

# MINUTES

## Greenwood City Council

### Regular Meeting

7pm, Wednesday, November 2, 2022  
339 Third Street, Excelsior, MN 55331



### Regular Meeting

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

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

Members Present: Mayor Deb Kind, Councilmembers Tom Fletcher, Bill Cook, Rob Roy, Kristi Conrad  
Staff Members Present: City Zoning Administrator Scott Richards, City Assistant Administrator Shanda Wilhelmy (via Zoom)

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

#### 2. CONSENT AGENDA

- A. Approve: 10.05.22 Meeting Minutes
- B. Approve: Sep Profit & Loss
- C. Approve: Sep Cash Summary
- D. Approve: Oct Check Detail
- E. Approve: Nov Payroll Report
- F. Approve: YTD Profit & Loss Budget vs. Actual
- G. Approve: Liquor License
- ~~H. Approve: 1st & 2nd Reading Ord 325 Amending Chapter 5 Fees and Res 19-22 Summary of Ord 325 for Publication (moved to 10A)~~
- ~~I. Approve: Res 20-22 St. Alban's Bay Improvement District 2023 Tax Levy, Budget, Assessment Roll (moved to 10B)~~

**Motion by Kind to approve consent agenda items 2A-G, move items 2H-I to 10A-B. Second by Cook. Motion passed 5-0.**

#### 3. MATTERS FROM THE FLOOR

- A. NONE

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

- A. Meet: Potential City Prosecutors Alina Schwartz and Elliott Knetsch, Campbell Knutson  
Consider: Contract with Campbell Knutson for Prosecution Services

Chief Tholen recommended that the city consider the possibility of changing prosecutor services to Alina Schwartz of Cambell Knutson with the goal for all four SLMPD cities to have the same prosecutor. Campbell Knutson's managing prosecution partner Alina addressed the council to discuss the potential contract and services to be provided.

**Motion by Fletcher to move the city council approve the contract with Campbell Knutson to provide prosecution services for Greenwood and authorize the mayor to sign the contract on behalf of the city. Second by Roy. Motion passed 5-0.**

- B. Quarterly Police Update: Chief Brian Tholen

South Lake Minnetonka Police Department Chief Brian Tholen attends Greenwood council meetings on a quarterly basis to give the council a brief update regarding police activities in the city and South Lake area. This also is an opportunity for the council to have a discussion with him regarding issues and concerns. Quarterly police updates are presented at the February, May, August, and November council meetings.

Chief Tholen addressed the council to give a summary update on the police stats for Greenwood. The latest crime reports and stats were given to councilmembers. SLMPD has had an "embedded social worker" for 7 months on a part-time basis. Chief Tholen would like this to be a full-time position in the future. One officer has left to take a position with Plymouth Police Department. One full-time officer and one full-time CSO will be starting in a week.

SLMPD has joined the BCA Crimes Against Children consortium. In 2023 there will be a SLMPD Citizens' Academy. Overall SLMPD goals are to be more visible in the community, retain officers, offer good pay, and to introduce officers at council meetings.

- C. Announcement: Election Canvassing Meeting, 5:30pm 11.16.22, Excelsior City Hall, 339 Third St  
The election canvassing meeting requires a quorum. Councilmembers Conrad, Cook and Fletcher will attend.
- D. Announcement: Fall Sales Ratio Meeting, 6pm 12.07.22, Excelsior City Hall, 339 Third St
- E. Announcement: Greenwood and Excelsior Awarded Bipartisan Infrastructure Grant for St. Alban's Bay Bridge  
On 10.12.22, a press conference was held at the base of the St. Alban's Bay bridge where the top federal highway official Stephanie Pollack announced that the U.S. Department of Transportation's Federal Highway Administration (FHWA) has awarded a \$269,600 planning grant to the City of Excelsior in partnership with the City of Greenwood under the first round of grants from the Bipartisan Infrastructure Law's Bridge Investment Program. These early planning grants, going to 23 projects in 23 states, will be used to create a pipeline of bridge construction projects. Planning grants under the Bridge Investment Program are available for projects in the early phases of project development, where eligible activities include planning, feasibility analysis, and revenue forecasting. By providing planning grants in addition to construction grants, US DOT can aid in the development stage of a project that could then later be eligible to apply for a construction grant. In addition to Pollack, the following dignitaries participated in the press conference: US Rep Dean Phillips, MnDOT Commissioner Nancy Daubenberger, Excelsior - Lake Minnetonka Chamber Director Tiffany King, Chamber President / Excelsior City Engineer Morgan Dawley, Acting Excelsior Mayor Jennifer Caron, and Greenwood Mayor Deb Kind.

