

# AGENDA

## Greenwood City Council Meeting

Wednesday, April 1, 2020

This meeting will be held by Zoom video conferencing technology due to COVID-19. Click on this link to join the meeting ...

<https://zoom.us/j/508346852?pwd=T1NmQnVieGJyQmdqZlpZZnk4NjV1QT09>

Log in between 6pm and 7pm, if you would like to test Zoom prior to the meeting.

If you have trouble, call Councilman Fletcher 952.224.5550.



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

7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA

7:01pm 2. CONSENT AGENDA

*Consent Agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove any Consent Agenda item for discussion and separate consideration under Other Business.*

A. Approve: 03.04.20 City Council Meeting Minutes

B. Approve: 03.04.20 Assessor Worksession Meeting Minutes

C. Approve: Feb Cash Summary Report

D. Approve: Feb Certificates of Deposit Report

E. Approve: Mar Verifeds, Check Register, Electronic Fund Transfers

F. Approve: Apr Payroll Register

G. Approve: July 4th Contribution to Excelsior – Lake Minnetonka Chamber of Commerce

H. Approve: Res 12-20, A Resolution of Appreciation for Outgoing Planning Commissioner, Dean Barta

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: Local Board of Appeal & Equalization Meeting Convenes at 6pm on 04.16.20, City Council Chambers, 20225 Cottagewood Road, Deephaven

B. Announcement: Joint City Council & Planning Commission Worksession, 05.13.20, approximately 8pm, Old Log's Cast & Cru Restaurant, 5175 Meadville St, Greenwood (may be electronic or postponed due to COVID-19)

7:15pm 5. PUBLIC HEARINGS

A. Public Hearing: City Stormwater Pollution Prevention Program

NONE 6. ACTION RELATED TO PUBLIC HEARINGS

7:20pm 7. PLANNING, ZONING & SUBDIVISION ITEMS

A. Consider: Res 13-20, Conditional Use Permit Findings, Kent Carlson (Greenwood Marina LLC), 21900 Minnetonka Blvd, re: Replacement of an Existing Monument Sign

B. 1st Reading: Ord 299, Amending Section 1140.10 Subd 2(C) Lake Setbacks for Accessory Structures; Res 11-20, Summary of Ord 299 for Publication

7:40pm 8. UNFINISHED BUSINESS

A. Discuss: Met Council's Comments re: Greenwood's 2040 Comp Plan

7:50pm 9. NEW BUSINESS

A. 1st Reading: Ord 300, Amending Tobacco Ordinance Section 415 to Comply with New Federal Age Limit; and Res 14-20, a Summary of Ord 300 for Publication

NONE 10. OTHER BUSINESS

8:00pm 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

8:15pm 12. ADJOURNMENT



# MINUTES

## Greenwood City Council

### Pre-Board Worksession with Assessors

Wednesday, March 4, 2020  
20225 Cottagewood Road, Deephaven, MN 55331

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

Mayor Kind called the meeting to order at 6:00pm.  
Members Present: Mayor Kind; Councilmembers Kristi Conrad, Tom Fletcher  
Members Absent: Bill Cook, Rob Roy  
Others Present: Assessor Mike Smerdon

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

#### 2. PRE-BOARD DISCUSSION WITH ASSESSORS

In preparation for the Local Board of Appeal & Equalization meeting to be convened at 6pm on Thursday, 04-16-20, the council and assessor discussed documents that were distributed at the worksession:

- Average increases are ...
  - 1.3% for Greenwood residential off-lake properties.
  - 4.9% for Greenwood residential lakeshore properties.
  - 3.71% for Greenwood condo properties.
- The average increases for all 13 Lake Minnetonka Hennepin County cities are ...
  - 3.6% for residential off-lake properties.
  - 6.4% for residential lakeshore properties.
- The number of Greenwood properties sold during Oct 1 2019 to Sep 30 2019 sales study period were ...
  - 7 off-lake properties (2 were removed from the study).
  - 10 lakeshore properties (3 were removed from the study).
  - 5 condo properties (0 were removed from the study).
- Greenwood's 10-year average residential lakeshore growth is 2.5% (5th highest of the 13 Lake Minnetonka Hennepin County cities). The 10-year average is 2.0% for all 13 Lake Minnetonka Hennepin County cities.

#### 3. ADJOURNMENT

**Motion by Fletcher to adjourn the worksession at 6:55pm. Second by Conrad. Motion passed 3-0.**

# MINUTES

## Greenwood City Council Meeting

Thursday, March 4, 2020

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, Tom Fletcher

Members Absent: Bill Cook, Rob Roy

Staff Members Present: City Engineer Dave Martini

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

### 2. CONSENT AGENDA

A. Approve: 02.05.20 City Council Meeting Minutes

B. Approve: Jan Cash Summary Report

C. Approve: Jan Certificates of Deposit Report

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

E. Approve: Mar Payroll Register

F. Approve: Res 10-20, Planning Commission Appointments

G. Approve: St. Alban's Bay Lake Improvement District Contribution

**Consent agenda motion by Kind that the council approves disbursement of \$2500 from the marina fund for St. Alban's Bay aquatic invasive species treatment and directs the city treasurer to send the funds to the St. Alban's Bay Lake Improvement District, managers of the treatment program. Second by Conrad. Motion passed 3-0.**

H. Approve: Request for Proposals for Loose Weed Removal at City Docks and Meadville Launch

**Consent agenda motion by Kind that the council directs the city clerk to secure bids for a "per 6cf wheelbarrow" rate for ongoing removal of loose weeds that accumulate by the city docks and at the Meadville Launch. Second by Conrad. Motion passed 3-0.**

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

### 3. MATTERS FROM THE FLOOR

Jay Johnson, 7496 Saratoga Lane, Chanhassen, shared information regarding "American Promise," an organization that encourages candidates to sign a pledge to support amending the US Constitution to limit the influence of money in politics.

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

A. Announcement: Mayor's Forum, 03.12.20, 7pm, Southshore Community & Event Center, 5735 Country Club Rd, Shorewood, MN 55331

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

### 5. PUBLIC HEARINGS

A. None

### 6. ACTION RELATED TO PUBLIC HEARINGS

A. None

### 7. PLANNING, ZONING & SUBDIVISION ITEMS

A. Consider: Res 07-20, Conditional Use Permit Findings (grading and retaining walls) and Res 08-20 Variance Findings (accessory structure and patio), Precision Builders, LLC for 21750 Byron Circle

Mike Peterson, Precision Builders, 4551 Oak Chase, Eagan, MN, spoke on behalf of the applicant. He handed out packets to the city council with a narrative, photos, and drawings of the revised plans.

Roland Aberg, Licensed Landscape Architect, 3175 CR 24, Long Lake, MN, spoke on behalf of the applicant. He walked the city council through the revised plans.

**Motion by Fletcher that the city council continues action on the findings resolutions for the variance and conditional use permit applications of Cory and Denaë Martilla, 21750 Byron Circle, to the 04-01-20 council meeting to give the applicant time to revise plans based on the council discussion. Second by Conrad. Motion passed 3-0.**

- A. 1st Reading: Ord 299, Amending Section 1140.10 Subd 2(C) Lake Setbacks for Accessory Structures; Res 11-20, Summary of Ord 299 for Publication

**Motion by Fletcher that the city continues action on ordinance 299 to allow time to revise the ordinance based on the city council's discussion. Second by Conrad. Motion passed 3-0.**

## 8. UNFINISHED BUSINESS

- A. None

## 9. NEW BUSINESS

- A. 1st Reading: Ord 298, Amending Construction Management Ordinance Section 305, Subd 1(b), Regarding Construction Hours

**Motion by Fletcher that the city council directs the planning commission review and make a recommendation regarding ordinance 298. Second by Conrad. Motion passed 3-0.**

- B. Discuss: Met Council's Comments re: Greenwood's 2040 Comp Plan

**Motion by Fletcher that the city council continues discussion regarding the Met Council's Comp Plan comments to the 04-01-20 council meeting to get the input from the full council. Second by Conrad. Motion passed 3-0.**

## 10. OTHER BUSINESS

- A. None

## 11. COUNCIL REPORTS

- A. Conrad: Planning Commission

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

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

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

- C. Fletcher: LMCC, Fire, Administrative Committee, Metro Cities, League of MN Cities

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

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

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

- E. Roy: Minnetonka Community Education

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

## 12. ADJOURNMENT

**Motion by Kind to adjourn the meeting at 8:43pm. Second by Conrad. Motion passed 3-0.**

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

## GREENWOOD CERTIFICATES OF DEPOSIT

**Report Date**     **2/28/20**

Acct #	Bank	Date	Term	Maturity	Rate	Amount
x237	Bridgewater Bank	11/08/18	18 Month	05/08/20	2.48%	\$ 134,926.54
x238	Bridgewater Bank	03/08/19	18 Month	09/08/20	2.82%	\$ 135,080.74
x239	Bridgewater Bank	05/08/19	18 Month	11/08/20	2.48%	\$ 134,772.93
x240	Bridgewater Bank	09/08/19	18 Month	03/08/21	2.23%	\$ 134,299.81
x241	Bridgewater Bank	11/08/19	18 Month	05/08/21	1.59%	\$ 134,658.18
x242	Bridgewater Bank	03/08/18	24 Month	03/08/20	2.08%	\$ 134,823.66
<b>TOTAL</b>						<b>\$ 808,561.86</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.*

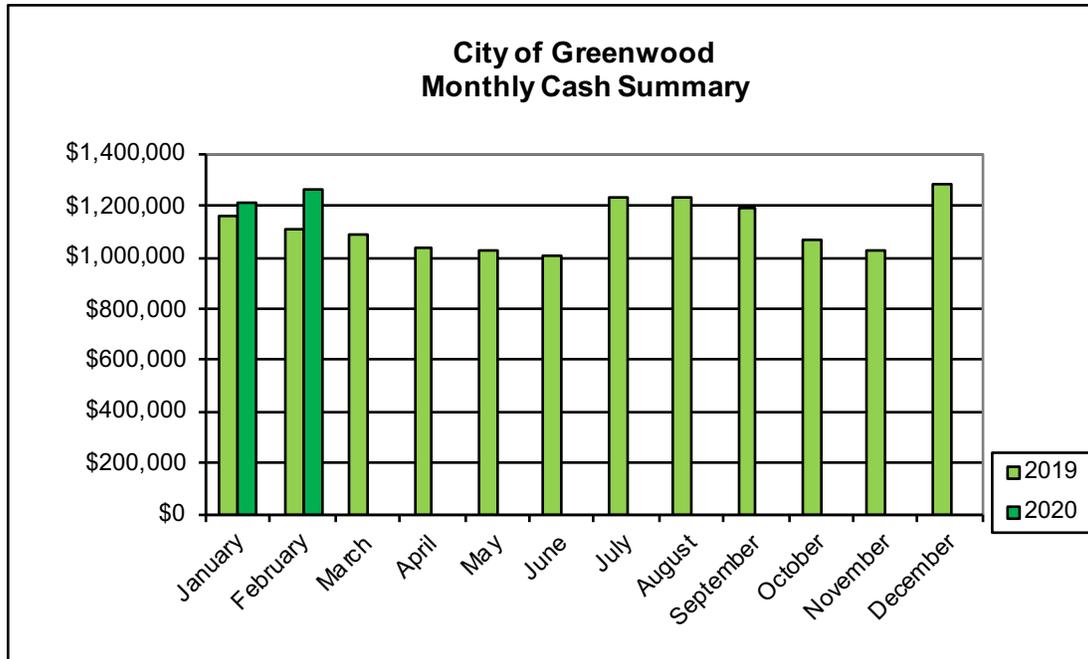
*11-02-16 Motion by Fletcher that the city council authorizes an increase from \$500,000 to \$600,000 for the city's maximum balance of certificate of deposit. Second by Roy. Motion passed 5-0.*

*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.*

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
04/01/20	PC	04/01/20	4012001	CONRAD, KRISTI	39		001-10101	289.97
04/01/20	PC	04/01/20	4012002	COOK, WILLIAM B.	37		001-10101	289.97
04/01/20	PC	04/01/20	4012003	Fletcher, Thomas M	33		001-10101	189.97
04/01/20	PC	04/01/20	4012004	Kind, Debra J.	34		001-10101	434.95
04/01/20	PC	04/01/20	4012005	ROY, ROBERT J.	38		001-10101	289.97
Grand Totals:								<u>1,494.83</u>



	2019	2020	Variance with Prior Month	Variance with Prior Year
January	\$1,160,255	\$1,212,136	-\$75,983	\$51,881
February	\$1,113,218	\$1,262,195	\$50,059	\$148,977
March	\$1,093,116	\$0	-\$1,262,195	-\$1,093,116
April	\$1,035,438	\$0	\$0	-\$1,035,438
May	\$1,030,665	\$0	\$0	-\$1,030,665
June	\$1,001,314	\$0	\$0	-\$1,001,314
July	\$1,235,754	\$0	\$0	-\$1,235,754
August	\$1,229,599	\$0	\$0	-\$1,229,599
September	\$1,196,210	\$0	\$0	-\$1,196,210
October	\$1,071,209	\$0	\$0	-\$1,071,209
November	\$1,031,949	\$0	\$0	-\$1,031,949
December	\$1,288,119	\$0	\$0	-\$1,288,119

Bridgewater Bank Checking	\$47,137
Bridgewater Bank Money Market	\$406,496
Bridgewater Bank CD's	\$808,562
	<u>\$1,262,195</u>

**ALLOCATION BY FUND**

General Fund	\$512,768
Special Project Fund	\$8,406
General Fund Designated for Parl	\$26,311
Bridge Capital Project Fund	\$191,244
Road Improvement Fund	\$35,068
Stormwater Fund	\$35,716
Sewer Enterprise Fund	\$345,249
Marina Enterprise Fund	\$107,433
	<u>\$1,262,195</u>

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**CITY COUNCIL POLICY**

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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.

Check Issue Date(s): 03/01/2020 - 03/31/2020

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
03/20	03/06/2020	11422	625	BONNIE LANE	101-20100	187.50
03/20	03/06/2020	11423	847	DIANE SHELGREN	101-20100	166.25
03/20	03/06/2020	11424	844	MARY BETH DARUSMONT	101-20100	178.12
03/20	03/06/2020	11425	904	Patrick Lucking	605-20100	1,550.00
03/20	03/06/2020	11426	881	SUSAN ALLEN	101-20100	114.00
03/20	03/06/2020	11427	897	SUSAN TEETER	101-20100	85.50
03/20	03/10/2020	11428	51	BOLTON & MENK, INC.	502-20100	2,127.00
03/20	03/10/2020	11429	9	CITY OF DEEPHAVEN	101-20100	7,419.38
03/20	03/10/2020	11430	822	ECM PUBLISHERS INC	101-20100	166.60
03/20	03/10/2020	11431	68	GOPHER STATE ONE CALL	602-20100	2.70
03/20	03/10/2020	11432	850	KENNEDY, GRAVEN, CHARTERED	101-20100	123.75
03/20	03/10/2020	11433	886	KENNETH N. POTTS, P.A.	101-20100	800.00
03/20	03/10/2020	11434	816	LABEL PRODUCTS	101-20100	417.61
03/20	03/10/2020	11435	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,774.73
03/20	03/10/2020	11436	893	REPUBLIC SERVICES #894	101-20100	1,981.45
03/20	03/10/2020	11437	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	16,681.58
03/20	03/10/2020	11438	868	ST ALBANS BAY LAKE IMPROVEMENT	605-20100	2,500.00
03/20	03/10/2020	11439	145	XCEL ENERGY	101-20100	683.30
Totals:						<u>37,959.47</u>

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

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

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

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

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0145760	2020 DEVELOPMENT REVIEW	01/29/2020	313.00
		0145761	2020 MISC DRAINAGE	01/29/2020	175.00
		0245758	2019 DEVELOPMENT REVIEW	01/29/2020	320.00
		0245759	2019 MISC ENGINEERING	01/29/2020	128.00
		0245992	2019 SEWER PROJECT	01/31/2020	1,191.00
	Total BOLTON & MENK, INC.				2,127.00
<b>BONNIE LANE</b>					
625	BONNIE LANE	03-20 PRIMARY	HEAD ELECTION JUDGE	03/03/2020	187.50
	Total BONNIE LANE				187.50
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	MARCH 20	RENT & EQUIPMENT	03/09/2020	487.45
			Postage		43.00
			COPIES		165.90
			SNOW PLOWING/SANDING/SALT		1,055.92
			Clerk Services		3,426.48
			ZONING		1,091.98
			Leag of MN Cities Reimburse		176.67
			SIGNS		211.16
			ELECTIONS		527.90
			Xcel Energy		232.92
	Total CITY OF DEEPHAVEN				7,419.38
<b>DIANE SHELGREN</b>					
847	DIANE SHELGREN	03-20 PRIMARY	ELECTION JUDGE	03/03/2020	166.25
	Total DIANE SHELGREN				166.25
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	759063	LEGAL NOTICE	02/13/2020	29.75
		760220	LEGAL NOTICE	02/20/2020	83.30
		761541	LEGAL NOTICE	02/27/2020	53.55
	Total ECM PUBLISHERS INC				166.60
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	0020431	Gopher State calls	02/29/2020	2.70
	Total GOPHER STATE ONE CALL				2.70
<b>KENNEDY, GRAVEN, CHARTERED</b>					
850	KENNEDY, GRAVEN, CHARTERE	153219	LEGAL SERVICES	02/17/2020	123.75
	Total KENNEDY, GRAVEN, CHARTERED				123.75
<b>KENNETH N. POTTS, P.A.</b>					
886	KENNETH N. POTTS, P.A.	FEB 2020	LEGAL SVCS	02/29/2020	400.00
		JAN 2020	LEGAL SVCS	01/31/2020	400.00
	Total KENNETH N. POTTS, P.A.				800.00
<b>LABEL PRODUCTS</b>					
816	LABEL PRODUCTS	97087	PARKING STICKERS	02/25/2020	417.61

