

GREENWOOD CITY COUNCIL MEETING
Tuesday, September 7, 2010, 7:00 p.m.
Council Chambers, 20225 Cottagewood Road, Deephaven MN 55331

1. CALL TO ORDER- ROLL CALL - APPROVAL OF AGENDA

Mayor Kind called the meeting to order at 7:00 p.m.

Members present: Mayor Deb Kind, Councilmembers Tom Fletcher,
Kelsey Page, Bob Quam and William "Biff" Rose

Others present: City Attorney Mark Kelly
City Zoning Administrator / City Clerk Gus Karpas

ACTION: Page moved to approve the agenda. Quam seconded the motion. Motion carried 5-0.

2. APPROVE CONSENT AGENDA

Councilmember Fletcher asked that the August Payables be removed from the Consent Agenda for further conversation. Mayor Kind said the payables would be moved to item 8A.

ACTION: Councilmember Quam moved to approve the following Consent items.

- A. Recommendation: Approve 08-05-10 Council Minutes*
- B. Recommendation: Approve 08-05-10 Work Session Minutes*
- C. Recommendation: Approve July Cash Summary Report*

Page seconded the motion. Motion approved 5-0.

3. MATTERS FROM THE FLOOR

There were no issues raised.

4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS

A. Hennepin County Commissioner Jan Callison

Mayor Kind introduced Hennepin County Commissioner Jan Callison. Commissioner Callison informed the Council that the County Commission approved their maximum levy amount earlier in the day. That amount can be lowered, but not raised when the final budget is adopted. She outlined the increases in certain areas, but noted a number of services will have to be reduced. She said the Truth in Taxation hearing will be held on November 30th and the final budget adopted on December 14th.

Commissioner Callison discussed a pilot program in which the county will collect unwanted

medicine from residential homeowners in attempt to keep medicine out of the water treatment system where it can have an environmental effect. She said there will be a collection point in St. Louis Park; from there the medication will be transported to Illinois and incinerated.

Callison said the county has obtained property in Excelsior for a new library. Councilmember Page asked about the property, noting he heard that a portion of it was unsuitable for construction. Callison said the county purchased more property than it needed and that the back portion of the parcel will be purchased by the City of Excelsior. She said a community meeting on the future library will be held September 30th at the Southshore Center.

The final item Commission Callison discussed was a study done by the county which compares statistical data such as demographics and income with the suburbs and the United States. She distributed a copy of the report for the Council's review.

Councilmember Fletcher asked if there were any lurking issues that could negatively impact the budget. Ms. Callison said there are always concerns, noting the budget is very complicated and there were some assumptions made on the amount of State Aid that would be dispersed. She said the Board worked under the assumption that the stated amount would not be available when drafting the budget. She said other issues such as estimated tax petitions, reduced incomes, the needs of HCMC and the reduction of federal stimulus funds impact the budget.

Councilmember Fletcher asked about the appointment of Board members to the MCWD and how much attention is focused on those appointments. Ms. Callison said the County Board does appoint the members, but the focus typically is on their annual budgets and not their policy views. Fletcher said his concerns about functionality of the Board stems from what he believed to be a very dysfunctional meeting he recently attended. He said there is a feeling that the MCWD is not accountable to anyone for their actions. Ms. Callison said there has been some thought on paying closer attention to water management issues in the county, but noted there are eleven different governing bodies appointed by the County Board overseeing water management. She agrees there is not a consistent water management organization at the county level.

Mayor Kind thanked Commissioner Callison for her time.

B. Chief Scott Gerber: Excelsior Fired District Update

Chief Scott Gerber of the Excelsior Fire District addressed the Council. He said he would like to update the Council on a number of issues including, staffing, facilities, apparatus, budge, training and operations.

Chief Gerber said the current staffing of the District is in good shape. He said there have been a couple of recent retirements and they continue their recruitment efforts to adequately staff and serve the member cities. Gerber said the facilities available to the District permit them to operate effectively, though he noted there will be some maintenance costs included in the 2011 budget to address minor issues.

