

MINUTES

Greenwood City Council Meeting

Wednesday, December 2, 2015

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Kind; Councilmembers Bill Cook, Tom Fletcher, Bob Quam, Rob Roy

Others Present: City Zoning Administrator Dale Cooney, City Attorney Mark Kelly

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

2. CONSENT AGENDA

- A. Approve: 11-04-15 City Council Worksession Minutes
- B. Approve: 11-04-15 City Council Meeting Minutes
- C. Approve: 11-04-15 City Council Closed Session Minutes
- D. Approve: October Cash Summary Report
- E. Approve: October Certificates of Deposit Report
- F. Approve: November Verifieds, Check Register, Electronic Fund Transfers
- G. Approve: December Payroll Register
- H. Approve: 2nd Reading, Ord 248, Amendment to Allow Waiving of 2nd Readings
- I. Approve: 2016 License Applications
- J. Approve: 2015 Recycling Report Showing October Household Participation

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

3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

- A. City Attorney: Simple Subdivisions Overview

No council action was taken.

5. PUBLIC HEARINGS

- A. Public Hearing: Request for Simple Subdivision, Nathan Raich, 21200 Mtka Blvd
Consider: Res 23-15, Findings for Simple Subdivision Request, Nathan Raich, 21200 Mtka Blvd

Motion by Quam to open the public hearing. Second by Cook. Motion passed 5-0.

Gerald Mike Brown, 4920 Lodge Lane: Spoke against the subdivision and presented a petition with 53 signatures stating, "We the undersigned, are in strong opposition to the proposed subdivision of 21200 Minnetonka Boulevard due to the impact on the unique topography of the area, the adverse impact on adjoining property owners, the short notice that was provided, and that the proposal does not provide satisfactory ingress and egress. Also serious concern regarding grading and erosion control, erosion and runoff. And that no grading proposal or tree plan has been submitted." A copy of the petition is on file at the city.

John Rauth, 4910 Woods Court: Spoke against the subdivision. Questioned whether the applicant had the authority to bring an application to the city. Noted that city ordinance 1140.80 subd 7 states that no simple subdivision shall be approved by the city council except on condition that all significant trees and all trees to be cut down in excess of what is allowed for new construction shall be replaced in accordance with the tree replacement schedule. Asked that the city council require a right-of-way encroachment agreement before considering the subdivision.

Gary VanCleeve, attorney representing adjacent property owners: Spoke against the subdivision. Stated that 1928 documents show the Crestwood Lane right-of-way is owned by the adjacent property owners who hold the underlying fee title, that the land is held in trust by the city specifically for the use as a public street, that any other use would be a "taking." He stated that the property owners will be requesting a vacation of the Crestwood Lane right-of-way.

Mary Jean McGregor, 21170 Minnetonka Blvd: Stated that contrary to staff's presentation, she never has been approached by the developer regarding potential purchase of her property.

Jim Johnson, attorney representing the applicant: Spoke in favor of the subdivision. Stated that Nathan Raich is authorized to bring the application to the city and can get corrected documentation if needed. Asked for proof of the abutting property owners granting the easement for the right-of-way in 1928.

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

Motion by Fletcher that the city council denies the simple subdivision request of Nathan Raich to subdivide 21200 Minnetonka Boulevard into two separate parcels as identified on the submitted surveys, because Parcel B does not abut upon a public street or upon an existing easement or a private street that provides satisfactory ingress and egress. Second by Cook. Motion passed 5-0.

6. UNFINISHED BUSINESS

- A. Consider: Res 14-15, Findings for Hardcover Variance Request and Res 15-15, Findings for Grading Conditional Use Permit Request, Mary McQuinn, 5025 Covington Street

Al McQuinn, 5025 Covington Street: Husband of the property owner. Spoke in favor of the requests. Stated that the front yard is steep and a sidewalk in that location would be very dangerous for anyone of any age. Stated that he has experience with private / public partnerships in Edina where the results were excellent. Stated that he would personally make sure the proposed park drainage mitigation plans were done right.

Mary Jetland, 4940 Meadville Street: Daughter of the property owner. Spoke in favor of the requests. Stated that as a Greenwood taxpayer she would hope that the city would be open to private / public partnerships.

Motion by Fletcher that the city council (1) accepts the planning commissions recommendation and adopts resolutions 14-15 and 15-15, findings for denial of the variance and grading conditional use permit applications for Mary McQuinn, 5025 Covington Street as written, (2) directs the city attorney research and bring options to the city council regarding temporary license agreements. Second by Cook. Motion failed 2-3 with Kind, Quam, and Roy opposing.

Motion by Roy that the city council (1) approves the variance and grading conditional use permit requests as presented by Mary McQuinn, 5025 Covington Street, (2) directs staff to draft findings for approval based on the following: a U-shaped driveway is a reasonable use for a residential property, the steep front yard is a pedestrian safety hazard unique to the property, (3) directs the findings for approval be placed on the 01-06-15 city council agenda for approval. Second by Quam. Motion passed 3-2 with Councilmembers Fletcher and Cook opposing.

- B. 2nd Reading: Ord 245, Regarding Accessory Structures and Uses and Res 18-15, Summary of Ord 245 for Publication

Motion by Fletcher to continue the 2nd reading of ordinance 245 to the January 6, 2016 city council meeting. Second by Cook. Motion passed 5-0.