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total LABEL PRODUCTS				417.61
<b>MARY BETH DARUSMONT</b>					
844	MARY BETH DARUSMONT	03-20 PRIMARY	ELECTION JUDGE	03/03/2020	178.12
	Total MARY BETH DARUSMONT				178.12
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERV	0001107582	Monthly wastewater Charge	03/05/2020	2,774.73
	Total METRO COUNCIL ENVIRO SERVICES				2,774.73
<b>Patrick Lucking</b>					
904	Patrick Lucking	03-20 PRIMARY	Refund of 2020 Dock Permit Fee	03/03/2020	1,550.00
	Total Patrick Lucking				1,550.00
<b>REPUBLIC SERVICES #894</b>					
893	REPUBLIC SERVICES #894	0894-005101830	RECYCLING SVCS	02/15/2020	1,981.45
	Total REPUBLIC SERVICES #894				1,981.45
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	MARCH 2020	2020 OPERATING BUDGET	03/01/2020	16,681.58
	Total SO LAKE MINNETONKA POLICE DEPT				16,681.58
<b>ST ALBANS BAY LAKE IMPROVEMENT</b>					
868	ST ALBANS BAY LAKE IMPROVE	MARCH 20	INVASIVE SPECIES TREATMENT	03/06/2020	2,500.00
	Total ST ALBANS BAY LAKE IMPROVEMENT				2,500.00
<b>SUSAN ALLEN</b>					
881	SUSAN ALLEN	03-20 PRIMARY	ELECTION JUDGE	03/03/2020	114.00
	Total SUSAN ALLEN				114.00
<b>SUSAN TEETER</b>					
897	SUSAN TEETER	03-20 PRIMARY	ELECTION JUDGE	03/03/2020	85.50
	Total SUSAN TEETER				85.50
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	674223198	LIFT STATION #4	02/25/2020	52.41
		674223483	LIFT STATION #3	02/25/2020	46.46
		674228265	LIFT STATION #6	02/25/2020	79.91
		674232475	4925 MEADVILLE STREET *	02/25/2020	17.17
		674233293	LIFT STATION #2	02/25/2020	42.19
		674405384	LIFT STATION #1	02/26/2020	42.90
		674756159	Sleepy Hollow Road *	02/28/2020	8.56
		675142469	Street Lights *	03/03/2020	393.70
	Total XCEL ENERGY				683.30

Total Paid:	37,959.47
Total Unpaid:	<u>-</u>
Grand Total:	<u><u>37,959.47</u></u>



**Agenda Number: 2G**

**Agenda Date: 04-01-20**

*Prepared by Deb Kind*

**Agenda Item:** Annual July 4th Contribution to Excelsior – Lake Minnetonka Chamber of Commerce

**Summary:** Each year the city council approves a contribution for the Excelsior - Lake Minnetonka Chamber of Commerce July 4th Celebration Fund. The city's 2020 budget includes \$1,500 for the city's annual July 4th contribution.

**Council Action:** This expenditure must be authorized by the council. Consent agenda motion ...

I move the council directs the city treasurer to disburse a check in the amount of \$1,500 to the Excelsior - Lake Minnetonka Chamber of Commerce for the 2020 July 4th Celebration Fund.



RESOLUTION 12-20

## A Resolution of Appreciation & Commendation

WHEREAS, Dean Barta served on the Greenwood planning commission from June 2018 to March 2020; and

WHEREAS, by emulating high standards of professionalism and integrity, Dean helped deliver quality governance.

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

## DEAN BARTA

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

Adopted by the city council of the city of Greenwood, Minnesota this 1st day of April, 2020.

There were 5 AYES and 0 NAYS

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Debra J. Kind, Mayor

ATTEST: Dana H. Young, City Clerk



**Agenda Number: 5A**

**Agenda Date: 04-01-20**

*Prepared by Deb Kind*

**Agenda Item:** Stormwater Pollution Prevention Program Annual Public Hearing

**Summary:** All cities in the metropolitan area are required to submit a Stormwater Pollution Prevention Plan (SWPPP) outlining the steps they will take to limit runoff into protected water bodies. This is done through the adoption of Best Management Practices (BMP's) in six categories: (1) Public Education and Outreach on Stormwater Impacts, (2) Public Participation / Involvement, (3) Illicit Discharge Detection and Elimination, (4) Construction Site Stormwater Runoff Control, (5) Post-Construction Stormwater Management in New Development, and (6) Redevelopment and Pollution Prevention / Good Housekeeping for Municipal Operations.

The Minnesota Pollution Control Agency (MPCA) reissues Municipal Separate Storm Sewer Systems (MS4) General Permits every 5 years. These federal rules identified an iterative process for improved stormwater management where MS4 programs are strengthened with each 5-year permit cycle.

The city contracts with Bolton & Menk to submit the city's individual application for reauthorization of its permit.

As part of the program, the city must hold annual public hearings to collect public input on the program and document suggestions. The previous hearings have yielded no public comment.

**Council Action:** A motion is required to open and close the public hearing. Suggested motions ...

1. I move the city council **opens** the Stormwater Pollution Prevention Program Annual Public Hearing.
2. I move the city council **closes** the Stormwater Pollution Prevention Program Annual Public Hearing.

**CITY OF GREENWOOD**

**NOTICE OF PUBLIC HEARING ON THE ADEQUACY AND EFFECTIVENESS  
OF THE STORM WATER POLLUTION PREVENTION PROGRAM (SWPPP)**

NOTICE IS HEREBY GIVEN, that a public hearing will be held on the 1<sup>st</sup> day of April, 2020 before the City Council of the City of Greenwood at City Hall, 20225 Cottagewood Road, Deephaven, at 7:00 p.m. to hear all persons present upon the adequacy and effectiveness of the Greenwood Storm Water Pollution Prevention Program and its components.

This Notice is given pursuant to Minnesota Law.

Published on March 19, 2020 and March 26, 2020.

/s/ Dana H. Young  
City Clerk



Agenda Number: **7A**

Agenda Date: **04-01-20**

Prepared by Dana Young

**Agenda Item:** Consider Res 13-20 findings regarding the conditional use permit request of Kent Carlson (Greenwood Marina LLC), 21900 Minnetonka Blvd, to replace an existing monument sign with a new monument sign.

**Summary:** Kent Carlson is requesting a conditional use permit to replace an existing two-sided monument sign at 21900 Minnetonka Blvd with new and improved two-sided monument sign at the Greenwood Marina. The new sign would be in the same location as the existing signage. The property was granted a Conditional Use Permit in 2011 for the current signage (see attached).

Section 1140.40(3)(2) of the Zoning Ordinance states “No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a conditional use permit from the city in accordance with section 1150 of the city’s ordinances.”

Background: The property is located within the C-2 Lake Recreation District and has been approved for office, marina, and restaurant uses by a Conditional Use Permit issued on April 11, 2000. The uses on the property have not changed substantially since that time.

Existing and Proposed: Staff has attached a photo showing the existing and proposed new sign and sign specifications for the new sign. The existing monument sign is 6 feet high by 8’5’ wide with downcast lighting. The new monument sign is proposed to be 5’3” high and 8’10” wide with backlit lighting.

Conclusion: In staff’s judgment, the new monument sign, while slightly wider, is a distinct improvement over the existing sign and essentially a 1-for-1 replacement of the existing monument sign.

**Staff Recommendation:** Staff recommends approval with one condition of the application of Kent Carlson for the Conditional Use Permit to replace signage at the property located at 21900 Minnetonka Blvd. The proposal meets the requirements outlined in Section 1140.40 Regulation of Signs, and the criteria for Section 1150.20 of the ordinance in that:

- a) the proposed use complies with the specified regulations of the district in which it is located;
- b) the use is a permitted accessory use in the C-2 Lake Recreation District;
- c) the use would not be detrimental to or endanger the general welfare of the neighborhood or city;
- d) the use is harmonious with the objective of the comprehensive plan in that it maintains the aesthetic standards for commercial signage;
- e) the use will not be hazardous or disturbing to existing or future neighboring uses;
- f) the use will be adequately served by essential public facilities and services;
- g) there will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community;
- h) the proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors;
- i) the use will not create traffic congestion;
- j) there will be no loss or damage of any natural, scenic, or historic features; and
- k) the use will not depreciate surrounding property values.

And subject to the following condition:

- a) The sign will remain illuminated only during the regular business hours of 6am to 10pm.

**Planning Commission Recommendation:** At a meeting held on March 11, 2020, the Greenwood Planning Commission unanimously approved the Conditional Use Permit request of the applicant subject to the condition that the sign will remain illuminated only during the regular business hours of 6am to 10pm for the property at 21900 Minnetonka Blvd.

**Key Dates:**

Application complete:	February 11, 2020
Notice of Public Hearing published:	February 27, 2020
Planning Commission Public Hearing:	March 11, 2020
City Council Consideration:	April 1, 2020
60-Day Deadline:	April 11, 2020
120-Day Deadline:	June 10, 2020

**City Council Action:** Action required by April 11, 2020. Possible motions ...

1. I move that the city council accepts the recommendation, findings, and conditions of staff and approves resolution 13-20 approving the conditional use permit request to replace an existing monument sign with a new monument sign for the property at 21900 Minnetonka Blvd with the condition that the sign will remain illuminated only during the regular business hours of 6am to 10pm.
2. I move that the city council direct staff to send written notice to Kent Carlson stating the city of Greenwood needs to extend the 60-day time limit to render a decision on the request to June 10, 2020 for the following reason(s)  
\_\_\_\_\_.

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



# 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	
Date application complete (office use only)	
Property address	21900 Minnetonka Blvd
Property identification number (PID)	26-117-23-34-0008
Property owner's current mailing address	20505 Lakeside Av Deephaven Mn 55331
Names of all property owners	Greenwood Marina LLC c/o Kerst Carlson
Cell phone and email of property owner(s)	612-360-3229
Name of builder / architect (if any)	
Company name of builder / architect	
Cell phone and email of builder / architect	
Company address	
Present use of property	Sign
Property acreage	2.25 ac
Existing variances or conditional use permits	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – please attach a copy See File
Request is for	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	Replace Sign

**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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Replace Sign Approved in CUP
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:
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

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

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

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

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

**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:
------------	-------

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

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check #:	Amount \$ 600.00
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## RESOLUTION NO. 12-11

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

In Re: Application of Kent Carlson (Owner) for Amendment to  
Conditional Use Permit Issued Pursuant to Resolution – 11-00, April 11, 2000  
Relating to Multiple Uses at 21900 Minnetonka Boulevard, Greenwood, Minnesota

**WHEREAS**, Kent Carlson, (hereinafter "applicant"), 20505 Lakeview Avenue, Deephaven, Minnesota, 55331, is the owner of property commonly known as 21900 Minnetonka Boulevard, Greenwood, Minnesota (the subject property), legally described in **Exhibit A** attached; and

**WHEREAS**, by terms of Greenwood Resolution No. 11-00 adopted April 11, 2000, the City did issue a Conditional Use Permit for Multiple Uses upon the subject property including office, marina, and restaurant, and thereby did impose regulations regarding parking, signage, hard-surface, storm water management, landscaping and other matters; and

**WHEREAS**, the subject property has been heretofore host to a building that dates 1946 used as a restaurant, now closed. The Applicant proposes to demolish said building and in its place construct a new structure to be employed for office purposes all as illustrated on **Exhibit B** attached; and

**WHEREAS**, notice of the application was published and a public hearing held hereon by the Planning Commission April 20, 2011, and public comment received.

**NOW, THEREFORE**, the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments does hereby make the following:

#### FINDINGS OF FACT

1. The subject property is fully developed and is host to a legal permitted use marina and a legal conditional use, offices, and a now abandoned legal use, restaurant. The applicant proposes to amend the existing CUP to include offices as a permitted use of the building heretofore used as restaurant. The new building would host Class A office space – 10,300 gross square feet with approximately 7,200 square feet of leased space. While the new building might accommodate a future restaurant, no application is presently before the City for such a use. Any future change back to a restaurant use would require review by the City to ensure that parking demands are able to be met. The footprint of the proposed building will increase from 5,218 square feet to 5,772 square feet and building height will grow from approximately 24 feet to 28 feet. **Exhibit C** illustrates the proposed building on the existing subject property.
2. **Parking**. Multiple commercial uses are permitted within the C-2 Zoning District provided requisite parking needs are met. Here, the applicant must provide parking for office, marina docks, boat service and retail-marina services. There are 122 on-site parking stalls. The Code requires offices to provide 1 space per 330 square feet (10,300 sq. ft. for proposed office building + 9,150 sq. ft. for existing office building / 330 = 59 spaces). The retail-marina and boat service parking requirements were established at 12 spaces with resolution 11-00. The marina docks require six slips for every ten docks for a total of 56 spaces. Therefore, the total number of parking spaces required for the entire site is 127 without considering exigent circumstances unique to the planned uses.
3. **Parking Experience**. The applicant's 10-plus years of experience demonstrates that the primary use of office parking is from 8:00 AM to 5:00 PM Monday through Friday. The 12 spaces for retail-marina and boat service are used on a seven-day-per-week basis. The heaviest demand for marina dock parking is on Saturday and Sunday during the summer with no demand off-season. The offsetting nature of the office and marina dock parking demand provides exigent circumstances for the applicant to meet the requirements of Greenwood ordinance code section 1140.45(11)(j) common parking area with the existing 122 on-site parking spaces.
4. **Hardcover**. The existing CUP authorizes 63.4% of the total site area as hardcover. The existing hardcover is 58.2% or 61,138 square feet. The applicant proposes square feet or 58.7% of total area in hardcover, an increase of 0.5% for a total site area in hardcover. This is 4.7% less than permitted and compares with a Code standard of 75% allowed in the C-2 Zoning District with a stormwater management plan.
5. **Stormwater Management Plan**. The property is host to an existing stormwater management system using infiltration and rain gardens to collect and treat stormwater runoff meeting the requirements of the Minnehaha Creek Watershed District.

6. Landscaping. Additional landscaping is proposed in conjunction with the new office building – 175 square feet of new rain garden will be added as well as landscaping between the building and curb. The landscaping plan is illustrated on **Exhibit D**.
7. Lighting. The exterior lighting for the office building will employ downcast soffit fixtures and downcast wall sconce fixtures located at building entrances, above the signage, lakeside office decks, and adjacent doors. Lighting will be consistent with Greenwood Ordinance Code requirements and installed as shown on **Exhibit E**.
8. Signage. Greenwood City Council's Resolution 11-00 addressed signage and permitted a monument sign and numerous signs on the current building. The applicant proposes to employ signage of like area to be placed on the new office building in the locations and manners illustrated on the new **Exhibit F**. The total building signage area approved on the 11-00 resolution is 148.5 sq. ft. The total signage area on the new proposed building is 132 sq. ft.
9. The City Zoning Administrator has reviewed the applicant's material and reports that the proposed office building *complies* with the applicable ordinances for the City's C-2 Zone, to-wit:
  - Section 1135:10(1) Building Height Maximum of 30 feet. The proposed structure is 28 feet.
  - Section 1135:10(2)(a) Front Yard Setback 50 feet from Public Right-of-Way. The building is 67 feet back.
  - Section 1135:10(3)(b) Minimum East Side Yard Code requirement 30 feet from abutting residential zone. The proposed building is 140 feet.
  - Section 1135:10(3)(a) Minimum West Side Yard Code requirement is 15 feet from abutting property. The proposed building is 200 feet or greater.
  - Section 1176:04(3)(1) Minimum Lake Yard Setback Code requirement 50 feet. The proposed structure is 57 feet back from OHWL.
  - Section 1176:04(3)(b) Maximum Permitted Impervious Surface Area in commercial areas is 75%. The site as a whole will have 58.7% impervious surfacing.
  - Section 1135:10(7) Minimum Lot Area in C-2 District, one acre (43,560 square feet), actual lot area for site. 2.4 acres (105,015 square feet).
10. The City Engineer has reviewed this application and finds that it meets with the City's interest on matters of civil engineering related issues including sewer, water, and traffic.
11. The site is host to two structures and historically has always been host to commercial structures. The continuation of those uses on this site is consistent with past uses.
12. Under Minnesota Statute Section 462.357, the applicant is entitled to the continued use of the subject property without amortization or forced abandonment of use for buildings.
13. Greenwood Ordinance Code Section 1150:20 sets forth the standards by which the City Council may grant a Conditional Use Permit and/or Amendment of same.
14. The City Council has received the comments of the public through a public hearing held by the Planning Commission April 20, 2011 and has received the recommendation of the Planning Commission to approve the application subject to a 28-foot height maximum for the proposed office building, adequate shielding of roof top HVAC and mechanicals, and signage adhering to the original permitted signage under Resolution 11-00.

#### CONCLUSIONS OF LAW

1. Greenwood Zoning Code Section C-2 allows office by a Conditional Use Permit and the instant application is appropriate.
2. The existing CUP Resolution 11-00 allows office use on the applicant's property.
3. Office use has been proven not to be detrimental or a danger to the public health, safety, comfort, convenience or general welfare.
4. A proposed office use will be in harmony with the Comprehensive Plan.
5. Office use will not be hazardous or disturbing to existing or future neighboring uses.
6. The office use will be served by adequate essential public facilities and services.
7. Office use will not create excessive additional requirements at public cost.
8. The office use will not cause excessive traffic, noise, smoke, fumes, or odors.
9. The office use will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
10. The office use will not result in the destruction of major natural historic features.
11. The office use will not depreciate surrounding property values.
12. The application, as demonstrated by the analysis of the City Zoning Administrator, meets or exceeds the necessary Code requirements of the City of the Greenwood and should be granted without variance thereto.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments.