Gerber said the District's apparatus is operating as it should. He said there were funds in the 2010 to refurbish the aerial apparatus. He said the aerial is the first piece of equipment that goes out of station one. He said the 2011 Budget has been approved by all five cities and that the District is currently operating under budget in 2010.

Chief Gerber discussed prevention and how the district continues its work on inspecting the seven hundred and fifty businesses, while using its resources wisely and effectively. He said the Fire Safety Open House will be held at Station 1 on October 7th. He said the District also holds weekly training sessions on Thursday nights and invited Councilmembers to come and observe if they'd like.

The final topic Chief Gerber spoke about was operations. He said the District has had four hundred and ninety-five calls to date, of those 55% were medical calls and 45% were actual fire calls. He said he is working with the Board to potentially replace the self-contained breathing apparatus prior to the scheduled 2014 replacement date.

Councilmember Quam asked about compensation for the firefighters. Chief Gerber said the District has two full time employees, one part time employee and forty-three on call firefighters. He said the firefighters are paid \$9.75 an hour for fire calls, noting that amount will be raised to \$10.00 in 2011.

Councilmember Quam asked about the process after a 911 call is received. Chief Gerber said it's a tiered system where law enforcement and fire response is consecutive. They provide initial care until the ambulance service arrives. He noted the District is served by two different ambulance services (HCMC and Ridgeview). He said once the ambulance arrives, the police/fire authorities provide a report to the medic and the patient is then transported. He said, typically the fire personnel will help with the transport. Quam asked how it's determined which ambulance service is called. Gerber said each service has a service area and that Greenwood is served by HCMC ambulances. Councilmember Fletcher noted there is an ambulance parked at Station 2 in Deephaven. Gerber said there was and it has provided better coverage for the District having it located there.

Councilmember Fletcher said a recent survey of the firefighters indicated some had a concern about diminishing skills due to a lack of calls. Chief Gerber agreed the District does not have a high fire volume, but they have taken steps to train the fire fighters in training environments which allow for live burn scenarios.

The Council thanked Chief Gerber for his time.

C. City Attorney Mark Kelly: Junk, Debris and Nuisance Enforcement

Mayor Kind informed the Council that the city had received nuisance complaints centered on diseased trees, dead trees, brush piles, noxious weeds and fencing. She said the City Attorney has drafted two memos for the Council seeking clarification for staff in its enforcement efforts.

City Attorney Kelly summarized the concerns raised by the residents. He said the City currently has a general nuisance provision in chapter 1020 of the code book, noting with the upcoming code book change, that provision would be moved to chapter 9. He said this is important because there will be changes in the new code book. He said it's important that the Council delineate the process for administration of ordinances. He said cities don't typically seek out nuisances and follow more of a "report and response" approach. He said once a complaint is received by the city, it needs to determine the probable cause of the complaint. He said this determination is made by the city's prosecuting attorney as to whether a case can be made in good faith.

He said the issue at this point is the fact the current code makes dead trees and brush piles a violation of the code. The new ordinance is based on a model ordinance which does not include dead trees or brush piles as a violation of the code. He said the Council needs to determine if they would like the existing prohibitions to continue into the next ordinance, noting they had to keep in mind that the city has an obligation to enforce the ordinance on the city as well. This is important because the city itself has property with dead trees, and it would be costly to remove them.

Mr. Kelly discussed the current regulation of noxious weeds and the proposed change in the new ordinance which would prohibit weeds based on their classification by the state as either a "restricted" or "prohibited" noxious weed. "Prohibited" noxious weeds must be controlled or removed, "restricted" noxious weeds cannot be sold, planted, or transported. Buckthorn is classified as a "restricted" noxious weed by the state. He said part of the complaint received by the city revolved around the inclusion and required removal of Buckthorn as a policy of the city, even though it is not a prohibited noxious weed defined by the state.

City Attorney Kelly explained the differences between a public and private nuisance. He said the city's interest in addressing nuisances is to protect the general public and not to address private issues between neighbors.

On the issue of fences, the concern was that a neighbor had put up some yellow "police" type tape. Kelly said he did not find anything in the ordinance stating that it constituted a

fence or sign and therefore was not regulated.

In conclusion, Kelly said the Council needs to decide whether it wants to regulate Buckthorn as a matter of policy, whether it wants to continue the regulation of dead trees and whether to continue to regulate brush piles.

