

MINUTES

Greenwood City Council

Worksession & Regular Meeting

6pm, Wednesday, December 7, 2022
339 Third Street, Excelsior, MN 55331



Worksession

1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the worksession to order at 6pm.

Members Present: Mayor Kind; Councilmembers Tom Fletcher, Kristi Conrad (arrived 6:05pm), Bill Cook, Rob Roy

Others Present: County Assessors Josh Hoogland & Mike Smerdon

Motion by Roy to approve the worksession agenda. Second by Cook Motion passed 4-0.

2. DISCUSSION WITH ASSESSORS REGARDING 2022 TRUTH-IN-TAXATION INFORMATION AND FALL SALES RATIO STUDY FOR 2023 PROPERTY VALUATIONS

County Assessor Josh Hoogland shared Hennepin County Property Tax Comparison documents showing the percent of change and dollar amount change for property taxes (county, school, city, etc) collected in 2021 compared to what will be collected in 2022 for residential, apartments, and commercial properties in Greenwood. A majority of single-family residential properties in Greenwood will have a tax increase.

Mr. Hoogland also distributed documents showing Greenwood had 5 residential sales between October 2021 and September 2022. The median assessed value was 80.3% of what the property sold for (sales ratio). A minimum of 6 sales are needed for a valid sales study, therefore the assessors will need to look at other cities to determine values for Greenwood's 2023 spring assessment for taxes payable 2024.

Neighboring cities had the following single-family residential sales ratios:

Excelsior – 27 sales, 92.1% sales ratio

Deephaven – 48 sales, 94.3% sales ratio

Tonka Bay – 31 sales, 92.8% sales ratio

Shorewood – 100 sales, 95.5% sales ratio

4. ADJOURNMENT

Motion by Roy to adjourn the worksession at 6:55pm. Second by Cook. Motion passed 5-0.

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 Cook. Motion passed 5-0.

2. CONSENT AGENDA

A. Approve: 11.02.22 Meeting Minutes

B. Approve: 11.16.22 Election Canvassing Minutes

C. Approve: Oct Profit & Loss

D. Approve: Oct Cash Summary

E. Approve: Nov Check Detail

F. Approve: Dec Payroll Report

G. Approve: YTD Profit & Loss Budget vs. Actual

H. Approve: 2023 License Applications

I. Approve: ESRI Quote #26106528 – GIS Annual Subscription

J. Approve: Res 29-22 Designation of Polling Place

Motion by Kind to approve consent agenda. Second by Cook. Motion passed 5-0.

3. MATTERS FROM THE FLOOR

A. NONE

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

- A. Presentation: Res 22-22, Resolution of Appreciation & Commendation for Retiring City Council Member, Rob Roy, 8yrs of Service

Councilmember Rob Roy will be retiring as of 12/31/22. He has served as a Greenwood councilmember for 8 years. Proposed Resolution 22-22 is to acknowledge his contributions to the city over his time of service.

Motion by Cook that the city council approves Resolution 22-22. Second by Fletcher. Motion passed 5-0.

- B. Presentation: Res 23-22, Resolution of Appreciation & Commendation for Retiring Planning Commission Chair, Pat Lucking, 22yrs of Service

Planning Commission Chair Pat Lucking has retired from his position that he has served for nearly 22 years. Proposed Resolution 23-22 is to acknowledge his contributions to the city in his role on the Planning Commission.

Motion by Cook that the city council approves Resolution 23-33. Second by Conrad. Motion passed 5-0.

- C. Announcement: Planning Commission Openings (section 220.05 subd 5)

The planning commission holds public hearings and makes recommendations to the city council regarding zoning issues including variances and conditional use permits. The planning commission is comprised of 5 voting members and 3 alternate members. This March, the terms of 2 planning commissioner seats expire:

B-1 Pat Lucking (2/01-3/23 – retiring after 22 years!)