- C. 2nd Reading: Ord 247, Amending Municipal Watercraft Ordinance and Res 22-15 Summary of Ord 247 for Publication

Motion by Fletcher that the city council approves the 2nd reading of ordinance 247 amending the municipal watercraft ordinance. Second by Roy. Motion passed 5-0.

7. NEW BUSINESS

- A. Consider: Res 26-15, Findings for Variance Request, Joel Davis and Heather Garibaldi-Davis, 21795 Mtka Blvd

Motion by Cook that the city council accepts the planning commissions recommendation and adopts resolution 26-15 findings for approval of the variance request from Joel Davis and Heather Garibaldi-Davis, 21795 Mtka Blvd, as written. Second by Quam. Motion passed 4-1 with Fletcher opposing.

- B. Consider: Res 24-15, Final 2016 Tax Levy and Res 25-15 Final 2016 Budget

Motion by Roy that the council adopts resolution 24-15 approving the 2016 tax levy in the amount of \$642,490 to be collected in 2016 and directs the city clerk to send the information to Hennepin County. Second by Quam. Motion passed 5-0.

Motion by Fletcher that the council adopts resolution 25-15 approving the 2016 general fund budget in the amount of \$782,015. Second by Cook. Motion passed 5-0.

C. Consider: 2015 Budget Line Item Adjustments, Fund Transfers, and Year-End Contributions

Motion by Fletcher that the council approves the following line item adjustments to the 2015 budget EXPENSES:

General Fund Code Number	Line Item Title	Original 2015 Budget Amount	12-02-15 Amount	CHANGE
101-42400-308	Zoning Administration	3,500	10,000	6,500
101-42400-310	Building Inspections	28,290	60,790	32,500
TOTAL				39,000

AND the following line item adjustments to the 2015 budget REVENUES:

General Fund Code Number	Line Item Title	Original 2015 Budget Amount	12-02-15 Amount	CHANGE
101-34103	Zoning / Subdivisions / Variances	5,000	8,000	3,000
101-34304	Load Limit Fees	4,000	11,000	7,000
101-32210	Building Permits	36,000	65,000	29,000
TOTAL				39,000

Second by Kind. Motion passed 5-0.

Motion by Fletcher that the council approves the following 2015 fund transfers:

- a. \$3,470 from 605-49300-721 Marina Fund Transfer to 101-39200 General Fund for Administrative Expense Reimbursement
- b. \$12,500 from 605-49300-720 Marina Fund Transfer to 101-39201 General Fund
- c. \$10,090 from 602-43200-720 Sewer Fund Transfer to 101-39202 General Fund for Administrative Expense Reimbursement
- d. \$2,302 from 502-43200-720 Stormwater Fund Transfer to 101-39203 General Fund for Administrative Expense Reimbursement
- e. \$30,000 from 101-49000-500 General Fund Bridge Transfer to 403-39200 Bridge Fund
- f. \$10,000 from 101-43200-500 General Fund Major Road Improvement to 404-36230 Road Improvement Fund

Second by Kind. Motion passed 5-0.

D. 1st Reading: Ord 250, Amending City Code Sections 300.07 & 600.7 Regarding Building Permits and Simple Subdivisions

Motion by Fletcher that the city council approves the 1st reading of ordinance 250 as written. Second by Cook. Motion passed 5-0.

E. Discuss: Ord 251 Amending Chapter 11 Regarding City Forester, Hazard Trees, Variance Standards for Impervious Surface Regulations and Application Procedure for Mailing Lists

Motion by Fletcher that the city council directs the planning commission to hold a public hearing, review, and make a recommendation regarding ordinance 251 as written. Second by Cook. Motion passed 5-0.

8. OTHER BUSINESS

A. Ash Trees

Motion by Fletcher that the city council authorizes the following the following next steps regarding Emerald Ash Borer:

- (a) City Forester Manuel Jordan will conduct a quick inventory of ash trees in Shuman Woods Park.

- (b) Manuel will mark ash trees for removal if they are "weak specimens" located close to a public street / trail / play area or have the potential to interfere with utility lines. Otherwise, ash trees on public property will become habitat for wildlife.
- (c) An article about EAB will be included in the next city newsletter and will direct property owners to consult with a certified arborist to determine options for privately-owned trees.

Second by Cook. Motion passed 5-0.

B. St. Alban's Bay Lake Improvement District

Motion by Kind that the city council accepts the St. Alban's Bay Lake Improvement District (SABLID) Board's recommendation and approves Mike Bogen and Bill Slattery as the fiduciary agents for the SABLID subject to securing a \$75,000 bond for each of them. Second by Roy. Motion passed 5-0.

9. COUNCIL REPORTS

- A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge
- B. Fletcher: Lake Minnetonka Communications Commission, Fire
- C. Kind: Police, Administration, Mayors' Meetings, Website
- D. Quam: Roads & Sewers, Minnetonka Community Education
- E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District

No council action was taken.

10. ADJOURNMENT

Motion by Fletcher to adjourn the meeting at 9:42pm. 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 on LMCC TV channel 8 for 1 month, at www.lmcc-tv.org for 1 year, and on DVD at the city office (permanent archive).