

# MINUTES

## Greenwood City Council Meeting

Wednesday, March 6, 2024  
Deephaven City Council Chambers  
20225 Cottagewood Road, Deephaven, MN 55331



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

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

Members Present: Mayor Fletcher and Councilmembers Kristi Conrad, Brian Malo, Jennifer Gallagher, Mike Marti  
Staff Members Present: City Zoning Administrator Scott Richards

**Motion by Malo to amend agenda to add item 4C Lt. Rehman presentation, add to 10 Other Business - Missing Middle Housing. Second by Conrad. Motion passed 5-0.**

### 2. CONSENT AGENDA

- A. Approve: 02.07.24 City Council Meeting Minutes
- B. Approve: 02.20.24 City Council Special Meeting Minutes
- C. Approve: Jan. Profit & Loss
- D. Approve: Jan. Cash Summary
- E. Approve: Feb. Check Detail
- F. Approve: March Payroll Report
- G. Approve: YTD Profit & Loss Budget vs. Actual
- H. Approve: Res 08-24 Planning Commission Appointments
- ~~I. Approve: Res 09-24 Designation of Polling Place (move to item 10 Other Business)~~
- J. Approve: 2024 Weed Removal – City Docks and Meadville Launch

**Motion by Conrad to approve consent agenda items 2A to 2H and 2J; move item 2I to 10 Other Business. Second by Gallagher. Motion passed 5-0.**

### 3. MATTERS FROM THE FLOOR - NONE

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

- A. Announcement: Mayors' Forum, 7pm 03.07.24 at Mount Calvary Lutheran Church in Excelsior
- B. Announcement: Local Board of Appeal & Equalization Meeting Convenes, 6pm 04.04.24
- C. Presentation: Hennepin County – Water Patrol Annual Update by Lt. Rehman

Hennepin County Sheriff's Office Lieutenant Rick Rehman presented a Water Patrol update to the city council. This was the second annual update. Lt. Rehman has worked 20 years with the Sheriff's Office. The Water Patrol consists of one lieutenant, two sergeants, nine deputies, and seven volunteers. Hours worked on Lake Minnetonka was 5,680 hours in 2022 and 5,090 hours in 2023. Traffic violations on Lake Minnetonka were 1,701 in 2022 and 2,380 in 2023. Of these traffic violations, D.W.I.s were 15 in 2022 and 41 in 2023. Statewide D.W.I.s were 42 in 2022, increasing to 100 in 2023. St. Alban's Bay had 12 calls in 2022 and 26 calls in 2023. These were primarily for noise disturbances, safety checks, and proactive traffic stops. Lake Minnetonka average ice out is April 14<sup>th</sup>.

Councilwoman Gallagher inquired about volunteer requirements. Minimum age is 18 years old, no felonies on record, 2 years of training with the Sheriff's Office, and work every other weekend. More information on volunteer opportunities with the Sheriff's Office can be found at [Volunteer with us | Hennepin County Sheriff's Office \(hennepinsheriff.org\)](https://hennepinsheriff.org).

Water Patrol's busy season runs from Memorial Day through Labor Day each year. After ice out, they will have their dock and 4 boats out patrolling Lake Minnetonka. Shifts start at 6 A.M. and end at 2 A.M.

5. PUBLIC HEARINGS - NONE

6. ACTION RELATED TO PUBLIC HEARINGS - NONE

7. PLANNING, ZONING & SUBDIVISION ITEMS

A. Consider: Res 10-24, 5140 Greenwood Circle Easement Vacation/Replacement

Zoning administrator Scott Richards provided an update to the council regarding the application for an easement vacation/replacement at 5140 Greenwood Circle.

The property at 5140 Greenwood Circle has been sold and a closing is scheduled for early March. The title companies for the buyer and seller have noted that a part of the house encroaches on the drainage and utility easement that was placed on the property in 1991. The house was allowed to be built over the easement and the seller has requested that the easement be revised so there is no longer an encroachment. The City Engineer, Dave Martini, has reviewed the easement and has indicated that there is a significant amount of runoff that is conveyed from Highview Place through this property to Greenwood Circle. The City Engineer's letter was included in the council packet. He has recommended that a portion of the easement be vacated, and the portion required for drainage remain.

The current property owners, Bill and Debra Schultz, have applied for the vacation of a portion of the easement. The letter from Mr. Martini shows the portion of the easement to be vacated and what is to remain. State Statute allows the City Council to approve the easement vacation by resolution. Mark Gronberg of Gronberg & Associates, Inc. drafted the legal descriptions required for inclusion into the resolution. The proposed resolution was included in the council packet.

