

# MINUTES

## Greenwood City Council Worksession & Regular Meeting

Tuesday, September 4, 2019  
20225 Cottagewood Road, Deephaven, MN 55331



### Worksession

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

Mayor Kind called the worksession to order at 6:00pm.

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

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

#### 2. DISCUSSION: 2020 Budget & Fees

The council discussed the revised 2020 budget and fee changes. No further changes were made. The preliminary 2020 budget / levy and fees were approved during the regular meeting.

#### 3. ADJOURNMENT

**Motion by Roy to adjourn the meeting at 6:20pm. Second by Cook. Motion passed 5-0.**

### Regular Meeting

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

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

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

Staff Members Present: City Zoning Administrator Dale Cooney, City Attorney Bob Vose

**Motion by Kind to approve the agenda with the change to move item 7F to 11.5 so the city council can hold a closed session at the end of the meeting. Second by Cook. Motion passed 5-0.**

#### 2. CONSENT AGENDA

- A. Approve: 08-07-19 City Council Meeting Minutes
- B. Approve: Jul Cash Summary Report
- C. Approve: Jul Certificates of Deposit Report
- D. Approve: Aug Verifieds, Check Register, Electronic Fund Transfers
- E. Approve: Sep Payroll Register
- F. Approve: Lake Minnetonka Communications Commission 2020 Budget

**Consent agenda motion: Motion by Kind that the city council approves the 2020 Lake Minnetonka Communications Commission budget as presented and directs that a copy of this motion is forwarded to the LMCC operations manager for LMCC records. Second by Roy. Motion passed 5-0.**

~~G. Approve: St. Alban's Bay Lake Improvement District JCA Amendment (discussed under 10A)~~

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

#### 3. MATTERS FROM THE FLOOR

David Steingas, 21500 Fairview Street, read a May 2019 letter written by Bob & Maureen Burns, 5080 Meadville Street, and stated that he would like to make the letter public.\* Steingas stated that he is a planning commission member and that he is concerned that the city council continually allows houses to be built that go against the city's ordinances and the planning commission's recommendations. Specifically, he expressed concern regarding the recent approval of the Krezowski project. The council explained that the Krezowski's plans changed significantly from what was reviewed by the planning commission and that the neighbors met with the Krezowskis and were supportive of the revised plans.

\* This letter is included in the 05-01-19 supplemental materials folder available for the public to view online at [greenwoodmn.com](http://greenwoodmn.com).

Matthew Nolan, 5040 Highview Place and 21441 Minnetonka Blvd, stated that he is interested in whether or not the city is interested in selling the property located next to his Minnetonka Blvd property. He and the owner of the property on the other side of the city-owned property are interested in reconfiguring the 4 parcels into 2 parcels that front on Highview. The council stated that the potential sale will be discussed in closed session at the end of the meeting and the results of that closed session will be communicated to him.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. None.

5. PUBLIC HEARINGS

A. Public Hearing: Tobacco License Fee Change

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

No one spoke during the public hearing.

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

6. ACTION RELATED TO PUBLIC HEARINGS

A. 1st Reading: Ord 293, 2020 Fee Updates

**Motion by Fletcher the city council (1) approves the 1st reading of ordinance 293 amending chapter 5 fee schedule as amended; (2) waives the 2nd reading; and (3) directs that the ordinance is published in the city's official newspaper. Second by Roy. Motion passed 5-0.**

7. PLANNING, ZONING & SUBDIVISION ITEMS

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

Juston Dooley, Dooley's Petroleum, stated that he wanted to make it clear that his business is not related to past health and safety issues at the gas station.

