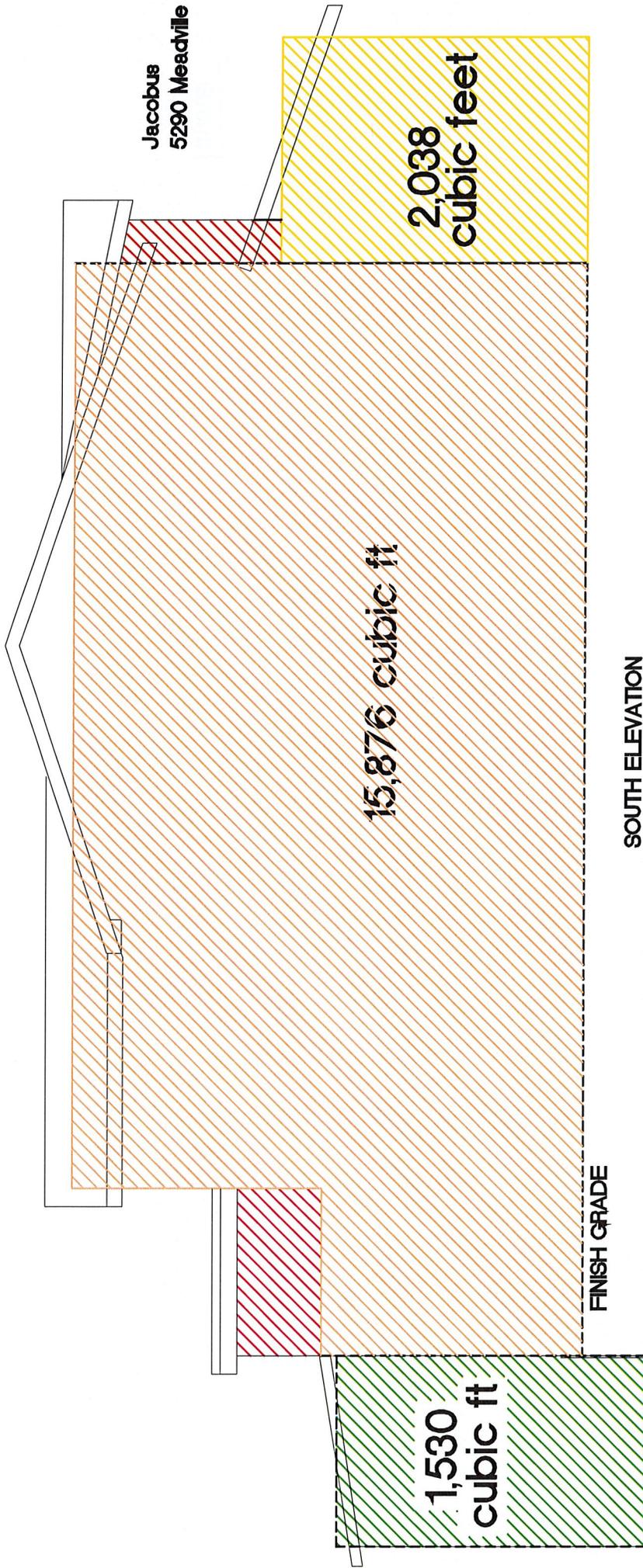
↑ SOUTH ELEVATION

PLAN VIEW

Jacobus
5290 Meadville



Jacobus
5290 Meadville



15,876 cubic ft

2,038
cubic feet

1,530
cubic ft

SOUTH ELEVATION

FINISH GRADE

Permit #	FORM #5 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.

Property Owner(s)	Roland & Ranee Jacobus
Property Address	5290 Meadville Street

Person completing this form: Property Owner Builder / Architect

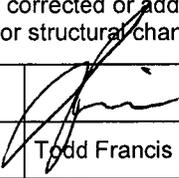
Per code section 1140.18 (view at www.greenwoodmn.com or at city hall), no lot in the residential zones of the city may be host to principal and accessory buildings and structures whose above grade building volume (expressed in cubic feet) is greater than the following maximums:

- (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.

The "above grade building volume" calculation for the property is:	40,531 cubic feet
--	--------------------------

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: 10-11-19
Print Name	Todd Francis	

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		

Form Updated 10-27-14

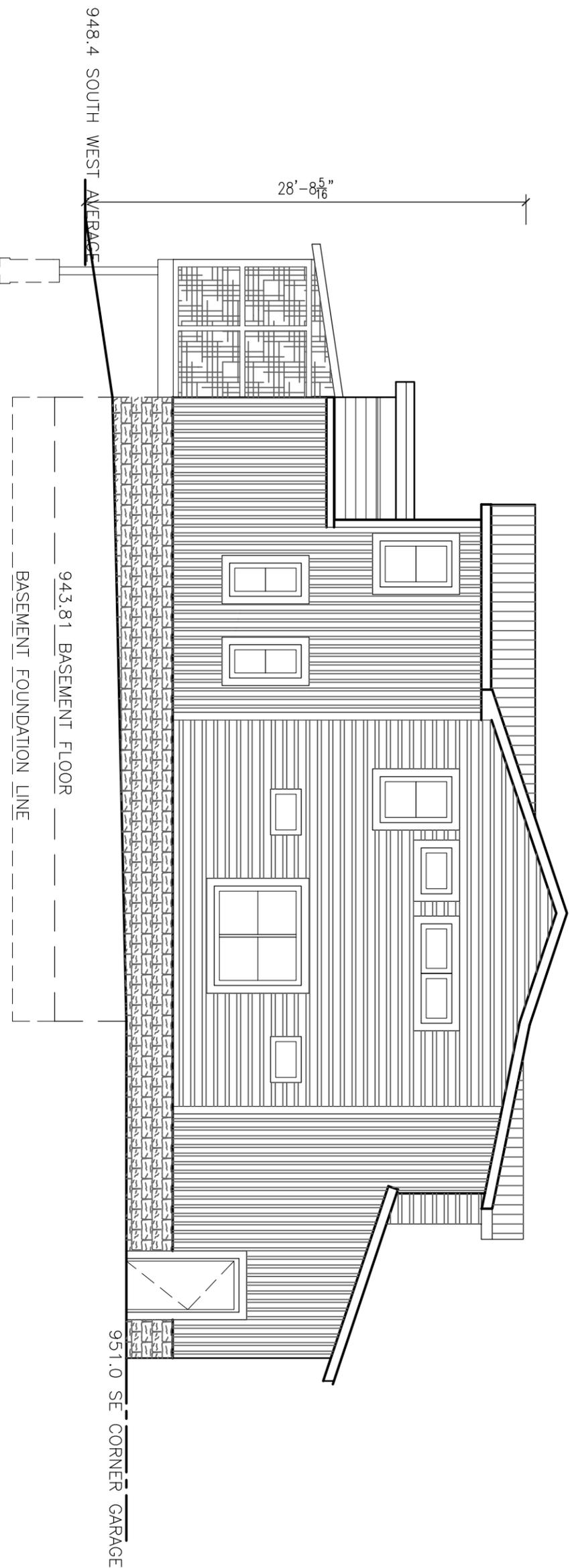
LETOURNEAU DESIGN
ASSOCIATES, LLC
PROJECT MANAGEMENT
AND DEVELOPMENT
8001 5th Street
SLP, Minnesota 55432
PH: 763.717.4966
PH: 612.599.6044

