

Greenwood City Council Meeting

Tuesday, May 5, 2009 7:00 PM

Council Chambers 20225 Cottagewood Road Deephaven, MN 55331 #952-474-6633

1. Call to Order - Roll Call - Approval of Agenda

Mayor Kind called the meeting to order at 7:02 PM

Council present: Page, Fletcher, Kind and Quam

Council absent: Rose

Staff present: Attorney Kelly and Administrator Whipple

Councilmember Page moved to approve the agenda with a friendly amendment by Fletcher to add Lakeshore Market as item 8A. Second by Councilmember Quam
Motion carried 4-0

2. Approve Consent Agenda

Councilmember Page asked to have item 2F moved to 8B

Page moved to approve the consent agenda as amended. Second by Fletcher

Motion carried 4-0

3. Matters from the Floor

None

4. Announcements, Presentations and Staff Reports

A. Discuss 2009 Sewer Project: City Engineer, Dave Martini, reviewed the report included in the packet. His presentation included a background on prior sewer work and the Inflow & Infiltration (I & I) project. He suggested the City continue with sewer rehabilitation in 2009 by addressing manhole and pipe issues in districts 3 & 4 for an estimated cost of \$50,995.35.

Councilmember Quam moved to approve spending \$50,995.35 for manhole improvements as identified by Dave Martini's letter dated April 29, 2009, and pipe improvements as identified in Dave Martini's letter dated March 23, 2009.
Second by Councilmember Fletcher Motion carried 4-0

B. Discuss 2009 Street Project: Mr. Martini reviewed street projects. Five sections of Greenwood roads were identified as needing repair: Greenwood Circle, Highview Place, Maple Heights Road, Meadville Street and Fairview Street. Greenwood Circle has poor drainage but there are two existing catch basins which could be reconstructed. If this area is repaired, it could remove up to 1.1 pounds of phosphorus per year which is required to comply with the Stormwater Management Plan. A rain garden in the grassy area near the city docks was discussed.

If Greenwood Circle was repaired, the road needs to be raised because of poor drainage.

Councilmember Fletcher moved to approve going ahead with the Greenwood Circle project with an estimated cost of \$60,540 subject to Mr. Martini bringing back separate bids for Greenwood Circle and Meadville Street and also a bid for the Greenwood structure option for the June Council meeting. Second by Councilmember Quam
Motion carried 4-0

C. Administrator Whipple asked for someone to volunteer to organize the Greenwood 4th of July parade this year. Getting volunteers may be a factor in whether there is a parade this year.

5. Public Hearings

A. First reading of ordinance #166 Amend Section 800, 820 and 520 Liquor Fees
Attorney Kelly reviewed proposed changes in ordinance #166. Currently, the Old Log Theater is the only liquor license holder in Greenwood.

Fletcher moved to open the public hearing. Second by Quam. Motion carried 4-0

Don Stolz, owner of the Old Log Theater stated he serves liquor on a very limited basis. In his conversation with someone from the State, he was told his fee for a license was the most expensive in the state based on the limited hours the Old Log served liquor.

The Council felt a delimited license fee should be based on the number of hours liquor is served.

Councilmember Page moved to close the public hearing. Second by Quam.

Motion carried 4-0

Page moved to approve Ordinance #166 changing a delimited license to a maximum of 656 hours per year. Second by Fletcher Motion carried 4-0

6. Unfinished Business

A. Second reading of ordinance #165 establishing use of fire lanes

Quam moved to approve the second reading of Ordinance #165. Second by Councilmember Fletcher. Motion carried 4-0

B. Review letter to LMCD regarding expansion of Excel Marina docks

Councilmember Quam reminded the Council that public safety is their first duty and encouraged signage in the channel at the St. Albans Bridge.

Quam moved to approve the letter as written and mail to parties as noted in the letter. Second by Fletcher Motion carried 4-0

7. New Business

A. Approve Excelsior's request for seasonal park and dock patrol services

Mayor Kind explained this needed to be approved as per the Joint Powers Agreement and there is no additional expense to Greenwood.

