

MINUTES

Greenwood City Council Meeting

Wednesday, November 5, 2014

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Kind; Councilmembers Bill Cook, Tom Fletcher, Bob Quam, and Rob Roy,

Others Present: City Zoning Administrator / City Clerk Gus Karpas, City Attorney Mark Kelly

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

2. CONSENT AGENDA

A. Approve: 10-01-14 City Council Meeting Minutes

B. Approve: 10-22-14 Special City Council Meeting Minutes

C. Approve: September Cash Summary Report

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

E. Approve: November Payroll Register

Motion by Kind to approve the consent agenda items as presented. Second by Fletcher. Motion passed 5-0.

3. MATTERS FROM THE FLOOR

A. Michelle Erickson, 5100 Covington Street, requested the council address concerns regarding speed and truck deliveries on Covington Street. A verbatim account of her comments can be viewed on LMCC channel 8 or at www.lmcc-tv.org.

The council decided to hear all comments relating to the Old Log during the sign discussion (7D).

4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

A. Report: Quarterly Police Update

B. Announcement: Election Canvassing Meeting, 6pm Monday 11-10-14 (need a quorum)

No council action was taken regarding either the police report or announcement. View the report and announcement on LMCC channel 8 or at www.lmcc-tv.org.

5. PUBLIC HEARINGS

A. Public Hearing: St. Alban's Bay Lake Improvement District

Motion by Quam to open the public hearing. Second by Roy. Motion passed 5-0.

Keith Wilcock, 5145 Weeks Road, spoke in opposition of the SABLID

Steve Janousek, 21210 Excelsior Blvd, spoke in favor of the SABLID

Miles Canning, 21100 Excelsior Blvd, spoke in favor of the SABLID

Bill Brands, 21290 Excelsior Blvd, spoke in favor of the SABLID

A verbatim account of their comments can be viewed on LMCC channel 8 or at www.lmcc-tv.org.

Written comments were received from:

Lanna Kimmerlie, 21955 Minnetonka Blvd #1, wrote in opposition of the SABLID

Mitchell Stover, 21957 Minnetonka Blvd #18, wrote in opposition of the SABLID

Charles Wendle, 20900 St. Alban's Green, wrote in opposition of the SABLID

Gabriel Jabbour, owner of Excel Marine on St. Alban's Bay, wrote in support of the SABLID

Copies of the written comments are attached to these minutes for the public record.

Motion by Cook to close the public hearing. Second by Fletcher. Motion passed 5-0.

6. UNFINISHED BUSINESS

- A. Discuss: Next Steps Regarding St. Alban's Bay Lake Improvement District

No council action was taken.

7. NEW BUSINESS

- A. Consider: Resolution 31-14 Variance Findings for Mike & Deb Anderson, 5105 Weeks Road (grading)

Motion by Roy to approve resolution 31-14 APPROVING the request with language to fill in the blanks of the resolution as discussed by the council. Second by Cook. Motion passed 5-0.

- B. Consider: Simple Subdivision Request and Resolution 32-14 Variance Findings for Lecy Bros Homes & Remodeling on Behalf of Ken Parsons, 4945 Sleepy Hollow Road (driveway access)

Motion by Cook to DENY the simple subdivision request from Lecy Bros Homes & Remodeling on behalf of Ken Parsons because by code the council cannot create a lot that does not meet the minimum lot size that is not attached to an adjacent parcel. Second by Quam. Motion passed 5-0.

Motion by Fletcher to approve resolution 32-14 DENYING the variance request with language to fill in the blanks of the resolution as discussed by the council. Second by Cook. Motion passed 5-0.

- C. Consider: Resolution 33-14 Conditional Use Permit Findings and Resolution 34-14 Variance Findings for Excelsior Entertainment, LLC, Old Log Theatre, 5185 Meadville Street (signage)

The applicant and several residents spoke regarding this issue. A verbatim account of their comments can be viewed on LMCC channel 8 or at www.lmcc-tv.org.

The applicant withdrew the applications for a conditional use permit and variance. No council action.

- D. Consider: Response to Shorewood's 10-20-14 Letter Regarding the Southshore Center

Motion by Fletcher to resend the 07-14-14 letter to Shorewood along with a check for \$1200 for the city's 2014 contribution to the Southshore Center. Second by Roy. Motion passed 5-0.

8. OTHER BUSINESS

- A. None

9. COUNCIL REPORTS

- A. Cook: Planning Commission, Greenwood Circle Xcel Projects
B. Fletcher: Lake Minnetonka Communications Commission, Fire
C. Kind: Police, Administration, Mayors' Meetings, Website
D. Quam: Roads & Sewer, Minnetonka Community Education, St. Alban's Bay Bridge
E. Roy: Lake Minnetonka Conservation District, Lake Improvement District

No council action was taken regarding any of the council reports.

10. ADJOURNMENT

Motion by Roy to adjourn the meeting at 10:50pm. Second by Cook. Motion passed 5-0.