HOUSE REMODELING FOR
Randy & Raneé Jacobus
5290 MEADVILLE St, GREENWOOD MN

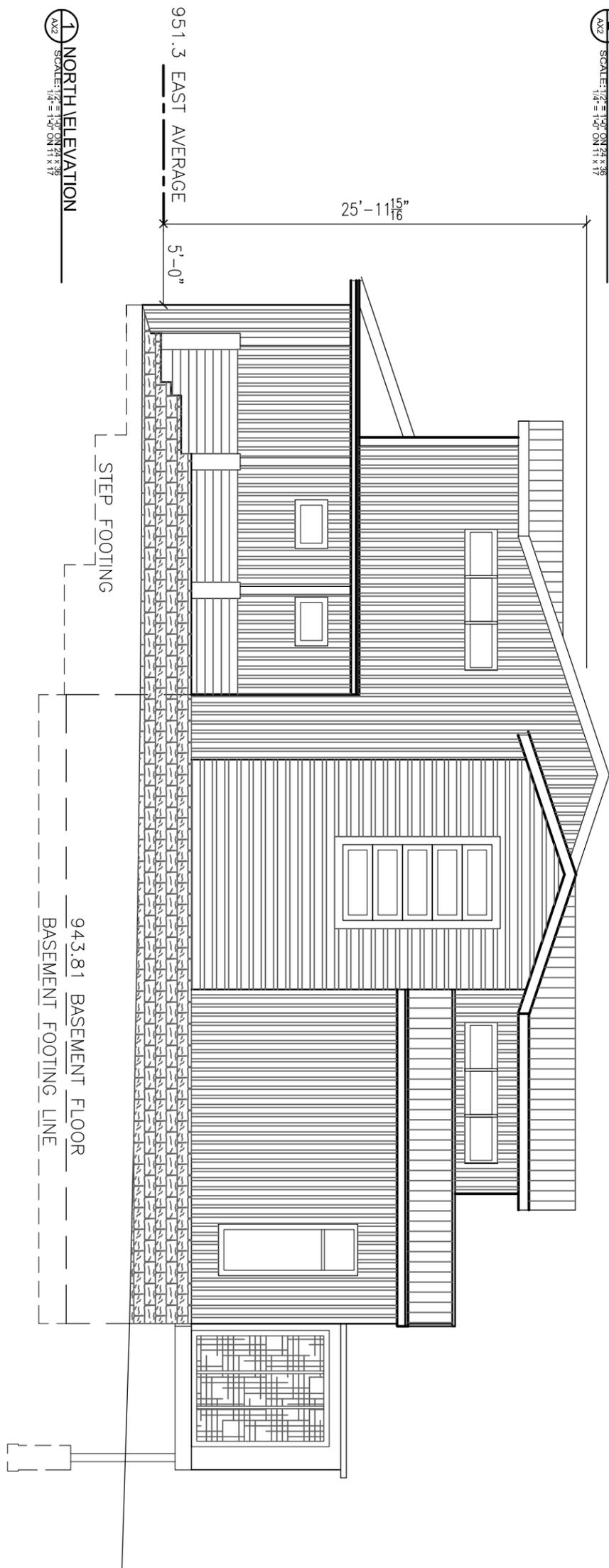
Copyright 2008
Letourneau Design Assoc, LLC
Designer: JASTIN
Drawn By: JCL
Checked By:
Revisions
12-07-18 REVIEW
12-12-18 PLANNING MEETING
01-28-19 MIDROOF CALCULATION

Sheet Number

AX2



2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0" ON 23 x 36
1/4" = 1'-0" ON 11 x 17



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0" ON 23 x 36
1/4" = 1'-0" ON 11 x 17

951.3 EAST AVERAGE

5'-0"

STEP FOOTING

943.81 BASEMENT FLOOR
BASEMENT FOOTING LINE

948.4 SOUTH WEST AVERAGE

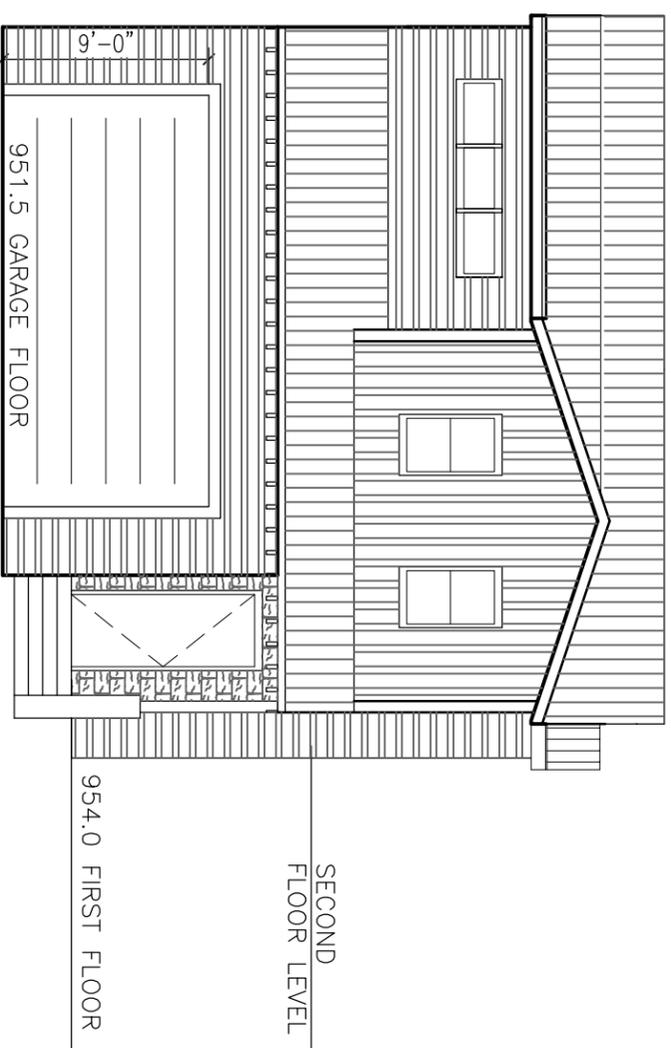
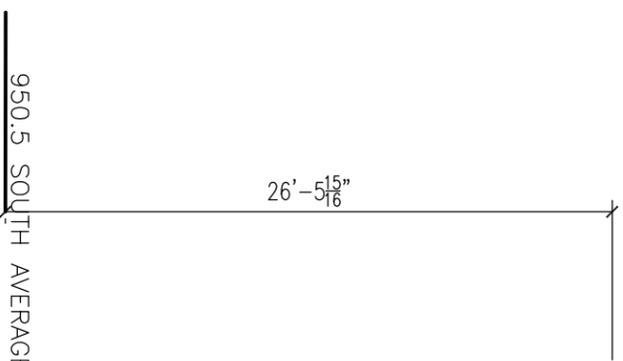
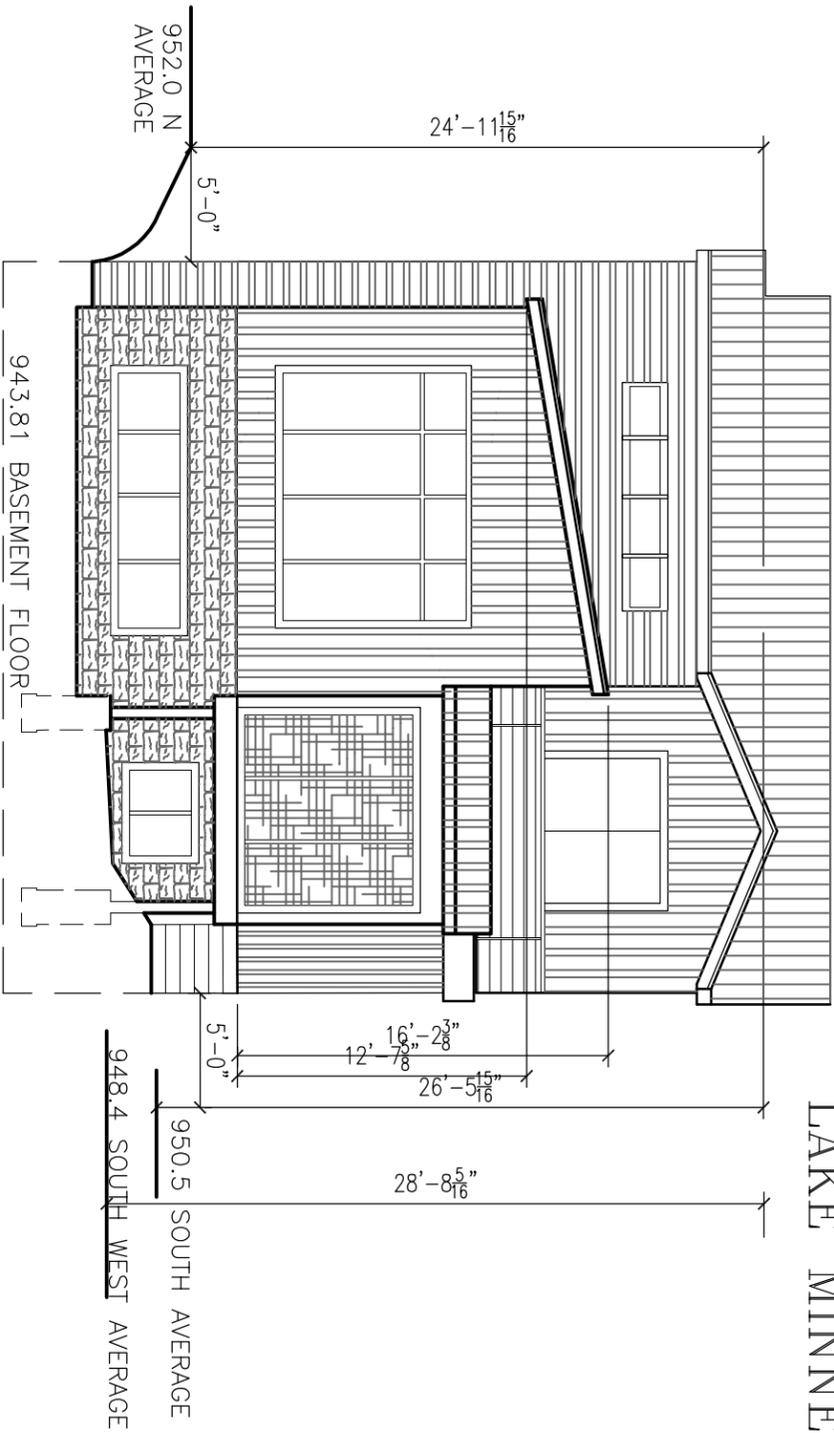
28'-8 5/16"