## 5. PUBLIC HEARINGS

### A. Public Hearing: Delinquent Accounts

A list of 2021 delinquent accounts and charges is below. The delinquent amounts were included in the September utility bill mailed to affected property owners and public notice regarding the public hearing was published in the Sun-Sailor. The public hearing will be held at the November city council meeting.

Stolz, John

\$416 utilities + \$49.92 late fees = \$465.92

Patel, Akshay (AS Patel LLC)

\$592 utilities + \$71.04 late fees = \$663.04

Council action is needed to open and close the public hearing.

**Motion by Fletcher to open the public hearing regarding delinquent sewer, stormwater, and recycling charges. Second by Cook. Motion passed 5-0.**

No one spoke during the public hearing.

**Motion by Cook to close the public hearing regarding delinquent sewer, stormwater, and recycling charges. Second by Roy. Motion passed 5-0.**

## 6. ACTION RELATED TO PUBLIC HEARINGS

### A. Consider: Res 18-22 Certifying Delinquent Accounts

The council also is required to take action to certify assessments to the county to be collected with property taxes. Proposed Resolution 18-22 has been given to councilmembers for review.

**Motion by Conrad to move the council approve resolution 18-22 and the assessment roll for delinquent sewer, stormwater, and recycling charges. Second by Cook. Motion passed 5-0.**

## 7. PLANNING, ZONING & SUBDIVISION ITEMS

### A. Consider: Res 15-22 Findings for Setback Variance and Grading CUP Requests, 5600 Maple Heights Road

Public hearing to consider a conditional use permit to exceed grading limits for a retaining wall and a setback variance for an accessory building at 5600 Maple Heights Road.

The Planning Commission, at its September 7, 2022, meeting, opened the public hearing and continued it to the October meeting. The survey for the property had not been received for review by the Planning Commission. The

survey has now been received. At their October 12, 2022, meeting the Planning Commission recommended approval of the conditional use permit for the wall and the variance for the accessory building. The Planning Commission had no issue with the conditional use permit for the wall in that the City Engineer was satisfied with the design and drainage of the structure. They discussed the variance for the shed and concluded that since the structure matched the house in color, was behind the fence, and would be more visible to neighbors in other locations on the lot where it would meet setback requirements, that it should remain where it is.

**Motion by Fletcher to move the council approve the conditional use permit application and deny the setback variance application. Second by Cook. Motion failed 1-4 with Conrad, Cook, Roy, and Kind voting nay.**

**Motion by Kind to move the council approve Resolution 15-22 with revisions to be made that a landscape plan for the shelf of the retaining wall be completed by May 2023. Second by Roy. Motion passed 3-2 with Fletcher and Cook voting nay.**

B. Consider: Res 21-22 Findings for Setback Variance, 5185 Greenwood Circle

Public Hearing to consider a variance to allow encroachment into the front and side yard setbacks for a dormer addition to the second story of the single-family structure at 5185 Greenwood Circle.

The Planning Commission, at their October 12, 2022, meeting, opened the public hearing and recommended the application for the setback variance with the conditions listed in the October 4, 2022, Staff Report. It was noted that the request was supported by surrounding neighbors.

Greg and Julie Getchell have submitted an application for a variance to request a second story addition with a front yard setback of 9 feet, 10 inches, and an east side yard setback of 9 feet, 8 inches. A variance was granted in 2012 to allow the house to be constructed within the side yard, front yard, and lake yard setback areas. A variance was also granted in 2018 for a second story addition that was not constructed. The property is zoned R-1, Single Family Residential District. Section 1120.15 of the Greenwood Code requires a 30-foot front yard setback and 15-foot side yard setback. The footprint of the building and the impervious surface coverage is not impacted.

The Applicants have provided the following narrative:

*We are requesting two setback variances for a proposed 2<sup>nd</sup> story dormer addition to our property at 5185 Greenwood Circle. This addition, if approved, will give us a 3<sup>rd</sup> bedroom, and will total 290 sq ft. This addition is necessary to accommodate our 2 adult children and their significant others when visiting from out of state. Right now, we do not have enough bedrooms for all 4 of them (children plus partners) to visit at the same time.*

*The proposed addition is within the existing footprint and complies with City volume requirements. There is no change to the hardcover with this addition. The new bedroom will be placed above the existing garage. We are requesting a front/street setback of 9' 10" and an east side setback of 9' 8'.*

**Motion by Cook to move the council approve Resolution 21-22 for the setback variance. Second by Fletcher with an amendment be made to subd. 5a with more clarifying language. Motion passed 5-0.**

8. UNFINISHED BUSINESS

A. Discuss: 2023 Budget & Tax Levy

Two drafts of the 2023 city budget have been discussed and presented at council work sessions. One version has an 8.33% tax levy increase approved by the city council on a 4-1 vote (Kind voted nay). The other version has the tax levy set at the same amount as 2021 (a 2.75% increase). Final action to approve the city budget will be taking place at the 12.07.22 council meeting. The majority of the council expressed a desire to include the budget with the 8.33% levy increase on the December council agenda.