B-2 Julie Getchell (01/20-3/23)

In addition, the following seats are vacant:

Alt-1 Vacant (___-3/24)

Alt-2 Vacant (___-3/23)

Terms are for 2 years, and the city does not limit the number of terms a planning commissioner may serve. Anyone who is interested in serving on the planning commission can download the form from the city website at greenwoodmn.com. Planning commission applicants will be invited a council meeting where the council will have the opportunity to ask the applicants questions and make the final appointments.

REFERENCE Section 220.05. Subd 5(1): Notice of planning commission seats whose terms are scheduled to expire in March and the application process, shall be posted at the office of the city clerk on or about December 1 annually. A copy of the notice shall be included in the council packet of the regular December city council meeting as an informational matter. The city clerk shall include information in the city newsletter.

No council action taken.

- D. Presentation: James Flattum, Community Liaison Officer of the Excelsior Lions Club

James Flattum addressed the council on behalf of Excelsior Lions Club. The local chapter of the Lions Club has experienced growth since the pandemic. There are many events and charitable activities that the club is involved in the community. These include events such as the Golf Classic in which over \$17,000 was raised this year. These funds are distributed within the community and to the Lions Club International. Other activities that they are involved in include the Firecracker Run and serving a monthly meal at Mount Calvary Lutheran Church. Healthcare causes that they are involved in include diabetes, cancer, and eye health. Their club meets on the 2nd Wednesday of each month at Bull & Wren and on the 4th Wednesday of each month at Maynards.

No council action taken.

5. PUBLIC HEARINGS

- A. Truth In Taxation Public Hearing: 2023 City Budget & Levy

The council was provided a copy of the "final" draft of the 2023 budget, which includes the tax levy amount of **\$650,000**. This amount represents an **8.33%** change from last year's levy and is the amount included on the proposed resolution 26-22 for approving the final tax levy for taxes payable in **2023**. Proposed resolution 25-22 is approving the **2023** general fund budget amount of **\$937,962**. This amount represents a **5.58%** increase from last year's budget.

The tax levy and budget are the result of council discussions at worksessions and council meetings in September, October and November. The preliminary tax levy was approved at the November council meeting. In accordance with state law, the council may make changes to the budget at the December council meeting, but the levy amount cannot increase from the preliminary levy amount.

The council is NOT required to take action on the below fund budgets. However, since the 2011 budget process, the below fund budgets have been included on the budget spreadsheet for the council's reference and for the public to view.

- A. Sewer Enterprise Fund
- B. Stormwater Special Revenue Fund
- C. Park Special Revenue Fund
- D. Marina Enterprise Fund
- E. Bridge Capital Project Fund
- F. Special Project Fund
- G. Road Improvement Fund

The Truth In Taxation Public Hearing is an opportunity for the public to speak regarding the 2023 city levy and budget. Note: April 2022 was the opportunity for the public to speak regarding property valuations for taxes payable in 2023. Council action is required to open and close the public hearing.

Motion by Rob Roy to open the Truth in Taxation public hearing. Second by Cook. Motion passed 5-0.

No one spoke during the public hearing.

Motion by Cook to close the Truth in Taxation public hearing. Second by Roy. Motion passed 5-0.

6. ACTION RELATED TO PUBLIC HEARINGS

- A. Consider: Res 25-22 Adopting 2023 City Budget & Res 26-22 Adopting 2023 City Levy

Motion by Cook that the council adopts resolution 25-22 approving the 2023 general fund budget in the amount of \$937,962; adopts resolution 26-22 approving the tax levy in the amount of \$650,000 to be collected in 2023; and directs the city clerk to send the information to Hennepin County. Second by Conrad. Motion passed 4-1 with Kind voting Nay.

7. PLANNING, ZONING & SUBDIVISION ITEMS

- A. Consider: Res 27-22 Findings for CUP Requests, 4950 Meadville Street

Jill and Reid Trautz, property owners, have applied for a Conditional Use Permit to exceed grading limits for landscaping and retaining wall replacement in the right-of-way at 4950 Meadville Street. The existing concrete retaining wall along the driveway and the cobble stone wall in the right of way are failing. The owners plan to replace the walls with a dry stack stone and obtain access to their elevated lawn, that is currently accessible only by concrete stairs, with a grass ramp between the new walls. The walls will be less than 4 feet in height. The front entry stairs will be more visible from the street with easier access.