943.81 BASEMENT FLOOR
BASEMENT FOUNDATION LINE

951.0 SE CORNER GARAGE

JACOBUS RESIDENCE

LAKE MINNETONKA



2 LAKE VIEW ELEVATION
AX1 SCALE: 1/2" = 1'-0" ON 11 X 17

2 MEADVILLE ROAD ELEVATION
AX1 SCALE: 1/2" = 1'-0" ON 11 X 17

LETOURNEAU DESIGN
ASSOCIATES, LLC
PROJECT MANAGEMENT
AND DEVELOPMENT

8001 5th Street
SLP, Minnesota 55432
PH: 763.717.4966
PH: 612.599.6044

HOUSE REMODELING FOR
Randy & Raneé Jacobus
5290 MEADVILLE St, GREENWOOD MN

Copyright 2008
Letourneau Design Assoc, LLC

Designer: JASON

Drawn By: JCL

Checked By:

Revisions

12-07-18 REVIEW

12-12-18 PLANNING MEETING

01-28-19 MIDROOF CALCULATION

NO.	DATE	DESCRIPTION

Sheet Number

AX1



Permit #	FORM #5 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.

Property Owner(s)	Roland and Rane Jacobus
Property Address	5290 Meadville Street, Greenwood, MN. 55331

Person completing this form: Property Owner Builder / Architect

Per code section 1140.18 (view at 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.

The "above grade building volume" calculation for the property is:	24,738.28
--	-----------

33,614.15 w/ basement

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	<i>Ranee A. Jacobus</i>	Date: 1/10/19
Print Name	Ranee A. Jacobus	

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		

Form Updated 10-27-14

RESOLUTION NO 06-19

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

In Re: Application of Roland and Rane Jacobus for the property at 5290 Meadville Street for a variance from Greenwood ordinance code sections 1120.15 in order to encroach into the north and south side yard setbacks in conjunction with the construction of a new house on the property.

WHEREAS, Applicants Roland and Rane Jacobus (hereinafter 'Applicant') is the owner of property commonly known as 5290 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0008) being real property located in Hennepin County, Minnesota and legally described as follows:

THAT PART OF LOT 3, SOLBERG'S POINT, LYING SOUTH OF THE NORTH 60 FEET THEREOF,
HENNEPIN COUNTY, MINNESOTA.

; and

WHEREAS, the applicant proposes to encroach into the north and south side yard setbacks in order to construct 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 December 12, 2018; 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 5290 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0008) is a single-family lot of record located within the R-1 district.
2. The applicants propose to build a new house that would encroach into the north and south side yard setbacks on the property. Section 1120.15 of the city code requires side yard setbacks of 8 feet for the 40 foot wide lot. Applicants are proposing side yard setbacks of 3.8 feet on the south side and 3.9 feet on the north side. The existing house has a south side yard setback of 2.9 feet and a north side yard setback of 2 feet. Meeting the city setback requirements would limit the house width to 24 feet wide, which would not meet the minimum house width requirements.

3. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

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

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

Economic considerations alone shall not constitute practical difficulties.

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

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

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

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

4. The applicants assert that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
5. The planning commission, on a 3-0 vote, recommended the council approve the request of Roland and Ranee Jacobus to vary from city code section 1120.15 to encroach into the south side yard setback by 4.2 feet, and into the north side yard setback by 4.1 feet in order to build a new house at 5290 Meadville Street, as proposed. The motion was based on the following findings:
 - 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 provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district. The proposed expansion is consistent with that purpose and is a modest house on a challenging, undersized property.
 - b) The variance, if granted, will be consistent with the comprehensive plan which encourages, safe, healthy, and quality housing that respects the natural environment of the community.
 - 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 maintains the single family nature of property while improving upon the existing nonconforming conditions. The narrow lot creates challenges to meeting the setback standards and the building width standards.
 - d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the buildable area on the property is limited due to the 40 foot lot width and the overall size of the lot.
 - e) The variance, if granted, will not alter the essential character of the locality, because: the proposed house is a modest change from existing conditions and would remain consistent with the scope and scale of the surrounding properties.
 - 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.
6. Based on the foregoing, the city council determined that the variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

CONCLUSIONS OF LAW

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

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the granting of variances from section 1120.15 and therefore variances to encroach into south side yard setback by 4.2 feet and into the north side yard setback by 4.1 feet in order to build a new house at 5290 Meadville Street be **APPROVED**.

The approval is conditioned that: a) the proposed lake yard setback be adjusted to meet the 50 foot minimum lake yard

setback requirement.

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

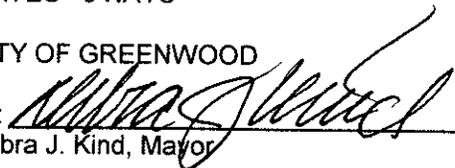
That the application of Roland and Rane Jacobus for the property at 5290 Meadville Street, Greenwood, Minnesota 55331 for variances from section 1120.15 to encroach into south side yard setback by 4.2 feet, and into the north side yard setback by 4.1 feet in order to build a new house at 5290 Meadville Street is **APPROVED**.

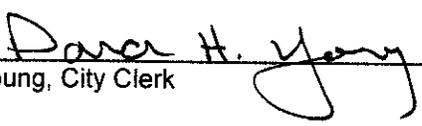
The approval is conditioned that: a) the proposed lake yard setback be adjusted to meet the 50 foot minimum lake yard setback requirement.

PASSED this 2nd day of January, 2019 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

4 AYES 0 NAYS

CITY OF GREENWOOD

By: 
Debra J. Kind, Mayor

Attest: 
Dana Young, City Clerk

RESOLUTION NO 13-19

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

In Re: Application of Roland and Ranee Jacobus for the property at 5290 Meadville Street for a variance from Greenwood ordinance code sections 1120.15 and 1140.80(4)(c)(2) to encroach into the front and south side yard setbacks and exceed the maximum permitted impervious surface area, and exceed the maximum construction related tree removal in conjunction with the construction of an attached garage on the property.