**Motion by Fletcher that action regarding the variance findings resolution 26-19 be continued to the 10-02-19 city council meeting. Second by Conrad. Motion passed 5-0.**

**Motion by Fletcher that the city council (1) directs that the conditional use permit findings resolution 27-19 be amended to DENY the conditional use permit request of Dooley's Petroleum for 21380 State Highway 7 based on the council discussion, and (2) directs that the revised resolution be considered at the 10-02-19 city council meeting. Second by Roy. Motion passed 4-1 with Cook voting nay because he believes there are more things wrong that should be added to the list supporting denial.**

B. Consider: Res 28-19, Variance Findings and Res 29-19, Conditional Use Permit Findings,  
re: Proposed In-Ground Spa and Landscaping Regrading, Chuck & Cindy Hengel, 4680 Linwood Circle

Bob Palmer, Hengel's Landscaping Contractor, stated that the Hengels prefer their original landscaping plan and are open to withdrawing the spa variance request in order to move forward with the rest of the project as soon as possible.

Chuck Hengel, Applicant, stated that he concurred with the statement made by his landscaping contractor and encouraged the council to consider their efforts to create a project that respects the land of their former neighbor who was a much beloved gardener in the city.

**Motion by Cook that the city council (1) takes no action on resolution 28-19 laying out the findings of fact DENYING the setback variance request subject to the applicant withdrawing the application; (2) adopts resolution 29-19 laying out the findings of fact APPROVING the conditional use permit request of Chuck and Cindy Hengel for 4680 Linwood Circle with revisions to make it clear that the spa is removed from the plan and that trap rock or river rock is used instead of patio stones; and (3) directs the staff to include the revised resolution 29-19 and revised landscaping plan on the 10-02-19 agenda for final approval.**

- C. Consider: Res 30-19, Preliminary Plat Application (Subdivision) Findings, John & Bridgette Dunn, 4940 Saint Albans Bay Road

Merritt Jones, 5045 Kings Court, asked what the next steps are in the process. The council explained that once the property is subdivided, any future building on the property would need to go through the building permit process. It is likely that the project will trigger the need for a conditional use permit for grading which will require planning commission review and city council approval. The council also advised that the city has ordinances that prevent additional stormwater from being dumped on neighboring properties.

**Motion by Fletcher that the city council (1) adopts resolution 30-19 laying out the findings of fact APPROVING WITH CONDITIONS the preliminary plat subdivision request of John and Bridgette Dunn for the property at 4940 St. Albans Bay Road, as presented; and (2) directs staff to mail a copy of the findings to the applicant and the DNR and place an Affidavit of Mailing for each of the mailings in the property file. Motion passed 4-1 with Cook voting nay because he did not want the grading plan included in the council packet even though the grading plan is not part of the approval of the resolution.**

- D. Consider: Res 34-19, Conditional Use Permit Findings, Patrick & Meredith Murphy, 5135 Weeks Road

**Motion by Fletcher that city council (1) adopts resolution 34-19 laying out the findings of fact APPROVING the conditional use permit request of Patrick and Meredith Murphy, 5135 Weeks Road with revisions as discussed; (2) directs the city staff to mail a copy of the findings to the applicant and the DNR; and (3) directs an Affidavit of Mailing for each of the mailings be placed in the property file. Second by Conrad. Motion passed 5-0.**

- E. Consider: Res 35-19, Variance Findings and Res 36-19, Conditional Use Permit Findings, Henry & LuAnn Wudlick, 4930 Sleepy Hollow Road

Marta Snow, Architect and Daughter of Applicant, stated that she can take out a wall to make the project a single family home. She encouraged the council to establish a mother-in-law suite ordinance because there is a need for this type of housing in the community. She asked the council to clarify if the setback is 30ft or 15ft from the unimproved right-of-way.

Brian Burdick, 4950 Sleepy Hollow Road, stated that he would like the city council to follow the rules in our code and that it is important to keep the right-of-way open for others to use. Mr. Burdick also outlined points in his letter dated 09-03-19 and asked that his attorney's letter dated 09-04-19 be included in the public record.\*

*\* The 09-03-19 letter and 09-04-19 attorney letter will be included in the 09-04-19 supplemental materials folder available for the public to view online at [greenwoodmn.com](http://greenwoodmn.com).*

Trisha Burdick, 4950 Sleepy Hollow Road, stated that she would like to have access to the right-of-way to maintain her property.