The property is zoned R-1, Single Family Residential District. 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 applicant is proposing to alter grades by more than 1' in a 300 square foot area requiring a conditional use permit. A Right-of-Way Encroachment Permit has also been applied for in that the retaining wall replacement and landscaping will be within the Meadville Street right-of-way.

Bob Wallace of Keenan & Sveiven addressed the council about the proposed project and answered council questions. Resident Neal Cohen, 4970 Meadville Street, also addressed the council about the proposed project. He believes the proposed project could result in a material change to the grading at 4950 Meadville Street and is concerned about water flow drainage going towards his property and neighboring property at 4980 Meadville Street. He requests that a drainage study be conducted before approving the application in accordance with city

code section 1140.17 (subd. 3b). Mr. Wallace addressed the council again to state that site drainage will not be changed.

Motion by Fletcher that the council directs the Zoning Administrator to send a 60-day extension letter to the property owners to notify them that more information is needed in regard to drainage on the property before their conditional use permit application can be considered. Second by Cook. Motion passed 5-0.

B. Consider: Ord 326 Amending Chapter 9 and 3, and Res 28-22 Summary of Ord 326 for Publication

The City Council, at their July 14, 2022, meeting discussed Police Chief Brian Tholen's request to amend the noise provisions and construction hours of the City Code so that they would be more enforceable. The Planning Commission discussed the amendments at their September 7, 2022, October 12, 2022, and November 9, 2022, meetings. A public hearing was held at the November meeting. Resolution 28-22 reflects the recommended changes.

Motion by Fletcher that the City Council (1) approves the 1st reading of Ordinance 326 an amendment to the Zoning Ordinance, Chapter 9, Section 900.60 Noise Violations and Chapter 3, Section 305 Construction Management; (2) waives the 2nd reading; (3) approves summary resolution 28-22; (4) and directs that the summary ordinance is published in the City's official newspaper. Second by Conrad. Motion passed 5-0.

C. Consider: Ord 327 Amending Chapter 11

The Planning Commission, at their October 12, 2022, and November 9, 2022, meetings discussed adding a definition of boulevard in Section 1102.00 and clarifying the required landscaping provision in Section 1140.60. A public hearing was held at the November meeting. Ordinance 327 was provided to the council for their review.

Motion by Fletcher that the City Council (1) approves the 1st reading of Ordinance 327 an amendment to the Zoning Ordinance, Chapter 11, Section 1102.00 Definitions and Chapter 11, Section 1140.60 Subd 2. Landscaping with amended language to include 'or patios and other such uses'; (2) waives the 2nd reading; (3) approves summary resolution 29-22; and (4) directs that the summary ordinance is published in the City's official newspaper. Second by Cook. Motion passed 5-0.

8. UNFINISHED BUSINESS

A. NONE

9. NEW BUSINESS

A. Consider: Year-End Fund Transfers

Each December, the council considers fund transfers.

Motion by Cook that the council approves the following budgeted 2022 fund transfers:

- a. \$20,000 to General Fund income account 39201 'Marina Interfund Operating Transfer'
\$20,000 from Marina Enterprise Fund expense account 6054720 'Operating Transfer To General Fund'
- b. \$19,800 to General Fund income account 39202 'Sewer Administration Expense Reimbursement'
\$19,800 from Sewer Enterprise Fund expense account 6024720 'Interfund Transfer Out To General Fund'
- c. \$5,187 to General Fund income account 39203 'Stormwater Administrative Expense Reimbursement'
\$5,187 from Stormwater Special Revenue Fund expense account 5024720 'Stormwater Operating Transfer to General Fund'
- d. \$8,930 to General Fund income account 39204 'Marina Administrative Expense Reimbursement'
\$8,930 from Marina Enterprise Fund expense account 6054721 'Administrative Expense To General Fund'
- e. \$124,000 to Road Improvement Fund income account 4510000 'Road Improvement Fund Transfers'
\$124,000 from General Fund expense account 4320500 'Transfer to Road Improvement Fund'

Second by Fletcher. Motion passed 5-0.