1. The foregoing Findings and Conclusions of Law are adopted, and
2. The applicant's request for Amendment of the Conditional Use Permit granted by Greenwood Resolution 11-00, April 11, 2000, is hereby granted on the following terms and conditions:
  - a. The proposed office building shall be constructed as proposed in the application on file and all the requisite and attendant appurtenances shall conform with said plans, including but not limited to a maximum building height of 28 feet as defined by Greenwood Zoning Code; impervious surface not more than 58.7% of total site area of 105,015 square feet; stormwater management as proposed and approved by Minnehaha Creek Watershed District; landscaping as proposed on **Exhibit D**; exterior lighting will employ downcast soffit fixtures and downcast wall sconce fixtures and be installed as shown on **Exhibit E**; signage as illustrated for the new building on **Exhibit F**.
  - b. 122 spaces of parking shall be provided on site. The applicant shall provide a parking lot attendant as needed during peak marina parking periods to ensure that parking does not overflow onto neighborhood streets or cause congestion on Minnetonka Boulevard. The reservation of rights in favor of the City, the memorialization and recording requirements, and the reimbursement of City expenses and filing fees as currently provided in Ordinance 1140.45(11)(j) shall apply in full to this Conditional Use Permit
  - c. All terms and conditions of Greenwood Resolution 11-00 approving the original Conditional Use Permit and variances related to the subject property are adopted as if set out hereat in full.
  - d. The previous restaurant use is deemed abandoned, however in the event the applicant desires to make future application for a restaurant use on the subject property, nothing shall prevent such an application made in due course meeting the requirements of the City Code then in effect.
  - e. The applicant will meet the requirements set forth in the letter dated April 6, 2011 from City Engineer David Martini to the City of Greenwood.

PASSED THIS 3rd DAY OF MAY, 2011 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA, ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

4 Ayes, 1 Nays

**CITY OF GREENWOOD**

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

Attest:

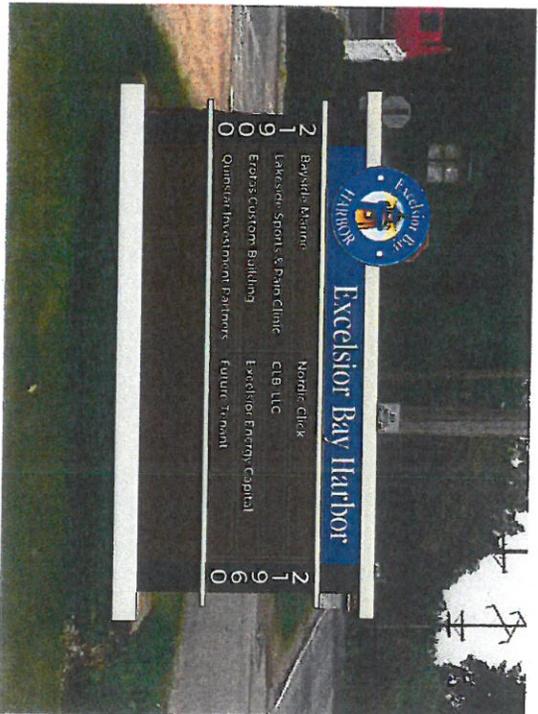
\_\_\_\_\_  
Gus E. Karpas, City Clerk

Photograph with Sign Location

SCALE: 1/2" = 1'-0"



Existing Condition



Proposed New Sign

**INSTALLATION INSTRUCTIONS:**  
REMOVE the existing monument sign and dispose of.  
CENTER the new monument sign on the new concrete slab.

SIGN PACKAGE REVISION 11/25/2019 Page 3 of 3

**CUSTOMER INFORMATION**

Customer: Excelsior Bay Harbor  
Address: Excelsior, MN

Sales: Bob Sherlock

**DRAWING INFORMATION**

File Name: Excelsior Bay Harbor monument sign  
Date: REV A 6-25-18  
Revisions: REV B 6-29-18  
REV C 9-14-18  
REV D 9-17-18  
REV E 10-1-18  
REV F 10-8-18  
REV G 10-10-18  
REV H 11-26-18  
REV I 1-25-19

Scale: 1/2" = 1'-0" at 11" x 17"  
Page: 2 of 2  
Designer: Jeff Weispfenning  
Customer/LL Approval:



**SignArt Company**

Eau Claire, WI  
715-834-5127  
800-235-5178  
St. Paul, MN  
651-688-0563  
800-699-0563  
www.signartusa.com



This drawing was created to assist you in visualizing our proposal. It is the property of Sign Art Company and may not be used or reproduced by others.

# Sign Specifications: Monument 1

Internally Illuminated (LED)  
Double Faced Multi Tenant Monument Sign

Fabricated aluminum frame

Retainers and Returns:  
(TBD)

Main ID and Address Faces:  
Routed Aluminum Faces backed with  
Translucent white polycarbonate faces

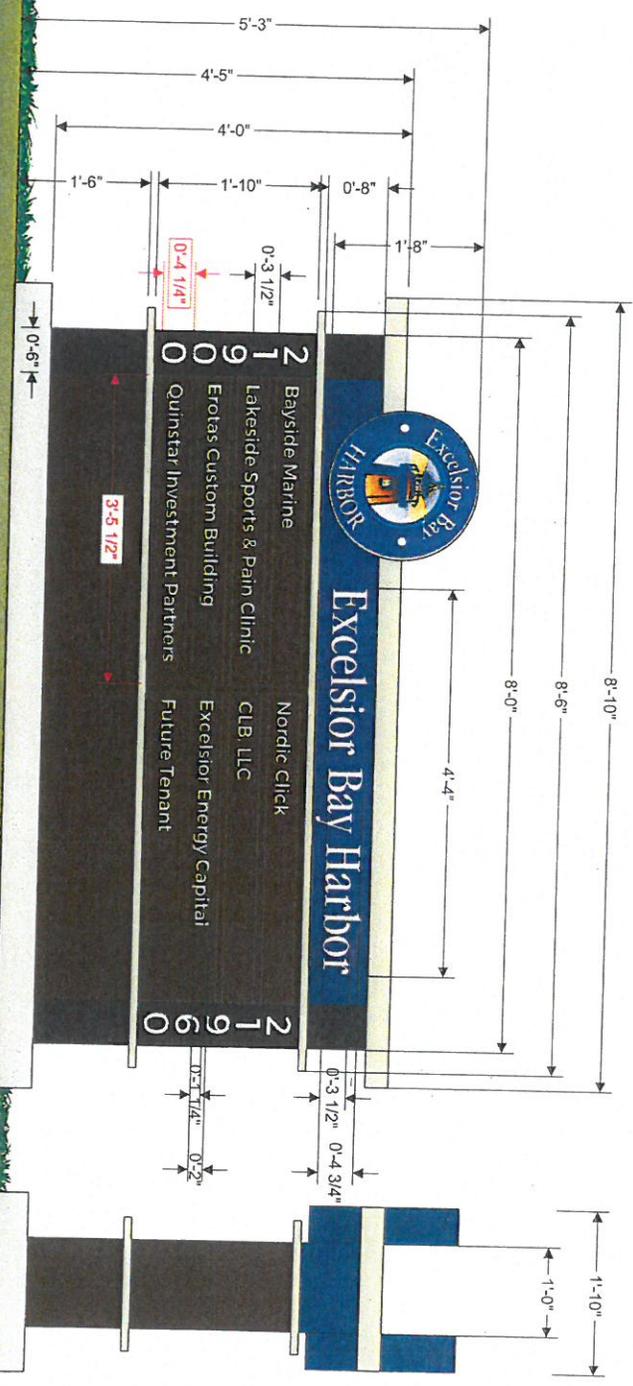
Round "Excelsior Bay Harbor" Logos:  
Internally Illuminated Logos  
with digitally printed graphics

Tenant Panel Faces:  
Translucent white polycarbonate faces  
with applied vinyl (TBD)

Decorative Horizontal Trim:  
Aluminum painted (TBD)

Footings:  
New Concrete Footing

SCALE: 3/4" = 1'-0"



Sign Area: 47.25 sq. ft.

## CUSTOMER INFORMATION

Customer: Excelsior Bay Harbor  
Address: Excelsior, MN  
Sales: Bob Sherlock

## DRAWING INFORMATION

File Name: Excelsior Bay Harbor monument sign  
Date: REV A 6-25-18  
Revisions: REV B 6-29-18, REV C 9-14-18, REV D 9-17-18, REV E 10-1-18, REV F 10-8-18, REV G 10-10-18

Scale: 3/4" = 1'-0" at 11" x 17"  
Page: 1 of 1  
Designer: Jeff Weispenning  
Customer/LL Approval:



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## RESOLUTION 13-20

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



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## APPROVING

the application of Kent Carlson (Greenwood Marina LLC) for the property at 21900 Minnetonka Blvd for a conditional use permit under Greenwood ordinance code sections 1140.40(3)(2) and 1150.20 to replace an existing monument sign with a new monument sign.

---

**WHEREAS**, Applicant Kent Carlson (Greenwood Marina LLC), (hereinafter "Applicant") is the owner of property commonly known as 21900 Minnetonka Blvd, Greenwood, MN 55331 (PID No. 26-117-23-33-0012) being real property located in Hennepin County, Minnesota and legally described below; and

LOTS 190 AND 193 AND THAT PART OF GOVT LOT 3 LYING SLY OF ELY EXTENSION OF NLY LINE OF LOT 193 AUD SUBD NO 141 AND LYING ELY OF LOTS 190 AND 193 OF SAID AUD SUBD AND LYING WLY OF MTKA BLVD EXCEPT H C R R A PROPERTY

**WHEREAS**, the applicant proposes to replace an existing monument sign with a new monument sign; 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**, there was an opportunity for the public to comment in writing and in person at the public hearing held by the planning commission on March 11, 2020; and

**WHEREAS**, no public comments were submitted in writing or in person; and

**WHEREAS**, the city council received the staff report and the recommendation of the planning commission; and

**WHEREAS**, the city council considered the application and the comments of the applicant.

**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 21900 Minnetonka Blvd, Greenwood, MN 55331 (PID No. 26-117-23-33-0012) is located within the C-2 Lake Recreation District and has been approved for office, marina, and restaurant uses by a Conditional Use Permit issued on April 11, 2000. The uses on the property have not changed substantially since that time.
2. The applicant is proposing to replace an existing monument sign with a new monument sign.
3. Pursuant to Greenwood ordinance code section 1140.40(3)(2) of the zoning ordinance states "No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a conditional use permit from the city in accordance with section 1150 of the city's ordinances."
4. Pursuant to Greenwood ordinance code section 1150.20, subd. 3, the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.

5. Pursuant to Greenwood ordinance code section 1150.20, subd 1, the planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution.
6. The planning commission discussed the CUP request and on a unanimous vote recommended the council approves the CUP requests based on the following findings pursuant to the requirements outlined in section 1140.40 Regulation of Signs and the criteria in section 1150.20 of the ordinance in that:
  - a) the proposed use complies with the specified regulations of the district in which it is located;
  - b) the use is a permitted accessory use in the C-2 Lake Recreation District;
  - c) the use would not be detrimental to or endanger the general welfare of the neighborhood or city;
  - d) the use is harmonious with the objective of the comprehensive plan in that it maintains the aesthetic standards for commercial signage;
  - e) the use will not be hazardous or disturbing to existing or future neighboring uses;
  - f) the use will be adequately served by essential public facilities and services;
  - g) there will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community;
  - h) the proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors;
  - i) the use will not create traffic congestion;
  - j) there will be no loss or damage of any natural, scenic, or historic features; and
  - k) the use will not depreciate surrounding property values.

And subject to the following condition:

- a) The sign will remain illuminated only during the regular business hours of 6am to 10pm.

### CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law: The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.40(3)(2) and 1150.20 necessary for the granting of a CUP.

**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 hereby **APPROVES** the Conditional Use Permit for the subject property to replace an existing monument sign with a new monument sign subject to the following conditions:

- (a) The project must be completed according to the specifications and design requirements in the plan dated \_\_\_\_.
- (b) The sign will remain illuminated only during the regular business hours of 6am to 10pm.
- (c) A certified copy of this resolution must be filed with the Hennepin County Register of Titles and proof of filing provided to the city before the project may commence.

**ADOPTED** 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 H. Young, City Clerk



Agenda Number: **7B**

Agenda Date: **04-01-20**

Prepared by *Deb Kind*

**Agenda Item:** 1st Reading: Ord 299, Amending Section 1140.10 Subd 2(C) Lake Setbacks for Accessory Structures; Res 11-20, Summary of Ord 299 for Publication

**Summary:** At the 01-02-19 city council meeting, discussed potential changes to the city code regarding Lake Setbacks for Accessory Structures ...

- add “including, but not limited to, concrete, flagstones, bricks, pavers, crushed or smooth rock, sand, or boards” to the definition of decks, patios and slabs;
- add the horizontal area of retaining walls to the definition of impervious surfaces;
- add a definition for landscaping retaining walls;
- limit the size of firepits (built-in or freestanding) to 10 square feet if they are located between 10ft and 50ft from the lake;
- prohibit the location of landscaping retaining walls within 50 feet of the lake and within 10ft of the rear yard property line;
- prohibit the location of decks, patios, slabs within 50 feet of the lake; and
- increase the lakeshore setback from 35 to 50 feet for pergolas, arbors, and trellises.

The council was not unanimous on the proposed changes, but directed that the proposed changes be sent to the planning commission for their review and recommendation.

**Planning Commission Action:** The planning commission reviewed the proposed changes at their 02-12-20 meeting and took the following action ...

**Motion by Lucking to recommend approval of the proposed ordinance subject to removing “crushed or smooth rock, sand” from the definition of deck and patio. Second by Steingas. Motion carried 2-1. Nelson voted nay stating that she prefers to remove all of the new verbiage under the definition of deck and patio.**

**At the 03-04-20 City Council Meeting,** the council discussed the planning commission's recommendation. Kind expressed concerns regarding the ordinance – especially the retaining wall restriction. Fletcher suggested that he and Kind work on revisions to the ordinance. The council approved the following motion ...

**Motion by Fletcher that the city continues action on ordinance 299 to allow time to revise the ordinance based on the city council’s discussion. Second by Conrad. Motion passed 3-0.**

**At the 04-01-20 City Council Meeting,** the council will review the attached revised ordinance provided by Kind and Fletcher for discussion.

**Timeline:**

- ~~01-02-20~~ The city council discussed the proposed ordinance and approved sending it to the planning commission.
- ~~02-12-20~~ The planning commission reviewed the ordinance and made a recommendation.
- ~~03-04-20~~ The city council discussed the proposed ordinance and continued action to the 04-01-20 meeting.
- 04-01-20 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 04-02-20 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 04-09-20 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 05-06-20 City council considers 2nd reading of the ordinance (may make revisions).
- 05-07-20 The ordinance is submitted to the Sun-Sailor for publication.
- 05-14-20 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 (1) approves the 1st reading of ordinance 299 amending section 1140.10 subd 2(C) Lake Setbacks for Accessory Structures as written / as amended; (2) waives the 2nd reading; (3) approves resolution 11-20 a summary of ordinance 299; and (4) directs staff to submit resolution 11-20 to the city's official newspaper for publication.
2. I move the city council (1) approves the 1st reading of ordinance 299 amending section 1140.10 subd 2(C) Lake Setbacks for Accessory Structures as written / as amended; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading.
3. Do nothing (maintain current ordinance) or other motion ???

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

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 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:

“Deck means an unenclosed roofless horizontal surface constructed of materials (including, but not limited to, concrete, flagstones, bricks, pavers, 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 surfaces 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 materials (including, but not limited to, concrete, flagstones, bricks, pavers, 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”)

**SECTION 2.**

Greenwood ordinance code Section 1102 definitions is amended to include the following definition for “Landscaping Retaining Wall”:

“Retaining Wall, Engineered means a wall used for supporting different ground elevations greater than 4 ft that requires engineered design per the state building code.”

**SECTION 3.**

Greenwood ordinance code Section 1140.10 is amended to read as follows:

**“Section 1140.10. Setbacks and General Regulations for Accessory Structures and Uses (Primary and Secondary).**

Subd. 1. Purpose. To preserve (1) the public safety and welfare, (2) the enjoyment of property, (3) property values, and (4) to prevent adverse impacts arising from overcrowding or competing uses associated with the placement of accessory structures and uses, the city has determined that the below setbacks and regulations are necessary to protect the public welfare of the city.

Subd. 2. Setback Standards for Accessory Structures and Uses (Primary and Secondary).