WHEREAS, Applicants Roland and Ranee Jacobus (hereinafter 'Applicant') are the owners of property commonly known as 5290 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0008) being real property located in Hennepin County, Minnesota and legally described as follows:

THAT PART OF LOT 3, SOLBERG'S POINT, LYING SOUTH OF THE NORTH 60 FEET THEREOF,
HENNEPIN COUNTY, MINNESOTA.

; and

WHEREAS, the applicant proposes to encroach into the front and south side yard setbacks and exceed the maximum permitted impervious surface area, and exceed the maximum construction related tree removal in conjunction with the construction of an attached garage 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 February 13, 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 5290 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0008) is a single-family lot of record located within the R-1 district.

The applicants propose to build a new attached that would encroach into the front and south side yard setbacks on the property. Section 1120.15 of the city code requires side yard setbacks of 8 feet for the 40 foot wide lot. Applicants are proposing a south side yard setback of 3.9 feet and a front setback of 27.2 feet. The January 2019 approval permitted the proposed extent of the house, and the proposed attached garage would be a further encroachment along this same setback line. The attached garage would be setback as close as 27.2 feet from the front property line. The angle of the front property line creates this minor encroachment, as the north corner of the garage is 32.4 feet from the property line. A 686 square foot detached garage is proposed to be removed as part of this project. Currently, that garage encroaches 14.3 feet into the public right-of-way and 7.8 feet into the north side yard setback.

2. Section 1120.15 of the Greenwood Zoning Code limits the impervious area for a property of this size to 33.9%. The property is currently at 49.4% impervious, which excludes areas that encroach into the public right-of-way and the neighboring commercial property. As proposed, the impervious areas would be reduced to 43.8%, and the calculation now includes the entirety of the proposed garage.
3. Section 1140.80 of the Greenwood Zoning Code regulates tree removal and replacement. The applicants propose to remove all but two of the existing, non-noxious trees on the property. Only one of the proposed trees to be removed (the silver maple clump) is considered significant. The lot is narrow and the trees are in close proximity to the existing house. Because of these factors, it would be very difficult to save the trees. Given their location, and their generally

small size, staff is supportive of the proposed tree removal.

As proposed, 47 of the 74 diameter inches of trees (64%) on the property would be removed. Applicants are permitted to remove 15 diameter inches. The equivalent of five 12 foot tall coniferous trees and one 24" or greater softwood deciduous tree would need to be replaced. Applicants are proposing 2 x 3" deciduous trees, and 10 x 2" deciduous trees. As proposed the trees meet the replacement requirements. At least 4 of the replacement trees would be replaced on site, and the remaining 8 trees may be placed on site, or reimbursed to the city at fair market value per Section 1140.80, Subd. 7.

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. The planning commission, on a 4-0 vote, recommended the council approve with conditions the request of Roland and Rane Jacobus to vary from city code section 1120.15 to encroach into the south side yard setback by 4.1 feet, to encroach into the front yard setback by 2.8 feet, to exceed the maximum permitted impervious surface area by 9.9%, and to exceed the maximum allowable construction related tree removal by 44% (32 diameter inches) in order to build an attached garage at 5290 Meadville Street, as proposed.

And subject to the following conditions:

- a) Applicants will pay the required landscape security to the city per city code Section 1140.80 Subd. 9.

The motion was based on the following findings:

- 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 provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district. The proposed garage is consistent with that purpose while simultaneously a non-conforming detached garage from the property.
- b) The variance, if granted, will be consistent with the comprehensive plan which encourages, safe, healthy, and quality housing that respects the natural environment of the community.
- 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 creates an attached garage on a small,

narrow property while also eliminating the existing detached garage that encroaches into the public right-of-way and the north side yard setback.

- d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the buildable area on the property is limited due to the 40 foot lot width and the overall size of the lot. The front property line angles inward creating a small portion of the garage that encroaches into the setback while most of the proposed structure exceeds setback requirements. The proposed impervious areas are a reduction from legal nonconforming conditions, while also locating the garage structure entirely within the property lines.
- e) The variance, if granted, will not alter the essential character of the locality, because: the proposed attached garage makes the property significantly more conforming than existing conditions.
- 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. Based on the foregoing, the city council determined that the variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

CONCLUSIONS OF LAW

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

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the granting of variances from sections 1120.15 and 1140.80(4)(c)(2) and therefore variances to encroach into the south side yard setback by 4.1 feet, to encroach into the front yard setback by 2.8 feet, to exceed the maximum permitted impervious surface area by 9.9%, and to exceed the maximum allowable construction related tree removal by 44% (32 diameter inches) in order to build an attached garage at 5290 Meadville Street be **APPROVED**.

The approval is conditioned that: a) Applicants will pay the required landscape security to the city per city code Section 1140.80 Subd. 9.

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

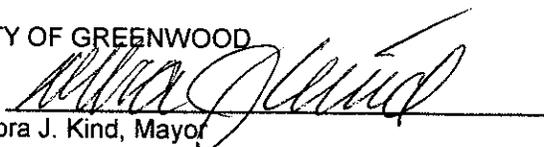
That the application of Roland and Rane Jacobus for the property at 5290 Meadville Street, Greenwood, Minnesota 55331 for variances from sections 1120.15 and 1140.80(4)(c)(2) and therefore variances to encroach into the south side yard setback by 4.1 feet, to encroach into the front yard setback by 2.8 feet, to exceed the maximum permitted impervious surface area by 9.9%, and to exceed the maximum allowable construction related tree removal by 44% (32 diameter inches) in order to build an attached garage at 5290 Meadville Street is **APPROVED**.

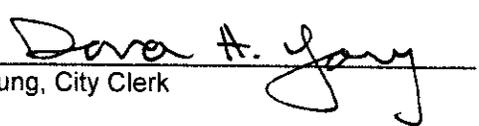
The approval is conditioned that: a) Applicants will pay the required landscape security to the city per city code Section 1140.80 Subd. 9.

PASSED this 6th day of March, 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

LEGAL DESCRIPTION:
That part of Lot 3, Solberg's Point, lying South of the North 60 feet thereof, 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.
 - This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
 - 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.
 - 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 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.