9. NEW BUSINESS

A. NONE

10. OTHER BUSINESS

A. Discuss: 1st & 2nd Reading Ord 325 Amending Chapter 5 Fees and Res 19-22 Summary of Ord 325 for Publication (Item 2H)

At the 10.05.22 meeting, the council discussed potential fee changes. Fee changes discussed are included in the proposed Resolution 19-22, which has been given to councilmembers.

**Motion by Fletcher to move the city council approve the 1st reading of ordinance 325 amending fees as presented, waive the 2nd reading, approve resolution 19-22 a summary of the ordinance 325 for**

**publication, and direct staff to send the ordinance to the Sun-Sailor for publication. Second by Roy. Motion passed 5-0.**

B. Discuss: Res 20-22 St. Alban's Bay Improvement District 2023 Tax Levy, Budget, Assessment Roll (Item 2I)

At their annual meeting on 10.13.22, the St. Alban's Bay Lake Improvement District board and district property owners present at the meeting approved the 2023 budget and tax levy. Per the Joint Cooperation Agreement, the cities of Excelsior and Greenwood are required to approve the budget and levy. The JCA allows either Excelsior or Greenwood to reduce the levy by up to 25%. The 2023 SABLID budget was emailed to the city council.

The county also requires the city to approve the assessment roll for certification to the county. Copies of the assessment roll and the resolution authorizing certification have been provided to councilmembers.

**Motion by Fletcher to move that the Greenwood city council accepts the St. Alban's Bay Lake Improvement District (SABLID) board and property owner's recommendation and approve the 2023 budget and levy; approve the levy amounts as presented; approves resolution 20-22 which includes the assessment roll and authorization to certify the assessment roll to the county; and directs the city clerk to email a copy of resolution 20-22 to the SABLID secretary. Second by Conrad. Motion passed 5-0.**

11. COUNCIL REPORTS

A. Conrad: LMCC

- LMCC – No report.
- Park Plan – Trees provided by Hennepin County have been planted and wood chips have been placed. Shrubs provided by Hennepin County have not yet been received. Tennis courts are in a state of disrepair. Bids will be sought for repair and resurfacing options.

*View report at LMCC-TV.org.*

B. Cook: LMCD, SABLID, Public Works Committee, City Docks

- LMCD – Attorney has resigned and the board chair will be resigning by year end. Cook's term is set to expire. He is willing to serve again, and will be appointed at the January council meeting.
- SABLID – Docks have been removed for the season. Nothing needs to be ordered for the docks in the off-season. Public Works staff will be asked to remove 1<sup>st</sup> section of the dock and store it to avoid wear and tear due to people using it as an access ramp for vehicles during the winter.

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

C. Fletcher: Planning Commission, Fire, Administrative Committee

- Planning Commission – Definition of impervious surface will not be changed at this time. Public hearing to be held regarding construction hours and noise ordinance to comply with PCA requirements. Public hearing to be held regarding the definition of a boulevard.
- Fire – No report.
- Administrative Committee – No report.

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

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

- Police – Police statistics reports were emailed to councilmembers. Chief Tholen presented his report at the meeting.
- Administrative Committee –
  - Deephaven will provide Greenwood meeting space starting in January 2023 during Excelsior City Hall construction. Counter service will not be provided at Deephaven.
  - Future council meeting agendas will only include the start time.
  - Brian Malo will be the backup to running the Zoom monthly council meetings.
- Public Works Committee –

- Resident inquiries and concerns over the leaf removal process on city trails near Minnetonka Blvd. Council consensus is to make no changes to the leaf cleanup process at this time.
- Right-of-Way permit forms currently require public works staff to provide an estimate of costs to restore the ROW in case the city needs to complete the restoration. This slows down the ROW application process from being completed in a timely manner. Council consensus is to have this requirement removed from the ROW application form.
- Mayors' Meetings – No report.

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

E. Roy: Minnetonka Community Education

*No report. No council action taken.*

## 12. ADJOURNMENT

**Motion by Roy to adjourn the meeting at 8:13pm. 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 at [lmcc-tv.org](http://lmcc-tv.org) for 1 year.*