

MINUTES

Greenwood City Council Meeting

Wednesday, August 7, 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 7:05 pm.

Members Present: Mayor Fletcher and Councilmembers Jennifer Gallagher, Mike Marti, Krisit Conrad

Members Absent: Councilman Brian Malo

Staff Present: City Zoning Administrator Scott Richards

Motion by Gallagher to approve meeting agenda. Second by Conrad. Motion passed 4-0.

2. CONSENT AGENDA

- A. Approve: 07.10.24 City Council Meeting Minutes
- B. Approve: 07.17.24 Budget Worksession Minutes
- C. Approve: June Profit & Loss *(updated with public works re-allocations)*
- D. Approve: YTD 06.30.24 Profit & Loss Budget vs. Actual *(updated with public works re-allocations)*
- E. Approve: July Check Detail
- F. Approve: August Payroll Report
- G. Approve: Authorization to Send 12.04.24 7pm Budget Comment Opportunity to County
- H. Approve: 07.29.24 Special Meeting Minutes

Motion by Marti to approve consent agenda. Second by Gallagher. Motion passed 4-0.

3. MATTERS FROM THE FLOOR

- A. Greenwood resident, Ranee Jacobus of 5290 Meadville Street, addressed the council regarding a security deposit return. She paid \$6,875 in April of 2019 to the city as a security deposit to be held until 5 trees were planted on the property. Three maple trees had been planted on the property and \$4,125 was returned to her in January of 2021. She has since planted a fourth tree and is requesting that half of the remaining deposit of \$2,750 (\$1,375) be returned to her. No council action was taken. This item will be added to the September meeting agenda for council consideration.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

- A. Police Chief Brian Tholen: Quarterly Police Update, 2025 SLMPD Budget

The South Lake Minnetonka Police Department Chief Brian Tholen presented a quarterly update on police activities and statistics for the second quarter of 2024. He also provided an update on the proposed 2025 budget (9.3% increase) for the police department. Police reports and budget information are included in the council packet. Per the South Lake Police Department Joint Powers Agreement, the four member cities need to unanimously approve the 2025 budget.

Motion by Fletcher to move that the Greenwood City Council approve the 2025 South Lake Minnetonka Police Department budget as recommended by the SLMPD Coordinating Committee. Second by Conrad. Motion passed 4-0.

- B. Fire Chief Curt Mackey: 2025 Excelsior Fire District Budget

The Excelsior Fire District (EFD) Chief Curt Mackey presented an update on the fire department and the proposed 2025 budget (12.7% increase). The EFD proposed budget information and documentation are included in the council packet. Each city council in the Excelsior Fire District must take action on the budget. Three of the five cities must approve the operating budget. Four of the five cities must approve the facilities / capital budget.

Motion by Marti to move that the Greenwood City Council approve the final recommended draft of the 2025 Excelsior Fire District operating budget and facilities / capital budget as presented. Second by Conrad. Motion passed 4-0.

- C. Announcement: City Office Candidate Filing Period is 07.30.24 until 08.13.24 at 5:00pm
- D. Announcement: Budget& Fees Worksession, 6pm 09.04.24 (before regular council meeting)

5. PUBLIC HEARINGS - NONE

6. ACTION RELATED TO PUBLIC HEARINGS - NONE

7. PLANNING, ZONING & SUBDIVISION ITEMS

A. Consider: Resolution 19-24 Conditional Use Permit & Variance for 20880 Excelsior Boulevard

Zoning Administrator Scott Richards presented an update on the CUP and Variance request for 20880 Excelsior Blvd. Property owner Patrick Dagnault also addressed the council and answered questions related to the proposed project.

Summary: Patrick and Stacey Dagnault requested a variance to allow a front yard setback of 10 feet and a conditional use permit for grading to allow construction of a new single-family house at 20880 Excelsior Blvd, Greenwood, MN 55331. PID 35-117-23-11-0018. The property is zoned R-1, Single Family Residential District. The following requests were made:

Section 1120.15 of the Greenwood Code requires a 30-foot front yard setback for a single-family structure. The proposed house is setback 10 feet. The rear yard slopes to the northwest and limits the buildable area of the lot. The side yard setback requirement of 15 feet and rear yard setback of 35 feet is conforming in the plan.

