

# AGENDA

## Greenwood City Council Meeting

Thursday, January 2, 2020

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: 12-04-19 City Council Meeting Minutes

B. Approve: 12-16-19 City Council Special Meeting Minutes

C. Approve: Nov Cash Summary Report

D. Approve: Nov Certificates of Deposit Report

E. Approve: Dec Verifiends, Check Register, Electronic Fund Transfers

F. Approve: Jan Payroll Register

G. Approve: Res 01-20, Setting Dates for 2020

H. Approve: Res 02-20, Appointments & Assignments

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. Announcement: Greenwood Night at the Old Log, 7:30pm, Friday 01-17-19

NONE 5. PUBLIC HEARINGS

NONE 6. ACTION RELATED TO PUBLIC HEARINGS

7:11pm 7. PLANNING, ZONING & SUBDIVISION ITEMS

*Note: Roland & Rane Jacobus, 5290 Meadville Street, have withdrawn their variance request to exceed maximum permitted building volume (Res 42-19).*

A. Consider: Res 03-20 Findings, Retaining Wall Conditional Use Permit Request, Garden Expressions, 21450 Excelsior Boulevard

B. Consider: Res 04-20 Findings, Preliminary Plat Application (subdivision), James & Jessica Benning, 21915 Fairview Street

C. Discuss: Potential Ordinance re: Definitions and Lake Setbacks for Accessory Structures

D. Discuss: Viability of Planning Commission

NONE 8. UNFINISHED BUSINESS

NONE 9. NEW BUSINESS

NONE 10. OTHER BUSINESS

8:30pm 11. COUNCIL REPORTS

A. Conrad: Planning Commission

B. Cook: LMCD, SABLID, Public Works Committee

C. Fletcher: LMCC, Fire, Administrative Committee

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

E. Roy: Minnetonka Community Education

8:45pm 12. ADJOURNMENT



**Agenda Item:** Consent Agenda

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

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

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

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

# MINUTES

## Greenwood City Council Meeting

Wednesday, December 4, 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

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

### 2. CONSENT AGENDA

A. Approve: 10-31-19 City Council TnT and Fall Sales Ratio Study Worksession with Assessors

B. Approve: 11-06-19 City Council Worksession / Meeting Minutes

C. Approve: 11-14-19 City Council Special Meeting Minutes

D. Approve: Oct Cash Summary Report

E. Approve: Oct Certificates of Deposit Report

F. Approve: Nov Verifieds, Check Register, Electronic Fund Transfers

G. Approve: Dec Payroll Register

H. Approve: 2020 License Applications

**Consent agenda motion by Kind I move the Council approves 2020 licenses for the entities listed below contingent upon the city receiving applications and fees by 12-31-19:**

**Commercial Marinas** Bean's Greenwood Marina  
Excelsior Bay Harbor  
Kreslins' Marina

**Gas Station** Greenwood Market

**Rental Permits** David & Karen Colwell, 21830 Byron Circle  
Terry & Jill Nagel, 21885 Byron Circle  
Lake Bechtell, 5100 Curve Street  
Sunny Kim, 21380 Excelsior Blvd  
David Rubenstein, 21885 Fairview Street  
Andrew Althsuser, 5200 Greenwood Circle  
John Klinkner, 5205 Greenwood Circle  
Jim Norman, 5370 Manor Road  
Patty Loftus, 5165 Meadville Street  
Keith Wilcock, 21260 Minnetonka Blvd  
Thomas Smith, 5135 West Street

**Tobacco** Greenwood Market

**Trash Haulers** Aspen Waste  
Blackowiak Disposal  
Randy's Environmental Services  
Republic Services  
Waste Management

**Second by Roy. Motion passed 5-0.**

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

### 3. MATTERS FROM THE FLOOR

Maureen Burns, 5080 Meadville Street expressed concern regarding snowplowing. Water is not draining properly. Snowbanks are too high by her driveway. Response: The public works committee will look into the issues.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. Chief Meehan: Quarterly Police Update

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

B. Meet: Julie Getchell, Planning Commission Applicant

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

C. Announcement: Planning Commission Term Expirations

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

5. PUBLIC HEARINGS

A. Truth in Taxation Hearing: 2020 Budget & Tax Levy

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

No one spoke during the public hearing.

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

6. ACTION RELATED TO PUBLIC HEARINGS

A. Consider: Res 46-19, Final 2020 Tax Levy; Res 47-19, Final 2020 Budget

**Motion by Fletcher that the council (1) adopts resolution 46-19 approving the 2019 tax levy in the amount of \$636,492 to be collected in 2020 and directs the city clerk to send the information to Hennepin County; and (2) adopts resolution 47-19 approving the 2020 general fund budget in the amount of \$782,595. Second by Kind. Motion passed 5-0.**

7. PLANNING, ZONING & SUBDIVISION ITEMS

A. Consider: Res 42-19, Variance Findings to Exceed Maximum Permitted Building Volume, Roland & Ranee Jacobus, 5290 Meadville Street

Ranee Jacobus, 5290 Meadville Street stated that she moved the garage on to the property to reduce the non-conformity and believed in good faith that the volume calculations were correct.

Mike Kroning, 5260 Meadville Street expressed concern with the height of the wall on the property line, that the height of the wall impairs the light to the neighboring property, and that the variance (if granted) will impair the property values in the neighborhood.

Bob Neuman, 5230 Meadville Street stated that small lots were considered when the massing ordinance was created, ordinances are in place to protect the neighbors and the city as a whole, there better be a good reason to break the rules, and the council should support the planning commission recommendation.

Maureen Burns, 5080 Meadville Street stated that she submitted a letter.

Ranee Jacobus, 5290 Meadville Street stated that her neighbor believes that anything is better than what was there before and her neighbor will make a lot of money if he decides to sell, so it is not true that property values be affected by her project.

Mark Setterholm, 5250 Meadville Street stated that there are consequences for “not knowing” and that the council should be careful about setting a precedence.

Tammy Magney, Architect for the Applicant stated that the purpose of the city’s massing ordinance is to avoid “mansionization” and that her client’s project is not a mansion. She stated that small lots are a challenge and that the reason for the variance process is to deal with unique situations. She stated that volume ordinances are not common in other cities and that the Greenwood’s volume ordinance is unique.

**Motion by Kind that the city council directs city staff to exercise the city’s option to extend to the 120-day deadline (02-12-20) to process the variance application of Roland and Ranee 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 to give applicants time to revise their plan to reduce the volume. Second by Cook. Motion passed 5.0.**

- B. 1st Reading: Ord 297 Revising Section 1140.10 Subd. 2(c) Swimming Pools, Hot Tubs, and Spas and Res 48-19 Summary of Ord 297

**Motion by Fletcher that the city council (1) approves the first reading of ordinance 297 amending section 1140.10 subd. 2(c) of the city code regarding swimming pools, hot tubs, and spas as written; (2) waives the second reading; and (3) directs that summary resolution 48-19 be submitted to the Sun-Sailor for publication. Second by Conrad. Motion passed 5-0.**

8. UNFINISHED BUSINESS

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

**Motion by Fletcher authorizing a subcommittee of Conrad and Cook to tag trees adjacent to the tennis court for potential removal. Second by Kind. Motion passed 5-0.**

9. NEW BUSINESS

- A. Consider: Year-End Fund Transfers

**Motion by Fletcher** that the council approves the following budgeted 2019 fund transfers:

- a. **\$12,500** from 605-49300-720 Marina Enterprise Fund Transfer Out to 101-39200 General Fund Interfund Operating Transfer In
- b. **\$3,960** from 605-49300-721 Marina Enterprise Fund Transfer Out to 101-39201 General Fund Administrative Expense Reimbursement
- c. **\$10,090** from 602-43200-720 Sewer Enterprise Fund Transfer Out to 101-39202 General Fund Administrative Expense Reimbursement
- d. **\$2,573** from 502-43200-720 Stormwater Special Revenue Fund Transfer Out to 101-39203 General Fund Administrative Expense Reimbursement
- e. **\$10,000** from 101-49000-500 General Fund Bridge Transfer to 403-39200 Bridge Capital Project Fund

**and further moves that the council approves amending the 2019 budget to add \$20,000 to Building Permit (101-32210) and \$4,000 to Zoning / Subdivision / Variances General Fund (101-34103) revenues respectively and adding \$24,000 to General Fund Building Inspections (101-42400-310) expenses. 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

**The consensus of the council was ...**

**(1) that we will not be appointing Dean Barta to a new planning commission term based on his previous attendance record.**

**(2) to include a discussion about the viability of the planning commission on the January council agenda.**

**(3) for Mayor Kind to write a letter to Three Rivers Park District requesting attention to the buckthorn overgrowth along the intensely used section of the LRT in Greenwood.**

**Motion by Fletcher to appoint Julie Getchell to the B-2 planning commission seat. Second by Roy. Motion passed 5-0.**

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 9:27pm. Second by Cook. Motion passed 5-0.**

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



## MINUTES

### Greenwood City Council Special Meeting

5pm, Monday, December 16, 2019

20225 Cottagewood Road, Deephaven, MN 55331

*In accordance with open meeting laws, members of the public are welcome to attend this meeting.*

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

Mayor Kind called the meeting to order at 5:03pm.

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

Members Absent: Councilman Rob Roy

Staff Members Present: None

**Motion by Cook to approve the agenda. Second by Conrad. Motion passed 4-0.**

2. CONSIDER: Resolution 49-19 designating the polling place for the precinct within the City of Greenwood

**Motion by Conrad that the city council approves resolution 49-19. Second by Cook.**

**Motion passed 4-0.**

3. ADJOURNMENT

**Motion by Kind to adjourn at 5:03pm. Second by Cook. Motion passed 4-0.**

Check Issue Date(s): 12/01/2019 - 12/31/2019

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/19	12/11/2019	11374	9	CITY OF DEEPHAVEN	602-20100	8,914.59
12/19	12/11/2019	11375	822	ECM PUBLISHERS INC	101-20100	261.80
12/19	12/11/2019	11376	68	GOPHER STATE ONE CALL	602-20100	16.20
12/19	12/11/2019	11377	78	Hennepin County Taxpayer Svcs.	101-20100	72.47
12/19	12/11/2019	11378	766	HENNEPIN COUNTY TREASURER	101-20100	579.89
12/19	12/11/2019	11379	854	HYDRO KLEAN	602-20100	53,640.00
12/19	12/11/2019	11380	850	KENNEDY, GRAVEN, CHARTERED	101-20100	1,113.75
12/19	12/11/2019	11381	886	KENNETH N. POTTS, P.A.	101-20100	400.00
12/19	12/11/2019	11382	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,772.50
12/19	12/11/2019	11383	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,774.73
12/19	12/11/2019	11384	893	REPUBLIC SERVICES #894	101-20100	1,981.45
12/19	12/11/2019	11385	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	16,334.25
12/19	12/11/2019	11386	868	ST ALBANS BAY LAKE IMPROVEMENT	101-20100	10,091.12
12/19	12/11/2019	11387	145	XCEL ENERGY	602-20100	933.67
Totals:						<u>98,886.42</u>

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	DEC 2019	RENT & EQUIPMENT	12/11/2019	487.45
			Postage		52.00
			COPIES		96.60
			SEWER		1,007.60
			SNOW PLOWING/SANDING/SALT		3,345.72
			WEED/TREE/MOWING		100.76
			Clerk Services		3,232.80
			ZONING		591.66
	Total CITY OF DEEPHAVEN				8,914.59
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	741379	LEGAL NOTICE	11/21/2019	107.10
		743172	LEGAL NOTICE	11/28/2019	47.60
		743173	LEGAL NOTICE	11/28/2019	53.55
		743174	LEGAL NOTICE	11/28/2019	53.55
	Total ECM PUBLISHERS INC				261.80
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	9110431	Gopher State calls	11/30/2019	16.20
	Total GOPHER STATE ONE CALL				16.20
<b>Hennepin County Taxpayer Svcs.</b>					
78	Hennepin County Taxpayer Svcs.	11 22 19	2020 TRUTH IN TAXATION	11/22/2019	72.47
	Total Hennepin County Taxpayer Svcs.				72.47
<b>HENNEPIN COUNTY TREASURER</b>					
766	HENNEPIN COUNTY TREASURE	1219-1	ELECTION SUPPLIES	11/22/2019	45.49
		1219-2	AUTOMARK/DS200 MNTNCE	11/05/2019	534.40
	Total HENNEPIN COUNTY TREASURER				579.89
<b>HYDRO KLEAN</b>					
854	HYDRO KLEAN	62955	MONOFORM MANHOLE REHAB	10/31/2019	53,640.00
	Total HYDRO KLEAN				53,640.00
<b>KENNEDY, GRAVEN, CHARTERED</b>					
850	KENNEDY, GRAVEN, CHARTERED	151759	LEGAL SERVICES	11/15/2019	1,113.75
	Total KENNEDY, GRAVEN, CHARTERED				1,113.75
<b>KENNETH N. POTTS, P.A.</b>					
886	KENNETH N. POTTS, P.A.	NOV 2019	PROSECUTION SVCS	11/30/2019	400.00
	Total KENNETH N. POTTS, P.A.				400.00
<b>LAKE MTKA CONSERVATION DISTRICT</b>					
99	LAKE MTKA CONSERVATION DI	09 30 19	4th Qtr. LMCD Levy	09/30/2019	1,772.50
	Total LAKE MTKA CONSERVATION DISTRICT				1,772.50
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERV	0001104534	Monthly wastewater Charge	12/06/2019	2,774.73