For reference, State Statute 463.07 Vacation of Easement states "The governing body shall have power at any time to vacate such building line easement or any portion thereof."

Property owner Bill Schultz of 5140 Greenwood Circle addressed the council and thanked them for their consideration regarding his application for an easement vacation/replacement.

**Motion by Marti that the city council adopts resolution 10-24 laying out the findings of fact approving the vacation of a portion of a drainage and utility easement, 5140 Greenwood Circle, contingent upon the review and approval of the city attorney within 4 days. Second by Gallagher. Motion passed 3-2 with Fletcher and Malo voting nay.**

B. Consider: Ordinance 338 Chapter 3 Short-Term Rentals

Zoning administrator Scott Richards provided an update to the council regarding proposed Ordinance 338 to amend code language for short-term rental properties in Greenwood.

With recent violations of the rental property regulations as it relates to short term rentals, it has been noted that an amendment to the lease term would be beneficial in enforcement of the ordinance. The enforcement aspect of this regulation is difficult for staff in that it is impossible to watch on a constant basis the coming and going of people from a property. The city relies on neighbors and periodically checks short-term rental websites. To simplify the enforcement, it is suggested that the lease term be changed to allow three tenant groups in a calendar year instead of two in any four-month period. This will be easier to track and enforce. A public hearing of the Planning Commission is not required in that this provision is not part of Chapter 11, Zoning. Proposed changes in the code are noted below in red.

**Section 320.30. Registration of Rental Properties Required**

Subd 7. Lease Term. In no event shall a residential rental property leasehold or sub-leasehold be for an initial term of less than 30 days, nor may such properties be leased to more than ~~2~~ 3 tenant occupant groups in any ~~one 4-~~ month period calendar year.

**Motion by Conrad that the City Council (1) approves the 1st reading of Ordinance 338 amending Section 320 Rental Properties of the Greenwood Code of Ordinances, Registration of Rental Properties Required in Section 320.30 related to lease terms; (2) waives the 2nd reading; (3) and directs that the ordinance is published in the City's official newspaper. Second by Malo. Motion passed 5-0.**

8. UNFINISHED BUSINESS - NONE

9. NEW BUSINESS

A. Consider: Greenwood Support – Deephaven Village Hall & Haralson Park master Plan

The City of Deephaven has asked the City of Greenwood to provide support for its Village Hall & Haralson Park Draft Master Plan. This plan includes new pickleball courts, a new patio/gathering space with a shelter, fire pit, picnic tables, Tee-Ball field, multi-seasonal skating loop, hockey rink with basketball court, and a new warming house with restrooms. The proposed plans will provide recreational improvements adjacent to the well-traveled regional LRT trail that provides convenient pedestrian and bike access from neighboring communities such as Greenwood. The park and its facilities would be available for use by Greenwood residents. The master plan is attached to the council packet.

**Motion by Conrad that the Greenwood City Council authorizes the mayor to send a letter to the City of Deephaven stating that the City of Greenwood supports the City of Deephaven's Draft Master Plan for Village Hall & Haralson Park, which Deephaven intends to make available for general public use, including Greenwood residents. Second by Gallagher. Motion passed 5-0.**

B. Consider: Rename a Section of Greenwood Circle

The owners of 5195 Greenwood Circle stated in their letter to the City Council regarding their Variance Application (as well as verbally at the February 7, 2024 Council Meeting) that drivers are unable to find the house. The house's address, 5195, is not in line with the other addresses on the lot e.g. 5175, 5185. These difficulties occur in ordinary conditions and are exacerbated in low visibility or at night. Examples given were: 1. packages delivered to neighboring properties 2. having to walk up the fire lane and to the main street while on the phone with uber drivers in order to meet them.

The question was raised during the February 7, 2024 Council discussion as to whether the City of Greenwood has the authority to rename the section of Greenwood Circle that runs from the main portion of Greenwood Circle to the City docks at St Albans Bay between the west side of 5195 Greenwood Circle and the Georgetown Manor apartment garages to address the above concerns. A map was included in the council packet.

Mayor Fletcher reached out the City Attorney, Robert Vose, regarding changing street names in Greenwood. His response is noted below.