Section 1140.19, Subd 3 of the Greenwood Code requires a conditional use permit for any grading or site/lot topography alteration request increasing or decreasing the average grade by more than 1 foot in any 300 square foot area. The proposed grading plan will require a conditional use permit.

The site plan indicates that the existing driveway will remain. The Applicants have decided not to pursue a variance and conditional use permit to allow the second driveway access. Approval from the Minnesota Department of Transportation will be required for the new location of the driveway access onto Excelsior Blvd.

Motion by Fletcher to move that the city council adopts resolution 19-24 laying out the findings of fact approving the front yard setback variance and a conditional use permit for grading to allow a new single family dwelling at 20880 Excelsior Blvd with the following revisions:

- **Recommendation #4 A plan will need to be provided prior to issuance of the building permit showing compliance with stormwater runoff management, subject to City Engineer approval, and if required by Section 1140.17 Subd. 8 of the City Code, the property owner shall enter into a Stormwater Maintenance Agreement with the City.**
- **Recommendation #9 A certified copy of this resolution and the following items must be filed with the Hennepin County Register of Titles and proof of filing provided to the city before the project may commence:**
 - **The house plans dated October 7, 2020 with any elements such as gutters added as part of the stormwater management plan approved the City Engineer.**
 - **An update of the June 11, 2024 survey recommended by the Planning Commission that includes the stormwater management plan approved by the City Engineer and the removal of the existing gravel driveways.**
 - **A Stormwater Maintenance Agreement if it is required by Section 1140.17 Subd 8 of the City Code.**

I further move that the council directs the city clerk to mail a copy of the findings to the applicant and place an Affidavit of Mailing for each of the mailings in the property file. Second by Conrad. Motion passed

4-0.

B. Consider: Resolution 21-24 Conditional Use Permit & Variance for 5280 Meadville Street

Zoning Administrator Scott Richards presented an update on the CUP and Variance request for 5280 Meadville Street. Property owner Jeff Solum also addressed the council and answered questions related to the proposed project. Neighboring property owner, Colin Sievers of 5270 Meadville Street, addressed the council with his concerns relating to the proposed project as well as alleged prior permit violations at 5280 Meadville Street.

Summary: Jeff Solum is requesting consideration of variances for lot size and lot width, front yard and side yard setbacks, building wall heights, and hardcover for construction of an addition to a single-family house at 5280 Meadville Street (PID 26-117-23-33-0007). The existing garage on the right of way will be removed and the house will be extended toward Meadville Street. The property is zoned R-1, Single Family Residential District. The following has been requested:

Section 1140.19, Subd 3 of the Greenwood Code requires a conditional use permit for any grading or site/lot topography alteration request increasing or decreasing the average grade by more than 1 foot in any 300 square foot area. After further review by the City Engineer, the conditional use permit will not be required.

Sections 1120.10 and Section 1176.04 Subd 10 requires lot area of at least 6,750 square feet and lot width of 45 feet. The lot is 6,178 square feet and the lot width at the building line is 41 feet.

Section 1120.15 of the Greenwood Code requires a 30-foot front yard setback for a single-family structure. The proposed house addition is setback 7.9 feet.

The side yard setback requirement is 8 feet. Setbacks of 4.2 feet on the south and 7.2 feet on the north are proposed.

Maximum building wall heights of 6.3 feet are required on the south side of the structure and 10.8 feet on the north.

The proposed wall height is 20.94 feet.

The maximum hardcover for the site is 33.8 percent. The proposed hardcover is 59.76 percent.

Motion by Fletcher to move that the council continue this item to the September city council meeting, extending the period of time for City Council review of the application, and directs the City's Zoning Administrator to notify the property owner in writing of a 60-day extension. Second by Conrad. Motion passed 4-0.

8. UNFINISHED BUSINESS

A. Consider: Resolution 18-24 Consent for Hennepin County re: Cannabis Retailer Registration

No council action taken.

B. Discuss: Metropolitan Council's Draft Regional Policy Recommendations

No council action taken.

