

GREENWOOD CITY COUNCIL MEETING
Tuesday, September 1, 2009 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 Kind, Councilmembers Page, Rose, Fletcher and Quam

Others present: City Administrator Whipple, City Attorney Kelly, and Recording Secretary Link

Councilmember Page moved to approve the meeting agenda. Councilmember Fletcher seconded the motion. Motion carried unanimously.

2. APPROVE CONSENT AGENDA

Councilmember Fletcher moved to approve the following Consent items with the Treasurer's Report being moved to Item 8B for discussion.

- A. Recommendation: Approve 8-4-09 Assessor meeting minutes
- B. Recommendation: Approve 8-6-09 budget worksession minutes
- C. Recommendation: Approve 8-6-09 Council meeting minutes
- E. Recommendation: Approve August payables \$34,685.18

Councilmember Quam seconded the motion. Motion approved unanimously.

3. MATTERS FROM THE FLOOR

- A. **Kristi Anderson, Southshore Community Center** - Anderson introduced herself as the new director of the Southshore Community Center. She discussed improvements underway on the interior and programming plans. A re-grand opening will be held on October 9.

4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS

A. Announcement: Beautiful Boulevards Award Winners

Mayor Kind announced the winners of the Beautiful Boulevards awards for 2009. She asked that if anyone knows who maintains the landscaping around the Greenwood sign near Deephaven to call city hall.

B. Announcement: League of Women Voter's Mayors' Forum "Lively Issues" 7:00 p.m., September 10,2009, Shorewood City Hall

Mayor Kind announced a League of Women Voters' sponsored forum for the South Lake area mayors.

C. Dick Osgood/Rob Roy - Milfoil Presentation

Dick Osgood representing the Lake Minnetonka Association, discussed the results of milfoil treatments in the bays in Greenwood. He highlighted the next steps that should be taken noting that no specific proposal is being presented this evening.

Councilmember Page asked if the milfoil in Gray's Bay is completely gone. Osgood stated there is milfoil, but on an operational standpoint, it is gone.

Rob Roy 21270 Excelsior Blvd. Greenwood, MN discussed fundraising efforts for the future.

5. PUBLIC HEARINGS

A. Public Hearing Regarding an Amendment to the Liquor Code Section 820.15 to add a Food/Liquor Sales Ratio Requirement

Councilmember Page moved to open the public hearing for an amendment to the liquor code Section 820.15. Quam seconded the motion. Motion carried. Mayor Kind opened the floor for public comments. There were none.

Councilmember Page moved to close the public hearing. Rose seconded the motion. Motion carried unanimously.

6. UNFINISHED BUSINESS

A. Remove from table: Variance Request, William Brand, 21290 Excelsior Blvd.

Councilmember Quam moved to reopen the public hearing. Fletcher seconded the motion. Motion carried unanimously.

Kind noted this item was continued to tonight's meeting to allow staff time to research hardcover issues. She read the definition of hardcover. **Rick Storlien, architect** discussed hardcover changes made since the last meeting. He stated they had been under the assumption that landscaped areas were not hardcover. He noted the hardcover would be reduced to 39.46%.

William Brand, 21290 Excelsior Blvd. stated the variance is needed, because he has to back down the driveway. They propose to add a

turnaround for safety reasons.

Rob Roy stated he supported this request because of the existing hazard. Mayor Kind moved to adopt Resolution #09-16 with the condition that the lower garage on Excelsior Blvd. be removed for a hardcover percentage of approximately 37.44%. Councilmember Rose seconded the motion. Quam stated he is not in favor of forcing them to remove the lower garage. Kind stated her concern is allowing five garage stalls and the possible precedence. Page stated he didn't believe a hardship exists on the property. The property does not support five garage stalls. The neighbors' trees can be trimmed back and not be considered a hardship. The applicant bought the property with knowledge of the configuration. He stated if the garage is removed and the concrete in the same area, he would support the request.

Quam stated the lack of a front door is a hardship, and he supported the motion.

Rose stated he also supported the motion.

Page proposed a friendly amendment to the motion that the area remain in a natural state should the garage and concrete be removed. Kind accepted the amendment as did Rose.

Motion carried unanimously.

7. **NEW BUSINESS**

A. **Consider Appointment of Brian Malo to Planning Commission Alternate Seat 2**

Brian Malo, 5070 Greenwood Circle was present to introduce himself as an applicant for the Planning Commission Alternate Seat 2.

Quam moved to appoint Malo as the 2nd alternate on the Planning Commission. Fletcher seconded the motion. Motion carried unanimously.

Fletcher moved to move Item 71 to this portion of the agenda. Page seconded the motion. Motion carried unanimously.

I. **Review City Recycling Proposals**

Kind noted the recycling contract with Vintage Recycling will expire. The

City pursued RFPs for recycling. Only one proposal was received from Allied Waste. The service will be bi-weekly.

Rich Hirstein, Allied Waste was present to discuss the proposed recycling contract. He noted residents can request more than one recycling container.

Fletcher suggested the Mayor or a Councilmember also review the contract. Hirstein noted it will take sixty days to order the carts.

Kind moved to approve the recycling contract contingent upon the review by Fletcher and City Attorney's approval. Fletcher seconded the motion. Motion carried unanimously.