***"Greenwood is a statutory city. The authority of statutory cities to name or rename streets is in MS 412.221, subd. 18:***

***Subd. 18. Street names, numbers.***

***The council shall have power by ordinance to name or rename the streets and public places of the city and to number or renumber the lots and blocks of the city, or any part thereof. It may make and record a consolidated plat of the city.***

***So the council would need to enact an ordinance to rename the street. And upon doing that, the city would need give notice that the name has changed. The statute doesn't say how that notice is to be given or to whom, but in practice notice is given to the county, the post office/US Mail, public safety agencies, waste haulers, and anybody that lives on the street in question. "***

If the Council would like to consider renaming this section of Greenwood Circle, one possibility would be to honor former Council Member Bill Cook, who both lived on that section of Greenwood Circle for many years and who contributed vast time and effort to overseeing the City's streets and docks. He has stated that he would be honored to have this section of Greenwood Circle renamed "Cook Place", and to have the opportunity to have his photo taken next to the street sign.

The current owners of 5195 have expressed concerns about the renaming of this section of Greenwood Circle after the Cooks.

Mr. Sohan Uppal, father of property owner Prita Uppal of 5195 Greenwood Circle, addressed the council on behalf of his daughter and son-in-law Sumit Kapur. Property owners Sumit Kapur and Prita Uppal were unable to attend the meeting as they are currently out of state. The owners of the property are requesting that the city not rename that section of Greenwood Circle at this time.

**Motion by Conrad to do nothing at this time regarding renaming this section of Greenwood Circle. Second by Gallagher. Motion passed 5-0.**

## 10. OTHER BUSINESS

### A. Approve: Res 09-24 Designation of Polling Place (item 2I moved to 10A)

Councilman Malo asked that this item be pulled from the consent agenda for further discussion due to the recent announcement of the closure of the Old Log Theater. Mayor Fletcher provided an update. He has been in communication with the owners of the Old Log Theater, and they have indicated that there are no current plans to sell the property. They would like to rent/lease the property, and would include language in the lease agreement that would keep the election location at the Old Log Theater. Also, a request of a pro-rated refund of the 2024 liquor license was sent to the city for consideration. The council agreed to add the refund request to the April city council meeting agenda.

**Motion by Malo to approved Resolution 09-24 designating the Old Log Theater as the polling place for the city of Greenwood. Second by Conrad. Motion passed 5-0.**

### B. Discuss: Missing Middle Housing (item added to the agenda)

Councilman Malo asked that this item be added to the agenda. The LMC sent out an action alert email regarding opposing a bill to preempt city zoning authority and remove community input on various residential development projects. This action alert was included in the FYI section of the council packet, and a summary of the alert is noted below.

The House Housing Finance and Policy Committee is considering two bills that would broadly preempt a myriad of aspects regarding city zoning and land use authority. The committee intends to combine each bill, which at the time of writing have not been introduced, into one authored by Rep. Larry Kraft (DFL-St. Louis Park). The bills require cities to accept between 2-10 dwelling units per lot depending on certain conditions, with heights that could be up to 150 feet for multi-family units in certain areas and eliminates the ability for project proposals to be considered by elected officials or for the public to have input. Other preemptions in the bill include a cap on minimum lot size requirements, limitation on off-street parking requirements, and a prohibition of architectural design standards among other broad preemptions.

Mayor Fletcher provided more detailed information regarding the proposed bills and how this would impact the city of Greenwood.

**Motion by Malo to authorize the mayor to send a letter to Greenwood's representatives on behalf of the Greenwood City Council opposing the proposed bills. Second by Conrad. Motion passed 5-0.**

## 11. COUNCIL REPORTS

### A. Conrad: Administrative Committee, LMCC, LMCD (alt.), Park

**No council action taken.**

*View report online at [www.lmcc-tv.org](http://www.lmcc-tv.org)*

### B. Gallagher: Fire Board, SLMPD Coordinating Committee (alt.)

**No council action taken.**

*View report online at [www.lmcc-tv.org](http://www.lmcc-tv.org)*

- C. Fletcher: Administrative Committee, LMCC (alt.), Mayors' Meetings, Public Works, SLMPD Coordinating Committee & Operating Committee

**No council action taken.**

*View report online at [www.lmcc-tv.org](http://www.lmcc-tv.org).*

- D. Marti: Fire Board (alt.), Planning Commission, Public Works

**No council action taken.**

*View report online at [www.lmcc-tv.org](http://www.lmcc-tv.org).*

- E. Malo: City Docks, LMCD, Minnetonka Community Education, Planning Commission (alt.), SABLID

**No council action taken.**

*View report online at [www.lmcc-tv.org](http://www.lmcc-tv.org).*

## 12. ADJOURNMENT

**Motion by Conrad to adjourn the meeting at 9:22 pm. Second by Malo. Motion passed 5-0.**

*This document is intended to meet statutory requirements for 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 at [lmcc-tv.org](http://lmcc-tv.org) for 1 year.*