Fletcher moved that the Greenwood City Council approve the South Lake Minnetonka Police Department providing seasonal park and dock patrol services for the City of Excelsior as stipulated in the 2009 proposal.

Second by Quam Motion carried 4-0

B. Approve resolution #10-09 approval of Lake Minnetonka Communications Commission purchase of building

The LMCC has decided to purchase the building they've been renting the last 10 years. The LMCC is not asking for funding, only permission to purchase.

Councilmember Page moved to adopt resolution #10-09 approving the acquisition of real estate by the Lake Minnetonka Communications Commission as set forth in a pro-forma basis without change. Second by Fletcher Motion carried 4-0

C. Determine next steps for the SouthShore Center

Mayor Kind reviewed what's transpired in SouthShore meetings up to this point.

Greenwood residents received a survey drafted by Mayor Kind and Councilmember Page relating to the SouthShore Center. There was a 44% response rate.

She wants Council direction on how to proceed with upcoming discussions.

Bob Newman 5230 Meadville Street spoke to the Council as a member of the newly-formed Advising, Directing, Honoring Our Community (ADHOC) Committee which is made up of concerned citizens with the desire for long-term stability of the Center. He suggested the five Cities seek common ground to make the Center a successful enterprise.

Mayor Kind suggested there were 4 things to be considered tonight

1. Approve the hiring of Community Rec Resources to manage the Center

2. Support Shorewood with sole oversight of the Center

3. Decide what to do if no agreement for the Center is reached by June 30, 2009

4. Determine how to respond if we receive a 20% interim share for costs for the Center
Councilmember Fletcher suggested adding another item as to how cosmetic costs are dealt with. The CRR had made a city subsidy request of around \$24,000.

Councilmember Page moved, to facilitate a smooth transition, Greenwood supports contracting with the Community Rec Resources to begin on July 1, so a manager is in place when the SSSP interim contract expires on June 30. Second by Fletcher.

Motion carried 4-0

Councilmember Fletcher felt the Council should wait to make a decision on Shorewood's decision to manage the center until Shorewood had acted. We may call a special meeting to address it.

Councilmember Fletcher is not in favor of opting out of the agreement at this time and favors using population to determine financial obligation to the center which would be roughly 5% of expenses.

The question of 20% split for expenses was discussed.

Fletcher moved that if Greenwood received an invoice from Shorewood for interim costs of the Center, our expected plan is that we will pay 3.95% of the costs. However, the City may make an additional voluntary contribution to show appreciation to Shorewood for acting as fiscal agent for the Center as well as willingness to be host and coordinator for meetings of the five cities. Second by Quam Motion carried 3-1 with Page voting Nay

Councilmember Fletcher moved that we, the City Council of the City of Greenwood, support the use of the SouthShore Community Center and pledge to seek common ground with the other owner Cities to secure a vibrant, active, and successful enterprise, herein. Second by Quam Motion carried 4-0

Recess at 8:52 and Reconvene at 8:59

D. Approve Resolution #09-09 MN Wetland Conservation Act.

Administrator Whipple explained this was something that should have been approved in 1992 as part of the City Comprehensive Plan.

Councilmember Page moved to adopt Resolution #09-09 of the City Council of the City of Greenwood, Minnesota regarding the administration of the Wetland Act of 1991. Second by Councilmember Quam. Motion carried 4-0

E. Discuss Tour de Tonka bicycle ride

Mayor Kind has been in contact with Chief Litsey and learned the SLMPD does not get paid by Tour de Tonka for its help. A lot of volunteers are used, but he feels the event planner should pay for some of the policing costs. Councilmember Quam felt it's a wonderful community event.