Councilmember Quam asked if the city could change the definition of Buckthorn from the state definition of "restricted" to "prohibited." Mr. Kelly said it could by adding it as prohibited nuisance in the city. Councilmember Fletcher said there are a couple of downsides to regulating Buckthorn including the fact there is a lot of Buckthorn on city property and that requiring removal could be a burden on residents. Mr. Kelly said it's typical for a resident to claim unfair treatment during enforcement and to point out other properties that are in violation, which begins to become burdensome to city staff.

Councilmember Fletcher said it sounds like a practical matter as to whether to enforce the existing code or to direct staff to use the proposed code. Mr. Kelly said the prosecuting attorney would most likely advise enforcement of the existing code.

Trish Burdick, 4950 Sleepy Hollow Road, said that Buckthorn kills trees by depriving native species of sun and water.

Brian Burdick, 4950 Sleepy Hollow Road, feels violations under the existing code need to be addressed. He said Buckthorn is a terrible plant declared as a noxious by the state. He said they kill trees and are bad for wildlife. Mayor Kind asked if he supported the city making Buckthorn a prohibited noxious weed. Mr. Burdick said he did and discussed the rebound of the trees along the LRT after the Buckthorn was removed.

Mayor Kind said the Council needs to make a decision on whether to keep dead and brush piles in the new code book, which has removed references to dead trees and fallen limbs. She said the selected diseased trees in the new code book include the two that are in the current code book (Dutch Elm Disease, Oak Wilt) but also adds any other diseases determined harmful by the state.

Councilmember Page is not in favor of including Buckthorn as a "prohibited" noxious weed in the new code, unless the city is willing to eradicate it on its own property. He doesn't feel the city is in a position to impose a regulation on residents that it doesn't follow itself.

Councilmember Quam feels the Council needs more data, especially as to the number of dead trees on city property. Councilmember Fletcher agreed and said he would be hesitant to make changes before the Council has put some thought into it. He would like to know exactly how big the Buckthorn issue is before acting on a change.

Councilmember Rose asked if the discussion was based on one complaint, two

complaints or just a need to change the proposed code. Mayor Kind said there have been a couple of complaints and that staff needs direction on how to enforce the code in light of the proposed changes coming in the new code book.

Councilmember Quam asked what was included in the city's new code book regarding noxious weeds. Mayor Kind said the new code regulates weeds "prohibited" by Minnesota Statute, which does not include Buckthorn. Quam said he would like to know how other cities regulate Buckthorn.

Councilmember Page said the issue of dead trees needs to be looked at based on scenarios where they actually impact a neighbor's property. Councilmember Rose agreed, stating a dead tree in the middle of the woods really doesn't need to be removed. He said in cases where an adjacent property is impacted should be an issue between neighbors. Page added the ordinance needs to have an enforcement mechanism to remove those trees that pose a hazard.

City Attorney Kelly said the code has some flexibility where issues such as that can be handled as a private nuisance or a general nuisance.

Councilmember Fletcher noted that staff is seeking direction on how to enforce the code based on the current compliant and noted the current code does not prohibit Buckthorn.

ACTION: Fletcher moved to direct staff to base the enforcement of current complaints on the current code and that the Mayor appoints a committee to research the issues related to Buckthorn and have a report for the Council at its November meeting on how to address it in the new code. Quam seconded the motion. Motion carried 3-2. Councilmembers Page and Rose opposed the motion.

D. Zoning Administrator/City Clerk Gus Karpas: Georgetown Manor Update

Zoning Administrator Karpas briefed the Council on the inspection efforts at Georgetown Manor stating he had sent a letter requiring the issues raised by the Building Inspector and Fire Inspector be address no later than September 15th or a Civil Citation would be issued. He said the building owner was made aware of the issues with his property in January and has been slow in responding to city staff.

5. PUBLIC HEARINGS

A. 2010 Greenwood Ordinance Code Book

Mayor Kind announced the City Council has amended the city code and will now be holding a public hearing on the amendments.

ACTION: Rose moved to open the public hearing on the 2010 Greenwood Ordinance Code Book. Quam seconded the motion. Motion carried 5-0.