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total METRO COUNCIL ENVIRO SERVICES					2,774.73
<b>REPUBLIC SERVICES #894</b>					
893	REPUBLIC SERVICES #894	0894-005035313	RECYCLING SVCS	11/15/2019	1,981.45
Total REPUBLIC SERVICES #894					1,981.45
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	DEC 2019	2019 OPERATING BUDGET	12/01/2019	16,334.25
Total SO LAKE MINNETONKA POLICE DEPT					16,334.25
<b>ST ALBANS BAY LAKE IMPROVEMENT</b>					
868	ST ALBANS BAY LAKE IMPROVE	DEC 2019	TAX SETTLEMENT DEC 2019	11/27/2019	10,091.12
Total ST ALBANS BAY LAKE IMPROVEMENT					10,091.12
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	12 03 19	Street Lights *	12/03/2019	724.10
			4925 MEADVILLE STREET *		6.48
			Sleepy Hollow Road *		6.39
			LIFT STATION #1		33.70
			LIFT STATION #2		35.84
			LIFT STATION #3		34.12
			LIFT STATION #4		38.31
			LIFT STATION #6		54.73
Total XCEL ENERGY					933.67

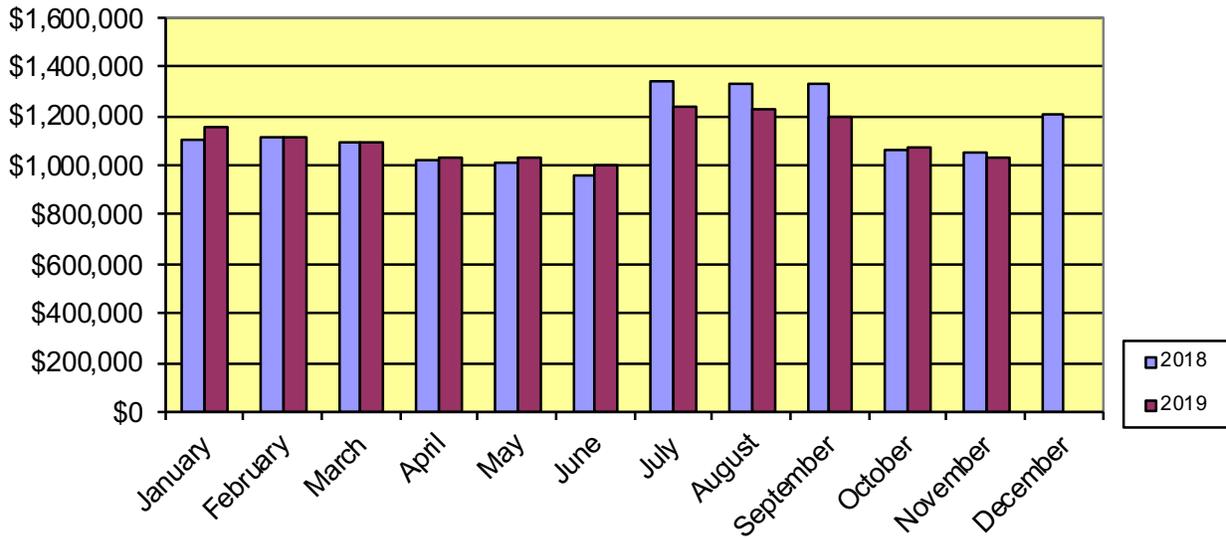
Total Paid: 98,886.42

Total Unpaid: -

Grand Total: 98,886.42

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
01/01/20	PC	01/01/20	1012001	CONRAD, KRISTI	39		001-10101	289.97
01/01/20	PC	01/01/20	1012002	COOK, WILLIAM B.	37		001-10101	289.97
01/01/20	PC	01/01/20	1012003	Fletcher, Thomas M	33		001-10101	189.97
01/01/20	PC	01/01/20	1012004	Kind, Debra J.	34		001-10101	434.95
01/01/20	PC	01/01/20	1012005	ROY, ROBERT J.	38		001-10101	289.97
Grand Totals:								<u>1,494.83</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	\$1,071,209	-\$125,001	\$7,499
November	\$1,056,473	\$1,031,949	-\$39,260	-\$24,524
December	\$1,210,299		-\$1,031,949	-\$1,210,299

Bridgewater Bank Checking	\$36,270
Bridgewater Bank Money Market	\$191,737
Bridgewater Bank CD's	\$803,942
	<b>\$1,031,949</b>

**ALLOCATION BY FUND**

General Fund	\$219,431
Special Project Fund	\$8,406
General Fund Designated for Parks	\$26,311
Bridge Capital Project Fund	\$181,244
Road Improvement Fund	\$83,224
Stormwater Fund	\$34,000
Sewer Enterprise Fund	\$372,490
Marina Enterprise Fund	\$106,843
	<b>\$1,031,949</b>

## GREENWOOD CERTIFICATES OF DEPOSIT

**Report Date** 11/30/19

Acct #	Bank	Date	Term	Maturity	Rate	Amount
x237	Bridgewater Bank	11/08/18	18 Month	05/08/20	2.48%	\$ 134,088.36
x238	Bridgewater Bank	03/08/19	18 Month	09/08/20	2.82%	\$ 134,127.37
x239	Bridgewater Bank	05/08/18	18 Month	11/08/20	2.48%	\$ 133,935.70
x240	Bridgewater Bank	05/08/18	18 Month	03/08/21	2.23%	\$ 133,549.15
x241	Bridgewater Bank	05/08/18	18 Month	11/08/19	2.08%	\$ 134,120.50
x242	Bridgewater Bank	05/08/18	22 Month	03/08/20	2.08%	\$ 134,120.50
<b>TOTAL</b>						<b>\$ 803,941.58</b>

### CITY COUNCIL POLICY

*09-03-14 Motion by Roy to authorize the administrative committee to open CDs with a maximum initial maturity of 25 months with a combined maximum total CD balance of \$500,000 at Alerus Bank or Bridgewater Bank. Second by Cook. Motion passed 5-0.*

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

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

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

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

## Resolution 01-20

### City of Greenwood Dates for 2020

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following dates for variance / conditional use permit / subdivision applications, publication of notices, planning commission meetings, and city council meetings:

Application Deadline	Sun Sailor Publish Date	Planning Commission Public Hearing	Council Packet Submission Deadline	Council Packet Posted Online	City Council Meeting
Wed (4 weeks before PC meeting)	Thu (13 days before PC meeting)	7pm, 2nd Wednesday	Fri (12 days before CC meeting)	Sun (10 days before CC meeting)	7pm, 1st Wednesday
			December 21, 2019	December 23, 2019	January 2, 2020 <b>Thu</b>
December 12, 2019	December 27, 2019	January 9, 2020	January 24, 2020	January 26, 2020	February 5, 2020
January 15, 2020	January 30, 2020	February 12, 2020	February 21, 2020	February 23, 2020	March 4, 2020
February 12, 2020	February 27, 2020	March 11, 2020	March 20, 2020	March 22, 2020	April 1, 2020
March 11, 2020	March 26, 2020	April 8, 2020	April 24, 2020	April 26, 2020	May 6, 2020
April 15, 2020	April 30, 2020	May 13, 2020	May 22, 2020	May 24, 2020	June 3, 2020
May 13, 2020	May 28, 2020	June 10, 2020	June 22, 2018	June 21, 2020	July 7, 2020 <b>Tue</b>
June 10, 2020	June 25, 2020	July 8, 2020	July 24, 2020	July 26, 2020	August 5, 2020
July 15, 2020	July 30, 2020	August 12, 2020	August 21, 2020	August 23, 2020	September 2, 2020
August 12, 2020	August 27, 2020	September 9, 2020	September 25, 2020	September 27, 2020	October 7, 2020
September 16, 2020	October 1, 2020	October 14, 2020	October 23, 2020	October 25, 2020	November 4, 2020
October 14, 2020	October 29, 2020	November 11, 2020	November 20, 2020	November 22, 2020	December 2, 2020
November 11, 2020	November 26, 2020	December 9, 2020	December 23, 2020	December 27, 2020	January 6, 2021
December 9, 2020	December 24, 2020	January 6, 2021	January 22, 2021	January 24, 2021	February 3, 2021

*All meetings are held in the Deephaven council chambers, 20225 Cottagewood Road, Deephaven, MN 55331. Dates may change due to lack of quorums.*

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following additional dates:

	Date	Time	Notes
City Council / Planning Comm Joint Worksession	March 11, 2020	8pm	2nd Wed in Mar
Pre-Board Worksession with Assessors	March 4, 2020	6pm	Before March council meeting
Local Board of Appeal & Equalization Meeting	April 16, 2020	6pm	3rd Thursday in April
Subsequent LBAE Meeting	April 23, 2020	6pm	4th Thursday in April
Spring Clean-Up Day	May 16, 2020	8am	3rd Saturday in May
Worksession: Budget & Fees	August 5, 2020	6pm	Before August council meeting
Worksession: Budget & Fees	September 2, 2020	6pm	Before September council meeting
Fall Sales Ratio Meeting with Assessors	October 29, 2020	4pm	Last Thu in Oct or 1st Thu in Nov
Budget Public Comment Opportunity	December 2, 2020	7pm	During December council meeting

**ADOPTED** by the city council of the city of Greenwood, Minnesota, this \_\_\_ day of January 2020.

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

CITY OF GREENWOOD

By:  
Debra J. Kind, Mayor

Attest:  
Dana H. Young, City Clerk

**Resolution 02-20 – City of Greenwood 2020 Appointments & Assignments**

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments and assignments for 01-02-20 through 01-01-21.

OFFICE & DESIGNATIONS	2019 HOLDER	2020 HOLDER
Administrative Committee	Deb Kind, Tom Fletcher	Deb Kind, Tom Fletcher
Accountant	CliftonLarsonAllen	CliftonLarsonAllen
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Bob Vose	Bob Vose
Attorney - Conduit Financing Projects	Jennifer Hanson	Jennifer Hanson
Attorney - Prosecutor	Ken Potts	Ken Potts
Bank Signatures	Kind, Fletcher, Courtney	Kind, Fletcher, Courtney
Building Official	Lenny Rutledge (City of Minnetonka)	Lenny Rutledge (City of Minnetonka)
City Administrator	Deb Kind	Deb Kind
City Clerk	Dana Young	Dana Young
Depositories	Bridgewater Bank, Allerus Bank	Bridgewater Bank, Allerus Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wednesdays (Jan, Mar, May, Jul, Sep, Nov)	Tom Fletcher, Rob Roy (alt.)	Tom Fletcher, Rob Roy (alt.)
Forester / Certified Tree Inspector	Manuel Jordan	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representative - 2 reps (1 elected official), meets 2nd Thursdays (Feb, Apr, May, Jul, Aug, Oct, Dec)	Tom Fletcher, Deb Kind	Tom Fletcher, Deb Kind
Lake Minnetonka Conservation District (LMCD) Rep - 2nd & 4th Wednesdays	Bill Cook (3yr term expires 1/31/20)	Bill Cook (3yr term expires 1/31/23)
Marina Clerk	Dana Young	Dana Young
Mayor Pro-Tem	Tom Fletcher	Tom Fletcher
Minnetonka Community Education (MCE) Advisory Council Representative – meets 5 Mondays (Jan, Mar, May, Oct, Nov)	Rob Roy	Rob Roy
Newspapers	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)
Planning Commissioners and City Council Liaison – 3rd Wednesdays	A-1 Dean Barta (6/18-3/20)	A-1 Dean Barta (6/18-3/20)
	A-2 David Steingas (10/16-3/20)	A-2 David Steingas (10/16-3/20)
	A-3 Kelsey Nelson (11/18-3/20)	A-3 Kelsey Nelson (11/18-3/20)
	B-1 Pat Lucking (2/01-3/21)	B-1 Pat Lucking (2/01-3/21)
	B-2 Vacant (___-3/21)	<b>B-2 Julie Getchell (1/20-3/21)</b>
	Alt-1 Vacant (___-3/20)	Alt-1 Vacant (___-3/20)
	Alt-2 Vacant (___-3/21)	Alt-2 Vacant (___-3/21)
	Alt-3 Kristi Conrad (council liaison)	Alt-3 Kristi Conrad (council liaison)
Public Safety City Administrator Representative (police and fire)	Dana Young	Dana Young
Public Works Committee (roads, sewer, stormwater, etc.)	Deb Kind, Bill Cook	Deb Kind, Bill Cook
Responsible Authority (Govt. Data Practices Act)	Dana Young	Dana Young
St. Alban's Bay Lake Improvement District Ex-Officio Director	Bill Cook	Bill Cook
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (must be mayor, meets quarterly)	Deb Kind, Tom Fletcher (alt.)	Deb Kind, Tom Fletcher (alt.)
Treasurer	Mary Courtney	<b>Tracy Gustafson</b>
Utility Billing Clerk	Deborah Hicks	Deborah Hicks
Weed Inspector (must be mayor), Assistant Weed Inspector	Deb Kind, John Menzel (assistant)	Deb Kind, John Menzel (assistant)
Zoning Administrator	Dale Cooney	Dale Cooney

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

**ADOPTED** by the city council of the city of Greenwood, Minnesota this \_\_\_ day of January, 2020.

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

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

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



Agenda Number: **7A**

Agenda Date: **01-02-20**

Prepared by Dale Cooney

**Agenda Item:** Consider the conditional use permit request of Garden Expressions, landscape contractor for the property owner at 21450 Excelsior Boulevard, to install retaining walls within the lake yard setback.

**Summary:** Copies of the application materials and staff report are attached reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 11-28-19. The planning commission held a public hearing at their 12-11-19, 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 1150.20 conditional use permit criteria as well as any conditions in the motion.

**Planning Commission Action:** The planning commission held a public hearing at their 12-11-19 meeting and on a 3-0 vote recommended approval of the request based on the recommendation and findings of staff.

