

GREENWOOD CITY COUNCIL MEETING
Tuesday, March 3, 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 and Councilmembers Page, Rose, Fletcher and Quam

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

Councilmember Quam moved to approved the meeting agenda. Councilmember Rose seconded the motion. Motion carried.

2. APPROVE CONSENT AGENDA

Councilmember Page moved to approve the Consent Agenda with the exception of Item 2B, which will be moved to Other Business, 8 A. Councilmember Fletcher seconded the motion. Motion carried. Items so approved include the following:

- A. Recommendation: Approve worksession and regular council minutes of 2-3-09.
- C. Recommendation: Approve February payables \$50,381.21
- D. Recommendation: Approve Stormwater Management Plan Revisions by Bolton & Menk
- E. Recommendation: Approve updated Comprehensive Plan by Gus Karpas
- F. Recommendation: Set Saturday, May 2, 2009 as date for city-wide spring clean up

3. MATTERS FROM THE FLOOR

Ernie Pivec, 5060 Meadville Street thanked the Council for their hard work resolving the fire lane issue near his house.

4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS

- A. Virchow Krause 2008 Audit Report
Jim Murray, Virchow Krause was present to review the City's 2008 audit. Highlights included the need to store backup data off-site or in a fireproof safe, review sewer rates, and discussion of adjustments made to journal entries. He reviewed the income statement, net assets, equity, and fund balances. We are currently at 18%; he recommended 25% to 50%. He encouraged keeping an eye on the fund balances.

Councilmember Fletcher asked if pension liabilities are becoming a big issue. Murray stated it is a big issue, but more so with schools.

- B. Minnehaha Creek Watershed District Presentation
Julie Westerlund, Education and Communications Manager, MCWD was present to talk about the impact of land decisions on the health of our lakes and rivers. When land uses change, the flow of water is impacted. She discussed what happens to shorelines and how the city can help to correct the situation. She noted the MCWD performs water quality monitoring. Councilmember Quam asked if the lake cleans the water as it moves. It appears the western side of the lake is more polluted. Westerlund stated the pollutants do seem to settle out as they move from the west to the east.

5. PUBLIC HEARINGS

- A. Stormwater Pollution Prevention Program
Kind stated the metro area is required to submit a stormwater pollution prevention program and have an annual review. Councilmember Rose moved opened the public hearing. Councilmember Fletcher seconded the motion. There were no public comments. Councilmember Rose moved to close the public hearing. Councilmember Fletcher seconded the motion. Motion carried.

6. UNFINISHED BUSINESS

- A. Authorize City Administrator to use credit card (\$5,000 card limit)
Whipple stated the credit limit on the city's credit card has been reduced to a \$5,000 limit. Councilmember Page moved to authorize the City Administrator permission to use the city's credit card up to a \$5000 limit. Councilmember Rose seconded the motion. Motion carried.
- B. Consider options regarding billboards at 20900 Excelsior Blvd.
Kind stated this item was tabled from the February meeting. The billboards are on the eastern side of town and are an eyesore. Our current ordinance states it can be considered abandoned if they are not used for a one year period. Kelly stated his recommendation is to perhaps contact the sign company to voluntarily remove the signs or at least turn the lights off. Page supported contacting the sign company. Councilmember Page moved to direct staff to send the sign company a copy of the ordinance and ask them to remove the sign. Councilmember Quam seconded the motion. Fletcher stated the current ordinance is very clear. Motion carried.

7. NEW BUSINESS

- A. Planning Commission Appointments (Lucking B-1, Mark Spiers B-2)
Kind recommended Lucking and Spiers be reappointed to the Planning Commission. Councilmember Page moved to reappoint Lucking and Spiers

to the Planning Commission. Quam seconded the motion. Motion carried.