Rob Wudlick, 4930 Sleepy Hollow Road (Son of the Applicant), stated there is precedent showing that the setback should be 15ft, it is not practical to tear down the existing house, that the right-of-way is not a traveled road, and that the goal is to limit the removal of trees and need for grading. He asked the council to give clarity regarding several questions: Is the city going to require removal of the access to his house; is the setback from the ROW 15ft or 30ft; does the existing house need to be brought into compliance (electrical, plumbing, furnace, etc); and does driveway need to be removed off ROW per the planning commission recommendation? He also would like the city council to address the mother-in-law suite issue (he currently pays rent).

**Motion by Cook that the city council supports staff's determination that the setback from the unimproved city right-of-way is 15ft. Second by Conrad. Motion passed 5-0.**

**Motion by Fletcher that there is no need for a variance and therefore the city should refund the variance fee to the applicant. Second by Conrad. Motion passed 5-0.**

Council direction for the applicant: evaluate removing the driveway from the right-of-way, make sure the current setback encroachments are removed with the new plan, make an interior connection that clearly is not establishing a 2nd dwelling, the building official determines what needs to be brought up to code.

The council consensus was for staff to move forward with drafting a "mother-in-law" ordinance.

Mayor Kind stated that it is important for the applicant to submit a withdrawal of their variance application and stated that the city will invoke its authority to take an additional 60 days to process conditional permit request to give the applicant time to revise their plans based on the council discussion.

~~F. Consider: Potential Purchase of City Property, 21495 Minnetonka Blvd~~

This item was moved to 11.5 on the agenda and discussed in a closed session.

G. Discuss: Ord 294, Amending Section 1135.05 C-2 Zoning District

**Motion by Fletcher that the city council directs staff to hold a public hearing on the ordinance revisions at the next available planning commission meeting. Second by Cook. Motion passed 5-0.**

8. UNFINISHED BUSINESS

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

No council action, since no estimates have been received by the city.

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

No council action, since no estimates have been received by the city.

9. NEW BUSINESS

A. Consider: Resolution 34-19, Approving 2020 Preliminary Tax Levy

**Motion by Cook that the council approves resolution 34-19 approving \$636,492 as the preliminary tax levy for taxes collectible in 2020. Second by Roy. Motion passed 5-0.**

10. OTHER BUSINESS

A. 2G Approve: St. Alban's Bay Lake Improvement District JCA Amendment

**Motion by Fletcher that the city council (1) approves the St. Alban's Bay Lake Improvement District Joint Cooperation Agreement IV with revisions as discussed to give the SABLID Board more flexibility for setting the date of the Annual Meeting, (2) authorizes the mayor and city clerk to sign 3 hardcopies of the JCA, (3) directs that this motion and the 3 signed hardcopies be sent to the Excelsior City Council for consideration and signatures, and if approved (4) directs that 1 hardcopy is retained by Excelsior, 1 hardcopy is retained by Greenwood, and 1 hardcopy is sent to the SABLID secretary. Second by Cook. Motion passed 5-0.**

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: Lake Minnetonka Communications Commission, Fire, Administrative Committee

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

D. Kind: Police, Administrative 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.*

11.5 Consider: Potential Purchase of City Property, 21495 Minnetonka Blvd

**Motion by Kind that the city council goes into a closed session pursuant to MN Statute 13D.05 Subd. 3(c) to determine the asking price for property to be sold by the city for the property located at 21495 Minnetonka Blvd. Second by Roy. Motion passed 5-0.**

Mayor Kind declared the closed session over at 10:42pm.

## 12. ADJOURNMENT

**Motion by Roy to adjourn the meeting at 10:43pm. Second by Cook. Motion passed 5-0.**

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