9. NEW BUSINESS

A. Discuss: Meadville Fire Lane – Parking Issues (discussed before agenda item 8)

The city was notified of parking complaints on the Meadville Street Fire Lane between 5120 and 5130 Meadville Street.

Code Section 710.30 authorizes the City Council to by resolution adopt restrictions on Fire Lane use as follows: Section 710.30. Regulation of Fire Lane Use. The city council may, from time to time, by resolution designate such portions of the highways and streets within the city which dead end at the waters edge of public waters as no parking zones, parking by permit only zones, limited parking zones, no trailer parking zones, no boat launching, no lake access zones, restricted lake access zones, and may prohibit or restrict the use and operation of

motor vehicles (as defined by Minnesota statutes) including boats, trailers, snowmobiles, and all terrain vehicles thereon by vehicle type, purpose, season, permit, dates, times and such other restrictions as deemed necessary, including the installation of seasonal or permanent barriers within the public right of way. The city council shall cause such zones to be marked by appropriate signs. The location of such signs and the restrictions stated thereon shall be prima facia evidence that the city council has by proper resolution authorized the establishment of such no parking zones, parking by permit only zones, limited parking zones, no trailer parking zones, no boat launching, no lake access zones, restricted lake access zones or other restricted use zones. The city council shall make a determination of such use restriction zones on the basis of necessity in the interest of the public health safety and welfare. No person shall park or perform an act in contravention of the posted restriction.

While it does not apply to Fire Lanes Code Section 710.20 provides the following for streets and highways in the City: Section 710.20. General Parking Restrictions. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main travelled part of any street or highway in this municipality when it is practical to stop, park or so leave such vehicle off such part of the street or highway, but in every event a clear and unobstructed width of at least 20 feet of such part of the street or highway shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available for a distance of 200 feet in each direction upon such street or highway. No vehicle shall be parked continuously at any place in any public street for a period of more than 72 consecutive hours.

The council packet included an email request from Mark Krezowski of 5130 Meadville Street for a No Parking Restriction on a portion of the Fire Lane. The fire lane is 22 feet wide at the corner of the 5130 Meadville driveway furthest from the lake.

Vehicles are also angle parking on the fire lane, which reduces the clear width of it more than with parallel parking. A vehicle that was angle parked on the evening of July 28 left 18 feet of clear width at the entrance to the fire lane. The Fire Lane currently is posted Greenwood Resident parking only. The City stopped mailing Greenwood vehicle stickers showing the current year's date with the utility bills several years ago. Greenwood stickers are still available by request, but it is possible that many residents do not know that they are available.

The following people addressed the council with their concerns regarding parking on Meadville Street Fire Lane:

- Brooks Poley, Joseph Fronius's (5140 Meadville Street) attorney
- Joseph Fronius, 5140 Meadville Street
- Mark Krezowski, 5130 Meadville Street
- Jeff Fronius, 20480 Carson Road, Deephaven - son of Joseph Fronius, 5140 Meadville Street
- John Gray, 5170 Meadville Street
- Marna Fronius, 5140 Meadville Street

Motion by Gallagher to move that the City Council authorize the removal of the "Greenwood Resident Parking Only" sign located on the Meadville Street Fire Lane. Second by Fletcher. Motion passed 4-0.

10. OTHER BUSINESS - NONE

11. COUNCIL REPORTS

A. Conrad: Administrative Committee, LMCC, Park

No council action taken.

View report online at www.lmcc-tv.org

B. Gallagher: Fire Board

No council action taken.

View report online at www.lmcc-tv.org

C. Fletcher: Administrative Committee (Sign Posts), Mayors' Meetings, SLMPD Coordinating Committee

No council action taken.

View report online at www.lmcc-tv.org.

D. Marti: Planning Commission, Public Works

No council action taken.

View report online at www.lmcc-tv.org.

E. Malo: City Docks, LMCD, Minnetonka Community Education, SABLID

No report. Councilmember absent.

12. ADJOURNMENT

Motion by Conrad to adjourn the meeting at 10:09 pm. Second by Gallagher. Motion passed 4-0.

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 for 1 year.