B. Review Greenwood's 2010 Preliminary Budget

Mayor Kind distributed revised copies of the 2010 preliminary budget.

Fletcher moved to adopt Resolution #17-09 approving the tax levy collectable in 2010 in the amount of \$677,167. Rose seconded the motion. Motion carried 4-1. Page voted against the motion.

Fletcher moved to approve the proposed 2010 budget of \$742,402. Rose seconded the motion. Motion carried 4-1. Page voted against the motion.

C. Set date for public hearing for adoption of 2010 levy & budget (12-01-09)

Kind asked the Council whether they would like to hold a special meeting for the adoption of the 2010 levy & budget prior to the December 1st meeting. She suggested the item be included on all meetings prior to December 1st in case items such as the audit change the dollar amount.

Page moved to set budget discussions at meetings in October and November. Quam seconded the motion. Motion carried unanimously.

Quam moved to set December 1, 2009 7:00 PM, as the meeting date to approve the final levy and budget. Page seconded the motion. Motion carried unanimously.

D. Consider requesting Planning Commission review of fence ordinance

Kind stated the current fence ordinance does not speak to how fence height

is determined. She asked the Council to request the Planning Commission review this ordinance. She indicated Chairman Lucking has suggested the City Council consider changing the ordinance. Fletcher noted all ordinance changes require a public hearing at the Planning Commission level. Councilmembers discussed how to determine fence height.

Quam moved to direct the Planning Commission to review the fence ordinance to include language discussing the height definition. Fletcher seconded the motion. Motion carried unanimously.

E. Consider requesting Planning Commission review of pervious surface materials

Kind discussed the need to create ordinance language to give credit for pervious surface materials.

Quam moved to direct the Planning Commission to create ordinance language to give credit for pervious surface materials. Fletcher seconded the motion. Motion carried unanimously.

F. 1st Reading: Ordinance #174 amendment to the liquor code Section 820.15 to add a food/liquor sales ratio requirement

Kind stated the City Attorney was directed to write an amendment to the liquor code to add a food/liquor sales ratio requirement.

Kelly reviewed the proposed amendments.

Quam asked why it is just the first year that the food sales calculation is reported. Fletcher suggested they be required to report food and liquor sales every year. Councilmembers discussed the proposed percentage and concurred it would be 60% food sales and 40% liquor sales.

Fletcher moved to approve the first reading of Ordinance #174 with a change to 60% food and the City Attorney provide language requiring annual reporting. Quam seconded the motion. Motion carried unanimously.

G. 1st reading Ordinance #175 amending Chapter 12 Penalties, Separability, Name and Citation of Code and/or Definitions

Kind stated this is part of the ongoing project to develop an administrative hearing process to enforce city codes using Minnetonka's process as an

example.

Kelly stated this would replace Chapter 12 in its entirety.

Kind moved to approve the first reading of Ordinance #175 and direct Mark Kelly to prepare an ordinance for the second reading and a summary. Fletcher seconded the motion. Motion carried unanimously.

H. Approve winter use permit for Three Rivers Park District

Kind stated the park district requires Council action for the winter use permit, and this is the same as other years.

Quam moved to approve the 2009-2010 winter use permit. Fletcher seconded the motion. Motion carried unanimously.

The Council recessed at 8:35 p.m. and reconvened at 8:45 p.m.

J. Review proposals for preparation of 2009 city audit

Kind stated we received four proposals for the preparation of the 2009 audit. Fletcher stated he was assured the price proposed will be the final bill.

Rose moved to approve a three-year contract with LarsonAllen subject to City Attorney review. Quam seconded the motion. Rose amended the motion to include approval subject to City Council and Councilmember Fletcher approval. Motion carried unanimously.

K. Consider including load limit fees in building permit applications

Fletcher suggested load limit fees be included as part of the building permit application. Kind also suggested a bond be required for all larger building projects. Fletcher asked Quam to check to see if other cities charge load limit fees as part of the building permit application.

8. OTHER BUSINESS

A. Discuss Community Survey

Rose moved to remove the community survey from the table for discussion purposes. Fletcher seconded the motion. Motion carried unanimously.

Kind noted there haven't been any changes to the community survey draft since the last meeting. She reviewed the questions proposed as part of the survey. Whipple noted it will be sent out the end of September with utility bills.

Fletcher moved to approve the community survey with an October 15 deadline. Quam seconded the motion. Motion carried 4-1. Rose opposed.

Kind moved to remove the "Note". Rose seconded the motion. Motion carried unanimously.

B. July Treasurer's Report

Quam questioned the amount shown for road improvements.

Quam moved to approve the July Treasurer's Report as amended. Fletcher seconded the motion. Motion carried unanimously.

9. COUNCIL REPORTS

A. Page: Lake Minnetonka Conservation District

Page stated the regular meeting was cancelled, and an educational lake tour was proposed. The event was cancelled due to lack of interest.

Kelly discussed changes which will be made to the variance resolution for Brands.

10. ADJOURNMENT

There being no further business, it was moved by Page to adjourn the meeting at 9:08 p.m. Fletcher seconded the motion. Motion carried unanimously.

Respectfully submitted,

Clare T. Link
Recording Secretary