

# MINUTES

## Greenwood City Council Meeting

Wednesday, September 4, 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 7:00 pm.**

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

**Motion by Malo to amend agenda to move item 3 to 11C. Second by Conrad. Motion passed 5-0.**

### 2. CONSENT AGENDA

- A. ~~Approve: 08.07.24 Budget Worksession Minutes~~ (moved to 11A)
- B. ~~Approve: 08.07.04 City Council Meeting Minutes~~ (moved to 11B)
- C. Approve: 08.22.24 Budget Worksession Minutes
- D. Approve: July Cash Summary
- E. Approve: July Profit & Loss
- F. Approve: YTD 07.31.24 Profit & Loss Budget vs. Actual
- G. Approve: August Check Detail
- H. Approve: September Payroll Report
- I. Approve: Lake Minnetonka Communication Commission's 2025 Budget

**Motion by Malo to amend consent agenda to move items 2A and 2B to 11A and 11B, and approve consent agenda items 2C through 2H. Second by Conrad. Motion passed 5-0.**

### 3. ~~Discussion: Council Meeting Procedures~~ (moved to 11C)

### 4. MATTERS FROM THE FLOOR – NONE

### 5. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS - NONE

### 6. PUBLIC HEARINGS - NONE

### 7. ACTION RELATED TO PUBLIC HEARINGS - NONE

### 8. PLANNING, ZONING & SUBDIVISION ITEMS

**Motion by Fletcher to move item 8B ahead of 8A. Second by Conrad. Motion passed 5-0.**

#### A. Consider: Resolution 23-24 Conditional Use Permit & Variance for 21560 Fairview Street (moved from 8B)

Zoning Administrator Scott Richards presented an update on the CUP and Variance request for 21560 Fairview Street. Bill Costello, CEO of Streeter Custom Builder, also addressed the council regarding the proposed building project.

Summary: Scott and Taryn Gabrielson are requesting consideration of conditional use permits for a swimming pool and grading and a variance for front yard setback, to allow construction of a single-family house at 21560 Fairview Street (PID 26-117-23-13-0078). The property is zoned R-1, Single Family Residential District. The house that previously stood on the property was removed in 2022. The following has been requested:

- Section 1140.10 of the Greenwood Code requires a Conditional Use Permit for in-ground pools.

- 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 grading for the house will exceed this limit.
- Section 1120.15 of the Greenwood Code requires a 30-foot front yard setback for a single-family structure. The proposed house is setback 15.4 feet from the front property line.

**Motion by Marti to move the city council adopts resolution 23-24 laying out the findings of fact approving variances for a variance for front yard setback, a conditional use permit for a swimming pool, and a conditional use permit to exceed grading limits for a new single-family dwelling at 21560 Fairview Street as written. 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 3-2 with Malo and Fletcher voting nay.**

B. Consider: Resolution 21-24 Conditional Use Permit & Variance for 5280 Meadville Street (moved from 8A)

Zoning Administrator Scott Richards presented an update on the CUP and Variance request for 5280 Meadville Street. This item was continued from the August council meeting. Property owner Jeff Solum addressed the council, and presented comparisons of his building request to other homes on the street. Collin Sievers, 5270 Meadville Street, also addressed the council with his concerns about the project. His concerns had to do with the sauna, retaining wall, and a past history of the applicant not pulling permits for projects on the property.

Summary: Jeff Solum (Applicant) 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 54.01 percent in the survey received August 22, 2024.

The City Council, at their August 7, 2024, meeting reviewed the Planning Commission recommendation and the application materials but were concerned about the increase in hardcover. The City Council continued the discussion to the September 4, 2024, meeting to allow the Applicant to consider a further reduction in hardcover.

The original plans considered at the August council meeting included a proposed hardcover of 59.76 percent. The Applicant has since provided a revised survey with proposed hardcover increase of 29 square feet to 54.01 percent from the existing 53.54 percent. While the garage/house addition increases the hardcover, the Applicant has reduced hardcover using Turfstone, removal of the lake patio, and a reduction in the size of the deck to 9 feet by 20 feet. Additionally, the sauna will be moved totally on the subject property. The City Council should consider a reasonable setback for the sauna from the property line. Bill Worms has provided a memo (in council packet) listing the changes that have been proposed.