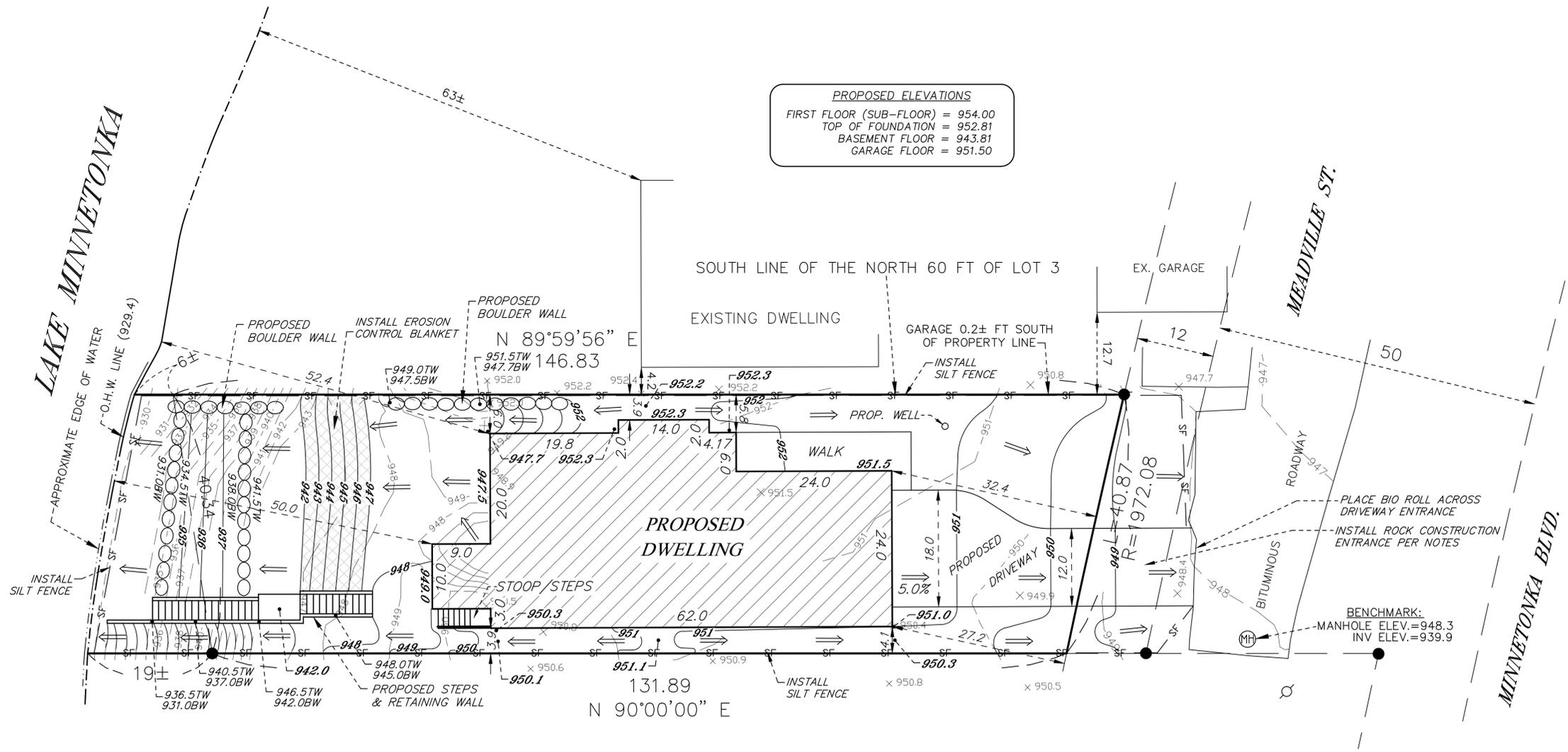
STANDARD SYMBOLS & CONVENTIONS:
● Denotes iron survey marker, found, unless otherwise noted.

- 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 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.

EXISTING HARDCOVER		PROPOSED HARDCOVER	
HOUSE	1,178 SQ. FT.	HOUSE	1,834 SQ. FT.
GARAGE	339 SQ. FT.	FRONT WALK	171 SQ. FT.
FRONT STONE WALK	132 SQ. FT.	REAR STOOP/STEPS	33 SQ. FT.
DECK	358 SQ. FT.	LAKE SIDE STEPS/WALLS	165 SQ. FT.
SOUTHERLY WALK/STEPS	256 SQ. FT.	DRIVEWAY	457 SQ. FT.
STONE STEPS (TO BASEMENT)	47 SQ. FT.	TOTAL PROPOSED HARDCOVER	2,660 SQ. FT.
GAZEBO	75 SQ. FT.	AREA OF LOT TO O.H.W. LINE	6,080 SQ. FT.
STONE PATIO	185 SQ. FT.	LOT COVERAGE	43.8%
WOOD STEPS/DOCK/WALLS	431 SQ. FT.		
TOTAL EXISTING HARDCOVER	3,001 SQ. FT.		
AREA OF LOT TO O.H.W. LINE	6,080 SQ. FT.		
LOT COVERAGE	49.4%		

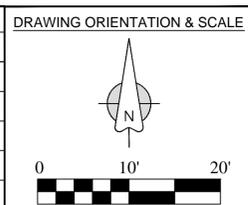
PROPOSED ELEVATIONS
FIRST FLOOR (SUB-FLOOR) = 954.00
TOP OF FOUNDATION = 952.81
BASEMENT FLOOR = 943.81
GARAGE FLOOR = 951.50



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 —

DATE	REVISION DESCRIPTION
12-7-18	MOVED SCREEN PORCH & UPDATED HOUSE FOOTPRINT
12-13-18	UPDATED HARDCOVER TABULATION
1-7-19	ADDED ATTACHED GARAGE & LOWERED HOUSE 0.5'
1-21-19	REMOVED TREES FROM SURVEY



CLIENT/JOB ADDRESS

RANEE JACOBUS
5290 MEADVILLE STREET
GREENWOOD, MN

Advance
Surveying & Engineering, Co.
17917 Highway No. 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 LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Joshua S. Rinke
Joshua S. Rinke
52716
LICENSE NO.
NOVEMBER 14, 2018
DATE

DATE SURVEYED: NOV. 5, 2018
SURVEYED BY: ADVANCED SURVEYING, & ENG., CO.
DATE DRAFTED: NOVEMBER 14, 2018

SHEET TITLE
PROPOSED SURVEY

SHEET SIZE: 22 X 34

DRAWING NUMBER
181361 JR

SHEET NO.
S1

SHEET 1 OF 2

From: Ranee Jacobus <raneejacobus@gmail.com>
Sent: Tuesday, October 15, 2019 2:43 PM
To: Debra Kind; Cooney Dale; LUCKING PAT
Cc: Francis Todd; Randy Jacobus
Subject: 5290 Meadville

Good morning. I dropped off payment for Variance this morning and assume everything needed for the Planning Committee meeting on Oct 24 is in your hands.

This is notice that as of last week, we stopped all future sub-contractor work on our home and will re-access any future work after Nov 6.

However, there is residual work we are trying to complete as quickly as possible to correct real issues with work paid for to date so we can protect the house from weather and vandals while we sit idle. These are outlined below:

- 1. CORRECT ISSUE: DON STODOLA WELL COMPANY** Just found out the brevity of this issue today. A sub-contractor (not sure who the culprit is yet) bumped into my new well (completed in June) in my yard sometime in the last couple weeks and caused a leak in my new system. This issue was only discovered this weekend when the area broke away completely, creating a pond and runoff in my backyard. When it dries off enough for Rick Stodola's well equipment to get to the well, they will be there assessing and fixing. Obviously, whenever a well is compromised, we are required to address it immediately.
- 2. CORRECT ISSUE: STEVENS INSULATION** Just saw comments of Insulation inspection upon returning to Minnesota. Insulation was finished last week. It was already paid for and in process prior to my being told that we needed to go to Variance. There are 2 minor punch items from the Insulation inspector that Stevens will be coming back to do today or tomorrow, and another bigger punch item that involves water intrusion to batt in the garage that needs to be taken down and dried out.
- 3. CORRECT ISSUE: WATER INTRUSION.** Trying to nail down the culprit of water intrusion in garage and two areas of house that started a week ago and surfaced again over the weekend, causing damage to batt in garage and puddling on Main Floor in two areas. Obviously we can't continue to let this happen over the next three weeks. My builder and framer will be addressing this together. They believe it is flashing related and there will have to be some remedial work on these two areas to get the house water tight.
- 4. INCOMPLETE WORK STOPPED. EXTERIOR SIDING.** We were paying the siders in installments based on the work they completed. Due to weather last week, they just finished up the work on Monday we had paid them to do with last installment. They are caulking work to date today, then will be gone from the property until further notice from us.
- 5. INCOMPLETE WORK. ROOF.** There are still two areas of upper roof exposed that were supposed to be shingled two weeks ago. It has been painful trying to get these people back to finish their job. These areas are minimal (were originally going to be metal and were told they weren't suitable for metal after the fact) and should be shingled before winter storms hit and snow sits up there. Garage and screen porch will remain un-shingled until after Nov 6, as they don't affect interior of home.
- 6. TEMPORARY GARAGE DOOR.** We cancelled the scheduled installation last week of our permanent garage door since we also cancelled drywalling of house. However, we will be installing some type of temporary garage door front to secure the home, as we have a large amount of purchased finish materials sitting in our garage.