No members of the public commented on the proposed amendments.

ACTION: Rose moved to close the public hearing on the 2010 Greenwood Ordinance Book. Quam seconded the motion. Motion carried 5-0.

6. UNFINISHED BUSINESS

None

7. NEW BUSINESS

ACTION: Page moved to move Item 7G, Lake Minnetonka Communications Budget to after 7A. Rose seconded the motion. Motion carried 5-0.

A. Discuss: Traffic Calming on Sleepy Hollow Road

Mayor Kind said residents along Sleepy Hollow Road have raised concerns about the traffic speed along their road. She said there currently are two twenty mile per hour speed limit signs along the road and the city had South Lake Police Department temporarily place a speed trailer along the road, which worked for a while. She said she said the Public Works Department placed orange flags on the speed limit signs to draw attention to them and the neighbors installed homemade signs to draw attention the motorist's speed. She noted the signs were recently vandalized.

Kind said the neighborhood has asked the city to install more official looking signs. The issue was raised with the City Engineer and Police Chief. The City Engineer submitted a letter suggesting the installation of two "Hidden Entrances Ahead" signs with a fifteen mile an hour sign attached below them, at a cost of \$1,080. He noted advisory speed limits are not enforceable and that typically additional signage did little to help slow traffic. He suggested the Police Chief comment on the issue.

The Police Chief sent an email stating he had no issue with the "Hidden Entrances Ahead" signage but recommended that no signage should be posted lowering the speed limit past what is lawful for the road.

Councilmember Rose didn't feel new signage would reduce speed along the road and asked about the installation of cameras to monitor speeders. Councilmember Fletcher said license plate cameras are expensive.

Mayor Kind said that the speed trailer clocked most of the vehicles in the area at thirty

miles per hour or less, which is the lawful speed.

Councilmember Quam said he has no doubt that thirty miles per hour is too fast for safety along Sleepy Hollow Road. In fact, he felt there are very few areas in the city where thirty miles an hour was safe. He noted the City Engineer discussed manipulating the physical environment as a means to slow down traffic. Quam suggested the installation of speed bumps.

Councilmember Page said he walks the area everyday and feels the primary violators are young people from the area. He also said he has observed situations where parents aren't managing their children. He feels the existing signage is effective and is not in support of speed bumps. Councilmember Quam said the residents have said there are also a number of adults speeding in the area.

Brian Burdick, 4950 Sleepy Hollow Road, said speeding along Sleepy Hollow Road is a fact and it's not a matter of if, but a matter of when there could be a serious issue in terms of pedestrian getting hit. He feels the grassroots program was successful and he received a lot of comments supporting the effort. He said speed bumps is an interesting idea, but is concerned there would be issues with snow removal and drainage. He said the offenders are of all ages and that he supports the signage recommendations of the City Engineer.

Kevyn Riley, 4970 Sleepy Hollow Road, said the issue of speeding has been around for years. She said she has heard concerns from a number of people. She noted the paved area of the road is only fourteen feet wide and said not only residents are speeding through the area, but also other vehicles such as the UPS truck and school buses. She wants people to take the issue seriously. She said the road has three blind curves and serves as a feeder road for both cars and pedestrians. She would like to see neon green signs placed along the road.

Mayor Kind said, based on a new federal mandate, those types of signs will be the new standard and the city will begin changing out the old signs in the future.

City Attorney Kelly suggested based on the City Engineers letter, that the city could stripe the sides of the road to make it narrower. Councilmember Page noted the right-of-way is thirty foot wide and suggest the city widen the paved area. Mayor Kind said widening the road would increase speed. Page disagreed. He feels the issue is partly due the drivers and the residents along the road. He thinks the city could look into widening the road or adding sidewalks.

Brian Burdick noted the city may not have money in the budget to widen the road, but felt the idea of striping it had merit. Councilmember Fletcher said he wasn't sure if striping would make a difference.

Councilmember Quam congratulated the neighbors on their efforts to slow traffic speeds through the area and said he would support anything to slow people down.