- A. *Unobstructed Green Space Perimeter Requirement*. All lots shall establish and maintain a 2-foot wide green space perimeter of open yard space along all lot lines (boundary lines) free of all accessory structures and uses (primary and secondary), subject only to (a) the right angle traversing of same by driveway, parking pad, or sidewalk, (b) code compliant authorized fences, and (c) code compliant authorized lakeside improvements.
- B. *Primary Accessory Structures and Uses Setback Minimums - Residential Zones*. Subject to the Unobstructed Green Space Perimeter Requirement (subd. 2A above), the minimum yard setback for all primary accessory structures / uses in residential zones R-1A, R-1B, R-1C, and R-2, inclusive, (as same are defined in this code including sections 1120, 1122, 1123, and 1125), are as follows:

	Front Yard Setback	Side Yard Setback	Exterior Side Yard Setback (Corner Lot)	Rear Yard Setback	Lakeside Yard Setback
Primary Accessory Structures - Residential Zones (see sections 1120.20, 1122.20, 1123.20, 1125.20 for more regulations)	100 feet	10 feet	30 feet	10 feet	50 feet

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, <b>less than or equal to 20 sq ft in area</b> )	50 feet	5 feet	30 feet	10 feet	10 feet
<b>Engineered Retaining Walls that do <u>not</u> have a signed statement from an engineer that the wall is necessary to support the primary structure on the property.</b>	<b>0 feet</b>	<b>0 feet</b>	<b>0 feet</b>	<b>10 feet</b>	<b>50 feet</b>
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), <b>Fire Pits (greater than 20 sq ft in area)</b>	50 feet	5 feet	30 feet	10 feet	<del>35</del> 50 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	<del>35</del> 50 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	<del>35</del> 50 feet
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, Spas – in-ground (see subd. 7 below) and freestanding	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

Subd. 3. Proximity and Attachment of Primary Accessory Structures to Principal Structures. If a primary accessory structure is attached or physically connected to the main principal structure by any means, utility connections excepted, it shall be deemed a part of the main principal structure and shall comply in all respects with the requirements of the zoning ordinance applicable to the principal structure. No primary accessory structure shall be closer than 5 feet to the principal structure. No primary accessory structure may be attached to and / or made a part of the principal structure, if so doing would cause the principal structure to become noncompliant with the setbacks applicable to the principal structure.

Subd. 4. Pergolas, Arbors, and Trellises. Must meet the setback requirements in subd. 2C above. The maximum height for a pergola or arbor is 12 feet. The maximum total combined footprint per property for pergolas or arbors located in a garden, in a grassy area, or over a sidewalk is 100 square feet. The maximum total combined square foot per property for pergolas located over decks or patios that are compliant with the setbacks in subd. 2C above is 400 square feet. Trellises may be included as a decorative element to a code compliant fence.

Subd. 5. Sidewalks. Must meet the setback requirements in subd. 2C above. Sidewalks may exceed 4 feet in only one direction. If adjacent to lakeshore, sidewalks must be perpendicular (not parallel) to the shoreline.

Subd. 6. Sport Courts and Tennis Courts. Must meet the setback requirements in subd. 2C above. A conditional use permit is required for all sport courts and tennis courts subject to reasonable conditions for the protection of public safety, health, and welfare.

Subd. 7. In-Ground Swimming Pools and In-Ground Spas. Must meet the setback requirements in subd. 2C above. All equipment related to operation or maintenance of an in-ground pool or in-ground spa must comply with the setbacks. A conditional use permit is required for all in-ground pools and in-ground spas subject to reasonable conditions for the protection of public safety, health, and welfare.

Subd. 8. Driveway Monument Posts. Must meet the setback requirements in subd. 2C above. A maximum of 2 posts are allowed per driveway entrance (1 post on each side of the driveway). The maximum dimensions for each driveway monument post is 3 feet wide, 3 feet deep, 7 feet tall including a light or finial.

SECTION 4.

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

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2020.

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

CITY OF GREENWOOD

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

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

First reading: \_\_\_\_\_, 2020  
Second reading: \_\_\_\_\_, 2020  
Publication: \_\_\_\_\_, 2020

**RESOLUTION 11-20**

**A RESOLUTION OF THE CITY OF GREENWOOD, MINNESOTA  
APPROVING PUBLICATION OF ORDINANCE NUMBER 299 BY TITLE AND SUMMARY**

**WHEREAS**, on \_\_\_\_\_, 2020 the city council of the city of Greenwood adopted "Ordinance 299 Amending Greenwood Ordinance Code Section 1102 Definitions and 1140.10 Subd. 2(C) Regarding Accessory Structure Lake Setbacks."

**WHEREAS**, the city council has prepared a summary of ordinance 299 as follows:

1. The purpose of this ordinance is to protect and safeguard the health, safety, and welfare of the public by regulating the location of accessory structures that affect the natural look of the shoreline and / or cause increased stormwater runoff rates and volumes that can lead to erosion and contaminants entering the lake.
2. The ordinance ...
  - adds "including, but not limited to, concrete, flagstones, bricks, pavers, or boards" to the definition of decks, patios and slabs;
  - adds the horizontal area of retaining walls to the definition of impervious surfaces;
  - adds a definition for engineered retaining walls;
  - limits the size of firepits (built-in or freestanding) to 20 square feet if they are located between 10ft and 50ft from the lake;
  - prohibits the location of engineered retaining walls within 50 feet of the lake and within 10ft of the rear yard property line unless deemed appropriate by a written engineering statement indicating the wall is necessary to support the primary structure;
  - prohibits the location of decks, patios, slabs within 50 feet of the lake; and
  - increases the lakeshore setback from 35 to 50 feet for pergolas, arbors, and trellises.
3. The ordinance applies to any new construction, new alteration, or new improvement.

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

1. The city council finds that the above title and summary of ordinance 299 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 299 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

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

\_\_\_\_ AYES    \_\_\_\_ NAYS

CITY OF GREENWOOD

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

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

CITY OF GREENWOOD  
Debra J. Kind, Mayor  
Attest: Dana H. Young, City Clerk  
First reading: \_\_\_\_\_, 2020  
Second reading: \_\_\_\_\_, 2020  
Publication: \_\_\_\_\_, 2020



Agenda Number: **8A**

Agenda Date: **04-01-20**

Prepared by Dale Cooney & Deb Kind

**Agenda Item:** Met Council's Comments re: Greenwood's 2040 Comp Plan

**Summary:** The Met Council approved Greenwood's 2040 Comp Plan with "advisory comments." See attached letter. Here are the Met Council's "advisory comments" ...

Forecasts (top of page 4 of the Review Record) – Although the City has acknowledged that current Population, Household, and Employment estimates (2017) all exceed the City's 2040 Forecasts, they have chosen to not request an official forecast change at this time. [Met] Council staff still advises the City to consider a formal forecast change request in the coming years to better represent future conditions more accurately.

Land Use (bottom of page 4 of the Review Record) – [Met] Council staff advises the City that if redevelopment opportunities present themselves, the City must meet the minimum density of 5 units per acre and request a comprehensive plan amendment for review. The plan references the 10-acre Old Log Theatre site, which is zoned for residential uses (plan page 10). [Met] Council Staff recommend City staff evaluate the potential for redevelopment of the theater site in the future.

Water Supply (middle of page 5 of the Review Record) – The Plan should include information about water sources, including plans to protect private water supplies in appropriate sections of the local comprehensive plan.

Note from former Zoning Administrator Dale Cooney: No immediate action is required for Forecasts and Land Use, but [the Met Council expects] those to be implemented.

Here is the Water Supply language Dale included for Woodland ...

The city does not have a water source, supply, or tower facility within its municipal boundaries. There are no plans to extend municipal water to other areas of the city at this time.

The majority of the households within the city have private well water. Whenever potential issues arise, the city will work with the Minnesota Department of Health and Hennepin County to identify and seal abandoned wells in order to prevent contamination of groundwater resources. The city will be a willing participant in state and local efforts to protect private water supplies. The city will also continue to provide information, resources, and recommendations for residents on well maintenance and wellhead protection.

**Next Steps:** The following actions need to happen **before June** ...

1. The new change(s) to the Comp Plan reviewed and approved by the city council.
2. The resolution approving the plan must be adopted prior to June.
3. The adopted plan and the resolution must be sent to the Met Council in both hard copy form and electronic form.

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

1. I move the city council (1) directs the following update(s) be made to the city's 2040 Comprehensive Plan: \_\_\_\_\_; and (2) approves resolution \_\_\_-20.
2. Do nothing or other motion.

October 1, 2019

Dale Cooney, Zoning Administrator  
City of Greenwood  
20225 Cottagewood Road  
Deephaven, MN 55331

RE: **City of Greenwood 2040 Comprehensive Plan - Notice of Council Action**  
Metropolitan Council Review File No. 22155-1  
Metropolitan Council District 3, Christopher Ferguson

Dear Mr. Cooney:

The Metropolitan Council reviewed the City of Greenwood Comprehensive Plan Update (Plan) at its meeting on September 25, 2019. The Council based its review on the staff's report and analysis (attached).

The Council found that the City's Plan meets all Metropolitan Land Planning Act requirements; conforms to the regional system plans including transportation, aviation, water resources management, and parks; is consistent with *Thrive MSP 2040*; and is compatible with the plans of adjacent jurisdictions.

In addition to the Advisory Comments and Review Record, the Council adopted the following recommendations.

1. Authorize the City of Greenwood to put its 2040 Comprehensive Plan into effect.
2. Advise the City to implement the advisory comments noted in the Review Record for Forecasts, Land Use, and Water Supply.
3. Approve the City of Greenwood's Comprehensive Sewer Plan.

Please consult the attached staff report for important information about the City's next steps. Of particular importance are the Council's actions, listed on page 1, general Advisory Comments listed on page 3, and the specific comments for technical review areas, which are found in the body of the report. The final copy of the Plan needs to include all supplemental information/changes made during the review.

Congratulations on completing this important project. It was a pleasure to work with the City's staff throughout the review process.

Sincerely,



Angela R. Torres, AICP, Manager  
Local Planning Assistance

*Attachment*



**METROPOLITAN**  
C O U N C I L

Dale Cooney, City of Greenwood  
September 26, 2019  
Page 2

cc: Tod Sherman, Development Reviews Coordinator, MnDOT Metro Division  
Christopher Ferguson, Metropolitan Council District 3  
Jake Reilly, Sector Representative/Principal Reviewer  
Raya Esmaili, Reviews Coordinator

*N:\CommDev\LPA\Communities\Greenwood\Letters\2018 Greenwood 2040CPU 22155-1\_Post Council Action.doc*

## Committee Report

Joint Business Item No. 2019-242 JT

### Community Development Committee

Meeting date: September 3, 2019

### Environment Committee

Meeting date: September 10, 2019

For the Metropolitan Council meeting of September 25, 2019

**Subject:** City of Greenwood 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22155-1

### Proposed Action

[Repeat action as submitted on the original Business Item, or as modified by the Committee.]

### Summary of Committee Discussion/Questions

That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

#### Recommendations of the Community Development Committee

1. Authorize the City of Greenwood to place its 2040 Comprehensive Plan into effect.
2. Advise the City to implement the advisory comments in the Review Record for Forecasts, Water Supply, and Land Use.

#### Recommendation of the Environment Committee

1. Approve the City of Greenwood's Comprehensive Sewer Plan

### Summary of Community Development Committee Discussion/Questions

Senior Planner Jake Reilly presented the staff's report to the Committee. Dale Cooney, Zoning Administrator for the City of Greenwood was in attendance. The Community Development Committee unanimously recommended approval of the proposed action with no questions or discussion at its meeting on September 3, 2019.

### Summary of Environment Committee Discussion/Questions

No comments or questions. This item was approved on the Environment Committee consent agenda for Tuesday, September 10, 2019.

## Community Development Committee

Meeting date: September 3, 2019

## Environment Committee

Meeting date: September 10, 2019

For the Metropolitan Council meeting of September 25, 2019

**Subject:** City of Greenwood 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22155-1

**District(s), Member(s):** District 3, Christopher Ferguson

**Policy/Legal Reference:** Metropolitan Land Planning Act (Minn. Stat. § 473.175), Minn. Stat. § 473.513

**Staff Prepared/Presented:** Jake Reilly, Senior Planner (651-602-1822)  
Angela R. Torres, Local Planning Assistance Manager (651-602-1566)  
Kyle Colvin, Engineering Programs, Manager (651-602-1151)

**Division/Department:** Community Development / Regional Planning  
Environmental Services / Technical Services

### Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

#### Recommendations of the Community Development Committee

3. Authorize the City of Greenwood to place its 2040 Comprehensive Plan into effect.
4. Advise the City to implement the advisory comments in the Review Record for Forecasts, Water Supply, and Land Use.

#### Recommendation of the Environment Committee

1. Approve the City of Greenwood's Comprehensive Sewer Plan.

## Advisory Comments

The following Advisory Comments are part of the Council action authorizing the City of Greenwood to implement its 2040 Comprehensive Plan (Plan)

### Community Development Committee

1. As stated in the *Local Planning Handbook*, the City must take the following steps:
  - a. Adopt the Plan in final form after considering the Council's review recommendations as contained in the body of this report.
  - b. Submit one hard copy and one electronic copy of the Plan to the Council. The electronic copy must be submitted as one unified file
  - c. Submit to the Council a copy of the City Council resolution evidencing final adoption of the Plan.
2. The *Local Planning Handbook* also states that local governments must formally adopt their comprehensive plans within nine months after the Council's final action. If the Council has recommended changes to the Plan, local governments should incorporate those recommended changes into the Plan or respond to the Council before "final adoption" of the comprehensive plan by the governing body of the local governmental unit. (Minn. Stat. § 473.858, subd. 3)
3. Local governments must adopt official controls as identified in their 2040 comprehensive plans and must submit copies of the official controls to the Council within 30 days after the official controls are adopted. (Minn. Stat. § 473.865, subd. 1)
4. Local governmental units cannot adopt any official controls or fiscal devices that conflict with their comprehensive plans or which permit activities in conflict with the Council's metropolitan system plans (Minn. Stats. §§ 473.864, subd. 2, 473.865, subd. 2). If official controls conflict with comprehensive plans, the official controls must be amended within 9 months following amendments to comprehensive plans (Minn. Stat. § 473.865, subd. 3)

### Environment Committee

1. The Council-approved Comprehensive Sewer Plan becomes effective only after the Plan receives final approval from the local governmental unit's governing body. After the Plan receives final approval from the City and the Comprehensive Sewer Plan becomes effective, the City may implement its Plan to alter, expand, or improve its sewage disposal system consistent with the Council-approved Comprehensive Sewer Plan.
2. A copy of the City Council resolution adopting its 2040 comprehensive plan, including its Comprehensive Sewer Plan, must be submitted to the Council.

## Background

The City of Greenwood is located in south-central Hennepin County. It is surrounded by the communities of Deephaven, Excelsior, Shorewood, and Orono.

The City submitted its 2040 Comprehensive Plan (Plan) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. Stats. §§ 473.851 to 473.871) and the Council's 2015 System Statement requirements.

## Review Authority & Rationale

Minn. Stat. § 473.175 directs the Metropolitan Council to review a local government's comprehensive plan and provide a written statement to the local government regarding the Plan's:

- **Conformance** with metropolitan system plans
- **Consistency** with the adopted plans and policies of the Council
- **Compatibility** with the plans of adjacent governmental units and plans of affected special districts and school districts

By resolution, the Council may require a local government to modify its comprehensive plan if the Council determines that "the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans" (Minn. Stat. § 473.175, subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment, and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary (Minn. Stat. § 473.513).

The attached Review Record details the Council's assessment of the Plan's conformance, consistency, and compatibility, and is summarized below.

Review Standard	Review Area	Plan Status
Conformance	Regional system plan for Parks	Conforms
Conformance	Regional system plan for Transportation, including Aviation	Conforms
Conformance	Water Resources (Wastewater Services and Surface Water Management)	Inconsistent
Consistency with Council Policy	<i>Thrive MSP 2040</i> and Land Use	Inconsistent
Consistency with Council Policy	Forecasts	Consistent
Consistency with Council Policy	<i>2040 Housing Policy Plan</i>	Consistent
Consistency with Council Policy	Water Supply	Consistent
Consistency with Council Policy	Community and Subsurface Sewage Treatment Systems (SSTS)	Consistent
Compatibility	Compatible with the plans of adjacent and affected governmental districts	Compatible

## Thrive Lens Analysis

The proposed 2040 comprehensive plan is reviewed against the land use policies in *Thrive MSP 2040*. To achieve the outcomes identified in *Thrive*, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve the outcomes identified in *Thrive*.

## Funding

None.

**Known Support / Opposition**

There is no known local opposition to the 2040 comprehensive plan.

# REVIEW RECORD

City of Greenwood 2040 Comprehensive Plan

Review File No. 22155-1, Business Item No. 2019-242-JT

The following Review Record documents how the proposed Plan meets the requirements of the Metropolitan Land Planning Act and conforms to regional system plans, is consistent with regional policies, and is compatible with the plans of adjacent and affected jurisdictions.

## Conformance with Regional Systems

The Council reviews plans to determine conformance with metropolitan system plans. The Council has reviewed the City's Plan and finds that it conforms to the Council's regional system plans for Regional Parks, Transportation (including Aviation), and Water Resources.

### Regional Parks and Trails

*Reviewer: Colin Kelly, Community Development (CD) - Regional Parks (651-602-1361)*

The Plan conforms to the 2040 Regional Parks Policy Plan for the Regional Parks System element. Three Rivers Park District is the park implementing agency for Regional Parks System components in Greenwood, for which the Plan accurately describes the Regional Parks System components. Regional Trails located within the City include the Lake Minnetonka LRT Regional Trail. There are no state or federal lands within the City.

### Regional Transportation, Transit, and Aviation

*Reviewer: Russ Owen, Metropolitan Transportation Services (MTS) (651-602-1724)*

The Comprehensive Plan (Plan) conforms to the 2040 Transportation Policy Plan (TPP) adopted in 2015. It accurately reflects transportation system components of the TPP as well as applicable land use policies for regional transitways. The Plan is also consistent with Council policies regarding community roles, the needs of non-automobile transportation, access to job concentrations, and the needs of freight.