**KEY DATES:**

Application complete:	November 7, 2019
Notice of Public Hearing published:	November 28, 2019
Planning Commission Public Hearing:	December 11, 2019
City Council Consideration:	January 2, 2019
60-Day Deadline:	January 6, 2020
120-Day Deadline:	February 6, 2020

**Council Action:** The city council must take action by 01-06-2020. Possible motions ...

1. I move the city council adopts resolution 03-20 laying out the findings of fact **APPROVING** the conditional use permit request of Garden Expressions, 21450 Excelsior Boulevard, as proposed. I further move the council directs the city staff to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs staff to 1) draft **FINDINGS FOR DENIAL** of the conditional use permit request of Garden Expressions, 21450 Excelsior Boulevard, to be considered at the February 5, 2020 city council meeting, and 2) directs city staff to exercise the city's option to take 60 additional days to process the variance application by mailing written notice and placing an Affidavit of Mailing in the property file.
3. I move the city council directs city staff to exercise the city's option to take 60 additional days to process the variance application of Garden Expressions, 21450 Excelsior Boulevard, by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is: \_\_\_\_\_.

*Note: MN 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 the conditional use permit request of Garden Expressions, landscape contractor for the property owner at 21450 Excelsior Boulevard, to install retaining walls within the lake yard setback.

**Summary:** Garden Expressions, landscape contractor for the property owner at 21450 Excelsior Boulevard, is requesting an after-the-fact conditional use permit to install a retaining wall within the lake yard setback. Staff was notified of the possible violation via a neighbor complaint. The retaining wall is an expansion of an existing retaining wall in this area.

**Retaining Walls:**

The project extends an approximately 30-inch-high retaining wall from its current location to the property line. The closest encroachment of the retaining wall is approximately 24 feet from the lake. Section 1176.04 (Subd. 7) of the city code states that retaining walls shall not be placed within the lake yard setback without a conditional use permit. In the opinion of staff, the retaining wall is a minor expansion of existing conditions and staff is supportive of the request.

**Other Discussion Items:**

As noted above, staff was made aware of the landscaping project by a neighbor complaint. In addition to the retaining wall, the applicant had expanded a lake yard patio area. The area was host to an existing patio area (see images below), and staff required that they remove the patio expansion to a comparable extent of existing conditions. The changes, shown in the attached plans, were made in the fall. (The attached photos show the original extent of the new patio, which has since been reduced to that which is shown on the plan drawing.)

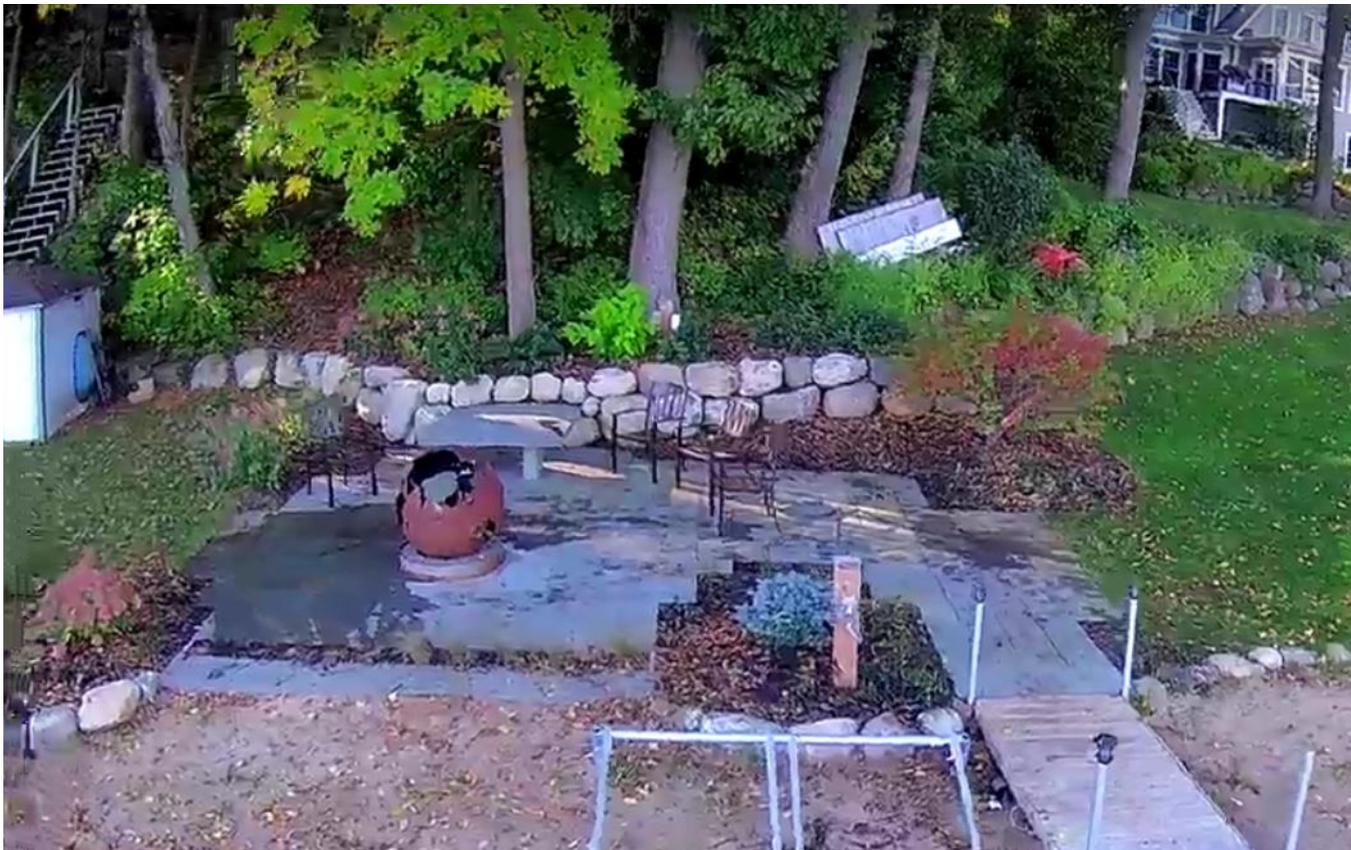
Based on the understanding of the ordinance at the time, staff informed the applicant that the expanded patio area could be replaced with clear gravel or similar smaller landscaping stones. The applicants complied with staff's direction, and the revisions changes are shown in the attached plans. Subsequent to that direction, the city council made a verbal determination that such an interpretation was more lenient than the intent of the ordinance. The city council should give direction to the applicant on this point.

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

Staff recommends approval of the conditional use permit request of Garden Expressions for 21450 Excelsior Boulevard to install a retaining wall within the lake yard setback as proposed. Staff does not recommend any conditions for the request.

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

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





11/1



# Conditional Use Permit Application

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

Date application submitted	10/22/2019
Date application complete (office use only)	
Property address	21450 Excelsior Blvd Greenwood 55331
Property identification number (PID)	3511723120033
Property owner's current mailing address	21450 Excelsior Blvd Greenwood 55331
Names of all property owners	David Mickson Sarah McCarthy
Cell phone and email of property owner(s)	612-414-5997 21450eb@gmail.com
Name of builder / architect (if any)	Garden Expressions - <del>Tom Schwab</del> /Bruce Johnson
Company name of builder / architect	Garden Expressions (Landscape Contractor)
Cell phone and email of builder / architect	952-221-5680
Company address	16755 Langley Ave, Lakeville MN 55044
Present use of property	Residential
Property acreage	0.54 acres
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - please attach a copy
Request is for	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Remodel <input type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	Modify an existing boulder retaining wall <span style="float: right;">4ft high</span>

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

Please answer each of the below questions:

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

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

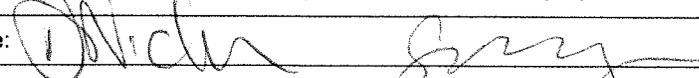
**The applicant(s) contacted the following regulatory bodies and will seek approvals if required:**

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

**Applicant's acknowledgement and signature(s):** The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant 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: <i>10/26/19</i>
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**Property owner's acknowledgement and signature:** The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

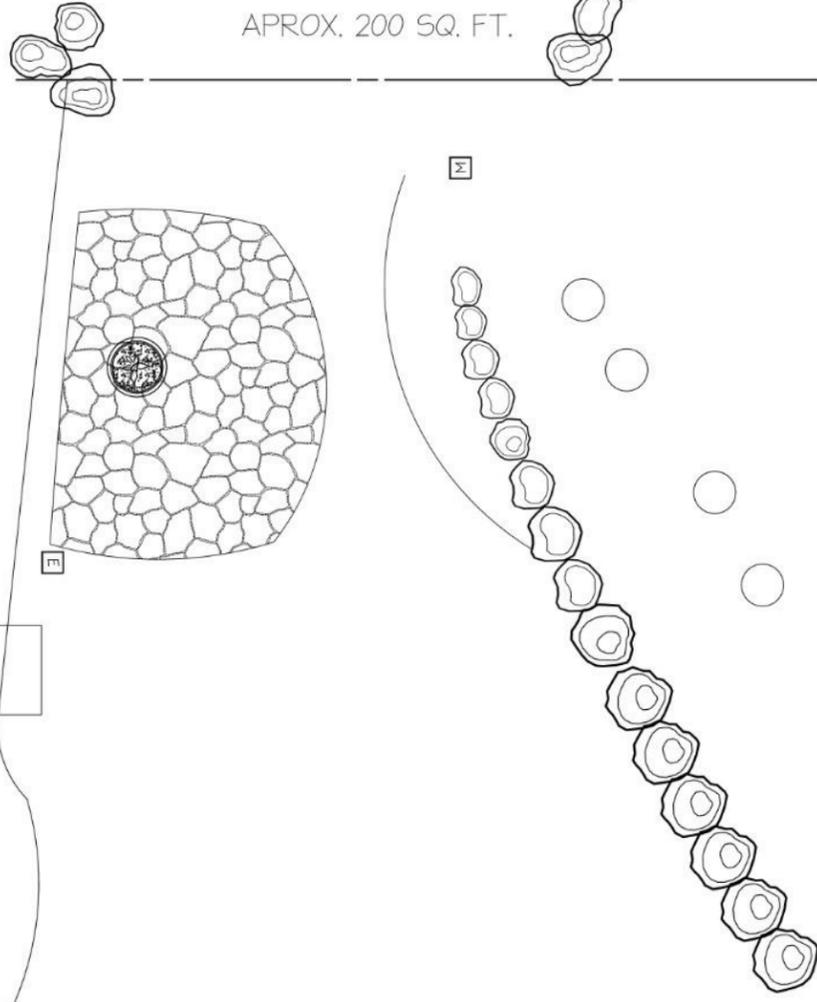
Signature: 	Date: <i>10/24/19</i>
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Note: If the property owner is different than the applicant, signatures from both the applicant and the property owner are required.

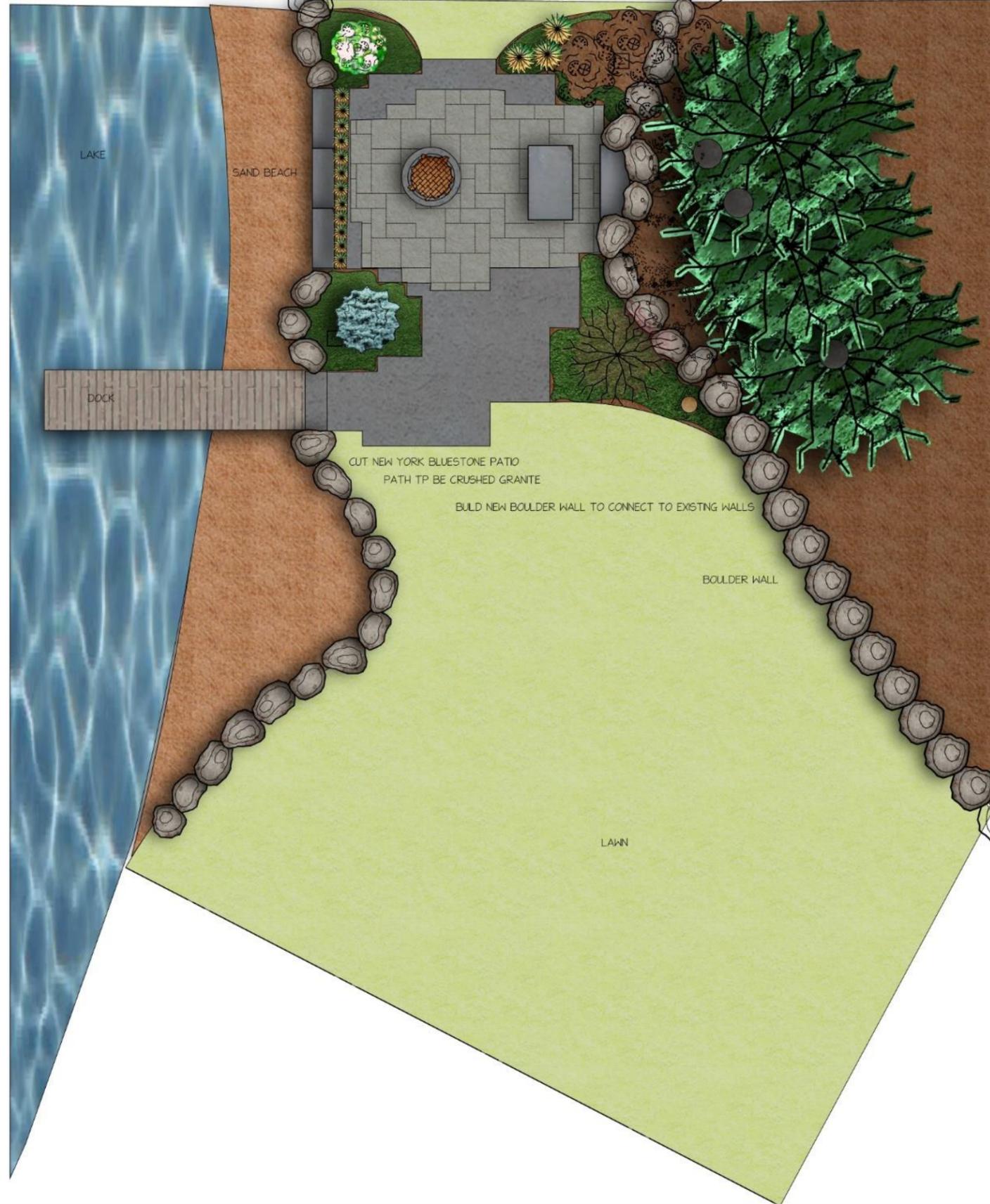
Conditional Use Permit Fee (nonrefundable)	<b>\$400</b>
Shoreland Management Review Fee (nonrefundable)	<b>\$200</b>
<b>Total Amount Due (make check payable to the City of Greenwood)</b>	<b>\$600</b>

<b>For Office Use Only</b>	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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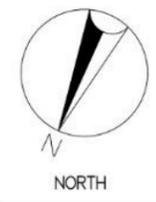
EXISTING PATIO  
APROX. 200 SQ. FT.