Kevyn Riley said she drove down Ridgewood Road looking for effective signage and noticed the yellow center stripe and wondered if that would help. She believes people would slow down if fifteen mile per hour signs were present.

Kind moved the council approve the replacement of the two existing 20 mph signs at each end of Sleepy Hollow Road with new advisory signs per the city engineer's letter dated 08-25-10 contingent upon the Sleepy Hollow residents submitting a check to the city to cover the cost to purchase and install the signs. Fletcher seconded the motion.

Councilmember Quam said he was not in favor of requiring the neighbors to pay for the signs. Mayor Kind said she was opposed to cluttering the city with signs and was concerned if the city paid for the signs it would set precedence for other neighborhoods who may want signs. She wants to set the standard that the city will place advisory signs if neighbors are willing to pay for them. Quam said if the signage slows down traffic speeds he feels it's the Council's duty to replace signs in other neighborhoods with similar issues. He believes safety is the Council's number one job.

Councilmember Page asked if there was money in the budget to replace the signs. Mayor Kind said the city has a twenty thousand dollar contingency in the budget.

Councilmember Rose said he supports the motion to replace the signs and would like to say the city should pay for it but is concerned about setting precedence.

Councilmember Fletcher is concerned if the speed limit is set too low the signs won't be effective.

Brian Burdick informed the Council that he would be willing to donate the money to pay for the signs.

Councilmember Fletcher suggested a friendly amendment to the motion reflecting that the cost of the signs would be split equally between the neighbors and the city. Mayor Kind accepted the amendment.

ACTION: Kind stated her amended motion that the council approve the replacement of the two existing 20 mph signs at each end of Sleepy Hollow Road with new advisory signs per the city engineer's letter dated 08-25-10 contingent upon the Sleepy Hollow residents submitting a check to the city to cover 50% of the cost to purchase and install the signs. Each post will have a sign that says "Hidden Entrances Ahead" with a smaller below that says "15 MPH." Motion carried 5-0.

G. (moved to after 7A) Consider: Lake Minnetonka Communications Commission (LMCC) Budget

Sally Koenecke, Executive Director of the LMCC, was in attendance to present the 2011 LMCC budget.

Councilmember Fletcher said he was the one vote against the proposed budget at the board level. He said it was a negative budget which draws down the available reserves. He said his vote was mostly symbolic.

Ms. Koenecke said the budget didn't add many ongoing costs, rather a number of onetime costs including thirty thousand dollars to survey support for the fiber optics network, ten thousand dollars to update the LMCC website and a seven thousand dollar franchise audit.

Councilmember Page asked how things were going at the LMCC. Ms. Koenecke said things were going good, that the LMCC has expanded its programming and have been doing a better job at providing access to government meetings with the new video streaming on their website.

ACTION: Kind moved to approve the 2011 Lake Minnetonka Communications Commission's budget as presented. Quam seconded the motion. Motion carried 4-1. Councilmember Fletcher voted nay.

Mayor Kind recessed the meeting at 8:55 p.m. The meeting reconvened at 9:00 p.m.

ACTION: Fletcher moved to move Item 7C, Possible Vacation of Unpaved Road Right of Way to in front of the consideration of Resolution 17-10. Kind seconded the motion. Motion carried 5-0.

D. (moved to before 7B) Discuss: Possible Vacation of Unpaved Road Right of Way Between Stafford and Conrad Properties Along Fairview Street

Mayor Kind summarized the request to vacate the undeveloped right-of-way between the Stafford property at 21800 Fairview Street and the Conrad property at 21780 Fairview Street. She noted that both Mr. Stafford and the Conrad's were present. She said Frank Brixious, 21720 Fairview Street, was not present but had submitted a letter opposed to the proposed vacation.

Commissioner Quam asked why the vacation is necessary. Mr. Stafford said he had met with staff to discuss the develop options for the property and that the lot, having three front yard setback requirements made it difficult to design a home. He is seeking direction from the Council on how to proceed since the recent Minnesota Supreme Court decision makes

it more difficult to obtain a variance.