Quam moved to accept Tour de Tonka route map as presented. Second by Councilmember Fletcher. Motion carried 4-0

F. Consider construction management ordinance

In 2005, this ordinance was considered but was not adopted. This ordinance has been approved, 4-0, by the Planning Commission and they would like the Council to act on it. Councilmember Page moved to table this discussion until the June meeting. Second by Quam. Motion passed 3-1 with Fletcher voting nay.

G. Consider revised variance application form

The proposed application is an upgrade from the existing application and requires that the specific hardship criteria be addressed and includes a check-list of submittal material to insure completeness of the application. The Planning Commission approved this form 4-0.

Councilmember Fletcher moved to approve the proposed variance application with Item #2 under City of Greenwood - Variance Application Filing Requirement deleted. Second by Quam. Motion carried 4-0

H. Consider designating City right-of-way land by the City docks as park land

Park funds may be used to improve this area if it's dedicated as a City park.

Councilmember Quam moved to designate this right-of-way land as City park land in a formal resolution which includes a legal description to be approved at the June, 2009 Greenwood City Council meeting.

I. Consider using park funds to install canoe/kayak racks or a stormwater buffer at the new City park

Councilmember Page wondered if a permanent structure could be located here and if Greenwood is the actual fee owner of this property. This item was tabled until the June meeting.

J. Consider posting LMCD rules signs at public docks and Meadville launch
Mayor Kind has talked to Judd Harper regarding free signs explaining 'summer/ winter' rules on Lake Minnetonka. Greenwood would pay for the posts and their installation, the rest would be taken care of by the LMCD.

Councilmember Page moved to approve the posting of the LMCD summer & winter rules at the Meadville fire lane and city dock location. Second by Councilmember Quam. Motion carried 4-0

Administrator Whipple will arrange for Deephaven public works to meet with Jed Harper to determine the best location for the posts.

K. First reading of Ordinance #167 updating section 510 licenses, permits, and fees and related sections to the code

The fees have been removed from all sections of the code book and put in one location, section 510. Councilmember Fletcher noted that the gasoline pump licensed should be changed to zero. The ordinance changes were discussed and changes will be reflected on the document at the second reading in June.

Councilmember Quam moved to approve the first reading of Ordinance #167 updating sections 510 Licenses, permits, and fees and related sections of the code with changes as discussed. Second by Councilmember Page Motion carried 4-0

8. Other Business

A. Lakeshore Market Councilmember Fletcher noted that the Zoning Coordinator has sent letters to the owner of the Lakeshore Market regarding violations of hardcover, car sales and items stored on the exterior of the property. The letters have not produced compliance by Mr. Kwara. Attorney Kelly stated the City may pursue administrative fines and hearings as neighboring Cities have done. Our zoning code gives the City the right to issue a citation with each day being a separate misdemeanor offense but Ridgedale Court does not like these citations. We could treat this as a civil case, but it's very expensive. The City could also create a convenience store license. This will be discussed again at the June Council meeting.

B. Approve new trash hauler - Blackowiak - Mound, MN

Councilmember Quam wanted to make sure this new hauler was complying with using small garbage trucks and picking up trash only on Thursdays. Administrator Whipple said this hauler verbally agreed to those terms. It was also explained that Blackowiak is one of many approved trash haulers in Greenwood.

Councilmember Fletcher moved to approve the Blackowiak trash hauler application. Second by Councilmember Quam Motion carried 4-0

9. Council Reports

A. Planning Commission Report

Councilmember Fletcher reported that the lighting ordinance is still being discussed and are uncertain which way to go.

A public hearing for the tree preservation ordinance will be held at the Planning Commission meeting on Wednesday, May 20, 2009.

B. Lake Minnetonka Conservation District

Councilmember Page noted that the LMCD is hoping to have more inspectors for zebra mussels at some of the boat landings.

10. Adjourn

Page moved to adjourn at 9:55 pm Second by Quam Motion carried 4-0

Respectfully submitted,

Roberta Whipple
Greenwood City Administrator