Just wanted to communicate that we are in no way being presumptuous about the outcome of our variance. We are just asking for your understanding in our wish to remedy and protect our investment to date as quickly as we can so there are no concerns while it is on hold.

Thank you.

Ranee and Randy Jacobus

To: The Greenwood Planning Commission:

From: Jeff Solum residing at 5280 Meadville St.

Date: 10/22/2019

I recently received a notice for variance at 5290 Meadville St. the property of Raneë and Randy Jacobus. I am the next door neighbor residing at 5280 Meadville St. My understanding from the notice, is that the new house that is currently under construction exceeds the maximum volume allowed for the size of the property on which it sits.

While I appreciate that the house was moved over from my south property line by an average of 3.2 feet, I must say that as it was going up, I was a bit overwhelmed by the size. I remember asking the planning commission during their planning stage and original variance request last fall, to consider allowing the house to be moved back from the previous location somewhat to avoid the massive wall that extends 24 ft in front of my house on my south side but apparently that was not a consideration since the house was in compliance on it's rear setback (from the lake) of 50'.

I have had the pleasure of getting to know Raneë and Randy over the summer during the project. We have collaborated on some of the lakeside landscaping which I really appreciate and has turned out nicely.

Early in July I had a conversation with Raneë about the wall height on the north side of her house (the part that extends in front of my house). I thought she was missing out on some spectacular views of the lake from the second story. She originally had planned to have windows facing north in the master bedroom and some larger windows at the top of the stairs for views westward from the second floor rec room. But according to her she needed to increase the pitch of the roof over her living room for reasons I am not quite clear on. So the wall height was increased going up toward the south which is adjacent to the master bedroom on the second floor. I asked her at that time why she did not simply lower the wall height on the north side (wall facing me) to accommodate the greater pitch in the roof. She told me that her builder either decided that was not an option or at least had not considered that option and that it was too late to make such a modification. I still think they are missing out on the views of the lake and have made somewhat of a hardship for me given the overall height of the wall which extends in front of my place and is on my south facing side.

On the evening of on Wednesday October 16th I called up Randy and Raneë , after having received the request for variance notice and suggested that if they did not get the variance, that I believe the easiest fix for decreasing the volume would be to lower the roof and vaulted ceiling over the family room on the main floor since that roof is composed of only rafters and not complex trusses. This is also not living space so it would have no effect on the overall living square footage.

Had I not received the notice, I would not have brought the subject up again as I did in July when modifications would have been much simpler and less costly.

I know that the wall height on the north side is within the specifications originally proposed, however the wall height depicted on the original drawings was apparently the interior wall height (12 ft) which may have been somewhat misleading but was pointed out to me by Raneë. When I measured the

exterior wall height it is nearly 15 ft from the top of the roof line to the ground. So accounting for the floor trusses of 14" and 12" rafters, subfloor, ceilings, roof sheeting, etc. the outside measurement makes some sense and after final grading will be just under 15 ft above ground.

I want to be a good neighbor and I can live with whatever the planning commission and city council decides with regards to this variance request, however if the decision is for Randy and Raneer to make any modifications to get closer to, or within the volume maximum, I would propose the following modifications:

1. Lower the roof height over the family room so that the North side of the wall is reduced by at least 3 ft making the interior measurement no more than 9 ft on the north wall and the exterior measurement above ground no more than 12 ft.
2. In addition, it does not take too much imagination to envision a nice larger deck on the rear of the family room (lakeside) in exchange for some of the lakeside interior living space. That sounds like a big project but when you think about it, it may make the most sense from a cost and engineering problem to solve since the front wall of the family room could be moved back from the lake relatively easily compared to other alternatives to reducing the volume.

Respectfully submitted,

Jeff Solum and Bonnie Waldorf

5280 Meadville St.



Agenda Number: **7B**

Agenda Date: **11-06-19**

Prepared by Dale Cooney

Agenda Item: 1st Reading: Ord 294, Amending Chapter 11, Section 1135.05 regarding marinas

Summary: In light of the recent state legislation limiting the LMCD jurisdiction only below the OHW, Councilmember Cook recommended that "marinas" be moved to be a conditional use within the C-2 zoning district.

"Marinas" are currently permitted uses within the C-2 zoning district; however, "retail uses that are marina or water related" are currently conditional uses. Also, as written, these uses are used somewhat interchangeably within the C-2 ordinance Section 1135. Councilmember Cook recommended that "marinas" be moved to be a conditional use in order to allow for additional city oversight.

Timeline:

- ~~09-04-19 City council discusses potential revisions to the ordinance.~~
- ~~09-19-19 The public hearing notice is submitted to the Sun-Sailor for publication.~~
- ~~09-26-19 The public hearing notice is published in the Sun-Sailor (10+ days prior to planning commission meeting).~~
- ~~10-09-19 Planning commission holds public hearing and makes recommendation.~~
- 11-06-19 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 11-07-19 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 11-14-19 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 12-04-19 City council considers 2nd reading of the ordinance (may make revisions).
- 12-05-19 The ordinance is submitted to the Sun-Sailor for publication.
- 12-12-19 The ordinance is published in the Sun-Sailor (goes into effect on this date).

Council Action: Potential motions ...

1. I move the city council (1) approve the first reading of ordinance 294 amending the city's subdivision code Section 1135.05 regarding marinas as written / as amended; (2) waives the second reading; and (3) directs that summary ordinance 294 be submitted to the Sun-Sailor for publication.
2. I move the city council (1) approve the first reading of ordinance 294 amending the city's subdivision code Section 1135.05 regarding marinas as written / as amended; and (2) directs that the ordinance be placed on the December council agenda for a 2nd reading.
3. Do nothing (maintain current ordinance) or other motion ???

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

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1135.05 REGARDING
C-2 PERMITTED AND CONDITIONAL PRINCIPAL USES**

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

SECTION 1.

Greenwood ordinance code section Section 1135.05 is amended to read as follows:

“Section 1135.05. C-2 Permitted Uses.

No building or home should be used, altered, or converted in any manner except as provided in section 1135 et seq. Permitted uses within the C-2 zone shall be:

Subd. 1. Principal Uses:

- ~~A.~~ ~~Marinas (as defined at section 1135.35, subdivision 4); and~~
- ~~BA.~~ General Offices.

Subd. 2. Accessory Uses:

- A. Off-street parking and loading;
- B. Signs as regulated in section 1140 et seq.; and
- C. Multiple docks and / or mooring areas in conjunction with operation of a LMCD licensed marina or multiple-family residential use.

Subd. 3. Conditional Principal Uses:

- ~~A.~~ ~~Marinas (as defined at section 1135.35, subdivision 4)~~
- ~~AB.~~ Retail uses that are marina or water related;
- ~~BC.~~ Multi-family residential uses (including the platting of condominiums within multi-family buildings with a minimum of not less than 1,500 square feet per residential unit subject to performance standards set forth at section 1135.00 et seq. and section 1140.00 et seq.);
- ~~CD.~~ Restaurants (as defined at section 1135.35, subdivision 5); and
- ~~DE.~~ Multiple permitted principal or conditional principal uses, other than multi-family, on a single tax parcel.
- ~~EF.~~ New installations of small wireless facility support structures.
- ~~FG.~~ Uses mandated in state statutes as conditional uses.”

SECTION 2.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2019.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2019
Second reading: _____, 2019
Publication: _____, 2019



Agenda Number: 8A

Agenda Date: 11-06-19

Prepared by Deb Kind

Agenda Item: Estimates for Maintenance of Greenwood Park Tennis Court

Summary: At the 08-07-19 council meeting, there was a motion by Cook that the city council authorizes staff to develop options and secure estimates for maintaining the tennis court at Greenwood Park (everything from repainting stripes to reconstruction). Second by Roy. Motion passed 4-0.

On 10-01-19, the council received an estimate \$82,650 for reconstruction of the tennis court (see attached). As of the council packet deadline, the city has not received estimates for lesser projects. If the estimates become available, they will be emailed to the city council and hardcopies will be available at the meeting.