B. Consider: Application Renewals of 2023 Tobacco and Gas Station Licenses, 21380 State Hwy 7

In light of last year's letter to Greenwood Market from the Minnesota Department of Health, the city council may consider not renewing the license for 2023. In 2022, the Greenwood Market was given a provisional license. The Administrative Committee delivered a letter to Greenwood Market on 11/18/22 citing that all water supply health

violations have not been corrected and an outstanding electrical inspection has not been completed. There are also Greenwood City Code violations of Section 475.15 subd (3) and Section 910.60 subd 1e. Councilmember Fletcher provided an overall update in regards to Greenwood Market's current status with the Excelsior Fire District and Hennepin County Health.

Greenwood Market's property owners are currently out of the country. Ray Brooks addressed the council on behalf of the owners. Mr. Brooks stated that all work has been completed, and the extra dumpster is still on the property. Fletcher recommended that the council consider having a special meeting at a future date to ensure that the final electrical inspection has been done, the extra dumpster is removed from the property, and water test results meet with Hennepin County standards. Three councilmembers are required to hold a special meeting. Cook, Conrad, and Fletcher are available to hold a special meeting in December. The provisional tobacco and gas station licenses granted to the Greenwood Market are set to expire on 12/31/22.

Motion by Cook to move the city council hold a special meeting for the 2023 Tobacco and Gas Station Licenses for Greenwood Market at a time and date yet to be determined after the work has been fully completed. Second by Fletcher. Motion passed 5-0.

10. OTHER BUSINESS

NONE

11. COUNCIL REPORTS

A. Conrad: LMCC

- LMCC – No report.
- Park Plan –
 - City Forester Manuel Jordan completed the tree inventory in Greenwood. He also recommends to either cut down or treat the large Maple tree at the park that overhangs the swings. The council was divided on what course of action to take. The cost to cut the tree down is approximately \$2,000.
 - Tennis courts are unusable and need repairs in the spring next year. Options are to level the court and install sports tiles for about \$48,000 or to resurface and repave the court for about \$55,000. One bid has been obtained at this point. There has been some pushback from the community for having the courts used for pickleball due to the noise. Acoustic fencing could be purchased to help with the noise. Cook would like to find a long-term solution for the tennis courts. Conrad wants residents to have the ability to use the courts, but determining tennis use vs. pickleball use will have to be determined.

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

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

- LMCD – The attorney and executive director have resigned. A new chair will begin in January of 2023. The new chair has not been determined at this point. Currently LMCD is in the process of redefining the organization.
- SABLID – No report.
- Public Works – No report.
- City Docks – Public works staff will remove the short piece of damaged dock and repair it.

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

C. Fletcher: Planning Commission, Fire, Administrative Committee

- Planning Commission – No report.
- Fire – The Fire Board approved their capital improvement budget. A worksession was also held to discuss staffing and emergency management service's response times (Hennepin Health). Fire Chief is looking to expand full-time staffing. This will be a part of the budget process for 2024.
- Administrative Committee – The winter bollard installation has not yet been done. This was previously requested to be completed in November. City staff will follow up with public works regarding this matter.

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

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

- Police – The usual statistical reports were sent to the city council via email.
- Administrative Committee – No report.
- Public Works Committee – No report.
- Mayors' Meetings – No report.
- Other – Two Minnehaha Creek Watershed District board terms expire in March 2023. There was a state Supreme Court ruling that if a city nominates three candidates, the county commission must choose from the nominated candidates. Fletcher is interested in serving. Cook and Malo would also consider serving.

Motion by Conrad that the city council approves Resolution 30-22 approving the candidate nominations of Tom Fletcher, Bill Cook, and Brian Malo to the Minnehaha Creek Watershed District Board. Second by Roy. Motion passed 5-0.

View report at LMCC-TV.org.

E. Roy: Minnetonka Community Education

- Minnetonka Community Education – No report.

No report. No council action taken.

12. ADJOURNMENT

Motion by Roy to adjourn the meeting at 8:28pm. Second by Fletcher. 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 for 1 year.