### Roadways

The Plan conforms to the Highways system element of the TPP. The Plan accurately accounts for the metropolitan highway system of principal arterials, which includes MN Highway 7.

The Plan accurately reflects the regional functional classification map of A-minor arterials, and has delineated major and minor collectors; most of the streets in Greenwood are classified as local streets.

The Plan identifies all the required characteristics of the City's roadways, including existing and future functional class, right-of-way preservation needs, and existing and forecasted traffic volumes for principal and A-minor arterials. Forecasting is consistent with regional methodology.

### Transit

The Plan conforms to the Transit system element of the TPP. It shows the location of existing transit routes and facilities and acknowledges the City is within Transit Market Area IV and Emerging Market Area III.

The Plan is consistent with the policies of the Transit system element of the TPP. The Plan addresses community roles related to its Community Designation of Suburban.

## **Aviation**

The Plan conforms to Aviation system element of the TPP. The Plan includes policies that protect regional airspace from obstructions and addresses seaplane use.

## **Bicycling and Walking**

The Plan is consistent with the Bicycling and Pedestrian chapter of the TPP. The Plan identifies existing and future segments of, and connections to, the Regional Bicycle Transportation Network (RBTN) and regional trails. There is a Tier 1 alignment and a Tier 2 corridor in the City. The Plan is also consistent with Bicycle and Pedestrian policies of the TPP.

## **Freight**

The Plan is consistent with Freight policies of the TPP. There is one principal arterial and no A-Minor arterials, so there is little freight that travels through Greenwood.

## **Transportation Analysis Zones (TAZs)**

The Plan conforms to the TPP regarding TAZ allocations. The City's TAZ allocations for employment, households, and population appropriately sum to the Council's citywide forecast totals for all forecast years.

The City's planned land uses and areas identified for development and redevelopment can accommodate the TAZ forecasted allocations in the Plan, and at densities consistent with the community's Thrive designation of Suburban.

## **Water Resources**

### **Wastewater Service**

*Reviewer: Kyle Colvin, Environmental Services (ES) – Engineering Programs (651-602-1151)*

The Plan conforms to the 2040 Water Resources Policy Plan (WRPP). The Plan is in conformance with the 2040 Water Resources Policy Plan (WRPP). It represents the City's guide for future growth and development through the year 2040. It includes growth forecasts that are consistent with the Council's forecasts for population, households, and employment.

Current wastewater treatment services are provided to the City by Metropolitan Council Environmental Services. All wastewater generated within the City is conveyed through Council Interceptors 6-GW-649, 7017, and 6-DH-545. All flow is treated at the Council's Blue Lake Wastewater Treatment Plant in Shakopee. The Plan projects that the City will have 300 sewer households and 130 sewer employees by 2040. The Metropolitan Disposal System with its scheduled improvements has or will have adequate capacity to serve the City's growth forecasts.

The Plan provides sanitary flow projections in 10-year increments. The rationale for the projections is given in the Plan and determined appropriate for planning local services. The Council is committing to provide the level of wastewater service based on the sewer forecasts as stated in the sewer element of the Plan.

The Plan defines the community's goals, policies, and strategies for preventing and reducing excessive inflow and infiltration (I/I) in the local municipal (city) and private property sanitary sewer systems. The Plan includes a summary of activities and programs intended to investigate and mitigate I/I from both public and private property sources including system smoke testing, MH sealing, casting raising, or relocation out of flood prone areas, and conducted a self-reporting sump pump survey.

The Plan describes the requirements and standards for minimizing I/I and references City Ordinance (Section 310.30) that prohibits the discharge of stormwater, surface water, and groundwater from roof drains, sump pumps, foundation drains, cooling water, and cistern overflows to the sanitary sewer.

system and requires the disconnection of such connections if discovered. The Ordinance also requires property owners to allow City staff or its authorized representatives access into private property buildings to confirm there are no prohibited connections to the wastewater collection system.

The Plan describes the sources, extent, and significance of existing I/I within the entire wastewater collection system and acknowledges that a significant amount of I/I is from private property sources. It provides a description of an implementation plan for preventing and eliminating excessive I/I from entering both the municipal and private property sewer systems. The Plan states that most of the City was developed before 1970 when clay tile services were standard, which is of significance since clay tile pipe can become more susceptible to I/I as it ages. The City by comparing wastewater flow data during high lake level periods in Lake Minnetonka has determined that the collection system is not significantly impacted by infiltration. However, system peak flow in response to wet weather events have exceeded the City's assigned limits resulting in work plan assignments from the Council.

**Sewer Element Comments**

The Sewer Element of the Plan has been reviewed against the requirements for Comprehensive Sewer Plans for Suburban communities. It was found to be inconsistent with Council policies. Upon adoption of the Plan by the City, the action of the Council to approve the Sewer Plan becomes effective. At that time, the City may implement its Plan to alter, expand, or improve its sewage disposal system consistent with the approved Sewer Plan. A copy of the City Council Resolution adopting its Plan needs to be submitted to the Council for its records.

**Surface Water Management**

*Reviewer: Jim Larsen, CD – Local Planning Assistance (651-602-1159)*

The Plan is consistent with Council policy requirements and in conformance with the Council's WRPP for local surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. The City of Greenwood lies within the oversight boundaries of the Minnehaha Creek Watershed District. Greenwood submitted a draft Local Water Management Plan (LWMP) update to the Council in August 2018. Council Water Resources staff reviewed and commented on the draft LWMP to the City and Watershed District in a letter dated August 7, 2018. The Minnehaha Creek Watershed District approved the LWMP on January 10, 2019 and the City adopted the final LWMP on April 3, 2019. The Plan incorporates the City's final LWMP as Attachment J.

**Consistency with Council Policies**

The Council reviews plans to evaluate their apparent consistency with the adopted plans of the Council. Council staff have reviewed the City's Plan and find that it is consistent with the Council's policies, as detailed below.

**Forecasts**

*Reviewer: Paul Hanson, CD – Research (651-602-1642)*

The Plan includes, in the Table on page 17, the Council forecast for the City. For reference.

**Table 1. City of Greenwood Forecasts**

	Census	Estimated	Council Forecasts		
	2010	2017	2020	2030	2040
Population	688	724	680	670	650
Households	290	306	300	300	300
Employment	82	155	110	120	130

All forecasts tables throughout the Plan are consistent and with little anticipated growth, the City appears to have enough land guided to accommodate future household growth.

### **Advisory Comments**

Although the City has acknowledged that current Population, Household, and Employment estimates (2017) all exceed the City's 2040 Forecasts, they have chosen to not request an official forecast change at this time. Council Staff still advises the City to consider a formal forecast change request in the coming years to better represent future conditions more accurately.

### **Thrive MSP 2040 and Land Use**

*Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1322)*

The Plan is inconsistent with *Thrive MSP 2040* and its land use policies. The Plan acknowledges the *Thrive* community designation of Suburban (Figure 2). *Thrive* describes Suburban communities as those that saw their primary era of development during the 1980s and early 1990s as Baby Boomers formed families and entered their prime earning years.

Suburban communities are expected to plan for forecasted population and household growth at overall average densities of at least five units per acre, and target opportunities for more intensive development near regional transit investments at densities and in a manner articulated in the TPP. Plans are also required to identify areas for redevelopment, particularly areas that are well-served by transportation options and nearby amenities and that contribute to better proximity between jobs and housing.

The existing land uses in Greenwood are 70% residential, as shown in Figure 3. The commercial uses make up less than 4% of the land area of the City. The Plan's vision and goals focus on protecting natural and historic resources and maintaining the existing character of residential neighborhoods. Lake Minnetonka represents a significant natural resource in the City, and land use policy prohibits development within 50 feet of the lakeshore. The City does not anticipate any household growth, as reflected in the forecast.

The Plan is inconsistent with land use and residential density policies for the Suburban community designation. *Thrive* calls for Suburban communities to plan for forecasted population and household growth at overall average densities of at least 5 units per acre. The Plan identifies the City as fully developed with one vacant parcel available for new construction and/or redevelopment. There is no acreage identified as available for redevelopment and no land is anticipated to be redeveloped during this timeframe other than at the same intensity of use. Therefore, the existing residential density of 2.24 units per acre is expected to be static through 2040. The Plan does identify that subdivision of lots greater than 30,000 square feet is possible, but that given a minimum lot size of 15,000 square feet, the greatest density anticipated is 2.9 units per acre.

Given previous development patterns, the lack of planned residential development or redevelopment opportunities within the planning timeframe, and the consideration that the City's household growth is not forecasted to increase between 2020 and 2040, Council staff find that this is not an underutilization of the wastewater system. Given this, the Plan is not more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans.

### **Advisory Comments**

Council staff advise the City that if redevelopment opportunities present themselves, the City must meet the minimum density of 5 units per acre and request a comprehensive plan amendment for review. The Plan references the 10-acre Old Log Theatre site, which is zoned for residential uses (Plan page 10). Council staff recommend City staff evaluate the potential for redevelopment of the theater site, in the future.

### **Housing**

*Reviewer: Hilary Lovelace, CD – Housing (651-602-1555)*

The Plan is consistent with the 2040 Housing Policy Plan. As of 2016, the City currently has 330 homes including more than 30 multifamily units and nearly 300 single-family homes. Approximately 40 homes are rented. More than 30 housing units are currently affordable to households earning under 80% of Area Median Income (AMI); however, nearly 40 households earning 80% of AMI or below are paying more than 30% of their income toward housing costs. The City currently has no publicly subsidized affordable housing.

The City does not have an allocation of affordable housing need in the 2021-2030 decade, as it is not expected to experience any household growth.

The Plan identifies maintenance and rehabilitation as its main existing housing need. The housing implementation plan component of the Plan describes that the City will refer interested parties to economic assistance programs available from other agencies.

### **Water Supply**

*Reviewer: John Clark, ES – Water Supply Planning (651-602-1452)*

The Plan is consistent with WRPP policies related to water supply, including the policy on sustainable water supplies, the policy on assessing and protecting regional water resources, and the policy on water conservation and reuse.

Because Greenwood relies primarily on private wells and does not own/operate a municipal community public water supply system (PWS), no local water supply plan is required.

### **Advisory Comment**

The Plan should include information about water sources, including plans to protect private water supplies, in appropriate sections of the local comprehensive plan.

### **Community and Subsurface Sewage Treatment Systems (SSTS)**

*Reviewer: Jim Larsen, CD – Local Planning Assistance (651-602-1159)*

The Plan indicates that Greenwood is entirely served by the local sanitary sewer collection system which directs flow into the MCES interceptor system for ultimate treatment at the Blue Lake Wastewater Treatment Plant in Shakopee. There are no public or privately-owned Community Wastewater Treatment or individual SSTS in operation in the City.

### **Special Resource Protection**

#### **Solar Access Protection**

*Reviewer: Cameran Bailey, CD – Local Planning Assistance (651-602-1212)*

The Plan is consistent with statutory requirements (Minn. Stat. 473.859) and Council policy regarding planning for the protection and development of access to direct sunlight for solar energy systems as required by the Metropolitan Land Planning Act (MLPA). The Plan includes the required solar planning elements.

#### **Aggregate Resource Protection**

*Reviewer: Jim Larsen, CD – Local Planning Assistance (651-602-1159)*

The Plan indicates, consistent with the Council's aggregate resources inventory information contained in *Minnesota Geological Survey Information Circular 46*, that there are no viable aggregate resource deposits available for extraction within the nearly fully developed City.

#### **Historic Preservation**

*Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)*

The Plan addresses historic and cultural resources as required by the Metropolitan Land Planning Act, under the Protection section of the Plan. The Plan identifies one historic site, a cemetery, as being within the City limits and also identifies other sites that could be identified as being significant. The Plan

indicates that the City has an interest in preserving representative portions of its history through appropriate steps, as needed.

### ***Plan Implementation***

*Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)*

The Plan includes a statement regarding the capital improvement program, a copy of information addressing the zoning code, the subdivision code, and the housing implementation program.

The Plan, with supplemental materials, describes the official controls and fiscal devices that the City will employ to implement the Plan. Specific implementation strategies are contained in an Implementation Plan and capital improvements planning is identified as being on an as-needed basis.

### **Compatibility with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts**

The proposed Plan is compatible with the plans of adjacent jurisdictions. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

### **Documents Submitted for Review**

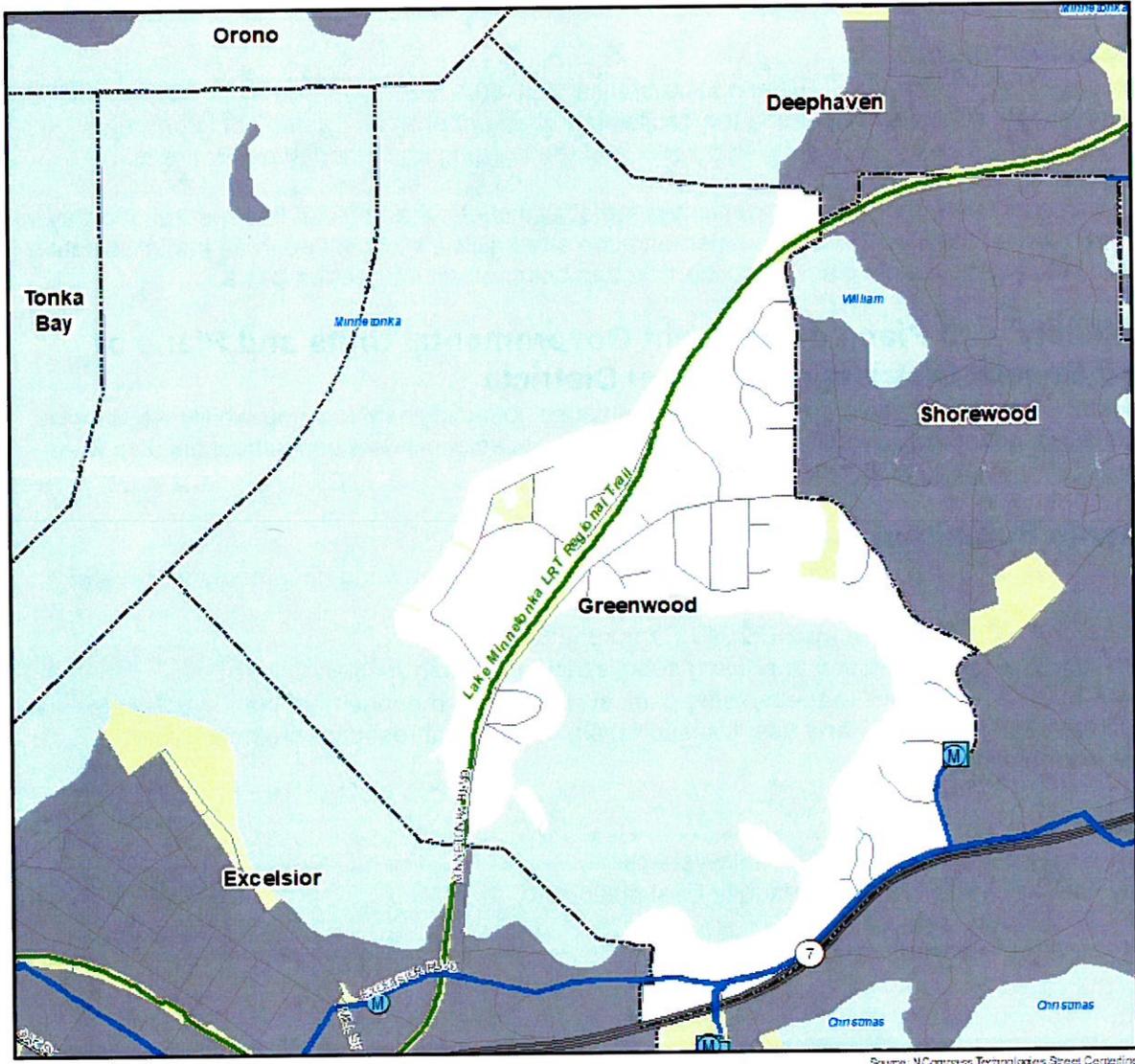
In response to the 2015 System Statement, the City submitted the following documents for review:

- December 20, 2018: Greenwood 2040 Comprehensive Plan
- January 8, 2019: Resolution approving submission to the Metropolitan Council
- June 6, 2019: Revisions to the housing plan, surface water management plan, wastewater plan, and the implementation, land use, transportation, and special resource protection and development sections

### **Attachments**

- Figure 1: Location Map with Regional Systems
- Figure 2: Thrive MSP 2040 Community Designations
- Figure 3: Existing Land Use
- Figure 4: 2040 Planned Land Use

Figure 1. Location Map with Regional Systems



Source: NCompass Technologies Street Centerline



**Regional Systems**

**Transportation**

- Transitways**  
2040 Transportation System Policy - adopted January 2015
- Existing
  - - - - Planned Current Revenue Scenario
  - - - - Planned Current Revenue Scenario - CTIB\* Phase 1 Projects
  - Potential Increased Revenue Scenario

- Regional Highway System**
- Existing Principal Arterials
  - - - - Planned Principal Arterials
  - Existing Minor Arterials
  - - - - Planned Minor Arterials
  - Existing Other Arterials
  - - - - Planned Other Arterials

- Recreation Open Space**
- Regional Parks**
- Existing (Open to Public)
  - - - - In Master Plan (Not Open to Public)
  - /// Planned Units
- Regional Trails**
- Existing (Open to Public)
  - - - - Existing (Not Open to Public)
  - Planned

- Wastewater**
- (M) Meters
  - (L) Lift Stations
  - MCES Interceptors
  - MCES Treatment Plants