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

From: Lanna Kimmerle lpkimmerle@gmail.com
Subject: LID Proposal St Alban's Bay
Date: October 23, 2014 at 2:17 PM
To: guskarpas@mchsi.com, dkind100@gmail.com

Dear Deb and Gus,

Regarding the Notice of Public Hearing on Nov. 5th, 2014 at 7:00 P.M.

I am opposed to the LID proposal within St Alban's Bay.

*I believe the stewardship of the Bay is not well served by using herbicides/pesticides to manage milfoil. What next? Will future proposals include more herbicides to manage curly leaf pondweed, hydrilla, zebra mussels, spiny water fleas, etc.?

*Except for harvesting, there is no lake wide plan. Perhaps in part, because the scientific community cannot agree on the health and environmental effects of using herbicides.

*There is no sunset provision to this additional tax for lake shore owners.

*There is no tax/charge for boat ramp users.

*The reduction of voluntary contributions should be an indicator of a variety of concerns by the lake shore owners on St. Alban's Bay.

*Finally, it appears the number of lakeshore land owners has changed since the public meeting was held on 11/21/13 where it was announced that there were 162 owners and 3 marinas. Now the Greenwood Quarterly (4th Quarter 2014) shows 137 owners and 3 marinas. The Quarterly reports the proposal to read:

"If the LID is approved, the anticipated annual tax levy will be approximately"...

- 114 lakeshore properties (includes condos) at \$150 each =\$17,100
- 23 association and channel properties at \$75 each =\$1,725 (this is apparently a new category)
- 3 marinas at \$500 each =\$1,500

Total per year=\$20,325

I am very concerned with an additional tax for property owners only, with no environmental comprehensive plan and no sunset provisions.

Thank you for your kind consideration of the above thoughts.

From: MITCHELL STOVER mitchellstover3640@msn.com
Subject: Milfoil approach St Albans Bay
Date: October 24, 2014 at 6:54 AM
To: dkind100@gmail.com, guskarpas@mchsi.com

I was originally a volunteer contributor who has seen this take a political life of its own. I do not support another taxing authority in a state where taxes are out of control. We do not need another government agency controlled by a few that serve their own interests.

Sent from my iPad

From: Tom Fletcher tfletcher@aexcom.com
Subject: FW: Lid
Date: November 5, 2014 at 11:38 PM
To: Debra Kind dkind100@gmail.com, Gus Karpas administrator@greenwoodmn.com

Thanks,

Tom Fletcher
President
AEX Communications, Inc.
Fletcher Management, Inc.
952-224-5500 phone
952-224-5501 fax
4445 West 77th Street Suite 170
Edina, MN 55435

-----Original Message-----

From: GABRIEL JABBOUR [mailto:gabrieljabbour@msn.com]
Sent: Wednesday, November 05, 2014 6:54 PM
To: Tom Fletcher; Rob Roy
Subject: Lid

Tom ,Rob

I'm sorry that I'm unable to attend the meeting as I'm out of town .please relay my support to the idea of the lid in the proposal in front of the greenwood council.please tell the mayor that I'm unable to send this email to her as I do not have her email address on my phone.if there's anything I could do or Tonka Bay Marina could do to expedite and implement the lid feel free to call me. respectfully, Gabriel Jabbour

Sent from my iPhone=

From: Charles Wendle charleswendle@msn.com
Subject: Testimony from Charles Wendle for St Albans Bay Lake Improvement District Public Hearing November 5, 2014
Date: November 4, 2014 at 5:06 PM
To: dkind100@gmail.com, billandtishcook@msn.com, tfletcher@aexcom.com, quamco@aol.com, lrobroy@msn.com,
Gus Karpas guskarpas@mchsi.com

Mayor Deb Kind, dkind100@gmail.com
Councilman Bill Cook, billandtishcook@msn.com
Councilman Tom Fletcher, tfletcher@aexcom.com
Councilman Bob Quam, quamco@aol.com
Councilman Rob Roy, lrobroy@msn.com
Greenwood City Clerk Gus Karpas, guskarpas@mchsi.com

Please accept this correspondence as my testimony for the public hearing on a potential St Albans Bay Lake Improvement District:

Questions and Comments:

- 1) Why is this needed? It seems that private vendors and private landowners have been taking care of this on their own for many, many years, without creating a new taxing authority. I would prefer to continue the private vendor-- private landowner system that has worked for many years and this private vendor--private landowner system has worked much longer than in Lake Minnetonka, in cities like Madison, Wisconsin where they have been dealing with invasive species for over 50 years.
- 2) If you plan to seek approval from the City of Excelsior for this LID, I would strongly suggest and request that you FIRST get approval from the City of Excelsior, before wasting a lot of time and money having Greenwood public hearings, legal bills, etc?
- 3) We are already paying huge amounts of taxes for about 6 or 8 other government entities to provide lake and lakeshore services and regulation...why not spend your time getting (have you even tried?) "existing governmental entities" to do whatever this is that one or two council members personally want?
- 4) We already pay taxes to Greenwood for lake property issues.
- 5) We already are charged and we pay very large amounts of real estate taxes to Hennepin County for services, mil foil cutting and other controls and regulations on the lake.
- 6) We already pay enormous income taxes to State of Minnesota for DNR services, regulation and controls, and for enforcement by the MN Attorney General's Department of the rules, laws and regulations of the State of MN regarding lakes and lakeshore issues.
- 7) We already pay enormous income taxes to Federal Government for the PCA, the US Army Corps, and other federal government entities for lake services, controls, regulation etc