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

1. I move the city council (1) authorizes up to \$ _____ for a _____ project at the Greenwood Park tennis court, and (2) directs the cost be paid from the _____ fund.
2. Do nothing or other motion ...

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1135.05 REGARDING
C-2 PERMITTED AND CONDITIONAL PRINCIPAL USES**

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Subd. 1. Principal Uses:

- ~~A.~~ ~~Marinas (as defined at section 1135.35, subdivision 4); and~~
- ~~BA.~~ General Offices.

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- A. Off-street parking and loading;
- B. Signs as regulated in section 1140 et seq.; and
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- ~~AB.~~ Retail uses that are marina or water related;
- ~~BC.~~ Multi-family residential uses (including the platting of condominiums within multi-family buildings with a minimum of not less than 1,500 square feet per residential unit subject to performance standards set forth at section 1135.00 et seq. and section 1140.00 et seq.);
- ~~CD.~~ Restaurants (as defined at section 1135.35, subdivision 5); and
- ~~DE.~~ Multiple permitted principal or conditional principal uses, other than multi-family, on a single tax parcel.
- ~~EF.~~ New installations of small wireless facility support structures.
- ~~FG.~~ Uses mandated in state statutes as conditional uses.”

SECTION 2.

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

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2019.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2019
Second reading: _____, 2019
Publication: _____, 2019



Agenda Number: **8A**

Agenda Date: 11-06-19

Prepared by Deb Kind

Agenda Item: Estimates for Maintenance of Greenwood Park Tennis Court

Summary: At the 08-07-19 council meeting, there was a motion by Cook that the city council authorizes staff to develop options and secure estimates for maintaining the tennis court at Greenwood Park (everything from repainting stripes to reconstruction). Second by Roy. Motion passed 4-0.

On 10-01-19, the council received an estimate \$82,650 for reconstruction of the tennis court (see attached). As of the council packet deadline, the city has not received estimates for lesser projects. If the estimates become available, they will be emailed to the city council and hardcopies will be available at the meeting.

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

1. I move the city council (1) authorizes up to \$ _____ for a _____ project at the Greenwood Park tennis court, and (2) directs the cost be paid from the _____ fund.
2. Do nothing or other motion ...

Preliminary Cost Estimate

MEADVILLE TENNIS COURT IMPROVEMENTS
CITY OF GREENWOOD, MINNESOTA
OCTOBER 1, 2019

ITEM NO.	BID ITEM	APPROX. QUAN.	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	<u>\$5,000.00</u>	<u>\$5,000.00</u>
2	Common Excavation (CV)	40	CY	<u>\$50.00</u>	<u>\$2,000.00</u>
3	Pavement Removal (Any Thickness)	800	SY	<u>\$7.00</u>	<u>\$5,600.00</u>
4	Concrete Removal (Any Thickness)	90	SF	<u>\$10.00</u>	<u>\$900.00</u>
5	Fence Post Removal/Salvage	6	EA	<u>\$250.00</u>	<u>\$1,500.00</u>
6	Fence Post and Footing Replace/Reinstall	6	EA	<u>\$250.00</u>	<u>\$1,500.00</u>
7	Salvage and Reinstall Fence	60	LF	<u>\$40.00</u>	<u>\$2,400.00</u>
8	Salvage and Re-Install Tennis Net Posts With New Footings	4	EA	<u>\$2,500.00</u>	<u>\$10,000.00</u>
9	Tennis Net Anchors and Footings	1	EA	<u>\$2,500.00</u>	<u>\$2,500.00</u>
10	SPWEA240B Tennis Court Surfacing	70	TON	<u>\$125.00</u>	<u>\$8,750.00</u>
11	SPNWB230B Tennis Court Bituminous Base	140	TON	<u>\$150.00</u>	<u>\$21,000.00</u>
12	Acrylic Surfacing and Line Painting	1	LS	<u>\$10,000.00</u>	<u>\$10,000.00</u>
13	Class 5 Aggregate Base	30	TON	<u>\$50.00</u>	<u>\$1,500.00</u>
14	Granular Borrow	40	CY	<u>\$50.00</u>	<u>\$2,000.00</u>
15	Concrete Mow Strip	60	LF	<u>\$50.00</u>	<u>\$3,000.00</u>
16	Turf Restoration (Including Top Soil)	1	LS	<u>\$5,000.00</u>	<u>\$5,000.00</u>
				TOTAL BID:	<u>\$82,650.00</u>



Agenda Number: **9A**

Agenda Date: **11-06-19**

Prepared by *Deb Kind*

Agenda Item: Possible Comments re: LMCD Harvesting Program Evaluation and Starry Stonewart Protection & Emergency Action Plan

Summary: Attached is a 10-11-19 email from the LMCD seeking public feedback regarding the drafts for both the LMCD Harvesting Program Evaluation and Starry Stonewart Protection & Emergency Action Plan. The deadline for public feedback was 10-25-19. However, Mayor Kind contacted the LMCD executive director to give her a heads-up that the Greenwood city council may be sending a response after the deadline. Councilman Fletcher reviewed the draft LMCD documents and created the attached "possible comments" to aid in the council's 11/6 discussion.

Council Action: Potential motions ...

1. I move the city council (1) authorizes the mayor to send a letter to the LMCD Board on behalf of the Greenwood city council; and (2) the letter shall include content from the "possible comments" document with revisions as discussed.
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.

From: Andrea Rehm <arehm@lmcd.org>
Sent: Friday, October 11, 2019 4:21 PM
To: Andrea Rehm <arehm@lmcd.org>
Cc: V Schleuning <vschleuning@lmcd.org>
Subject: Update Lake Mtka Vegetation & AIS Master Plan Development

Lake Minnetonka Conservation District

Update Lake Minnetonka Vegetation & AIS Master Plan Development

October 11, 2019

Hello Lake Minnetonka resident,

You are receiving this correspondence due to your residency on or near Lake Minnetonka. At the October 9, 2019 LMCD Board Meeting, Emmons & Olivier, Inc. (EOR) and Blue Water Science (BWS) provided an update to the board on the development of the Lake Minnetonka Vegetation & AIS Master Plan. The presentation can be found on the LMCD website www.lmcd.org or via this [link](#). The following are highlights of the process to date and next steps.

1. Online Vegetation Map

A vegetation map for the entirety of Lake Minnetonka has been completed. The majority of bays did not have vegetation delineations so surveys were completed for those bays in September. We thank the MCWD, MN DNR, U of M, and all those who provided recent vegetation delineations and data and Hennepin County for assisting with the vegetation delineations. The collected information will be helpful for future discussions and policy decisions.

The vegetation map can be found on the LMCD website via this [link](#), under "Get Involved." When viewing the online map, you may focus on a single bay by selecting only the data labeled for that bay under "Content" on the left navigation panel. Some bays will have multiple years you can choose.

Highlights:

- The surveys conducted in fall may not reflect some of the earlier vegetation such as curly-leaf pondweed.
- Overall vegetation was less this year, likely due to cooler spring and high water, similar to what was experienced in other Minnesota lakes.
- Starry stonewort was not found in any of the bays that were surveyed in September, which is typically more visible in late summer/early fall.

- While there is concern about the spread of flowering rush in some areas, similar looking native species were also intermixed.
- Filamentous algae was more reported this summer, similar to other Minnesota lakes.
- More review of the data will occur as part of the plan development and will provide a baseline for comparison in future years.

2. Seeking Public Feedback.

Drafts for both the Aquatic Vegetation Harvesting Program Evaluation and Starry Stonewort Protection and Emergency Action Plan were made available at the October 9, 2019 Board Meeting. The LMCD is seeking public feedback on these documents **in writing by October 25, 2019**. The draft documents can be found at the links provided below and are also available on the Master Plan page at lmcd.org.