- Regional Park Search Areas and Regional Trail Search Corridors**
- Boundary Adjustment
  - Search Area
  - Regional Trail Search Corridors

- Local Streets
- Existing State Trails
- Other Parks, Preserves, Refuges and Natural Areas

\* Counties Transit Improvement Board (CTIB)

Figure 2. Thrive MSP 2040 Community Designations

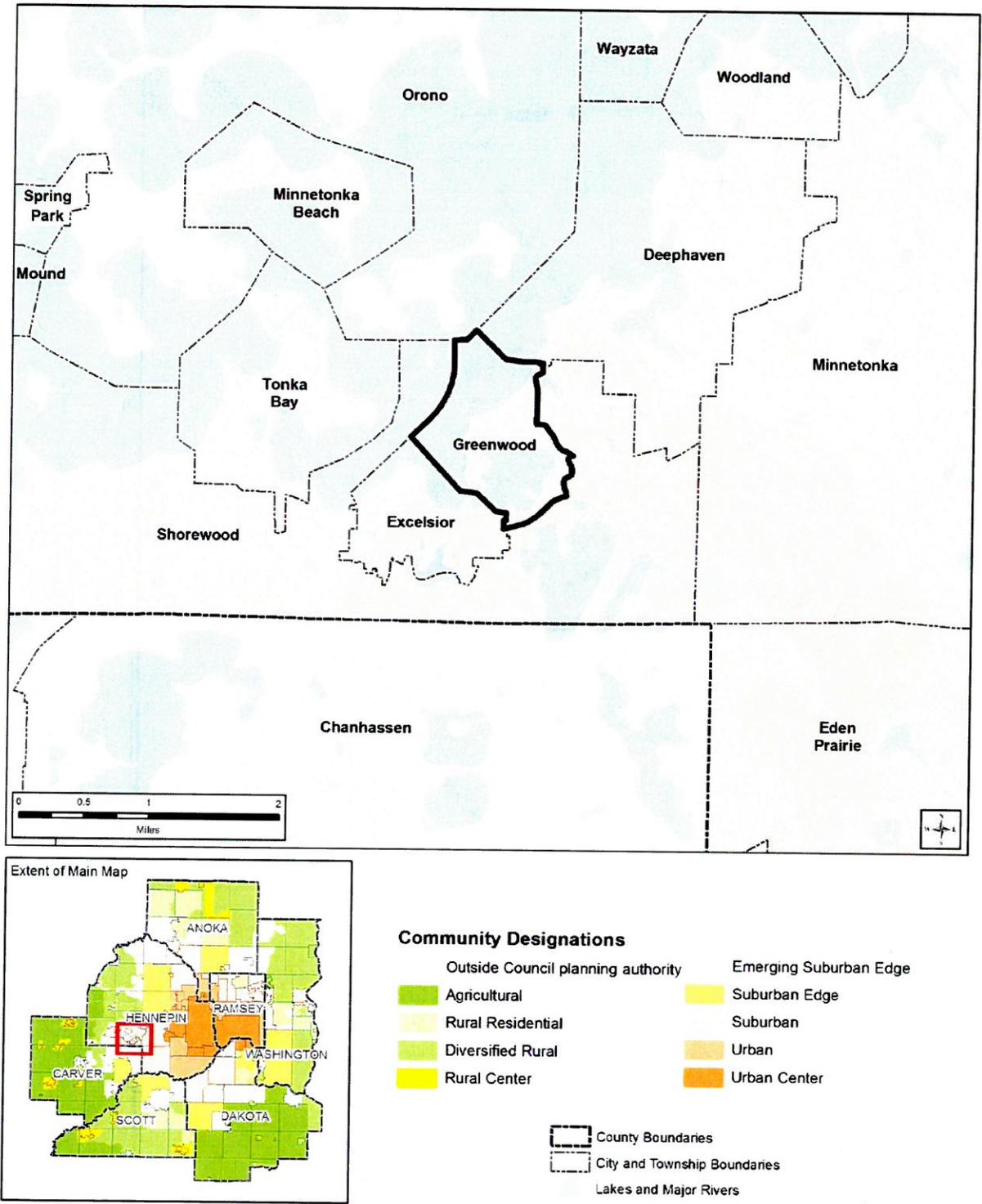


Figure 3. Existing Land Use

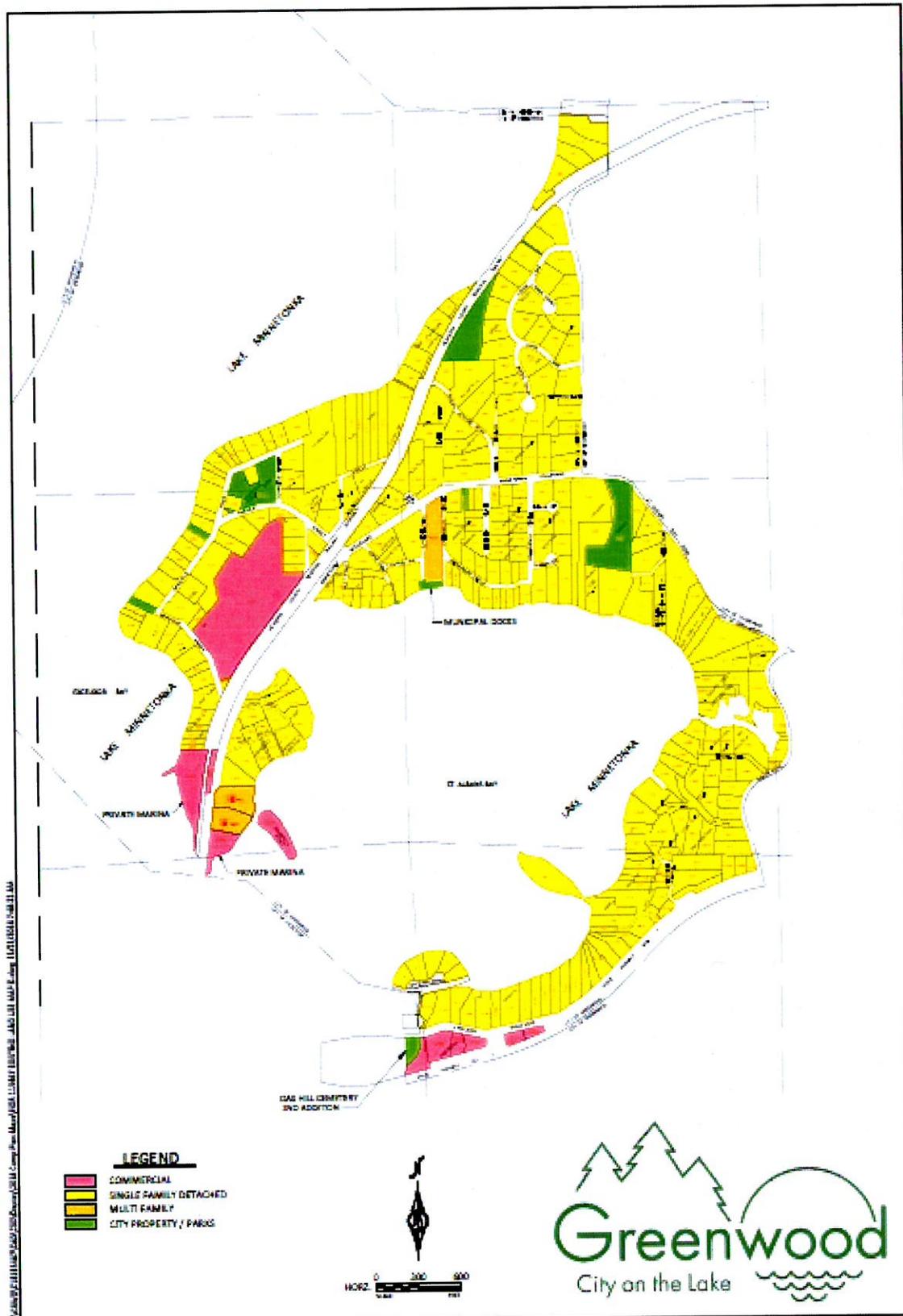
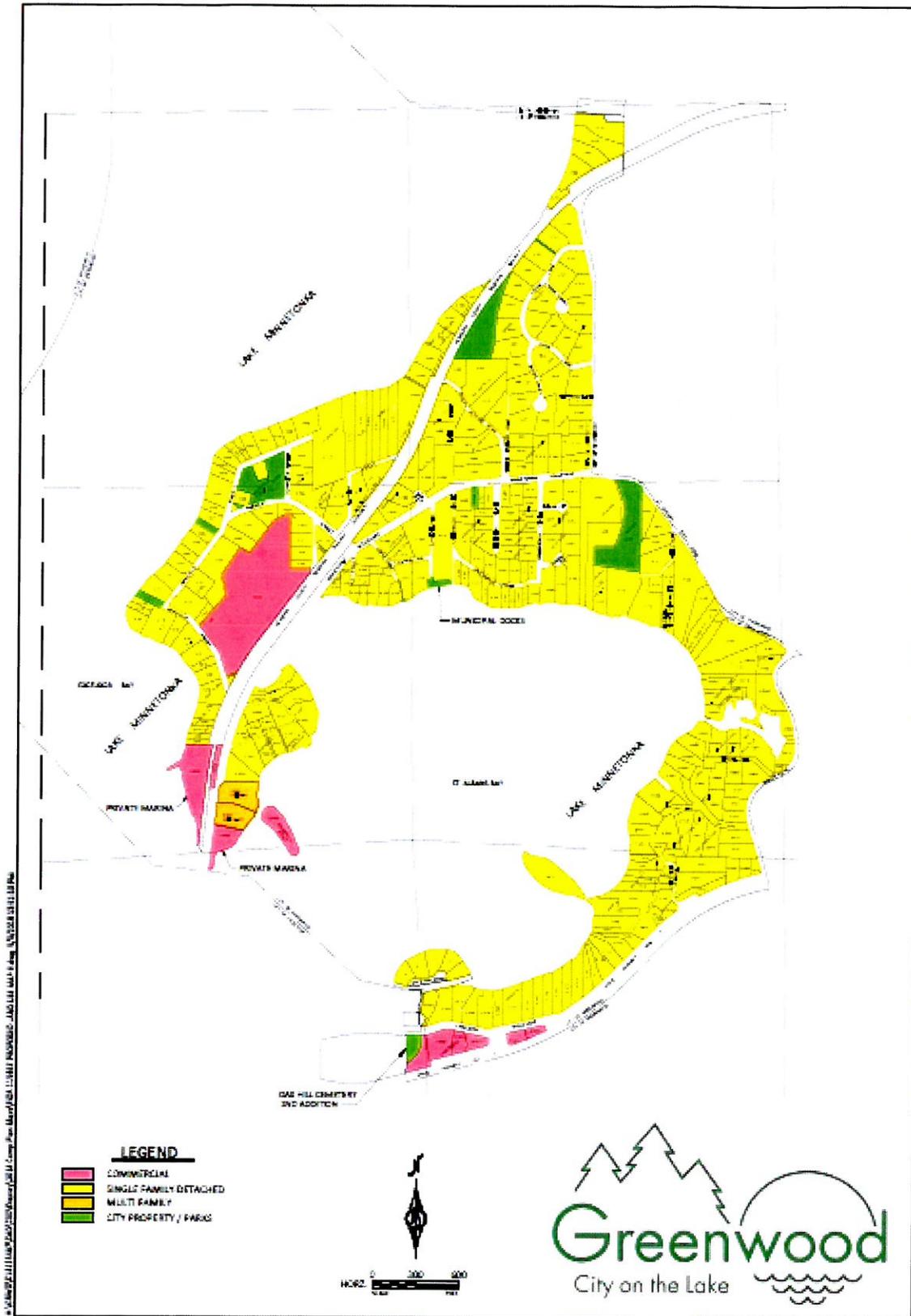


Figure 4. 2040 Planned Land Use





RESOLUTION NO XX-20

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA

A RESOLUTION ADOPTING THE CITY OF GREENWOOD 2040 COMPREHENSIVE PLAN

WHEREAS, the City of Greenwood (the "City") is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City has adopted a comprehensive plan pursuant to Minn. Stat. 462.355, 473.175, and 473.871 to regulate development and land use within the community; and

WHEREAS, the City has conducted a decennial review of its comprehensive plan, which included the participation of city residents and city officials in open meetings; and

WHEREAS, following this public process, the City prepared an amendment to the comprehensive plan, to be called the 2040 Comprehensive Plan (the "Plan"), pursuant to the requirements of Minn. Stat. 473.864; and

WHEREAS, the City considered the proposed Plan at their February 21, 2018, April 4, 2018, and December 5, 2018 regular meetings, and held a public hearing at their August 2, 2017 and February 21, 2018 meetings in which all interested persons were given an opportunity to comment; and

WHEREAS, the City Council reviewed the comments received from surrounding jurisdictions; and

WHEREAS, the City Council authorized City Staff to submit the Plan to the Metropolitan Council for formal review; and

WHEREAS, on September 25, 2019 the Metropolitan Council found that the plan meets all Metropolitan Land Planning Act requirements, conforms to the regional system plans, is compatible with the plans of adjacent jurisdictions, and the Metropolitan Council authorized the City to put the Plan into effect; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Greenwood, Minnesota that the council approves adoption of the 2040 Comprehensive Plan and that City Staff and officials are authorized and directed to take necessary actions to implement the Plan as updated and approved by the City Council.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the city council of the city of Greenwood, Minnesota.

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

CITY OF GREENWOOD

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

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



Agenda Number: **9A**

Agenda Date: **04-01-20**

Prepared by *Deb Kind*

**Agenda Item:** Ord \_\_\_\_, Amending Tobacco Ordinance Section 415 to Comply with New Federal Age Limit

**Summary:** Section 415 of the Greenwood Code needs to be changed to reflect the change in federal law concerning the sale of tobacco from age 18 to age 21. The revised ordinance is attached.

**Timeline:**

04-01-20 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).

04-02-20 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.

04-09-20 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).

05-06-20 City council considers 2nd reading of the ordinance (may make revisions).

05-07-20 The ordinance is submitted to the Sun-Sailor for publication.

05-14-20 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 (1) approves the 1st reading of ordinance \_\_ amending section tobacco ordinance section 415 to comply with the new federal age limit; (2) waives the 2nd reading; (3) approves resolution \_\_-20 a summary of ordinance \_\_; and (4) directs staff to submit resolution \_\_-20 to the city's official newspaper for publication.
2. I move the city council (1) approves the 1st reading of ordinance \_\_ amending section tobacco ordinance section 415 to comply with the new federal age limit; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading.
3. Do nothing (maintain current ordinance) or other motion ???

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

# Federal tobacco control changes

## Tobacco 21

### What it is

- On December 20, 2019, the president signed legislation amending the Federal Food, Drug, and Cosmetic Act, raising the federal minimum age of sale of tobacco products from 18 to 21.
- It is now illegal to sell any tobacco products – including cigarettes, cigars, and e-cigarettes – to anyone under 21.

### Effective date

- December 20, 2019

### Where to find more information

- Federal Drug Administration (FDA):
  - [Newly Signed Legislation Raises Federal Minimum Age of Sale of Tobacco Products to 21](#)
  - [Retail Sales of Tobacco Products](#)
- League of Minnesota Cities:
  - [Federal Law Raises Minimum Age for Tobacco Sales to 21](#), describing how the law affects cities
  - [Federal Tobacco 21 Law: Answers to Common City Questions](#)
- Public Health Law Center: [The New Federal Tobacco-21 Law: What it Means for State, Local, and Tribal Governments](#)

### Resources

- FDA Digital Verification Calendars - These programmable calendars were sent to retailers across the country last summer and are designed to allow retailers to change the verification age based on local laws. Now that federal legislation requires tobacco product purchasers to be 21, retailers are already equipped to comply. The calendars can be ordered via [FDA's digital exchange lab](#).

### Enforcement

- The FDA is required to educate vendors and enforce the law. Enforcement is not expected to begin until September 2020.
- The change in federal law does not require local enforcement. Cities, in consultation with their city attorney, should review their ordinance to determine how the new law applies to local regulations.

# Flavored cartridge-based e-cigarette restrictions

## What it is

- Companies must cease to manufacture, distribute and sell unauthorized flavored cartridge-based e-cigarettes, or electronic nicotine delivery systems (other than tobacco or menthol).
  - Cartridge-based electronic nicotine delivery system (ENDS) products are a product that consists of, includes, or involves a cartridge or pod that holds liquid that is to be aerosolized when the product is used. For purposes of this policy, a cartridge or pod is any small, enclosed unit (sealed or unsealed) designed to fit within or operate as part of an ENDS product.
- The regulation does not apply to tank-based vaping systems.
- This regulation does not “ban” these products. Manufacturers wishing to market these or any ENDS product are required to submit an application to the FDA, demonstrating that the product meets the applicable standard in the law. Through this process, the FDA could authorize the product for sale.
- Cities may be more restrictive than federal law, regulating flavored tobacco products, including menthol.

## Effective date

- Regulation released on January 2, 2020.

## Where to find more information

- Federal Drug Administration: [FDA finalizes enforcement policy on unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint](#)

## Enforcement

- The FDA began enforcement in early February 2020.

## Assistance, questions and reporting violations

- The Center for Tobacco Products Office of Small Business Assistance provides technical and other nonfinancial assistance to small tobacco product manufacturers to help them and other small businesses to comply with the requirements of the Tobacco Control Act.
  - Direct questions from retailers regarding federal regulations to the FDA's Office of Small Business Assistance at 1-877-287-1373 (9am EST-4pm EST) or [Tobacco-Small Business](#) for help.
- [Report a Potential Tobacco Product Violation](#) to the FDA for enforcement action by phone, email, or completing an [online form](#).