NEW PATIO  
APROX. 200 SQ. FT.



10755 Langley Avenue  
Lakeville, Minnesota 55044  
P: 952-898-2002  
F: 952-898-1074  
gardensex.com



LANDSCAPE PLAN

DAVE & SARAH NICKSON  
21450 EXCELSIOR BOULEVARD, EXCELSIOR, MN  
SCALE 1"=4'-0"  
DATE 4/12/2017  
DRAWN BY

RESOLUTION NO 03-20

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

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APPROVING

In Re: Application of Garden Expressions for the property at 21450 Excelsior Boulevard for a conditional use permit under Greenwood ordinance code sections 1150 and 1176.04 (Subd. 7) to install a retaining wall within the lake yard setback.

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**WHEREAS**, Applicant Garden Expressions (hereinafter 'Applicant') represents the owners of property commonly known as 21450 Excelsior Boulevard, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0033), being real property located in Hennepin County, Minnesota; and

**WHEREAS**, 21450 Excelsior Boulevard is legally described as follows:

The West Half of Lot 11 and the north 20.00 feet of the East Half of Lot 11, PARTRIDGE HEIGHTS, according to the recorded plat thereof. ALSO

That part of Lots 12, 13, 16, D and E of said PARTRIDGE HEIGHTS, which lie easterly of the following described line:

Commencing at the southwest corner of said Lot 13; thence southeasterly along the southerly line of said Lot 13 a distance of 63.30 feet, to the point of beginning of the line to be described; thence on an assumed bearing of North, parallel with the west line of said Lot 13, a distance of 98.00 feet; thence North 32 degrees East, 190 feet, more or less, to the shoreline of Lake Minnetonka, and said line there terminating.

; and

**WHEREAS**, the applicant proposes to install a retaining wall within the lake yard setback; and

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

**WHEREAS**, public comment was taken at the public hearing before the planning commission on December 11, 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 21450 Excelsior Boulevard, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0033) is a single-family lot of record located within the R-1 district.
2. The applicant is proposing a 31 inch retaining wall within the lake yard setback. Pursuant to Greenwood ordinance code section 1176.04 (Subd. 7) retaining walls proposed to be placed within the lake yard setback require a conditional use permit. The wall continues an existing retaining wall in this area all the way to the property line.
3. Pursuant to Greenwood ordinance code section 1150.20, Subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, Subd 1 states:

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

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

- 6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, Subd 1.
- 7. The planning commission discussed the CUP request and on a 3-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, Subd 1. The motion was not subject to any conditions.
- 8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 Subd 1, The motion is not subject to any conditions.

**CONCLUSIONS OF LAW**

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

- 1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1150.20, and 1176.04 (Subd. 7) necessary for the granting of a CUP.
- 2. The CUP request is not subject to any conditions.

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to install a retaining wall within the lake yard setback for the property at 21450 Excelsior Boulevard. The granting of the CUP is not subject to any conditions.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2020 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

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

CITY OF GREENWOOD

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

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



Agenda Number: **7B**

Agenda Date: **01-02-20**

Prepared by Dale Cooney

**Agenda Item:** Consider: Res 04-20, Findings for preliminary plat subdivision request, James and Jessica Benning, 21915 Fairview Street.

**Summary:** Copies of the application materials and staff report are attached reference. Notice of the public hearing was published in the Sun Sailor newspaper on 11-28-19. The planning commission held a public hearing at their 12-11-19 meeting. The city council **must** incorporate the provisions of city code Chapter 6 as well as any conditions in the motion.

**Planning Commission Action:** The planning commission held a public hearing at their 12-11-19 meeting and on a 3-0 vote recommended approval of the request based on the recommendation, findings, and conditions of staff.

**Key Dates:**

Application complete:	November 27, 2019
Notice of Public Hearing published:	November 28, 2019
Planning Commission Public Hearing:	December 11, 2019
City Council Consideration:	January 2, 2020
120-Day Deadline:	March 26, 2020

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

1. I move the city council adopts resolution 04-20 laying out the findings of fact **APPROVING WITH CONDITIONS** the preliminary plat subdivision request of James and Jessica Benning for the property at 21915 Fairview Street, as presented. I further move that the council directs city staff to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs staff to draft **FINDINGS FOR DENIAL** for the preliminary plat subdivision request of James and Jessica Benning for the property at 21915 Fairview Street, as presented, to be considered at the February 5, 2020 city council meeting.
3. Other motion ...



**Agenda Item:** Public Hearing to consider preliminary plat application (subdivision) request of James and Jessica Benning, property owners, to subdivide 21915 Fairview Street into two lots.

**Summary:** James and Jessica Benning are proposing to subdivide their property at 21915 Fairview Street into two lots. Subdivisions are regulated by Chapter 6 of the city code, and the proposal will be required to go through the platting process with a public hearing by the planning commission at the preliminary plat phase per Section 600.10 of the city code.

**Zoning Compliance:**

The proposed lot line reconfiguration is within the R-1 zoning district. The applicant has submitted a survey with existing conditions and the proposed lot reconfiguration as well as a site plan with hypothetical conditions for the new lot to show that it is a viable lot. Below is zoning information based on existing conditions for the current lot and the proposed lots.

	Existing Lot Area (sf)	Proposed Lot Area (sf)	Lot Width (ft)	Lot Depth (ft)	Proposed Impervious Surface Area	Proposed Front Setback (ft)	Proposed Side Setbacks (ft)	Proposed Rear Setback (ft)
<b>Required</b>	--	15,000	75 (street frontage)	150	30%	30	15	35
<b>21915 Fairview St.</b>	34,822	--	203	209	11.76%	31.4	15.5(NE) / 9.2 (SW)	85
<b>Lot 1</b>	--	19,578	108	193	<30%	>30	15 (NE) / 15 (SW)	85
<b>Lot 2</b>	--	15,306	95	231	<30%	31.4	40 (NE) / 9.2 (SW)	96

**Lot Size and Shape:**

Per the subdivision code: *“At least 2 sides of all lots shall each be at least 100 feet in length. Lots shall meet the minimum lot width requirements of the applicable zoning district.”* As proposed, the properties meet this requirement.

**Access:**

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

**Impervious Area:** As proposed, both properties meet the required 30% impervious surface area limitation. As of this writing, the preliminary plat document does not accurately reflect impervious conditions (the driveway is excluded). Staff will get clarification on this. Since a portion of both properties’ stormwater drainage is via adjacent properties or the street, any hardcover expansion of greater than 200 square feet that does not drain to the adjacent wetland must meet the stormwater management requirements of Section 1140.17.

**Nonconformities:** The proposed lot configuration would not create or exacerbate any setback nonconformities. However, it would leave the house on Lot 2 without a required garage. This may be irrelevant if the house is to be demolished. However, if it is to remain as an occupied dwelling, it would be required to conform to this requirement.

**Trees and Grading:** As proposed, Lot 1 would be required to obtain a Conditional Use Permit for grading prior to the issuance of any building permits. A tree inventory is not required as a part of this process, but any new construction would be required to adhere to the tree preservation requirements of Section 1140.80

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

**Park Dedication:**

Park dedication land or fees are typically required during the subdivision process when additional lots are created that would generate additional demands on the city’s park system.

Per Section 600.35, Subd. 3 the council may require 8% of each proposed subdivision to be dedicated for public use as parks, playgrounds, trails, or open space, but not including land necessary and dedicated for stormwater holding areas or ponds. Such dedicated land must be suitable for parks or playgrounds and shall conform to the city plan for parks and playgrounds. As an alternative, the council may require that the subdivider contribute a cash amount equal to 8% of the assessor's land valuation for the entire parcel prior to subdivision on January 2 of the year of the final plat application. Cash payments will be placed in a special park fund and will be used only for the acquisition and development or improvement of parks, playgrounds, trails, wetlands, or open space.

The City of Greenwood has no plans for adding new recreation, park, trail, or open space amenities, and therefore staff would recommend a fee-in-lieu of park dedication. The city assessor estimated the land value of the entire property to be \$407,000. An 8% park dedication fee based on this land valuation would amount to \$32,560.

**Variations and Exceptions:**

As with administering the zoning code, the city may also permit variations as part of the subdivision standards. Section 600.35. of the Subdivision chapter states: *"Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the city council shall, upon an affirmative vote of at least 3/5 of the total membership of such council, have the power to vary the requirements of this ordinance in harmony with the general purpose and intent hereof, so that the public health, safety and general welfare may be secured and substantial justice done."*

**Review Process:**

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

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

**Staff Recommendation:** Staff recommends **approval with conditions** of the preliminary plat for 21915 Fairview Street since the proposal conforms with the design standards of Section 600.20 and lot size and setback requirements for the zoning district as outlined in Sections 1120.10 and 1120.15.

Staff's recommendation is subject to the following conditions:

- 1) If the house on proposed Lot 1 is to remain, a garage must be constructed on the property; and
- 2) Applicant pay the required park dedication fee at the time of Final Plat application; and
- 3) The Final Plat of the subdivision shall be recorded with the county registrar of deeds or registrar of titles within 6 months of city approval.

# Generic Application Form

(this form is not a permit or license)



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

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

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

Date form completed	11/13/19
Applicant (first name, full middle name, last name)	James and Jessica Benning
Property address	21915 Fairview Street
Mailing address (if different than property address)	James Benning 7515 Wayzata Blvd Mpls MN 55426
Cell phone	James 612-562-1233
Email address	Jbenning@KnutsonConstruction.com
MN license number (if applicable)	

**Type of permit / license desired:** Simple Lot Split

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

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

I certify information submitted on this form is true and correct to the best of my knowledge. I understand that giving false information on this application constitutes cause for the immediate revocation of any permit / license issued hereunder.

I am familiar with the provisions of the applicable Greenwood ordinance(s) for this application agree to operate in accordance with the code book of ordinances of the city of Greenwood (available for viewing at city hall and at [www.greenwoodmn.com](http://www.greenwoodmn.com)), and with the laws of the state of Minnesota.

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

Signature of applicant

Date:

11/13/2019

<b>For Office Use Only</b>	Approved By:	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check	Amount \$	Approval Date:
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*Form Updated 06.02.15*

**From:** Bob Bean <Robert.Bean@bolton-menk.com>  
**Sent:** Tuesday, December 3, 2019 10:53 AM  
**To:** dalec@mediacombb.net  
**Subject:** RE: 21915 Fairview

Dale,

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

1. Existing drainage patterns will be maintained with the proposed improvements. Runoff will continue to drain from the middle of the lot southeast to the wetland or northwest to Fairview Street.
2. Swales should be provided along the side lot lines to ensure runoff is not directed toward adjacent structures. Swales should be a minimum 6" deep, and City should field verify swales are graded per approved plan prior to any restoration work.
3. Proposed improvements will result in hardcover below 25% of lot coverage, so no stormwater management measures should be necessary.
4. Perimeter erosion control measures should be installed by the Contractor and inspected by the City prior to any other work. Contractor must provide minimum 24 hour notice prior to inspection.
5. Work in public right-of-way must be coordinated with the City. Contractor must provide minimum 48 hour notice prior to any work.
6. It is unclear what is proposed for driveway access to the existing house. If a shared driveway is to be utilized, an Agreement and Exhibit should be submitted for review and approval and be recorded with the Lot Split. If a new driveway is to be constructed, a plan should be provided to the City so impacts to Fairview Street and the new lot can be reviewed.
7. Soils under impervious areas to be re-vegetated should be de-compacted prior to restoration. Soils should be ripped a minimum 12" deep prior to placement of topsoil.
8. Clear drive lanes must be maintained on Fairview Street at all times.
9. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for the proposed improvements. A copy of the permit should be provided to the City conditional to final approval.

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

Thanks,

**Robert E Bean Jr. P.E.**  
Water Resources Project Engineer  
Bolton & Menk, Inc.  
2638 Shadow Lane  
Suite 200  
Chaska, MN 55318-1172  
Phone: 952-448-8838 ext. 2892  
Mobile: 612-756-3184  
Bolton-Menk.com

**From:** dalec@mediacombb.net <dalec@mediacombb.net>  
**Sent:** Friday, November 15, 2019 11:51 AM  
**To:** Bob Bean <Robert.Bean@bolton-menk.com>  
**Subject:** 21915 Fairview

**From:** Julie Ekelund <jekelund@fragrancemarketinggroup.com>  
**Sent:** Wednesday, December 11, 2019 8:10 AM  
**To:** dalec@mediacombb.net  
**Cc:** 'Debra Kind'  
**Subject:** 21915 Fairview Street Subdivision Comments

**Importance:** High

Hi Dale,

Following are our comments regarding the application to subdivide 21915 Fairview Street into two lots. We live adjacent to the property at 5085 Meadville Street.