Mayor Kind said that she discussed the issue with staff and one of the options available, outside of a variance or vacation, is an amendment to the zoning ordinance. Councilmember Fletcher noted the required setback could be changed for properties abutting an undeveloped right-of-way. Kind discussed the concerns raised by Mr. Brixius which includes access to the south portion of his property. Councilmember Quam said he could understand Mr. Brixius' concern about access.

Sean Conrad, 21780 Fairview Street, said he spoke with Mr. Brixius and he told him his concern was about obtaining access for a future sewer line. Councilmember Quam commented that a reduced setback from the right-of-way would solve the problem.

Councilmember Rose said the Conrads have already been granted a variance and said when you buy a piece of property; you know what you have in terms of requirements. He said these are the rules and you need to live with them, otherwise you could be setting precedence for other properties.

Mr. Stafford said that the Brixius property already has two access points.

The Council discussed ways in which the ordinance could be amended. Zoning Coordinator Karpas said the language could be narrow in including only those lots with three road frontages.

Mayor Kind asked if the process to vacate a street would take longer than applying for a zoning code amendment. City Attorney Kelly said not necessarily and that it is done by resolution. Zoning Administrator Karpas noted that only those properties included in the plat that created the street benefit from a vacation.

Kristi Conrad, 21780 Fairview Street, said she had done some research and found the road was created when their lot was platted and not the Stafford lot. Mr. Stafford said he didn't need additional land, just a lessened setback.

Councilmember Page said he is opposed to vacating right-of-way, he said it's public property. He doesn't believe it's up to the City Council to direct the applicant how to proceed and should not be telegraphing either support for an ordinance amendment or vacation of the right-of-way. He said it is up to the applicant whether he wants to pursue an ordinance amendment; otherwise he has to build within the setbacks.

Mayor Kind and Councilmember Fletcher both said they did not support vacating the right-of-way.

Councilmember Fletcher asked if the Council was supportive of asking the Planning

Commission to look at the ordinance in instances where there are three required front yard setbacks. Mayor Kind supports doing so if there is an application for a zoning amendment.

Mr. Stafford said he will work with staff to look at the available options.

B. Consider: Resolution 17-10, 2011 Preliminary Tax Levy Amount of \$645,458 (-3.05 reduction from 2010 tax levy)

Mayor Kind summarized the Resolution, she said if it is passed the tax levy could go down, but not increase.

ACTION: Page moved to approve Resolution 17-10, 2011 Preliminary Tax Levy in the Amount of \$645,458. Rose seconded the motion.

Councilmember Fletcher noted there had been reductions in administrative areas with roughly offsetting increases in the roads budget from the document previously in front of the Council.

Councilmember Quam discussed the I/I issue and how it pertains to the budget. He explained the city agreed to address the issue by repairing/replacing the manholes over a five year period. He feels there should be a separate line item in the sewer budget in the future. The Council agreed and the Mayor will work with the Treasurer on that issue.

ACTION: Mayor Kind called the question. Motion carried 5-0.

D. Consider: Three Rivers Park District for Winter Trail Activities

Mayor Kind explained to the Council that the Three Rivers Park District needs annual Council approval for the proposed winter use of the trail.

ACTION: Quam moved that the Council direct staff to submit the annual trail application to the Three Rivers Park District. Page seconded the motion. Motion carried 5-0.

E. First Reading: Ordinance 186 Enacting a Code of Ordinances for the City of Greenwood

Mayor Kind summarized the proposal noting that the code book has gotten smaller with a number of obsolete provisions being removed and new formatting. She said there were a couple of additional items she would like to address, the first being clarification on a process if a boat is not in its assigned spot by June 15th. She said this would provide guidance to staff on how to proceed if the situation were to occur.

Councilmember Page said he thought this was already addressed in the new code and asked if he was being asked to reconsider at the first reading. Mayor Kind said issues like this jump out at you once a clean copy of the ordinance is available. Councilmember Quam clarified that the proposed change outlines an appeal process. Kind said it did, but did not allow for a second appeal. Councilmember Page feels if the boat is not in the water by June 15th, the space is not being used and you don't need it. He said the city already has a big tolerance since in most cases boats can be in the water the first week of May.

Councilmember Quam said he could envision situations, i.e. health issues, where the deadline could slip. He agrees the city has to be firm, but feels you may want to leave the door open a little. Councilmember Page said there's always going to be a situation.