## Contact

Hennepin County Public Health

[publichealth@hennepin.us](mailto:publichealth@hennepin.us)

02/25/20



**AN ORDINANCE OF THE  
CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE  
SECTION 415 TOBACCO REGULATIONS  
AND RELATED DEFINITIONS IN CHAPTER 12**



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

**SECTION 1.**

The below Greenwood ordinance code section Chapter 12 definitions are amended to read as follows:

“Compliance Checks means the system the city uses to investigate and ensure that those authorized to sell tobacco products and tobacco-related devices are following and complying with the requirements of the city. Compliance checks **shall** involve the use of **minors people under the age of 21**. Compliance checks also shall mean the use of **minors people under the age of 21** who attempt to purchase tobacco, tobacco products, or tobacco-related devices for educational, research and training purposes as authorized by state and federal laws. Compliance checks also may be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to tobacco, tobacco products, and tobacco-related devices. (TOBACCO 415)”

“Tobacco or Tobacco Products means **cigarettes; e-cigarettes;** cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. “Tobacco” or “tobacco products” also means any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product. (TOBACCO 415)”

**SECTION 2.**

Greenwood ordinance code section 415 is amended to read as follows:

**“SECTION 415. TOBACCO.**

**Section 415.01. Purpose.**

Because the city recognizes that many persons under the age of **18 21** years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco-related devices, and such sales, possession, and use are violations of both state and federal laws; and because studies, which the city hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of **18 21** years and that those persons who reach the age of **18 21** years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco-related devices for the purpose of enforcing and furthering existing laws, to protect **minors people under the age of 21** against the serious effects associated with the illegal use of tobacco products, and tobacco-related devices, and to further the official public policy of the state of Minnesota in regard to preventing young people from starting to smoke.

**Section 415.02. Definitions.**

See chapter 12 for definitions.

**Section 415.03. License.**

No person shall sell or offer to sell any tobacco, tobacco products, or tobacco-related devices without first having obtained a license to do so from the city.

Subd. 1. Application. An application for a license to sell tobacco, tobacco products or tobacco-related devices shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city clerk shall forward the application to the council for action at its next regularly scheduled council meeting. If the clerk shall determine that an

application is incomplete, the clerk shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 2. Action. The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary.

Subd. 3. Term. All licenses issued under this ordinance shall be valid for one calendar year from the date of issue.

Subd. 4. Revocation or Suspension. Any license issued under this ordinance may be revoked or suspended as provided in the Violations and Penalties section of this ordinance.

Subd. 5. Transfers. All licenses issued under this ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the council.

Subd. 6. Moveable Place of Business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.

Subd. 7. Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

Subd. 8. Renewals. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license. The issuance of a license issued under this ordinance shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

#### **Section 415.04. Fees.**

No license shall be issued under this ordinance until the appropriate license fee shall be paid in full. The fee for a license under this ordinance shall be set forth in chapter 5 of this code book.

#### **Section 415.05. Basis for Denial of License.**

The following shall be grounds for denying the issuance or renewal of a license under this ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section:

- (a) The applicant is under the age of ~~18~~ 21 years.
- (b) The applicant has been convicted within the past 5 years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco, tobacco products, or tobacco-related devices.
- (c) The fee for every such license shall be set by the council and recorded in chapter 5 of the code. Every such license shall expire on the 31st day of December after its issuance. For any such license issued after January in any year, the fee shall be prorated for the months and/or fractional part of a month covered by such license.
- (d) The applicant has had a license to sell tobacco, tobacco products, or tobacco-related devices revoked within the preceding 12 months of the date of application.
- (e) The applicant fails to provide any information required on the application, or provides false or misleading information.

#### **Section 415.06. Prohibited Sales.**

It shall be a violation of this ordinance for any person to sell or offer to sell any tobacco, tobacco product, or tobacco-related device:

- (a) To any person under the age of ~~18~~ 21 years.
- (b) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, or tobacco-related device and whereby there is not a physical exchange of the tobacco, tobacco product or tobacco-related device between the licensee or the licensee's employee, and the customer.
- (c) By means of loosies (single or individually packaged cigarettes).
- (d) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
- (e) By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.

#### **Section 415.07. Self-Service Sales.**

It shall be unlawful for a licensee under this ordinance to allow the sale of tobacco, tobacco products, or tobacco-related devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, or the

tobacco-related device between the licensee of his or her clerk and the customer. All tobacco, tobacco products, and tobacco-related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage behind a counter or other area not freely accessible to customer, or in a case or other storage unit not left open and accessible to the general public.

### **Section 415.08. Responsibility.**

All licensees under this ordinance shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, or tobacco-related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the clerk to whatever penalties are appropriate under this ordinance, state or federal law, or other applicable law or regulation.

### **Section 415.09. Compliance Checks and Inspections.**

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, ~~minors~~ people over the age of 15 years but less than ~~18~~ 21 years, to enter the licensed premise to attempt to purchase tobacco products, or tobacco-related devices. ~~Minors~~ People under the age of 21 used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. ~~Minors~~ People under the age of 21 used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco-related devices when such items are obtained as a part of the compliance check. No ~~minor~~ person under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the ~~minor's~~ their age, and ~~all minors~~ anyone lawfully engaged in a compliance check shall answer all questions about ~~the minor's~~ their age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for education, research, or training purposes, or required for the enforcement of a particular state or federal law.

### **Section 415.10. Other Illegal Acts.**

Unless otherwise provided, the following acts shall be a violation of this ordinance.

Subd. 1. Illegal Sales. It shall be a violation of this ordinance for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco-related device to any minor.

Subd. 2. Illegal Possession. It shall be a violation of this ordinance for ~~any minor~~ anyone under the age of 21 to have in his or her possession any tobacco, tobacco product, or tobacco-related device. This subdivision shall not apply to ~~minors~~ people under the age of 21 lawfully involved in a compliance check.

Subd. 3. Illegal Use. It shall be a violation of this ordinance for ~~any minor~~ anyone under the age of 21 to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco-related device.

Subd. 4. Illegal Procurement. It shall be a violation of this ordinance for ~~any minor~~ anyone under the age of 21 to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco-related device, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a ~~any minor~~ anyone under the age of 21 to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco-related device. This subdivision shall not apply to ~~minors~~ people under the age of 21 lawfully involved in a compliance check.

Subd. 5. Use of False Identification. It shall be a violation of this ordinance for ~~any minor~~ anyone under the age of 21 to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

### **Section 415.11. Violations.**

Subd. 1. Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

Subd. 2. Hearings. If a person accused of violating this ordinance requests a hearing to be scheduled, the time and place of which shall be published and provided to the accused violator.

Subd. 3. Decision. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under chapter 12 of this code book, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds no

violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

**Section 415.12. Penalties.**

Subd. 1. Licensees. Any licensee found to have violated this ordinance, or whose employee shall have violated this ordinance, shall be subject to the process outlined in chapter 12 of this code book.

Subd. 2. Other Violations. Other individuals found to be in violation of this ordinance shall be subject to the process outlined in chapter 12 of this code book.

Subd. 3. Misdemeanor. Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this ordinance.

**Section 415.13. Exceptions and Defenses.**

Nothing in this ordinance shall prevent the providing of tobacco, tobacco products, or tobacco-related devices to a ~~any minor~~ **anyone under the age of 21** as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

**Section 415.09. Compliance Checks and Inspections.**

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years but less than ~~18~~ **21** years, to enter the licensed premise to attempt to purchase tobacco products, or tobacco-related devices. ~~Minors~~ **People under the age of 21** used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. ~~Minors~~ **People under the age of 21** used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco-related devices when such items are obtained as a part of the compliance check. No ~~minor~~ **one** used in compliance checks shall attempt to use a false identification misrepresenting the ~~minor's~~ **their** age, and ~~all minors~~ **anyone** lawfully engaged in a compliance check shall answer all questions about the ~~minor's~~ **their** age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for education, research, or training purposes, or required for the enforcement of a particular state or federal law.”

SECTION 3.

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

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2020.

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

CITY OF GREENWOOD

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

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

First reading: \_\_\_\_\_, 2020  
Second reading: \_\_\_\_\_, 2020  
Publication: \_\_\_\_\_, 2020

**RESOLUTION 14-20**

**A RESOLUTION OF THE CITY OF GREENWOOD, MINNESOTA  
APPROVING PUBLICATION OF ORDINANCE NUMBER 300 BY TITLE AND SUMMARY**

**WHEREAS**, on \_\_\_\_, 2020 the city council of the city of Greenwood adopted “Ordinance 300 Amending Greenwood Tobacco Ordinance Section 415 and Related Definitions in Chapter 12.”

**WHEREAS**, the city council has prepared a summary of ordinance 300 as follows:

1. The purpose of this ordinance is to revise the city's tobacco ordinance to include inclusion of e-cigarettes and comply with federal law regarding age.
2. The ordinance changes the minimum age from 18 to 21 to buy or sell tobacco, tobacco products, or tobacco-related products.
3. The ordinance revises related definitions in chapter 12 to change the age of compliance checks to people under age 21 instead of minors and to add e-cigarettes to the list of tobacco products.

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

1. The city council finds that the above title and summary of ordinance 300 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 300 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

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

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

CITY OF GREENWOOD

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

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

CITY OF GREENWOOD

Debra J. Kind, Mayor  
Attest: Dana H. Young, City Clerk  
First reading: \_\_\_\_\_, 2020  
Second reading: \_\_\_\_\_, 2020  
Publication: \_\_\_\_\_, 2020



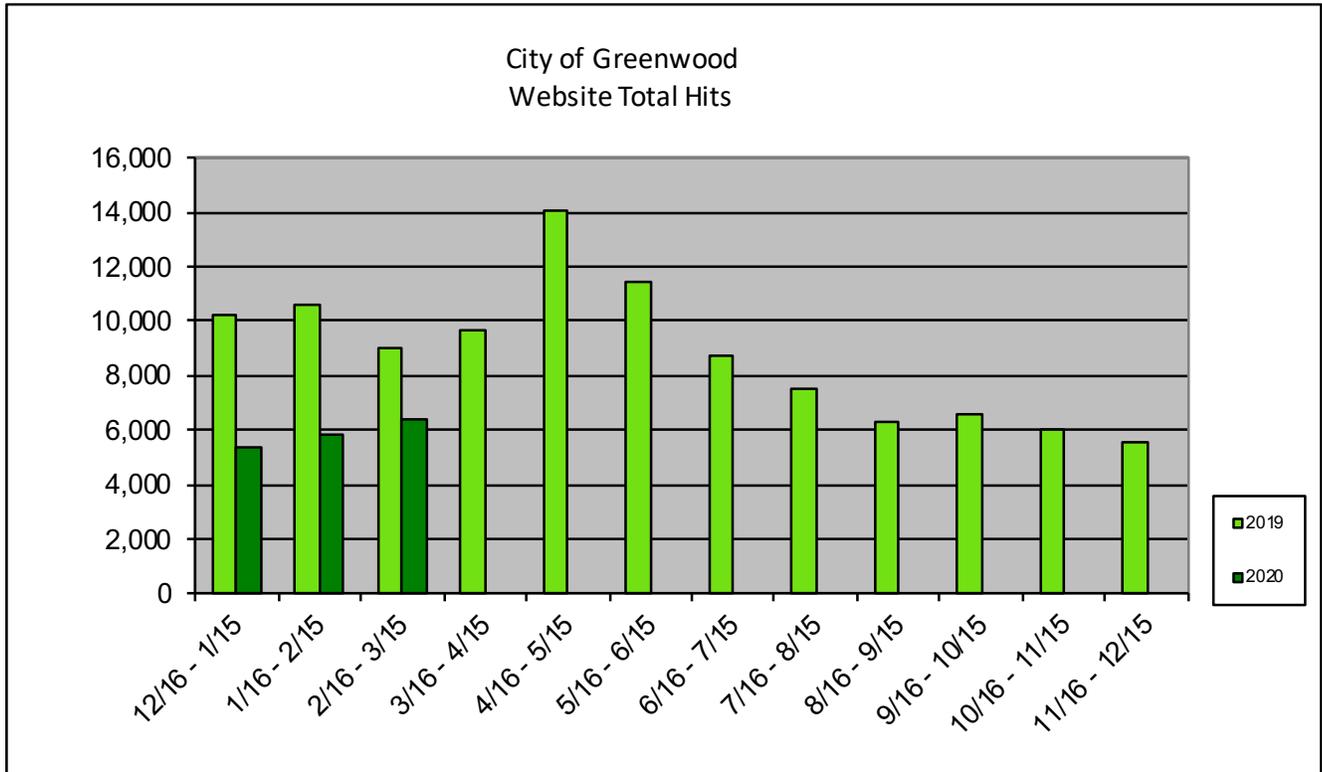
Agenda Number: **11A-E**

**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.



Month	2019	2020	Variance with Prior Month	Variance with Prior Year	Bulk Email List
12/16 - 1/15	10,255	5,355	-211	-4,900	176
1/16 - 2/15	10,576	5,853	498	-4,723	175
2/16 - 3/15	9,038	6,408	555	-2,630	174
3/16 - 4/15	9,638	-	-6,408	-9,638	174
4/16 - 5/15	14,074	-	0	-14,074	173
5/16 - 6/15	11,420	-	0	-11,420	173
6/16 - 7/15	8,766	-	0	-8,766	173
7/16 - 8/15	7,489	-	0	-7,489	173
8/16 - 9/15	6,326	-	0	-6,326	173
9/16 - 10/15	6,531	-	0	-6,531	173
10/16 - 11/15	6,049	-	0	-6,049	173
11/16 - 12/15	5,566	-	0	-5,566	173
<b>AVERAGE</b>	<b>8,811</b>	<b>5,872</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**

[Get Report](#)

## Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	2216	34.58%
<a href="#">Homesteading</a>	797	12.44%
<a href="#">Agendas, Public Notices, Minutes, Meeting Packets</a>	601	9.38%
<a href="#">City Departments</a>	286	4.46%
<a href="#">RFPs &amp; Bids</a>	263	4.1%
<a href="#">Welcome to Greenwood</a>	258	4.03%
<a href="#">Planning Commission</a>	244	3.81%
<a href="#">Code Book of Ordinances</a>	147	2.29%
<a href="#">Forms, Permits, Licenses</a>	115	1.79%
<a href="#">Mayor &amp; City Council</a>	92	1.44%
<a href="#">Assessments &amp; Taxes</a>	89	1.39%
<a href="#">Budget &amp; Finances</a>	81	1.26%
<a href="#">Community Surveys</a>	67	1.05%
<a href="#">Garbage &amp; Recycling</a>	59	0.92%
<a href="#">Links</a>	55	0.86%
<a href="#">Search Results</a>	55	0.86%
<a href="#">Public Safety</a>	54	0.84%
<a href="#">Spring Clean-Up Day</a>	54	0.84%
<a href="#">Photo Gallery</a>	53	0.83%
<a href="#">Elections, Voting</a>	52	0.81%
<a href="#">Parks, Trails &amp; Watercraft Amenities</a>	45	0.7%
<a href="#">St. Alban's Bay Lake Improvement District</a>	39	0.61%
<a href="#">Lake Minnetonka</a>	39	0.61%
<a href="#">Comp Plan</a>	38	0.59%
<a href="#">City Newsletters</a>	38	0.59%
<a href="#">Watercraft Spaces</a>	36	0.56%
<a href="#">Meetings</a>	36	0.56%
<a href="#">Agendas, Public Notices, Minutes, Meetings</a>	34	0.53%
<a href="#">Smoke Testing</a>	33	0.51%
<a href="#">Old Log Events</a>	32	0.5%
<a href="#">Coyotes &amp; Animal Services</a>	30	0.47%

<a href="#">Finances, Taxes, Assessments</a>	28	0.44%
<a href="#">Fire Department</a>	27	0.42%
<a href="#">Recreation, Amenities</a>	25	0.39%
<a href="#">News, Events</a>	25	0.39%
<a href="#">Email Sign-Up</a>	25	0.39%
<a href="#">Sewer, Stormwater, Water, Garbage, Recycling</a>	24	0.37%
<a href="#">Emergency Preparedness</a>	23	0.36%
<a href="#">Tree Contractors</a>	22	0.34%
<a href="#">Toilet Drain Guide</a>	21	0.33%
<a href="#">Tour de Tonka</a>	21	0.33%
<a href="#">Luck O' the Lake</a>	21	0.33%
<a href="#">July 4th</a>	21	0.33%
<a href="#">SABLID Email Sign-Up</a>	19	0.3%
<a href="#">Well Water</a>	17	0.27%
<a href="#">Meetings on TV</a>	17	0.27%
<a href="#">Library Events</a>	16	0.25%
<a href="#">Christkindlsmarkt</a>	13	0.2%
<a href="#">Unsubscribe</a>	5	0.08%
<b>TOTAL</b>	<b>6408</b>	<b>100%</b>

### Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	738	27.88%
City Departments	219	8.27%
Agendas, Public Notices, Minutes, Meeting Packets	205	7.74%
Welcome to Greenwood	141	5.33%
Planning Commission	98	3.7%
Forms, Permits, Licenses	87	3.29%
Code Book of Ordinances	78	2.95%
Mayor & City Council	62	2.34%
Photo Gallery	45	1.7%
Elections, Voting	45	1.7%
Assessments & Taxes	44	1.66%
Public Safety	42	1.59%
Garbage & Recycling	42	1.59%
City Newsletters	36	1.36%
Spring Clean-Up Day	34	1.28%
St. Alban's Bay Lake Improvement District	33	1.25%
Lake Minnetonka	33	1.25%
Comp Plan	32	1.21%
RFPs & Bids	32	1.21%
Links	32	1.21%
Agendas, Public Notices, Minutes, Meetings	30	1.13%
Meetings	28	1.06%
Community Surveys	27	1.02%
Budget & Finances	27	1.02%
Parks, Trails & Watercraft Amenities	26	0.98%
Search Results	25	0.94%
Homesteading	23	0.87%
Watercraft Spaces	23	0.87%
Coyotes & Animal Services	23	0.87%
Fire Department	23	0.87%
Recreation, Amenities	21	0.79%
Tree Contractors	21	0.79%
Sewer, Stormwater, Water, Garbage, Recycling	21	0.79%
Finances, Taxes, Assessments	21	0.79%
Old Log Events	20	0.76%
Emergency Preparedness	20	0.76%
Email Sign-Up	20	0.76%
News, Events	20	0.76%

July 4th	19	0.72%
Smoke Testing	17	0.64%
Tour de Tonka	16	0.6%
SABLID Email Sign-Up	16	0.6%
Toilet Drain Guide	15	0.57%
Luck O' the Lake	15	0.57%
Meetings on TV	15	0.57%
Well Water	14	0.53%
Library Events	11	0.42%
Christkindlsmarkt	10	0.38%
Unsubscribe	2	0.08%
<b>TOTAL</b>	<b>2647</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.