**Motion by Fletcher to move the city council adopts resolution 21-24 laying out the findings of fact approving the variances for lot size and lot width, front yard and side yard setbacks, building wall height, and hardcover for construction of an addition to a single-family house at 5280 Meadville Street with the following revisions:**

1. **Conditions, last bullet – The proposed hardcover is 54.01 percent not including the grass voids in the turfstone driveway and walk requiring a variance.**
2. **Following conditions, number 2 – The applicant shall move the sauna structure totally onto the subject property with a setback to the side property line of at least .25 feet (3 inches).**
3. **Following conditions, number 6 – 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.

4. **Following conditions, number 10 - 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:**
  - a. **House plans showing with any elements such as gutters that are part of the stormwater management plan approved the City Engineer.**
  - b. **The survey included in the September 4, 2024 Council Packet updated to include the stormwater management plan approved by the City Engineer.**
  - c. **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/email 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 Marti. Motion passed 4-1 with Malo voting nay.**

## 9. UNFINISHED BUSINESS

**Motion by Fletcher to move item 10A ahead of 9A. Second by Conrad. Motion passed 5-0.**

- A. Discuss: Rane Jacobus Request – Refund of Security Deposit for 5290 Meadville Street (moved from 10A)

Ranee Jacobus paid a \$6,875 in April 2019 as a tree deposit for 5 replacement trees for her new house. \$4,125 of the deposit was refunded in January 2021 by the city based on three trees that were planted at the time of the house project. In July 2024 Rane approached the city about a refund for an autumn blaze maple that she planted in 2021 and a tree to potentially be planted. During Administrative Reports at the July 10 Council meeting the Council informally felt that a refund was not warranted for the two remaining trees given the time that had elapsed between the project date and her tree planting date. Rane addressed the Council under Matters from the Floor at the August 7 Council meeting requesting a refund of her tree deposit. When asked if she wanted a refund of the full remaining deposit, she stated that she would be happy with a refund of just the deposit for the autumn blaze maple that she planted in 2021. The deposit for each tree to be planted was \$1,375.

**Motion by Malo to move that the City of Greenwood issue a tree deposit refund of \$1,375 to Rane Jacobus and this account will then be considered closed. Second by Marti. Motion passed 5-0.**

- B. Consider: Old Log Theater, Prorated Refund of Liquor License (moved from 9A)

This agenda item was originally discussed at the April 3rd council meeting to be continued at the September 4th council meeting. The City of Greenwood received an inquiry for a prorated refund of the 2024 liquor license fees paid. The Old Log Theater and Cast & Cru Restaurant were closed March 2, 2004. Mayette Enterprises, LLC paid \$10,700 to the City of Greenwood for the 2024 liquor license. The application fee was \$10,000 for the On-Sale Liquor fee, \$200 for the Sunday Service fee, and \$500 for the investigation fee. Greenwood Code Sections 510.00 and 820.40 do not currently provide for proration of liquor license fees. However, the City Council did refund part of the Old Log's liquor license fee during the Covid pandemic.

**Motion by Fletcher to move that the council NOT refund any portion of the 2024 liquor license due to the closing of the theater and restaurant on March 2, 2024. Second by Malo. Motion passed 5-0.**

- C. Discuss: Cannabis Regulation (moved from 9B)

This item has been continued from the August council meeting. The Minnesota Office of Cannabis Management published their First Draft of Proposed Cannabis Rule on 07.31.24, and a Guide for Local Governments on Adult-Use Cannabis (both attached to council packet).

Mayor Fletcher asked the Council to review the questions in the packet memo from Attorney Joseph Sathe of Kennedy & Graven before the October Council Meeting so that the Council can provide the information that Attorney Sathe needs to draft appropriate cannabis regulations for the City.

**No council action taken.**

## 10. NEW BUSINESS

- ~~A. Discuss: Rane Jacobus Request – Refund of Security Deposit for 5290 Meadville Street (moved to 9A)~~

- B. Consider: Request from Excelsior City Manager Kristi Luger for Greenwood to pay a portion of the Joint Use Sanitary Sewer charges owed to Excelsior for 2020 through 2024.

The City of Excelsior belatedly billed Greenwood in 2023 for the use of its sewer facilities to transport a portion of Greenwood's Excelsior Boulevard and Maclynn Road flows from the Excelsior Greenwood Excelsior Boulevard city line to a Met Council lift station in Excelsior between 2020 and 2023. Greenwood now also owes Excelsior for 2024 usage. There have been ongoing discussions between Greenwood and Excelsior regarding what the correct charges should be.