- *DRAFT Aquatic Vegetation Harvesting Program Evaluation* – [Review Draft](#)
- *DRAFT Starry Stonewort Protection and Emergency Action Plan* – [Review Draft](#)
- Your input is wanted! Please provide your comments using this survey [LINK](#).

The harvesting program review and starry stonewort plan were considered more timely items and therefore placed near the beginning of the plan development process. Now that the vegetation data gathering and these portions are drafted, more focus on the overall master plan will occur over the next few months including input from our technical and public stakeholders.

Thank you for your interest and input in the Lake Minnetonka Vegetation & AIS Master plan. We look forward to hearing your feedback by **October 25, 2019** on the draft documents mentioned above. If you have any questions, please contact the LMCD office. Have a great weekend,

Andrea Rehm

Administrative Clerk | Lake Minnetonka Conservation District

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POSSIBLE COMMENTS

Greenwood Response to Draft LMCD Harvesting Program Evaluation and Starry Stonewort Protection & Emergency Action Plan

Prepared by Tom Fletcher, October 20, 2019

The city of Greenwood appreciates the LMCD's efforts in developing the Draft LMCD Harvesting Program Evaluation and Starry Stonewort Protection & Emergency Action Plan. Our comments are below ...

The Draft Harvesting Program Evaluation includes very helpful comparisons of harvesting versus chemical controls and financial data for the harvester operations. The report states and its comparisons show that there is not a one-size-fits-all solution for a lake as diverse as Lake Minnetonka.

The Final Harvesting Program Evaluation should include a discounted cash-flow analysis and use this as the basis for its per-acre costs throughout the report. In its introduction, the harvesting report incorrectly compares LMCD operated harvester costs of \$514 per acre to \$787 per acre based on a quote from one contractor. This is based on a historical analysis of 10 years of data with the only equipment expenditure being in 2012 for the noninsured portion of the replacement cost of a harvester that flipped over on the lake. The projected financial analysis notes that major equipment investments will be required in 2020 and provides projected and estimated costs for 5-, 10-, and 20-year periods. It is not appropriate to simply add cash-flows in a scenario such as this. A discounted cash-flow or Net Present Value analysis should be used instead to compare in-house and contracted harvesting costs. For example, over 10 years (which is most likely the appropriate time period for this analysis), the 2020 discounted expense using a 3% annual rate of return shows a nominal 2% savings at \$2,606,579 (\$753 cost per acre on a net present value basis) for LMCD operated harvesters compared to \$2,654,361 (\$767 per acre) for contracted harvesters assuming the same harvest volumes. Over 20 years the discounted expense using LMCD operated harvesters is \$5,190,124 or \$750 per acre as compared to \$5,575,088 or \$806 per acre for contracted harvesters. Having a financially accurate comparison is important because the contracted option will clearly have relatively lower costs if the harvested acres are reduced significantly and provides much greater flexibility for prioritizing future uses of LMCD funds.

The Draft Harvesting Program Evaluation includes a Long-Term Goal of Native Aquatic Plant Community Restoration on pages 26 and 27 and includes discussions and strategies to achieve this goal. Greenwood suggests that this section of the Final report include information on the experience on St. Alban's Bay where the substitution of chemical treatments for harvesting since 2011 has resulted in significant native plant restoration without any of the interventions that are discussed in the report.

The two reports also provide a basis for considering these key policy questions:

- If the LMCD elects to support milfoil and curly leaf pondweed control at its current level, should it continue to make harvesting its exclusive strategy, since many portions of the lake are more suited to chemical controls?
- Should the LMCD be focusing its limited dollars on short-term maintenance or long-term strategies that have the potential for greater general lake wide benefit? For example, page 5-10 of the Draft Starry Stonewort Report shows high probabilities of preventing starry stonewort introduction on Lake Minnetonka with a Preemptive Pilot Study and Bi-Weekly Surveys at priority boat accesses.
- The 2018 harvesting map on page 25 of the Draft Program Evaluation indicates that much of the area that was harvested was primarily of direct benefit to individual property owners. It is quite likely that the property owners could contract independently or through a LID for similar harvesting services. The LMCD may wish to consider whether its focus should be on projects with a broader lake wide impact or those that tend to have the greatest benefit for individual property owners.
- Should the LMCD operate its own harvesters or contract for them as it deems appropriate? Operating its own harvesters with the associated supervision and staffing makes them into a substantial fixed cost each season with the tendency to operate them as much as possible regardless of whether they are the most effective option or use of LMCD funds. On page 13 of the Draft Harvester Program Evaluation it states that, "the cost for the LMCD to continue the existing weed harvesting program will incur substantial expenses in year 2020 due to the need to replace most of the existing harvesting equipment" implies that the LMCD should make its in-house vs contracted harvesting decision before the start of the 2020 harvesting season.

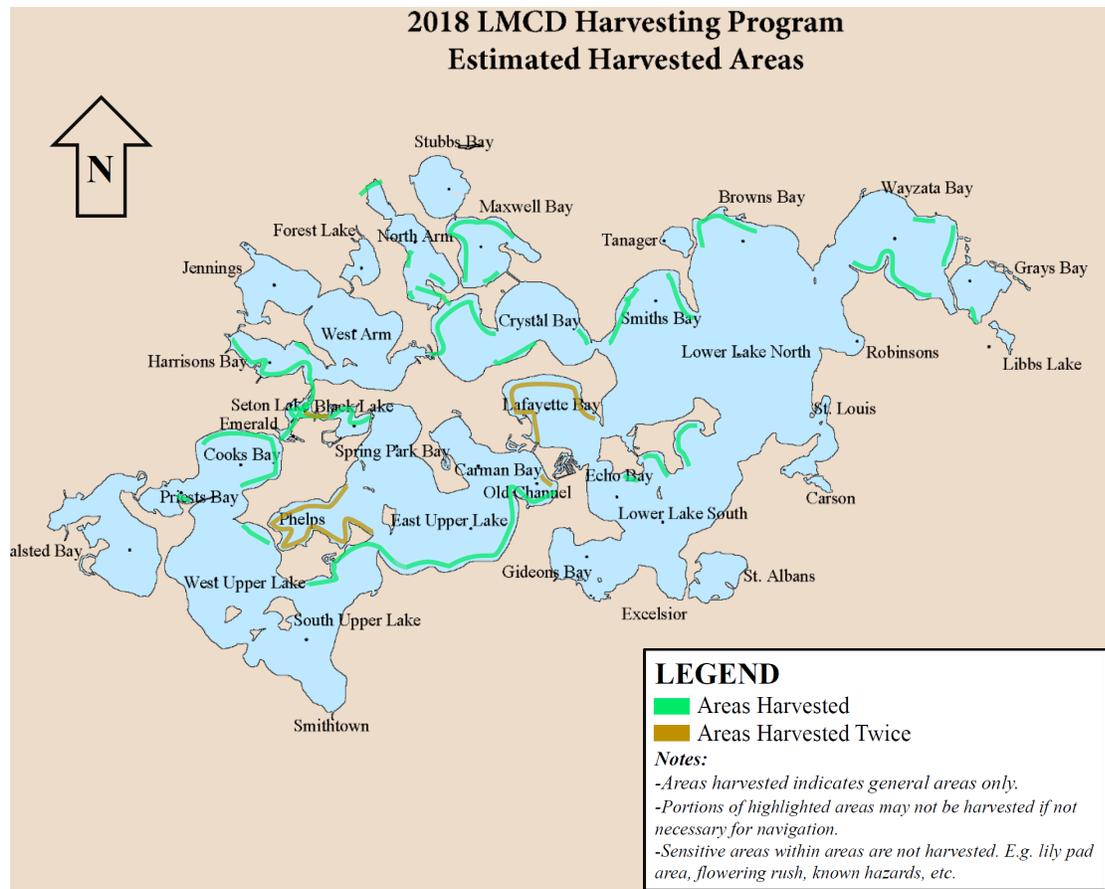


Figure 5. 2018 LMCD Harvesting Locations.



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.

Council Action: None required.



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.