February 29, 2020

Diane Waller, PhD  
Research Fisheries Biologist, AEH  
Upper Midwest Environmental Sciences Center  
2630 Fanta Reed Rd  
LaCrosse, WI 54603

SENT VIA EMAIL  
dwaller@usgs.gov

**Re: 2020 Zebra Mussel Research Project on Lake Minnetonka**

Dear Dr. Waller,

On behalf of the city of Greenwood, I am writing to extend a huge thank-you to you and your team for your important (and successful) work on the Zebra Mussel Research Project on Lake Minnetonka – which includes work on St. Alban's Bay abutting the city of Greenwood.

The city of Greenwood fully supports follow-up research on St. Alban's Bay in 2020. If desired, we would be willing to host another public meeting. If you want us to send email blasts to property owners and post information on our website as we did last year, please send information to me at [dkind100@me.com](mailto:dkind100@me.com).

We are looking forward to seeing your team on the bay this summer!

Sincerely,

A handwritten signature in black ink that reads "Debra J. Kind". The signature is written in a cursive, flowing style.

Debra J. Kind  
Mayor, City of Greenwood

*CC: Greenwood City Council, Excelsior City Council, LMCD Board, SABLID Board,  
LMA Board, Gabriel Jabbour*

Greenwood Planning Commission  
Wednesday, February 12, 2020  
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 Kelsey Nelson and David Steingas

Members Absent: Commissioner Julie Getchell and Dean Barta

Others Present: City Engineer David Martini, Interim Zoning Administrator Dana Young, and Council Liaison Kristi Conrad

**2. MINUTES – Regular meeting of January 8, 2020.**

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

**3. PUBLIC HEARINGS**

**3a. Consider the conditional use permit and variance requests of James and Jessica Benning, 21915 Fairview Street, for a variance to exceed the maximum allowable construction-related tree removal, and a conditional use permit to regrade portions of the property in conjunction with the construction of a new house.** — Section 1140.80 Subd. 4(B)(2) of the city ordinance limits tree removal for a new construction project to 20% of the total diameter inches of significant trees on a property and the applicants propose to remove 27% of the diameter inches of trees for the property. Section 1140.19 Subd. 3 of the city ordinance requires a conditional use permit for any the grading or site/lot topography alteration request that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area. The proposed project will exceed these grading thresholds.

Lucking introduced the agenda item and opened the public hearing.

John Erickson, 5085 Meadville Road, stated his concerns regarding the height of the proposed retaining wall, which would be located next to his property line, and with the drainage impact on his property from the construction of the new house. He provided a PowerPoint of the site map and showed the current drainage that gathered in the natural swale or depression located in the front of the property. He stated that the fill for the retaining wall would cut into this natural swale area. He stated that Zoning Coordinator Dale Cooney had noted that some areas of the retaining wall could be 6 feet high. He stated he is concerned about the appearance and drainage impact of a wall of that height. He asked if consideration had been given to constructing a taller foundation and tapering out the grade or dropping the garage and house down. He stated that he would be interested in any ideas to keep it more natural so he doesn't have to look at such a big retaining wall. He added that he thought the building placement was fine.

Julie Ekelund, 5085 Meadville Street, stated that water runoff comes down Fairview Street and gathers in their driveway. She stated that her husband has to chip the ice to try to get the water off of the street and into the pond or to the ditch that outlets into the lake. She stated that there are already problems with water ponding on Meadville Street and doesn't want to see it increase. She added that this problem could be compounded when a home on the other vacant lot is constructed.

Todd Simning, builder for the property owners, stated that his engineer has talked with Bob Bean of Bolton & Menk regarding the drainage on this property. He stated that the current drainage plan as recommended by the City Engineer would shift the retaining wall further back from the property line to better access the infiltration basin.

City Engineer David Martini stated that the retaining wall would be moved closer to the house and the swale and roof drains would be directed to the infiltration basins.

Todd Simning stated that the general rule is that the development of a property cannot add additional storm water over and above the existing storm water. He added that the retaining wall should be under 4 feet in height.

David Martini added that the wall will be 4 feet with the ground sloping up to the house.

Todd Simning stated that the basement has to be 3 feet above the ordinary high water, which accounts for some of the elevation of the house. He stated that they would add natural boulder walls for the retaining wall, which provides for a more natural setting. He reiterated that they want to keep the retaining wall below 4 feet.

David Steingas asked why they weren't building a walk out.

Todd Simning stated that there is nothing to walk out to.

David Steingas stated that after approving this subdivision, they were told that the subdivision would not require any variances. He stated that the neighbors were assured that there would be no variances.

Todd Simning stated that a walk out would look a little funky.

David Steingas suggested switching the garage to the high side.

Todd Simning stated that no matter the design, we would still be here asking for a variance because the 1 foot grade increase in a 300 square foot area is fairly restrictive and for tree removal. He stated that he was unaware at the time of the subdivision review that the 1 foot grading rule would require a variance.

Kristi Conrad asked if he knows anything about construction timelines on the vacant other lot.

Todd Simning stated that he didn't know anything about the construction of the other vacant lot.

Julie Ekelund asked about the tree removal requirements. She stated that the City Code limits tree removal to 20% yet Dale Cooney mentions that the amount of tree removal could be anywhere between 27% - 36%.

Pat Lucking stated that Dale gave the applicants credit for removing three problematic trees, which would lower their percentage from 36% to 27%. He stated that the City Arborist thought at least two of the trees in question would survive.

Julie Ekelund stated that she was comfortable with the tree removal as long as the tree replacement brings it back in line.

After hearing no further comments, Pat Lucking closed the public hearing at 7:27 p.m.

David Steingas stated that he has less of a problem with the tree removal as the applicant can plant more and better trees. He stated that the grading issue for him is huge. He stated that the retaining wall could be eliminated by flipping the garage to the high side of the property. He stated that during the review of the subdivision plan, they didn't think there would be any variances needed. He stated that this is his opinion unless the City Engineer can convince him that the water will not be a problem.

David Martini stated that, as presently shown, the retaining wall is too close to the property line to adequately maintain flow to Fairview Street.

Kelsey Nelson asked if the proposed storm water mitigation for this property would make the drainage better.

David Martini stated that you are adding hardcover to a property where there was none. He stated that the infiltration basins will help, unless the basins are full or frozen.

David Steingas stated that removing the retaining walls will allow the water to go where it normally goes.

Kristi Conrad stated that taking away the retaining walls would still require storm water mitigation. She stated that you would direct the water to the pond in the backyard, which might be a big advantage. She stated that drainage often just moves the problem from one property to another. She stated that storm water issues are a nightmare for the city.

David Martini stated that some of the water can go to the pond but Meadville and Fairview are very flat streets and it is hard to do anything with these streets to control runoff. He noted that the pond also has a pump in it to remove excess water so the whole area is challenging.

Todd Simning stated that the retaining walls are not something we have to have. He suggested the possibility of expanding the infiltration basins. He stated that it would be difficult to move a basin to Fairview Street due to the high water table.

David Martini stated that maintaining the existing drainage is preferred, although the infiltration basins would help. He stated that we don't have storm water infrastructure in place and have to rely on natural depressions and ponds to handle drainage.

David Steingas recommended designing a house to fit the lot rather than designing the lot to fit the house.

Pat Lucking also recommended that the applicant make some changes to adapt to the lot. He noted that they may never meet the 1 foot in 300 S.F. standard.

Todd Simning stated that they will revise their plans.

David Steingas cautioned that they might run into a building volume issue and they should check into this carefully. He reiterated his suggestion that they eliminate the retaining wall and drop the grade.

Julie Ekelund asked what happens if the drainage doesn't work.

David Steingas stated that why we have a City Engineer.

Todd Simning stated that increasing the infiltration basins will help.

Julie Ekelund stated that she doesn't want more water added to the ditch.

David Martini stated that they try to find a solution to drainage problem and determine whether it is a City issue, or a homeowner solution, or both. He stated that there is already a drainage problem here.

Julie Ekelund stated that she doesn't want it to be a financial hardship for them.

David Martini stated that the direction is to maintain the drainage patterns and include infiltration basins. However, there is nothing that is proposed that will make the drainage better.

Pat Lucking asked if there was a marsh behind the Ekelund's house.

Kristi Conrad stated that there is a marsh but it was landlocked.

Julie Ekelund stated that there might be a potential solution by installing pipe under their driveway and draining the excess storm water runoff into the pond.

The Commission requested the applicant to return to the Planning Commission with revised plans as discussed tonight for further review at their March 10<sup>th</sup> meeting.

**3b. Consider Amending Greenwood Ordinance Code Section 1102 Definitions and Section 1140.10 Subd. 2(C) Regarding Accessory Structure Lake Setbacks**

Pat Lucking stated that the intent of this ordinance is to clarify some discussion that was held between Dale and the City Council.

Kelsey Nelson stated that the ordinance proposes to establish setbacks and add clarity.

Kristi Conrad stated that the Council is trying to avoid the installation of patios within the 50' lake yard setback.

David Steingas stated that he struggles with the language in the proposed ordinance that refers to "crushed or smooth rock, sand" being included in the definitions of deck and patio. He stated that these are permeable surfaces and should not be included as part of hardcover.

Kelsey Nelson noted that the ordinance is not calling this hardcover but part of the definition of a deck and patio.

David Steingas stated that he wants to allow "crushed or smooth rock, sand".

Kristi Conrad stated that this doesn't have anything to do with hardcover, the ordinance is trying to restrict use.

Pat Lucking noted that it's defining a space.

Kristi Conrad stated that the ordinance would shift everything back to a 50' lake yard setback.

David Steingas stated that you should be able to put a permeable material within the 50' setback.

Kelsey Nelson noted that we are retroactively addressing all of those things that we are currently permitting.

Motion by Pat Lucking to recommend approval of the proposed ordinance subject to removing "crushed or smooth rock, sand" from the definition of deck and patio. Seconded by David Steingas. Kelsey Nelson voted against stating that she prefers to remove all of the verbiage under the definition of deck and patio. Motion carried 2-1.

**4. OLD BUSINESS**

**4a. Discussion on design revisions related to the request of Precision Builders, LLC, contractor for the property owners at 21750 Byron Circle for a conditional use permit to install retaining walls within the lake yard setback and to regrade the lake yard areas of the property.**

Mike Peterson and Roland Aberg, with Precision Builders, were present to submit their revised design plans for 21750 Byron Circle. Mike Peterson stated that they had met with the City

Council on February 5<sup>th</sup> and the plans had changed significantly enough that the Council asked them to bring it back to the Planning Commission for their review.

Roland Aberg provided a PowerPoint presentation on their revised landscaping plan. The plan showed an overall reduction from 147 L.F. of retaining wall within the 50' lake yard setback to 76 L.F. On the south side, two 4' retaining walls were proposed instead of one 10' wall. The furthest wall on the south side would encroach 6' into the 50' lake yard setback. On the north side, one 2' retaining wall would be installed, which would encroach 15' into the 50' lake yard setback. Roland Aberg stated that the effect of rebuilding the retaining walls on the north and south side would enable the removal of all other retaining walls within the 50' setback, establish slopes of 2:1 that would allow for native plantings, improve erosion, and allow for a much more attractive property.

Further discussion was held on reducing the encroachment into the 50' lake yard setback, particularly with the egg-shaped area on the north side that included the 2' retaining walls that encroached 15' into the setback. Roland Aberg stated that pushing the retaining wall on the south side further back would make it more difficult to obtain a 2:1 slope, adversely impact the roots of existing trees, and make the area less attractive.

Pat Lucking stated that it would be good to get the walls moved back from the 50' setback.

Mike Peterson stated that they need to maintain the 2:1 slope for the plantings. He stated he is not sure how this could be accomplished if the walls were moved back. He added that they will be removing a lot of hardcover within the 50' setback and would like the Commission to acknowledge that they have made a significant improvement with their revised landscaping plan.

David Steingas asked about the proposed metal bunker, which was now out of the 50' setback. He noted that there would be no hardcover issue with the bunker as there would be grass over the top.

David Steingas stated that he didn't object to the 2' retaining wall that encroached into the 50' setback. He noted that this plan proposed to remove all other retaining walls within the setback area. He stated that this was a major improvement in his mind and it was only a 2' high wall. He added that the 2:1 slope is a huge improvement, particularly in terms of helping to prevent erosion of the hillside.

Kelsey Nelson stated that she liked the fact that the wall was substantially moved back on the south side and recommended that the applicants provide an elevation plan for the Council.

Motion by David Steingas to recommend approval of the landscaping proposal as submitted. Seconded by Kelsey Nelson. Motion carried 3-0.

## **5. NEW BUSINESS**

Dana Young stated that the original date of March 11<sup>th</sup> for the joint Council / Planning Commission Worksession is not going to work. The Council has rescheduled the joint worksession for Mary 13<sup>th</sup>.

Dana Young stated that the terms of office for David Steingas and Kelsey Nelson are set to expire in March 2020. He asked if any the Commissioners were interested in serving a second term of office. Both David and Kelsey stated that they were agreeable to serving a second term.

## **6. LIAISON REPORT**

Kristi Conrad provided a brief update on the role of Planning Commission in terms of their review of future projects.

## **7. ADJOURN**

Motion by David Steingas to adjourn the meeting. Kelsey Nelson seconded the motion. Motion carried 3-0. The meeting was adjourned at 9:05 p.m.

Respectively Submitted,  
Dana Young – Interim Zoning Administrator

Greenwood Planning Commission  
Wednesday, March 11, 2020  
7:00 P.M.

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

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

Members Present: Commissioners Kelsey Nelson, Julie Getchell, and Council Liaison Kristi Conrad

Members Absent: Chairman Pat Lucking and David Steingas

Others Present: Interim Zoning Administrator Dana Young

**2. MINUTES – Regular meeting of February 12, 2020.**

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

**3. PUBLIC HEARINGS**

**3a. Consider the conditional use permit request of Kent Carlson (Greenwood Marina LLC), 21900 Minnetonka Blvd, to replace an existing monument sign with a new monument sign.**

Section 1140.40 Subd. (3)(2) of the City Code states that “No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a conditional use permit from the city in accordance with Section 1150 of the city ordinances.”

Dana Young introduced the agenda item and opened the public hearing. Hearing no comments, the public hearing was closed at 7:01 p.m.

Dana Young asked if there were any questions for staff regarding the application. Hearing none, Dana Young asked if there were any questions for Kent Carlson.

Kristi Conrad questioned the height of the new sign. She stated that it measures lower than the existing sign but appears to be taller.

Kent Carlson stated that the existing sign measures taller due to the height of the light, which is part of the sign.

Kristi Conrad expressed concern regarding the visibility of the stop sign behind the sign.

Kent Carlson stated that the stop sign is actually located on the trail, attempting to stop trail users at the driveway entrance. He stated that he annually notifies his customers to be cautious of trail traffic when entering his driveway and noted that most vehicles will be able to see over the sign.

There were no further questions of the applicant.

Dana Young stated that he received a call from Chairman Pat Lucking, who stated that there is no reason to deny this request and he is 100% in favor of the request since it is the replacement of an existing sign with a new improved monument sign.

Motion by Julie Getchall to recommend approval of a Conditional Use Permit to Kent Carlson (Greenwood Marina LLC) to replace an existing monument sign with a new monument sign at 21900 Minnetonka Blvd as proposed. Seconded by Kelsey Nelson. Motion carried 3-0.

#### **4. OLD BUSINESS**

##### **4a. Appoint 2020 Chair & Vice-Chair**

The appointment of the 2020 Chair & Vice-Chair was postponed until a later date.

#### **5. NEW BUSINESS**

There was no other New Business this evening.

#### **6. LIAISON REPORT**

Kristi Conrad provided a brief update on the progress of the lake yard landscaping and grading proposal at 21750 Bryon Circle. She stated that the applicant will be coming back with more plan details at the April 1<sup>st</sup> Council meeting.

Kristi Conrad stated that a letter of support has been sent by Mayor Kind to the Lake Minnetonka Conservation District in support of the Zebra Mussel Research Project.

#### **7. ADJOURN**

Motion by Kelsey Nelson to adjourn the meeting. Seconded by Julie Getchall. Motion carried 3-0. The meeting was adjourned at 7:18 p.m.

Respectively Submitted,  
Dana Young – Interim Zoning Administrator