**GENERAL COMMENTS ON REQUEST:**

1. If the lot meets the City's subdivision requirements, John and I have no reason to object.

**SPECIFIC ISSUES OR CONCERNS:**

1. We request that the trees and lilac bushes on both lots are preserved in an attempt to minimize any negative impact on the wooded feel of the neighborhood and on the wildlife.
2. We have a significant concern about run-off from the proposed lots. Our home is downhill from the proposed subdivision. In between our lot and the proposed subdivision is a natural ditch that fills with water with every rainfall. This past summer, this ditch was full most of the summer. Increasing the hardcover on this proposed subdivided property will likely increase the amount of run-off coming towards our property and potentially cause the ditch to overflow. If the water isn't somehow managed (with the current ditch potentially needing improvement with increased run-off), we believe it will continue running downhill to our property and we will have ponding water and drainage issues on our lot.
3. If the proposed subdivision is approved, we would ask that it is contingent upon development of a complete drainage plan that encompasses both lots. This plan should be reviewed and approved by an engineer who is experienced in drainage issues and land use. We would also ask that some type of ongoing City/Engineering review and maintenance provision be included as part of the subdivision. This review should require maintenance of any drainage solution and correction of future issues specifically related to this drainage issue. This review/upkeep should be tied to the property, so if ownership changes, the maintenance provision remains in place.

We have shared these concerns with the property owners prior to this meeting.

Thank you,  
John & Julie Ekelund

Julie Ekelund | Co-Founder | Fragrance Marketing Group, LLC | Natural Inspirations | O: 952-466-7417 | M: 612-964-4049 | [www.naturalinspirations.biz](http://www.naturalinspirations.biz)

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

**GENERAL COMMENTS ON REQUEST:**

I would like to see the lot split in two - I don't think that is consistent with what has been built in the neighborhood -

One step away from condos and town homes -

**SPECIFIC ISSUES or CONCERNS:**

Name:

Dana Nelson

Address:

5025 Meadowville St.

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

Existing Condition Survey For:  
 MARK D. WILLIAMS CONSTRUCTION

Hardcover	
Lot Area (includes parcel north of Fairview)	34,822 sq ft
Gravel	2,288 sq ft
Garage	528 sq ft
Rear Concrete	24 sq ft
Building	1,220 sq ft
Front Steps	35 sq ft
Total	4,095 sq ft
Percentage	11.76%

INVOICE NO. 87366  
 F.B.NO. 1097-73  
 SCALE: 1" = 30'



- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- ~ Denotes Existing Contours
- ~ Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- ↖ Denotes Surface Drainage

Property located in Section 26, Township 117, Range 23, Hennepin County, Minnesota  
 Property Address: 21915 Fairview Street  
 Excelsior MN

Lot 148 AUDITORS SUBDIVISION NO. 141, also Lots 85, 86 and that part of Lot 87 MEADEVILLE PARK which Lies Southwesterly of the northeasterly 15 feet thereof including adjacent 1/2 of vacated streets and that part of Lot 147 AUDITORS SUBDIVISION NO. 141 except that part thereof formerly included in Lot 67 MEADEVILLE PARK, Hennepin County, Minnesota

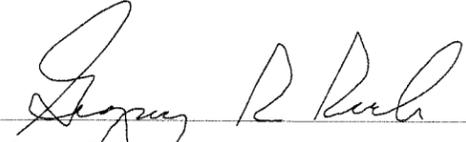
The Gregory Group, Inc.  
 d.b.a.  
**LOT SURVEYS COMPANY**  
 Established in 1962  
**LAND SURVEYORS**  
 REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA  
 7601 73rd Avenue North (763) 560-3093  
 Minneapolis, Minnesota 55428 Fax No. 560-3522  
**Surveyors Certificate**

Snow and ice at time of survey.

The only easements shown are from plats of record or information provided by client.

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota

Surveyed this 14th day of February 2018.

Signed   
 Gregory R. Prasch, Minn. Reg. No. 24992

Rev	Drawn By
G/3/19 wetland, SB location & topography	J. Prasch

# Surveyors Certificate

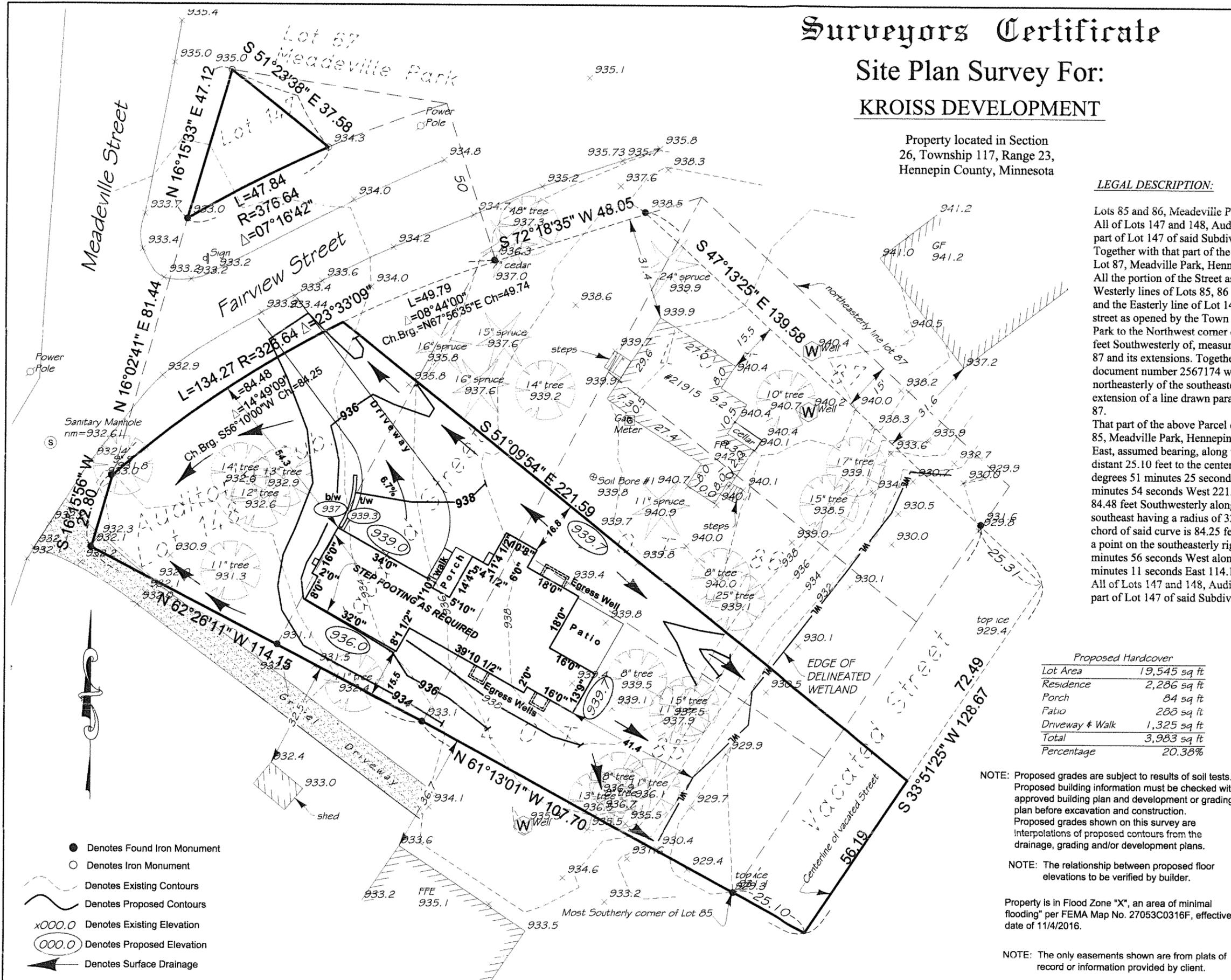
## Site Plan Survey For: KROISS DEVELOPMENT

Property located in Section  
26, Township 117, Range 23,  
Hennepin County, Minnesota

940.89	Proposed First Floor
940.18	Proposed Top of Foundation
939.0	Proposed Garage Floor
930.5	Proposed Basement Floor
Type of Building	
Fullbasement	

### LEGAL DESCRIPTION:

Lots 85 and 86, Meadville Park, Hennepin County, Minnesota;  
All of Lots 147 and 148, Auditor's Subdivision No. 141, Hennepin County, Minnesota, except that part of Lot 147 of said Subdivision formerly included in Lot 67, Meadville Park.  
Together with that part of the following described land:  
Lot 87, Meadville Park, Hennepin County, Minnesota,  
All the portion of the Street as laid out and dedicated in the plat of Meadville Park, lying between the Westerly lines of Lots 85, 86 and 87, Meadville Park and of Lot 144, Auditor's Subdivision No. 141 and the Easterly line of Lot 148, Auditor's Subdivision No. 141 and between the Southerly line of the street as opened by the Town Board and the extension of the Northerly line of Lot 63, Meadville Park to the Northwest corner of Lot 84, said Meadville Park, which lies Southwesterly of a line 15 feet Southwesterly of, measured at right angle to and parallel with, the Northeasterly line of said Lot 87 and its extensions. Together with that part of the Northwesterly Half of vacated Street per document number 2567174 which lies adjacent to said Lots 85, 86 and 87 and which lies northeasterly of the southeasterly extension of said Lot 85 and Southwesterly of the Southeasterly extension of a line drawn parallel to and 15 feet Southwesterly of the Northeasterly line of said Lot 87.  
That part of the above Parcel described as follows: Beginning at the most southerly corner of Lot 85, Meadville Park, Hennepin County, Minnesota; thence South 61 degrees 13 minutes 01 seconds East, assumed bearing, along the Southeasterly extension of the Southwesterly line of said Lot 85 distant 25.10 feet to the centerline of vacated street per document number 2567174; thence North 33 degrees 51 minutes 25 seconds East along said centerline 56.19 feet; thence North 51 degrees 09 minutes 54 seconds West 221.59 feet to the southerly right-of-way line of Fairview Street; thence 84.48 feet Southwesterly along said right-of-way line being a nontangential curve concave to the southeast having a radius of 326.64 feet, a central angle of 14 degrees 49 minutes 09 seconds and the chord of said curve is 84.25 feet in length and bears South 56 degrees 10 minutes 00 seconds West to a point on the southeasterly right-of-way line of Meadville Street; thence South 16 degrees 15 minutes 56 seconds West along said right-of-way line 22.80 feet; thence South 62 degrees 26 minutes 11 seconds East 114.15 feet to the point of beginning and there terminating. Together with All of Lots 147 and 148, Auditor's Subdivision No. 141, Hennepin County, Minnesota, except that part of Lot 147 of said Subdivision formerly included in Lot 67, Meadville Park.



Proposed Hardcover	
Lot Area	19,545 sq ft
Residence	2,286 sq ft
Porch	84 sq ft
Patio	288 sq ft
Driveway & Walk	1,325 sq ft
Total	3,983 sq ft
Percentage	20.38%

NOTE: Proposed grades are subject to results of soil tests. Proposed building information must be checked with approved building plan and development or grading plan before excavation and construction. Proposed grades shown on this survey are interpolations of proposed contours from the drainage, grading and/or development plans.

NOTE: The relationship between proposed floor elevations to be verified by builder.

Property is in Flood Zone "X", an area of minimal flooding" per FEMA Map No. 27053C0316F, effective date of 11/4/2016.

NOTE: The only easements shown are from plats of record or information provided by client.

# DEMARC

LAND SURVEYING & ENGINEERING  
7601 73rd Avenue North (763) 560-3093  
Minneapolis, Minnesota 55428 DemarcInc.com

F.B.NO. 87366B Scale: 1" = 30'  
Drawn By

Project No. 1097--73

Address: 21915 Fairview Street  
Ecelsior, MN

rev

I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Prepared this 25th day of October 2019.

Signed   
Gregory R. Prash, Minn. Reg. No. 24992

- Denotes Found Iron Monument
- Denotes Iron Monument
- ~ Denotes Existing Contours
- ~ Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- Denotes Surface Drainage

**PRELIMINARY PLAT**  
**BENNING ADDITION**  
 City of Greenwood Hennepin County, MN

**Legal Description**

Parcel 1:  
 Lots 85 and 86, Meadville Park, Hennepin County, Minnesota;  
 All of Lots 147 and 148, Auditor's Subdivision No. 141, Hennepin County, Minnesota, except that part of Lot 147 of said Subdivision formerly included in Lot 67, Meadville Park.

Parcel 2:  
 That part of the following described land:  
 Lot 87, Meadville Park, Hennepin County, Minnesota,  
 All that portion of the Street as laid out and dedicated in the plat of Meadville Park, lying between the Westerly lines of Lots 85, 86 and 87, Meadville Park and of Lot 144, Auditor's Subdivision No. 141 and the Easterly line of Lot 148, Auditor's Subdivision No. 141 and between the Southerly line of the street as opened by the Town Board and the extension of the Northerly line of Lot 63, Meadville Park to the Northwest corner of Lot 84, said Meadville Park.  
 Which lies Southwesterly of a line 15 feet Southwesterly of, measured at right angle to and parallel with, the Northeasterly line of said Lot 87 and its extensions.  
 Together with that part of the Northwesterly Half of vacated Street per document number 2567174 which lies adjacent to said Lots 85, 86 and 87 and which lies northeasterly of the southeasterly extension of said Lot 85 and Southwesterly of the Southeasterly extension of a line drawn parallel to and 15 feet Southwesterly of the Northeasterly line of said Lot 87.  
 SEE NOTE (N6) BELOW.