Councilmember Fletcher can also see situations where a process may be necessary and without such language in the code, the Council can't hear appeals. Councilmember Rose tends to agree with Page that there is more than enough time to get a boat in the water before the June 15th deadline.

Mayor Kind said residents can always approach the Council if necessary. Councilmember Fletcher disagreed.

Councilmember Page said an appeal process would extend the time a space sits open, even if the appeal is denied. Councilmember Fletcher asked if time for repairs is a reasonable request. Page doesn't believe so.

Mayor Kind noted she didn't see support for the provision so it will not be added to the ordinance.

Mayor Kind asked the Council if the provisions related to graded related conditional use permits should be repeated in the Conditional Use Permit procedures for all conditional use permits. Councilmember Fletcher said it shouldn't since it only applies to grading. The Council agreed. The provision will not be repeated.

The final item Mayor Kind discussed was the definition of Tobacco or Tobacco Products. She said this definition has been recommended by the League of Minnesota Cities. The City Council supported adding the definition to the new ordinance.

Mayor Kind asked if there were any other suggested changes. Councilmember Fletcher said he some minor changes. The Council agreed to look at Mr. Fletcher's changes at the second reading.

ACTION: Page moved that the Council adopt the first reading of Ordinance 186 Enacting a Code of Ordinances for the City of Greenwood. Rose seconded the motion. Motion

carried 5-0.

F. Discuss: Minnesota Supreme Court Decision Regarding Variances and Non-Conforming Structures

ACTION: Page moved that the discussion on the recent Minnesota Supreme Court decision regarding variances be continued to the October City Council meeting. Quam seconded the motion. Motion carried 5-0.

8. OTHER BUSINESS

A. Discuss August Payables

Councilmember Fletcher questioned the coding on the first page of the payables, asking if it was to apply to general engineering or part of the road project.

The Council discussed what appeared to be an error in the coding and agreed that the Mayor would work with the Treasurer to clarify the line items.

ACTION: Fletcher moved that the Council approve the August Payables. Page seconded the motion. Motion carried 5-0.

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Milfoil

Councilmember Fletcher said he attended a meeting of Bay Captains to discuss the effectiveness of the past year's milfoil treatment. There was agreement that it has not been as effective in past years. There is some concern that the DNR has adjusted the treatment levels below what is necessary for effective treatment.

Mayor Kind discuss a proposed LMCC survey the city could send out in the September newsletter gauge support for the fiber optics network. Fletcher said he would like to get Greenwood feedback, but that the LMCC already plans a bigger survey and wouldn't want to rush anything out on a city level if the council was not comfortable with it.

Councilmember Page supports the portions of the survey pertaining to the LMCC, but not the other questions. Kind agreed stating she really wanted the resident's input on the fiber optics. The Council agreed and also agreed to include a postage paid envelope in order to get a better response.

B. Kind: Police, Administration

Mayor Kind said the 2011 South Lake Police budget was approved by all four cities. She noted the Cities of Greenwood and Shorewood voted 3-2 in favor of the budget, while the others were unanimous. She said the next Coordinating Meeting will be held on October 19th. Kind said she has met with the Treasurer to expand the number of line items in the budget for clarification on some items and consolidated others. She is now reviewing all coding in the payables.

C. Page: Lake Minnetonka Conservation District

Councilmember Page had no report.

D. Quam: Roads & Sewer, St. Alban's Bay Bridge, Minnetonka Community Education

Councilmember Quam said the city received two quotes to remove the beaver dam along Minnetonka Boulevard, both under the five thousand dollars approved by the Council. The bid was awarded to Widmer Construction who submitted a bid of \$3,981. He said he spoke with Kristi Luger of the City of Excelsior regarding future repairs on the bridge and there are no immediate plans for future repair.

E. Rose : Excelsior Fire District

Councilmember Rose had no report.

10. ADJOURNMENT

ACTION: There being no further business, it was moved by Page to adjourn the meeting at 10:00 p.m. Quam seconded the motion. Motion carried 5-0.

Respectfully submitted,

Gus E. Karpas
City Zoning Administrator / City Clerk