

MINUTES

Greenwood City Council Special Meeting

Wednesday, June 18, 2014

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

Mayor Kind called the meeting to order at 5pm.

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

Others Present: City Zoning Administrator / City Clerk Gus Karpas, City Attorney Mark Kelly, Fire Chief Scott Gerber

Members Absent: Councilmember Fletcher

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

2. 2ND READING: Ordinance 234 Repealing Fire Code Section 315 Appendix D

Councilman Quam stated that he is reluctant to go against the Fire Chief's recommendation and asked Chief Gerber to share highlights from his 06-13-14 memo.

Gerber stated that the enforcement of Appendix D's requirement for an access road or sprinkling system for single-family homes 150 ft. or more from the public street predates his arrival as the Fire Chief in 2006. He explained that the rules have been applied in several instances in the five Excelsior Fire District (EFD) cities. He believes Appendix D provides an element of fire prevention for the community and safety for firefighters.

Mayor Kind stated: (1) There have been zero residential fire deaths in newly-built homes in Minnesota since interconnected smoke alarms were required a decade ago. (2) No firefighters have died in a residential fire since detailed records have been tallied from 1989 to date. Gerber agreed that these facts are correct.

Councilman Cook stated: (1) That he also is reluctant to go against the Fire Chief's recommendation, but believes that the city's adoption of Appendix D should be repealed because he believes it is a national fire code and that is not a good fit for Greenwood. (2) Appendix D should not be applied to single-family homes. (3) That the requirement to install wide access roads will lead to variance approvals, which will affect the character of Greenwood, and ultimately dilute the need to comply with any zoning code requirements.

Councilman Roy stated that he believed that the decision to build a fire access road or sprinkle a home should be up to the individual property owner and should not be a mandate of government. He liked the compromise agreement reached by the EFD and the property owner in the case of the Pint's variance request and would like to find a way for the EFD to inform new property owners on what is "advised" for the best fire prevention.

City Attorney Kelly stated that the city's adoption of Appendix D is optional and that Deephaven never did adopt Appendix D. Mayor Kind noted that Deephaven provided an indemnification letter to the EFD and understood from Chief Gerber's memo that the same would be expected from Greenwood if the city council decides to repeal Appendix D. Gerber agreed. Kelly stated that such a letter would be symbolic because each government body has sovereign immunity and is fully insured.

Chief Gerber stated that the EFD does attach a flyer with fire suppression recommendations to Deephaven's building permit applications and they would do likewise if Greenwood appeals Appendix D.

After discussion was completed, Mayor Kind called for a motion.

Motion by Cook to approve the 2nd reading of ordinance 234 repealing fire code section 315, appendix D as presented. Second by Roy. Motion passed 3-1 with Quam voting nay.

3. CONSIDER: Res 14-14, Variance Findings, Steve & Heather Pint, 5140 St. Alban's Bay Road

The variance request was withdrawn in writing via an email to the city clerk / zoning administrator.

4. ADJOURNMENT

Motion by Quam to adjourn the meeting at 5:28pm. Second by Roy. Motion passed 4-0.