**Notes and Personnel**

- (N1) Property Address: 21915 Fairview Street, Greenwood, MN 55331
  - (N2) Property Identification Number 26-117-23-31-0047
  - (N3) Total Area of Parcels = 34884 sq.ft
  - (N4) Benchmark: Rim of sanitary manhole located at the intersection of Meadville Street and Fairview Street Elevation = 932.61 feet
  - (N5) Property is in Flood Zone "X", an area of minimal flooding" per FEMA Map No. 27053C0316F, effective date of 11/4/2016
  - (N6) Title insurance commitment showing property description and any encumbrances of record per Title commitment from Old Republic National Title Insurance Co., File No. 59847.  
 Note: Description in said Title Commitment does not include the northerly half of vacated street per doc. no. 2567174 which should have been acquired by reason of vacation, the description shown hereon has included a portion of the vacated street. It is recommended that the Street vacation be added to the description of property on the Certificate of Title.  
 Also the Title commitment description includes additional property known as Parcel 3 which is substantially separated from the parcels shown hereon. This separated Parcel appears to be owned by others (not shown hereon) and should be deeded to the apparent owners to clear the title. In consideration that the property is Torrens it is recommended the above items be resolved prior to County review of the final plat which likely would be rejected as it now stands.
  - (N7) Consent to plat letter must be signed by Mortgage Company if mortgage exists on property prior to recording of plat.
- |   |   |  |
|---|---|--|
| <b>CURRENT OWNER</b>  | <b>DEVELOPER</b>  | <b>SURVEYOR</b>  |
| James & Jessica Benning<br>21915 Fairview Street<br>Greenwood, MN 55331 | Kroiss Development<br>350 Highway 7, Suite 218<br>Excelsior, MN 55331<br>Attn: Todd Simming<br>phone: 612-590-8099<br>e-mail:<br>todd.simming@kroissdevelopment.com | Demarc<br>Surveying and Engineering<br>7601 73rd Avenue N.<br>Brooklyn Park, MN 55428<br>Attn: Greg Prasch<br>phone: 763-560-3093<br>fax: 763-560-3522<br>e-mail: gregprasch@demarcinc.com |

**Zoning & Development Information**

**ZONING REQUIREMENTS:**  
 Current & Proposed Zoning - R-1 Single Family Residential

**Setback Requirements per Zoning Ordinance:**  
 Main Structure Only  
 Front - 30 feet  
 Interior Side - 15 feet  
 Rear - 35 feet

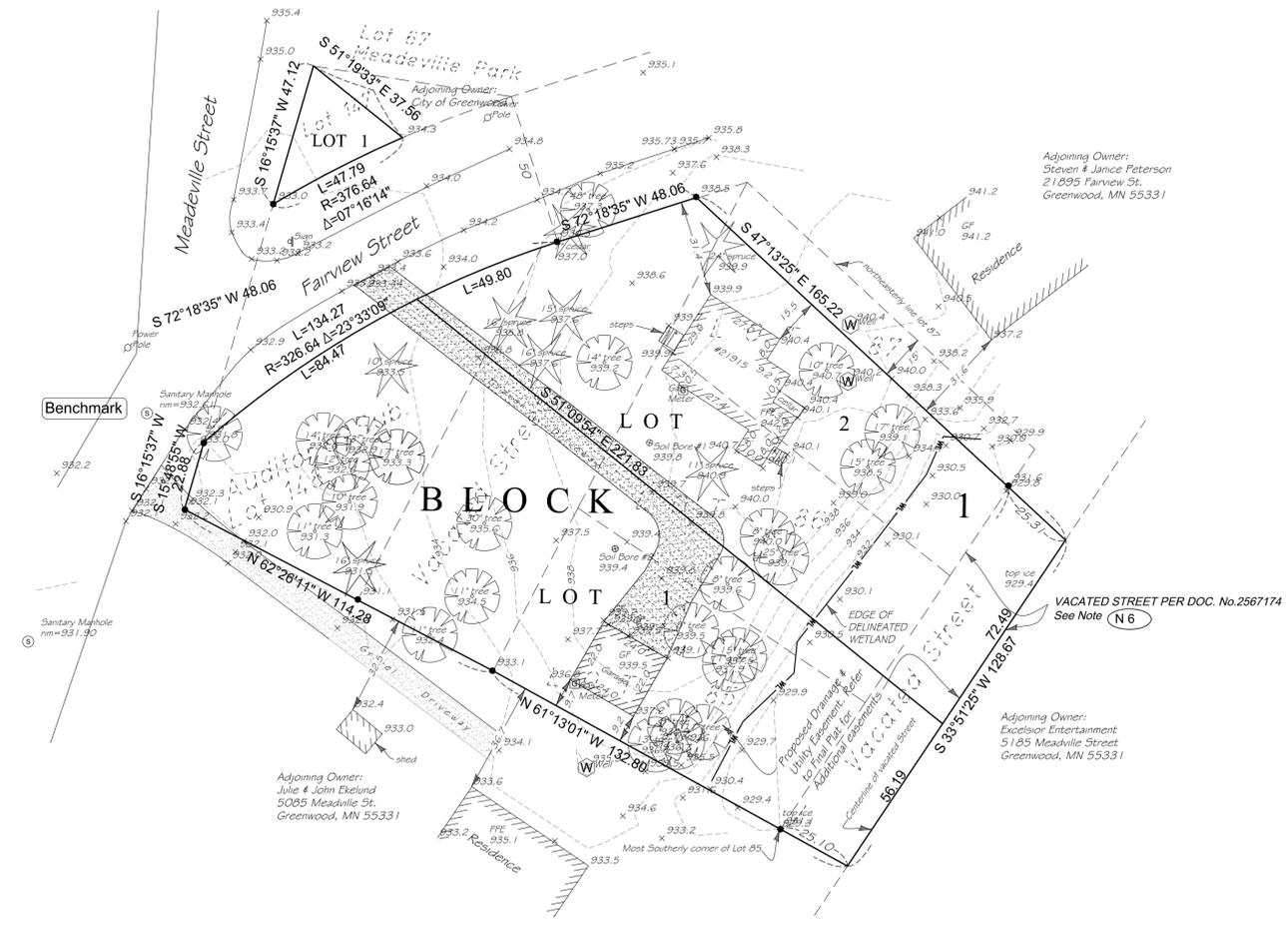
**Lot Requirements:**  
 Lot Area - 15000 sq.ft  
 Lot Width - 75 feet  
 Lot Depth - 150 feet  
 Building Height - 28' in building height & 42' in structure height  
 Maximum Impervious Surface Coverage = 30%

Refer to City Code for other requirements.

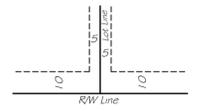
**PROPOSED LOT AREAS:**  
 Total number of Lots = 2

**Block 1:**  
 Lot 1 = 19578 sq.ft  
 Lot 2 = 15306 sq.ft

Right of Way Dedication = 0 sq.ft



Proposed Drainage & Utility Easements are shown thus:  
 REFER TO FINAL PLAT FOR PROPOSED LOCATIONS



BEING 10 FEET IN WIDTH AND ADJOINING  
 RIGHT OF WAY LINES AND 5 FEET IN WIDTH  
 AND ADJOINING INTERIOR LOT LINES.

**Current Hardcover Percentages**

LOT 1	
Lot Area to Wetland	15,559 sq ft
Garage	528 sq ft
Total	528 sq ft
Percentage	3.39%

LOT 2	
Lot Area to Wetland	11,466 sq ft
Residence	1,220 sq ft
Total	1,220 sq ft
Percentage	10.64%

**Legend**

- Denotes Found Iron Monument
- Denotes Iron Monument Set
- ⊗ Bollard
- ⊛ Light
- ⊙ Power Pole
- ⊕ Hydrant
- ⊖ Sanitary Manhole
- ⊗ Storm Manhole
- ⊙ Water Manhole
- ⊙ Catch Basin
- ⊙ Telephone Pedestal Riser
- ⊙ Cable Pedestal Riser
- ⊙ Electric Box or Transformer
- ⊙ Denotes Existing Elevation
- ⊙ Denotes Existing Contours



Property located in Section 26, Township 117, Range 23, Hennepin County, Minnesota

**PRELIMINARY PLAT FOR:  
 KROISS DEVELOPMENT**  
 350 Highway 7, Suite 218  
 Excelsior, MN 55331

**Certification**

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Prepared this 21st day of November, 2019.  
 Prepared by: \_\_\_\_\_  
 Signed: Gregory R. Prasch  
 Gregory R. Prasch Registration No. 24992



File No. \_\_\_\_\_ F.B. No. 1097-73 Proj. No. 87366C  
 F:\survey\meadville park - hennepin\85, 86, 87-187366A lot split site plan\01 Surveying - 87366A\01 CAD\01 Source\01 Survey Base.dwg

RESOLUTION NO 04-20

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

---

**APPROVING**

**IN RE: The application of James and Jessica Benning for approval of a Preliminary Plat pursuant to Greenwood ordinance code chapter 6 to subdivide the property commonly known as 21915 Fairview Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-31-0047) into two lots.**

---

**RECITALS**

**WHEREAS**, Applicant James and Jessica Benning (hereinafter 'Applicant') are property owners of real property commonly known as 21915 Fairview Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-31-0047).

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

**WHEREAS**, the real property at 21915 Fairview Street is legally described as follows:

Parcel 1:

Lots 85 and 86, Meadville Park, Hennepin County, Minnesota;

All of Lots 147 and 148, Auditor's Subdivision No. 141, Hennepin County, Minnesota, except that part of Lot 147 of said Subdivision formerly included in Lot 67, Meadville Park.

Parcel 2:

That part of the following described land:

Lot 87, Meadville Park, Hennepin County, Minnesota,

All that portion of the Street as laid out and dedicated in the plat of Meadville Park, lying between the Westerly lines of Lots 85, 86 and 87, Meadville Park and of Lot 144, Auditor's Subdivision No. 141 and the Easterly line of Lot 148, Auditor's Subdivision No. 141 and between the Southerly line of the street as opened by the Town Board and the extension of the Northerly line of Lot 63, Meadville Park to the Northwest corner of Lot 84, said Meadville Park.

Which lies Southwesterly of a line 15 feet Southwesterly of, measured at right angle to and parallel with, the Northeasterly line of said Lot 87 and its extensions.

Together with that part of the Northwesterly Half of vacated Street per document number 2567174 which lies adjacent to said Lots 85, 86 and 87 and which lies northeasterly of the southeasterly extension of said Lot 85 and Southwesterly of the Southeasterly extension of a line drawn parallel to and 15 feet Southwesterly of the Northeasterly line of said Lot 87.

; and

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

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

**WHEREAS**, public comment was taken at the public hearing before the planning commission on December 11, 2019; and

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

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

**FINDINGS OF FACT**

1. The foregoing Recitals are adopted as if set out here at in full.

2. That the real property commonly known as 21915 Fairview Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-31-0047), is a lot of record located within the Greenwood R-1 district.
3. In conformance with the requirements of Greenwood ordinance code chapter 6, the Applicant has submitted an application for Preliminary Plat in order to subdivide the property into two lots.
4. The survey submitted by the Applicant, (attached hereto as Exhibit A), illustrates the locations and dimensions of the proposed reconfigured property boundaries. Said survey also illustrates the existing improvements, setbacks, and hardcover for the property.
5. At its public hearing, the planning commission discussed the request and, on a 3-0 vote, and found that the request complies with the criteria in Greenwood ordinance code and recommended approval of the Preliminary Plat request upon the following findings, to-wit:

- (a) The proposed subdivision would meet the minimum lot size, width, and depth requirements for the zoning district as outlined in Section 1120.10;
- (b) Except for existing nonconforming conditions not impacted by the subdivision, the properties meet the minimum lot size and setback requirements for the zoning district as outlined in Section 1120.05;
- (c) The proposed subdivision would not create or intensify any nonconformities;
- (d) The proposed subdivision would meet the lot design standards of Section 600.20 Subd. 4.;
- (e) The proposed subdivision will not negatively impact the public health, safety and general welfare.

The recommendation was subject to the following conditions:

- 1) If the house on proposed Lot 1 is to remain, a garage must be constructed on the property; and
- 2) Applicant shall submit application for Final Plat within 6 months of Preliminary Plat approval; and
- 3) Applicant pay the required park dedication fee at the time of Final Plat application; and
- 4) The Final Plat of the subdivision shall be recorded with the county registrar of deeds or registrar of titles within 6 months of city approval.

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

## **CONCLUSIONS OF LAW**

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

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

1. The Preliminary Plat application to subdivide the property commonly known as 21915 Fairview Street, Greenwood, Minnesota into two lots should be approved.

The approval is subject to the following conditions:

- 1) If the house on proposed Lot 1 is to remain, a garage must be constructed on the property; and
- 2) Applicant shall submit application for Final Plat within 6 months of Preliminary Plat approval; and
- 3) Applicant pay the required park dedication fee at the time of Final Plat application; and
- 4) The Final Plat of the subdivision shall be recorded with the county registrar of deeds or registrar of titles within 6 months of city approval.

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

That the application of James and Jessica Benning for:

1. Preliminary Plat to subdivide the property commonly known as 21915 Fairview Street, Greenwood, Minnesota into two lots pursuant to Greenwood ordinance code section 600.10 as shown in the survey Exhibit A attached hereto, is **APPROVED** subject to the following conditions:

- 1) If the house on proposed Lot 1 is to remain, a garage must be constructed on the property; and
- 2) Applicant shall submit application for Final Plat within 6 months of Preliminary Plat approval; and
- 3) Applicant pay the required park dedication fee at the time of Final Plat application; and
- 4) The Final Plat of the subdivision shall be recorded with the county registrar of deeds or registrar of titles within 6 months of city approval.

**PASSED** this 2nd day of January 2020 by the city council of the city of Greenwood, Minnesota.

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

CITY OF GREENWOOD

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

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



Agenda Number: **7C**

Agenda Date: **01-02-20**

Prepared by *Deb Kind*

**Agenda Item:** Potential Ordinance re: Definitions and Lake Setbacks for Accessory Structures

**Summary:** Councilman Tom Fletcher requested that the attached ordinance be included in the packet for council discussion. He will share a verbal presentation at the 01-02-20 council meeting.