- 8) If there are one or two people pushing this LID concept, wouldn't it be more appropriate to require these one or two people who are pushing this LID concept, to address anything like this on a "whole Lake Minnetonka basis?" If there are one or two individuals who are trying to "impose more taxes on lakeshore owners," I would like to see these one or two individuals work with all Minnetonka lakeshore owners in all Lake Minnetonka cities to get a LID created for all of Lake Minnetonka!
- 9) Shouldn't it be required that a new taxing authority, like this proposed LID, be required to be approved by a referendum?
- 10) What is the basis for the allocation of charges...specifically who made up the list of proposed charges (and what was the basis for the proposed annual charges/taxes) and if this LID was approved, shouldn't "everyone be charged equal?" Why wouldn't every property owner in Greenwood be charged the same amount?
- 11) There are quite a number of Shorewood property owners who have "easement rights" to the lake across Greenwood propertieswho is going to pay to research property titles in Shorewood to determine what these Shorewood properties should payand do you really want to open this "can of worms?"
- 12) Why shouldn't all Greenwood City Dock renters pay the maximum rate---many of the Greenwood City Dock renters use the lake even more than lakeshore owners!
- 13) If you are proposing to only charge lakeshore owners the "annual LID fee", why doesn't Greenwood keep track of City dock users and charge only "non-lakeshore owners" for the maintenance, upkeep and periodic replacement of the City docks (NOT charge lakeshore owners for the maintenance, upkeep and periodic replacement of the City docks—which City docks the lakeshore owners are prohibited from using) OR charge the Greenwood City dock users the same rate that the marinas charge for a slip rental? Why should Greenwood lakeshore owners subsidize the City Dock Concession for the benefit of "non-lakeshore owners?"since Lakeshore property owners are prohibited from renting a Greenwood City dock, why is it fair for lakeshore owners to subsidize the City Docks which City Docks, the lakeshore owners can never use? This appears to be another form of progressive taxation if lakeshore owners have to subsidize the operation of the City Docks.
- 14) If this LID was approved, shouldn't there be a specific "sunset provision" on this new taxing authority (like maximum five years) or would this new tax be a "forever tax" like the stadium sales tax will end up being?
- 15) What would be in writing, guaranteeing that "whatever the agreed upon annual assessments were, that the assessments could not ever be increased without a referendum?"

- 16) Did someone say that this would be “tax deductible/” I am not a tax attorney but if it is a “special assessment,” it would NOT be tax deductible (Special assessments are considered “improvements” by the IRS)
- 17) What is to prevent and guarantee that this LID will not become another large, unwieldy wasteful government entity?”
- 18) Isn’t this proposed LID just “more taxes for more government?” Don’t we already have sufficient government entities and government expenses to take care of all of the proposed purposes of the proposed LID and many more?
- 19) Why charge marinas only \$500, why not charge the marinas what everyone else is required to pay, the maximum amount per boat slip at the marina?
- 20) Greenwood City Council members seem to (often) get elected to further their personal agenda, then they “pack up and leave Greenwood” after they have accomplished their personal agenda. If there are one or two people pushing this LID concept, what happens when they leave Greenwood and no one wants the responsibility of managing this LID ?
- 21) Conceptually this proposed LID is requesting that a few property owners (lakeshore owners) pay for improving “the entire St Albans Bay,” which improvements would benefit “non-lakeshore owners from all over the State of Minnesota who come to utilize the waters of Lake Minnetonka” and these benefits to non-lakeshore users of the waters of St Albans Bay, would far outweigh any benefits that St Albans Bay lakeshore owners would receive from the St Albans Bay lakeshore owners paying for this proposed LID. This proposal is very analogous to the City of Greenwood “declaring that all Greenwood non-lakeshore property owners’ backyards will be open to visitors from all over the State of Minnesota for camping and hiking, and that all non-lakeshore property owners must keep their backyards in good condition for the benefit of visitors from all over the State of Minnesota for camping and hiking.
- 22) St Albans Bay is frequented by thousands of non-resident boats every year---why not set up a “pay to enter the Bay” restriction under the bridge entering St Albans Bay and charge every boat entering St Albans Bay a daily fee?

Greenwood Council Members and Greenwood City Clerk Gus Karpas: Thank you for your careful consideration of each of the questions and comments presented above. I will review the written minutes of the Public Hearing to review the discussion of these questions and comments.

Charles Wendle
20900 St Albans Green
Greenwood, MN 55331