The two key issues to be resolved are as follows:

1. Excelsior's billing is based on 3.66 to 4.29 million gallons per year of sewage based on prior Met Council usage estimates, which overstated the commercial sewer units for Greenwood. The Met Council reviewed their sewer unit calculations for Greenwood's flow to Excelsior and adjusted them to 3.01 units per year.
2. Excelsior's billing includes its fully loaded sewer cost as if it was providing direct service to City of Greenwood properties as it does with its City Water for virtually the same area. Greenwood has proposed that Excelsior either discount its sewer charges to Greenwood to reflect Greenwood's expense to maintain the sewer lines from the affected properties to Excelsior or Excelsior take over responsibility for maintaining these lines as it current does for the City of Excelsior water lines along Excelsior Boulevard. The City of Excelsior's engineer has inspected the Greenwood Excelsior Boulevard sewer line, but the City of Excelsior has not responded to Greenwood's suggested options yet.

Excelsior City Manager, Kristi Luger, has requested that Greenwood pay an estimated amount for its use of Excelsior's sewer facilities between 2020 and 2024 with the understanding that the final amount will be determined at a later date.

Excelsior's 2020 through 2023 sewer billings and the Metropolitan Councils preliminary 2024 Municipal Wastewater charge for Greenwood were included in the packet. The City of Excelsior's billings include substantial administrative (24%) and Capital Outlay Costs that average in excess of 50% of Collection Costs.

Excelsior's 2020 through 2023 billings to Greenwood of \$80,024 total were included in the packet. The spreadsheet includes a sample calculation using the Met Council 3.01 million gallon per year sewer flow, payment at 30% of Excelsior's per million-gallon billed rate for 2020 through 2023 and for 30% of an estimated 2024 rate with a total of \$24,090 for five years.

**Motion by Marti to move that the City Council, in good faith, authorizes the payment of \$24,000 to the City of Excelsior for 2020 through 2024 pending an agreement between the Cities with the actual charges payable then being adjusted to reflect the agreement amount. Second by Conrad. Motion passed 5-0.**

- C. Res 24-24, Preliminary Tax Levy and Budget for 2025

The **PRELIMINARY** tax levy must be approved prior to September 30. Once the preliminary tax levy amount is set, the amount may be decreased, but it cannot be increased when the **FINAL** levy is approved in December.

**Motion by Conrad to move that the council approves resolution 24-24 establishing \$818,044 as the preliminary tax levy for taxes collectible in 2025. Second by Gallagher. Motion passed 5-0.**

## 11. OTHER BUSINESS

- A. Approve: 08.07.24 Budget Worksession Minutes (moved from 2A)
- B. Approve: 08.07.04 City Council Meeting Minutes (moved from 2B)

**Motion by Fletcher to approve items 11A and 11B (consent agenda items 2A and 2B). Second by Malo. Motion passed 4-1 with Malo abstaining from the vote.**

- C. Discussion: Council Meeting Procedures (moved from 3)

Mayor Fletcher added this item to the agenda for council discussion and consideration. The council may want to consider modifying council procedures going forward, following the lengthy public comment time at the 08.07.24 council meeting on the Meadville fire lane parking issues.

Council consensus was to leave council meeting procedures as is, and going forward to be more observant of the five-minute time limit for public comments.

**No council action taken.**

## 12. COUNCIL REPORTS

- A. Conrad: Administrative Committee, LMCC, Park

**No council action taken.**

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

- B. Gallagher: Fire Board

**No report.**

- C. Fletcher: Administrative Committee, Mayors' Meetings, SLMPD Coordinating Committee

**Motion by Conrad to authorize Mayor Fletcher to send a letter on the city's behalf to the Metropolitan Council concerning the council's concerns with their Imagine 2050 Density Plan and population estimates for Greenwood. Second by Gallagher. Motion passed 5-0.**

**Motion by Marti to move that the council authorizes Bratt Tree Company to remove 5 diseased Ash trees on Minnetonka Boulevard in the amount of \$3,950. Second by Conrad. Motion passed 5-0.**

**Motion by Fletcher to remove Manuel Jordan of Heritage Shade Tree Consultants as the designated City Forester. Second by Marti. Motion passed 3-2 with Gallagher and Malo voting nay.**

**Motion by Fletcher to authorize Conrad to send a letter on behalf of the city thanking Manuel Jordan of Heritage Share Tree Consultants for his years of service to the city. Second by Malo. Motion passed 5-0.**

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

- D. Marti: 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, SABLID

**No report.**

## 13. ADJOURNMENT

**Motion by Malo to adjourn the meeting at 9:12 pm. Second by Marti. 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.*