**Timeline:** If the council moves forward with the ordinance, here is the timeline ...

- 01-23-20 Notice of Public Hearing submitted to Sun-Sailor
- 01-30-20 Notice of Public Hearing published
- 02-12-20 Planning Commission Public Hearing
- 03-04-20 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 03-05-20 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 03-12-20 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 04-01-20 City council considers 2nd reading of the ordinance (may make revisions).
- 04-02-20 The ordinance is submitted to the Sun-Sailor for publication.
- 04-09-20 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

1. I move the city council directs that the planning commission hold a public hearing regarding the proposed ordinance amending the code regarding lake setbacks for accessory structures as written / with the following revisions: \_\_\_\_\_.
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.*

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 1102 DEFINITIONS AND  
1140.10 SUBD. 2(C) REGARDING ACCESSORY STRUCTURE LAKE SETBACKS

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

SECTION 1.

Greenwood ordinance code Section 1102 definitions of Deck, Impervious Surface, and Patio, Slab are amended to read as follows and a Landscaping Retaining Wall definition is added to the Section:

Deck means an unenclosed roofless horizontal surface constructed of any materials (including class 5 gravel) such as concrete, flagstones, bricks, pavers, crushed or smooth rock, sand, or boards greater than 2 square feet in area or greater than 10 square feet in a 50 square foot area of a lot. (THIS DEFINITION APPEARS UNDER "PATIO, SLAB" AND "DECK")

Impervious Surface means a surface that either prevents or retards the passage of rainwater through it or causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Impervious surface shall include, but are not limited to, all buildings, driveways, and parking areas (though they be paved or MnDOT class 5 sand and gravel mix), pavers, tennis courts, sidewalks, walkways, horizontal area of retaining walls, patios, boardwalk decks, swimming pools, and plastic landscaping sheets which are not porous.

Patio, Slab means an unenclosed roofless horizontal surface constructed of any materials such as concrete, flagstones, bricks, pavers, crushed or smooth rock, sand, or boards greater than 2 square feet in area or greater than 10 square feet in a 50 square foot area of a lot. (THIS DEFINITION APPEARS UNDER "PATIO, SLAB" AND "DECK")

Landscaping Retaining Wall means a wall used for supporting different ground elevations on either side of the wall that does not have a signed statement from a Professional Engineer that the wall is necessary to provide support for the Primary Structure on a property.

SECTION 2.

Greenwood ordinance code Section 1140.10. Setbacks and General Regulations for Accessory Structures and Uses (Primary and Secondary) Subd. 2(c) is amended to read as follows:

- C. *Secondary Accessory Structures and Uses Setback Minimums.* Subject to the Unobstructed Green Space Perimeter Requirement (subd. 2A above), for each of the specific secondary accessory structures / uses identified in the table below, the minimum yard setbacks stated therein shall control and supersede the setback minimums for primary accessory structures stated in subd. 2B above. See section 1102 for definitions.

	Front Yard Setback	Side Yard Setback	Exterior Side Yard Setback (Corner Lot)	Rear Yard Setback	Lakeside Yard Setback
Driveways, Parking Pads (see section 1140.46)	0 feet	5 feet	0 feet	10 feet	50 feet
Driveway Monument Posts (see subd. 8 below)	2 feet	5 feet	2 feet	Not allowed	Not allowed
Fire Pits (built-in or freestanding) <u>less than or equal to 10 square feet in area</u>	50 feet	5 feet	30 feet	10 feet	10 feet

Monument Signs (for commercially-regulated properties only, see section 1140.40 subd 8(d) for more regulations)	2 feet	10 feet	2 feet	Not allowed	Not allowed
Outdoor Fireplaces, Outdoor Kitchens (built-in or freestanding), <a href="#">and fire pits greater than 10 square feet in area</a>	50 feet	5 feet	30 feet	10 feet	<a href="#">5035</a> feet
Patio, Deck, Slabs – less than 30 inches in height at all points, excluding railing, pergola, etc.	50 feet	5 feet	30 feet	10 feet	<a href="#">5035</a> feet
Patio, Deck, Slabs – 30+ inches in height at any point, excluding railing, pergola, etc.	50 feet	10 feet	30 feet	10 feet	50 feet
Pergolas, Arbors, Trellises (see subd 4 below)	20 feet	5 feet	30 feet	10 feet	<a href="#">5035</a> feet
<a href="#">Landscaping Retaining Walls</a>					<a href="#">50 feet</a>
Sidewalks (see subd. 5 below)	0 feet	5 feet	0 feet	10 feet	0 feet
Sport Courts, Tennis Courts (see subd. 6 below)	50 feet	10 feet	30 feet	10 feet	50 feet
Swimming Pools, Hot Tubs – freestanding	50 feet	10 feet	30 feet	10 feet	<a href="#">5035</a> feet
Swimming Pools, Spas – in-ground (see subd. 7 below)	50 feet	10 feet	30 feet	10 feet	50 feet
Miscellaneous Secondary Accessory Structures Not Listed Above – with a footprint of 2 sq ft or greater	50 feet	10 feet	30 feet	10 feet	50 feet



**Agenda Number: 7D**

**Agenda Date: 01-02-20**

*Prepared by Deb Kind*

**Agenda Item:** Viability of Planning Commission

**Summary:** At the 12-04-19 council meeting, the city council appointed Julie Getchell to seat B-2 on the planning commission. The council also discussed concerns regarding persistent vacancies and planning commission attendance (Dean Barta missed 6 of 8 meetings in 2019, see attached). The council consensus is that we will not reappoint Dean Barta to the planning commission when his term expires in March 2020. Assuming David Steingas and Kelsey Nelson are interested in serving another term, the planning commission will have 3 vacant seats as of March 2020 ...

- A-1 **Vacant**, Term expires March 2022
- A-2 David Steingas, Term expires March 2022
- A-3 Kelsey Nelson, Term expires March 2022
- B-1 Pat Lucking, Term expires March 2021
- B-2 Julie Getchell, Term expires March 2021
- Alt-1 **Vacant**, Term expires March 2022
- Alt-2 **Vacant**, Term expires March 2021
- Alt-3 Kristi Conrad, Council Liaison

With 3 vacancies, it makes it more difficult to convene the minimum quorum of 3 people to hold a planning commission meeting. The July meeting was cancelled due to the inability to convene a quorum. Councilwoman Conrad was needed to convene a quorum at the April meeting. Newly appointed planning commissioner Julie Getchell was needed to convene a quorum at the December meeting. Only 1 out of 8 meetings had a full commission (5 voting).

At the 12-04-19 meeting, the council consensus was to put the *Viability of the Planning Commission* topic on the 01-02-20 city council agenda for further discussion.

**Council Action:** None required. 4/5ths vote is required to disband the planning commission.

# PLANNING COMMISSION ATTENDANCE - 2019

	Jan	Feb	Mar	Apr	May	Jun	Jul#	Aug	Oct	Oct*	Nov	Dec
A-1 Dean Barta (6/18-3/20)	X	X	X		X	X		X				
A-2 David Steingas (10/16-3/20)	X		X	X	X	X		X	X	X	X	X
A-3 Kelsey Nelson (11/18-3/20)	X	X	X		X	X		X	X	X	X	
B-1 Pat Lucking (2/01-3/21)	X	X	X	X	X	X			X	X	X	X
B-2 Jennifer Gallagher (9/16-3/19)	X	X	X	NA	X	X	NA	NA	NA	NA	NA	NA
B-2 Julie Getchell (12/19-3/21)	X	NA	X	NA	X	X	NA	NA	NA	NA	NA	X
Alt-3 Kristi Conrad (council liaison)	X	X	X	X	X	X			X	X	X	

\*Special Meeting

#Meeting cancelled due to lack of quorum

X	ATTENDED MEETING
█	ABSENT
NA	NOT ON COMMISSION
X	NO MEETING



Agenda Number: **11A-E**

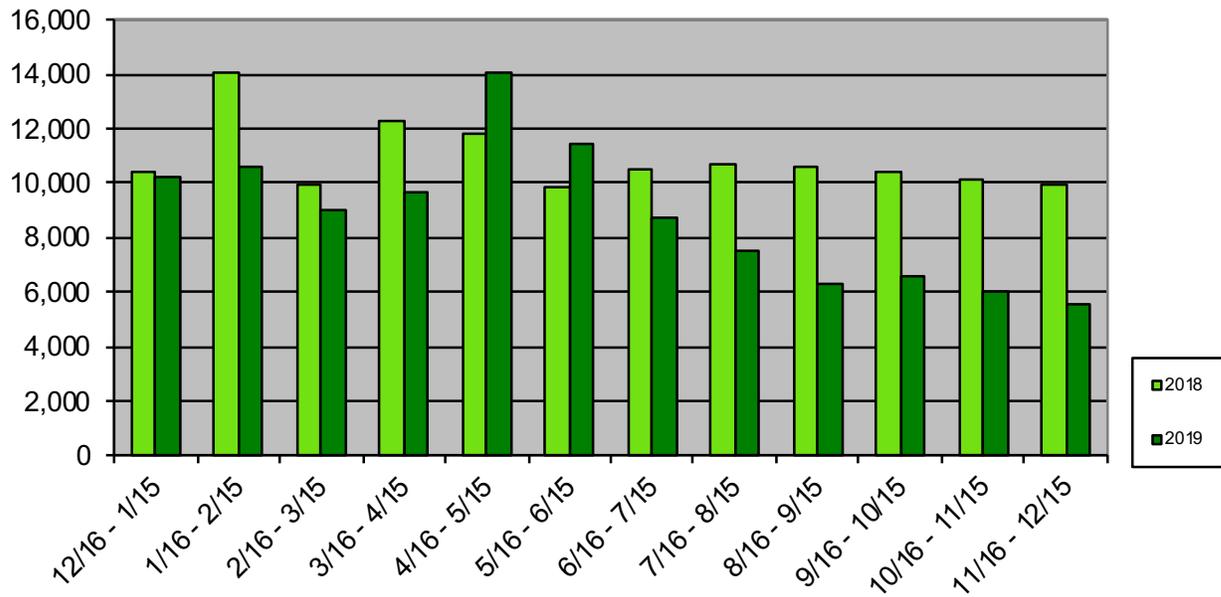
**Agenda Item:** Council Reports

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

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

**Council Action:** None required.

City of Greenwood  
Website Total Hits



Month	2018	2019	Variance with Prior Month	Variance with Prior Year	Bulk Email List
12/16 - 1/15	10,441	10,255	356	-186	176
1/16 - 2/15	14,039	10,576	321	-3,463	175
2/16 - 3/15	9,974	9,038	-1,538	-936	174
3/16 - 4/15	12,252	9,638	600	-2,614	174
4/16 - 5/15	11,773	14,074	4,436	2,301	173
5/16 - 6/15	9,836	11,420	-2,654	1,584	173
6/16 - 7/15	10,511	8,766	-2,654	-1,745	173
7/16 - 8/15	10,658	7,489	-1,277	-3,169	173
8/16 - 9/15	10,555	6,326	-1,163	-4,229	173
9/16 - 10/15	10,439	6,531	205	-3,908	173
10/16 - 11/15	10,159	6,049	-483	-4,111	173
11/16 - 12/15	9,899	5,566	-483	-4,333	173
<b>AVERAGE</b>	<b>10,878</b>	<b>8,811</b>			

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

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



## Site Statistics

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

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

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

**Begin Date**

**End Date**

**Report Name**

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## Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	1834	32.95%
<a href="#">Agendas, Minutes, Meeting Packets</a>	610	10.96%
<a href="#">Welcome to Greenwood</a>	303	5.44%
<a href="#">City Departments</a>	285	5.12%
<a href="#">RFPs &amp; Bids</a>	228	4.1%
<a href="#">Planning Commission</a>	188	3.38%
<a href="#">Code Book of Ordinances</a>	153	2.75%
<a href="#">Assessments &amp; Taxes</a>	123	2.21%
<a href="#">Forms, Permits, Licenses</a>	113	2.03%
<a href="#">Mayor &amp; City Council</a>	105	1.89%
<a href="#">Public Safety</a>	85	1.53%
<a href="#">Agendas, Minutes, Meetings</a>	82	1.47%
<a href="#">Budget &amp; Finances</a>	77	1.38%
<a href="#">Elections, Voting</a>	69	1.24%
<a href="#">Spring Clean-Up Day</a>	67	1.2%
<a href="#">Garbage &amp; Recycling</a>	65	1.17%
<a href="#">Community Surveys</a>	65	1.17%
<a href="#">Photo Gallery</a>	62	1.11%
<a href="#">Links</a>	56	1.01%
<a href="#">Lake Minnetonka</a>	54	0.97%
<a href="#">Meetings</a>	48	0.86%
<a href="#">Meetings on TV</a>	48	0.86%
<a href="#">Email Sign-Up</a>	45	0.81%
<a href="#">Toilet Drain Guide</a>	43	0.77%
<a href="#">Parks, Trails &amp; Watercraft Amenities</a>	43	0.77%
<a href="#">St. Alban's Bay Lake Improvement District</a>	42	0.75%
<a href="#">Fire Department</a>	40	0.72%
<a href="#">Comp Plan</a>	39	0.7%
<a href="#">Sewer, Stormwater, Water, Garbage, Recycling</a>	37	0.66%
<a href="#">Homesteading</a>	37	0.66%
<a href="#">Coyotes &amp; Animal Services</a>	34	0.61%

<a href="#">Search Results</a>	34	0.61%
<a href="#">News, Events</a>	34	0.61%
<a href="#">Old Log Events</a>	33	0.59%
<a href="#">City Newsletters</a>	31	0.56%
<a href="#">Emergency Preparedness</a>	31	0.56%
<a href="#">Tree Contractors</a>	31	0.56%
<a href="#">Well Water</a>	31	0.56%
<a href="#">Tour de Tonka</a>	30	0.54%
<a href="#">Finances, Taxes, Assessments</a>	30	0.54%
<a href="#">Recreation, Amenities</a>	29	0.52%
<a href="#">Watercraft Spaces</a>	29	0.52%
<a href="#">July 4th</a>	29	0.52%
<a href="#">SABLID Email Sign-Up</a>	28	0.5%
<a href="#">Smoke Testing</a>	23	0.41%
<a href="#">Luck O' the Lake</a>	23	0.41%
<a href="#">Library Events</a>	19	0.34%
<a href="#">Christkindlsmarkt</a>	17	0.31%
<a href="#">Unsubscribe</a>	3	0.05%
---	1	0.02%
<b>TOTAL</b>	<b>5566</b>	<b>100%</b>

### Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	884	27.3%
Agendas, Minutes, Meeting Packets	263	8.12%
City Departments	217	6.7%
Welcome to Greenwood	156	4.82%
Planning Commission	92	2.84%
Forms, Permits, Licenses	85	2.63%
Mayor & City Council	83	2.56%
Code Book of Ordinances	77	2.38%
Assessments & Taxes	72	2.22%
Public Safety	72	2.22%
Photo Gallery	56	1.73%
Agendas, Minutes, Meetings	53	1.64%
Garbage & Recycling	49	1.51%
Lake Minnetonka	47	1.45%
Elections, Voting	46	1.42%
Spring Clean-Up Day	46	1.42%
Meetings on TV	41	1.27%
Meetings	41	1.27%
RFPs & Bids	39	1.2%
Community Surveys	39	1.2%
Email Sign-Up	36	1.11%
St. Alban's Bay Lake Improvement District	36	1.11%
Comp Plan	35	1.08%
Sewer, Stormwater, Water, Garbage, Recycling	33	1.02%
Fire Department	33	1.02%
Toilet Drain Guide	33	1.02%
Budget & Finances	33	1.02%
Links	32	0.99%
Parks, Trails & Watercraft Amenities	31	0.96%
Old Log Events	31	0.96%
Tree Contractors	31	0.96%
Coyotes & Animal Services	31	0.96%
Homesteading	31	0.96%
Finances, Taxes, Assessments	30	0.93%
News, Events	29	0.9%
Emergency Preparedness	28	0.86%
Well Water	28	0.86%

Recreation, Amenities	27	0.83%
City Newsletters	27	0.83%
July 4th	25	0.77%
Watercraft Spaces	23	0.71%
Tour de Tonka	23	0.71%
Smoke Testing	22	0.68%
Luck O' the Lake	20	0.62%
SABLID Email Sign-Up	19	0.59%
Search Results	17	0.53%
Library Events	17	0.53%
Christkindlsmarkt	17	0.53%
Unsubscribe	1	0.03%
---	1	0.03%
<b>TOTAL</b>	<b>3238</b>	<b>100%</b>

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

**Done**



Agenda Number: **FYI**

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

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

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



# LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** October 18, 2019  
**TO:** LMCD Member Cities (Mayors, Managers, and Clerks)  
**FROM:** Vickie Schleuning, *Vickie Schleuning* Executive Director  
**SUBJECT:** Appointment of 2020 LMCD Board Members

The terms for some members of the Lake Minnetonka Conservation District (LMCD) Board of Directors will expire January 31, 2020. Terms on the LMCD Board extend from February 1<sup>st</sup> through January 31<sup>st</sup> of the following year. The state enabling LMCD legislation calls for Board members to be appointed by their respective member cities for a three-year term, with no term limits. If necessary, a city does have the ability to recall its member anytime and appoint another member for the remainder of the three-year term. Because of the uniqueness of Lake Minnetonka and the important application of the ordinances, it is beneficial for Directors to serve multiple years.

Through your partnership, we have processed a high number of projects and achieved many successes this past year. We hope that your appointed Director will consider serving another term. We appreciate the time, guidance, and dedication of your Board Member representative in helping to preserve and enhance the “Lake Minnetonka experience.”

**Appointments.** At this time, the cities with the January 2020 expiration terms are requested to reappoint or appoint new members to the Board of Directors. A list of the current City appointment terms is provided in the enclosed table. Please note that officer positions will be considered by the Board tentatively in February through a Nominating Committee process.

**Attendance & Participation.** This past year, the overall attendance of the Board Members was good. The individual Board Member attendance records for the LMCD Regular meetings are provided in the following table. Members also contribute through their attendance at and participation in Special Meetings, Workgroups, Committees, special events, and projects outside the regular meeting schedule. The membership of Committees and Workgroups is also included in an enclosed table.

Appointment of 2020 LMCD Board Members

October 18, 2019

Page 2

**LMCD Board Member Appointments**

<b>Jan. 2020 Expirations &amp; Appointments</b>	<b>2021 – Term Ending</b>	<b>2022- Term Ending</b>
Excelsior Currently Vacant	Dan Baasen, Wayzata (Current Vice Chair)	Ben Brandt, Mound
Bill Cook, Greenwood (Current Treasurer)	Jake Walesch, Deephaven	Gary Hughes, Spring Park
Ann Hoelscher, Victoria (Current Secretary)		Dennis Klohs, Minnetonka Beach
Mark Kroll, Orono		Nicole Stone, Minnetonka
Mike Molitor, Minnetrista		
Chris Rich, Woodland		
Gregg Thomas, Tonka Bay (Current Chair)		
Deborah Zorn, Shorewood		

<b>Member City</b>	<b>Board Member</b>	<b>Regular Board Meeting Attended</b>	<b>Total Board Meetings</b>	<b>Rate of Attendance</b>	<b>Additional Committee/ Workgroup Participation</b>
Deeplaven	Jake Walesch	13	19	68%	Nominating Committee Dec 2019 – Feb 2019, Communications
Excelsior 10/10 – 2/13	Andrew Punch	4	7	57%	
Excelsior 2/27 – 9/25	No Rep	N/A	N/A	N/A	
Greenwood	Bill Cook (2019 Treasurer)	15	19	79%	AIS Task Force, STL Committee, Finance Workgroup, Communications Workgroup, Officer Workgroup
Minnetonka 10/10 – 2/13	Sue Shuff	6	7	86%	STL Committee
Minnetonka 2/27 – 9/25	Nicole Stone	11	12	92%	
Minnetonka Beach	Dennis Klohs	17	19	89%	Strategic Plan Subcommittee,

Member City	Board Member	Regular Board Meeting Attended	Total Board Meetings	Rate of Attendance	Additional Committee/ Workgroup Participation
					Recodification Workgroup, Communications Workgroup
Minnetrista	Mike Molitor	11	19	58%	
Mound 10/10 – 12/12	Jay Green	4	4	100%	
Mound 1/9 – 9/25	Ben Brandt	14	15	93%	AIS Task Force
Orono	Mark Kroll	12	19	63%	
Shorewood	Deborah Zorn	12	19	63%	Strategic Plan Subcommittee, Nominating Committee Dec 2018 – Feb 2019, Communications Workgroup
Spring Park	Gary Hughes	19	19	100%	Strategic Plan Subcommittee, Recodification Workgroup, Finance Workgroup, Communications Workgroup
Tonka Bay	Gregg Thomas (2019 Chair)	16	19	84%	STL Committee, Officer Workgroup
Victoria	Ann Hoelscher (2019 Secretary)	17	19	89%	Recodification Workgroup, Communications Workgroup, Officer Workgroup
Wayzata	Dan Baasen (2019 Vice Chair)	16	19	84%	STL Committee (Chair), Nominating Committee Dec 2019 – Feb 2019, Officer Workgroup
Woodland	Chris Rich	13	19	68%	STL Committee

Please let me know your city's appointments for 2020 by **Tuesday, December 31, 2019 if possible**. For those of you who have already sent information, thank you. A copy of the official Council appointment is also required. Appointments typically start February 1, 2020. I look forward to working with your city in the coming year. If you have questions, please contact me at (952) 745-0789 or [vschleuning@lmcd.org](mailto:vschleuning@lmcd.org)



December 17, 2019

Three Rivers Park District  
Attn: Boe Carlson  
Superintendent

SENT VIA EMAIL  
Boe.Carlson@threeriversparks.org

**Re: Buckthorn Project Along LRT in Greenwood**

Dear Boe,

Several years ago, Three Rivers Park District implemented a buckthorn removal project along the LRT trail in Greenwood. Since then, the buckthorn has grown back. On November 19, 2019, Greenwood city clerk Dana Young contacted Three Rivers on behalf of the city council to see if Three Rivers was planning to continue efforts related to the project. The email was forwarded to Missy Anderson, and her reply stated ...

*The challenge of limited resources to control all buckthorn throughout the parks has led us to prioritize our eradication and control efforts to projects with optimal results (i.e. where we have an established project that can be supported long-term or that is going to impact a large or critical area of the park). ... The LRT would be a bit more difficult as Three Rivers isn't the property owner, so I am not sure that [a project] would be possible ...*

Since Three Rivers has already implemented a buckthorn project along the LRT in Greenwood, it is possible for Three Rivers to do a project in that location. Also, we believe that Three Rivers' original buckthorn project along the LRT in Greenwood was expected to be one of those "established projects that can be supported long term because it impacts a large, critical area" of the Three Rivers Park District. The Greenwood section of the LRT is one of the most, if not the most, intensely used sections of the trail. In addition, in our humble opinion, it is the most beautiful section of the trail.

Please consider adding the *Greenwood LRT Trail Buckthorn Project* to your list of long-term projects that impacts a critical area.

Sincerely,

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

Mayor Debra J. Kind  
on behalf of the Greenwood City Council

Cc: Three Rivers Board Chair & District 4 Representative, John.Gunyou@threeriversparks.org  
Three Rivers Invasive Species Coordinator, Missy.Anderson@threeriversparks.org

GREENWOOD PLANNING COMMISSION  
WEDNESDAY, DECEMBER 12, 2019  
7:00 P.M.

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

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

Members Present: Chairman Pat Lucking, Commissioners Julie Getchell, and David Steingas

Others Present: Zoning Administrator Dale Cooney

Absent: Commissioners Dean Barta, Kelsey Nelson, and Council Liaison Kristi Conrad

**2. MINUTES – Regular meeting of November 13, 2019.**

Motion by Steingas to approve the minutes as written. Motion was seconded by Nelson. Motion carried 3-0.

**3. PUBLIC HEARINGS**

**3a. Consider conditional use permit request of Garden Expressions for the property at 21450 Excelsior Boulevard in order to install a retaining wall within the lake yard setback.**

— Section 1176.04 (Subd. 7) of the city code states that retaining walls shall not be placed within the lake yard setback without a conditional use permit.

Lucking introduced the agenda item and opened the public hearing.

David Nickson, property owner, said that he was available to answer questions.

Getchell confirmed that the maximum wall height was 31 inches tall. Nickson said yes.

Hearing no further public comments, Lucking closed the public hearing.

Lucking asked if there is a hardcover issue. Cooney said no.

Getchell asked about the patio area. Cooney said that the retaining wall is an after-the-fact variance based on a neighbor complaint. He said that the patio expansion was not legal and that he asked them to remove the patio to an extent existing prior to expansion or ask for a variance. Cooney said that they removed the expanded patio. He said that staff's understanding of the ordinance at the time was that they could replace patio area with some kind of landscaping stone, which they did. Cooney said that since then, the city council has taken a harder line on that and that landscaping stone is not permitted. He said that is a zoning interpretation that will be discussed at the city council meeting.

Motion by Steingas to recommend approval of the request based on the recommendation, findings, and conditions of staff. Motion was seconded by Lucking. Motion carried 3-0.

**3b. Public Hearing to consider preliminary plat application (subdivision) request of James and Jessica Benning, property owners, to subdivide 21915 Fairview Street into two lots.**

— Subdivisions are regulated by Chapter 6 of the city code, beginning with preliminary plat requirements of Section 600.10.

Lucking introduced the agenda item and opened the public hearing.

Todd Simning, consultant for the applicants, said that he has a wetland delineation, is working on geotechnical to test the soils. He said that the setbacks work for the property.

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, DECEMBER 12, 2019  
7:00 P.M.**

Steingas asked if there would be a lower level. Simning said that their work has shown that the water table will allow for a lower level.

Getchell asked about the status of the garage and the existing house. Simning said that both will be demolished and that the property owners would build on one lot and sell the other. He said that the well has been sealed.

Getchell asked if there would be a stormwater plan at final plat. Simning said that he would submit that at the building permit phase. Cooney said that the City Council has discretion if they would like to required something sooner as part of the subdivision phase.

Simning said that the title and survey information is currently being reviewed by Hennepin County.

Pat Stolz of 5090 Covington Street said that she has seen the neighborhood change and that every year her lake view gets a little smaller. She asked if the applicants bought the property as an investment or if they plan on living there. James Benning, applicant, said that they intend to live on one of the properties and sell the other. Jessica Benning said that they moved from Indiana and that this area had a similar feel to the area they moved from.

Stolz said that she was glad they were not just developers and would live in the neighborhood.

Maureen Burns of 5080 Meadville Street said that she is in attendance to try and be proactive. She said that she has lived in the neighborhood for 55 years. She said that she is concerned about subdividing the lot and that it should only be done if no variances are required. She said that a lot of time was put into the ordinances and that they should be followed and respected.

Simning said that no variances will be needed.

Lucking closed the public hearing.

Lucking said that this used to be a simple subdivision process and that the law changed a few years ago. He said that he cannot see any reason to deny the request.

Motion by Lucking, second by Getchell to approve the preliminary plat request as proposed. Motion carried 3-0.

Stolz asked how many times can a property be subdivided. Lucking said that there is no limit as long as it is compliant with codes.

Burnes asked if the lot size used to be 20,000 square feet. Lucking said that different areas used to be 20,000 square feet, but that was 20 or 25 years ago. He said that there are still two areas in town that have that minimum lot size.

**4. NEW BUSINESS**

**5. LIAISON REPORT**

**6. ADJOURN**

Motion by Steingas to adjourn the meeting. Getchell seconded the motion. Motion carried 3-0. The meeting was adjourned at 7:33 p.m.

Respectively Submitted,  
Dale Cooney - Zoning Administrator