- B. Consider Having the Planning Commission Review Lighting Ordinance
Kind read a request from the city's zoning administrator to ask that the Planning Commission review the lighting ordinance. Joan and Tom Moser, 21670 Fairview Street, thanked the City Council for their fast response to their lighting issue. Councilmember Quam moved to request the Planning Commission review the lighting ordinance. Councilmember Rose seconded the motion. Rose suggested the Planning Commission drive around at night to see existing problems. He also suggested they develop a complaint procedure. Motion carried.
- C. Consider Petition from Lakeshore Market for an Amendment to Section 1130 to Permit the On-Site Preparation of Hot Food - Resolution #08-09
Mohamed Kwara, discussed his request to add hot food at his market. Quam asked the applicant what he plans to sell. Mr. Kwara explained what grilled foods he would like to add. Rose believed what is proposed can be done without a grill. Mr. Kwara stated he will use a very small area. The smell would not be a problem. Ernie Pivec, 5060 Meadville discussed health department requirements. Mr. Kwara stated he has contacted the health department. Rob Roy, 21270 Excelsior Boulevard asked the City Council to work with Mr. Kwara and help him accomplish this. He supported the request. Kelly stated there is a draft resolution which outlines the Planning Commission recommendations and addresses specific guidelines and limitations. Page stated he was opposed to amending the code to allow this as a conditional use. Councilmember Page moved to adopt Resolution #08-09 to deny the request. Councilmember Fletcher seconded the motion. Councilmember Quam and Mayor Kind were also against the request. Motion carried 4-1. Rose voted against the motion.
- D. Consider Proposal for Seasonal Barrier on Fire Lane between 5050 & 5060 Meadville Street
Councilmember Fletcher reviewed the cost to install a seasonal barrier on the fire lane between 5050 & 5060 Meadville Street. He suggested it would make sense to review the ordinances further. Councilmember Fletcher moved to request Mark Kelly to draft a proposed amendment to limit the use of fire lanes in Greenwood for motorized vehicle access in the winter and have the first reading at the April meeting. Kind opened the floor for public comments. Motion carried 4-1. Page voted against the motion.
- E. First Reading of Ordinance #163 Establishment of Stormwater Management

Utility Fund

Kelly stated the city engineer requested a stormwater management utility fund be established. Fees would be set based on hardcover percentages at 30% for residential and 9% for commercial. Councilmember Fletcher discussed the stormwater runoff of a larger piece of land vs. a smaller one. Councilmember Quam moved to approve the first reading of Ordinance #163. Councilmember Fletcher seconded the motion. Motion carried.

- F. First Reading of Ordinance #164 - Amendment to Section 520 Sewer Rates
Kelly stated it became apparent these ordinances should all be together. He explained how the rates would be calculated. Councilmember Quam moved to approve the first reading of Ordinance #164. Councilmember Rose seconded the motion. Motion carried.
- G. Discuss Dangerous Dog Appeal
Kelly stated a case has arisen where there were a couple events involving the same dog. He discussed the procedure the police department follows when there is such an event. There is also the right to appeal. He stated he believed there is a need for the same ordinance for all the cities served by SLMPD. There may be an opportunity to hold a hearing at some point in the future. The Council can act as a quasi-judicial board or refer the appeal to an administrative hearing judge. Kelly stated it would be a better use of time to refer the appeal to a judge. Councilmember Fletcher moved to refer any appeal to an administrative hearing judge. Councilmember Rose seconded the motion. Motion carried.
- H. Consider Proposal for Greenwood Beautiful Boulevards Award
Kind stated she would like permission to advertise the lovely landscape award in the quarterly newsletter rather than just the boulevards. She will post pictures on the website. Councilmember Fletcher moved to approve the plan for beautiful boulevards award. Councilmember Page seconded the motion. Motion carried.
- I. Consider Having the Planning Commission Review the Structure Height Limit in the Massing Ordinance
Councilmember Fletcher stated when the massing ordinance was adopted, the suggestion was made that the Planning Commission review the structure height limit. This was not done at that time. Councilmember Fletcher moved to request the Planning Commission review the structure height limit in the massing ordinance. Councilmember Page seconded the motion. Motion carried.

8. OTHER BUSINESS

A. January Treasurer's Report

Councilmember Fletcher suggested more of the city's money be moved into savings accounts. Councilmember Page stated we should also consider the insurance we have on our funds. Whipple noted we are well covered and it is something that was reviewed during the audit. Councilmember Quam will review insurance.

9. COUNCIL REPORTS

A. Kind: South Lake Minnetonka Police

Mayor Kind stated a new union contract has been negotiated.

B. Rose: Southshore Center

Councilmember Rose stated a meeting was held following receipt of a letter from the Friends informing us they would be disbanding.

The Council recessed at 9:00 p.m. and reconvened at 9:05 p.m.

Councilmember Rose stated the five cities discussed the termination and where to go from here. Four out of five city representatives, in a poll, voted to sell the building, should that be an option. He noted the LMCC might be interested in purchasing the building.

Tom Anderson, 4640 Old Camp Road, Friends Board member distributed a packet of information including a history of the building and press releases. He discussed the history and organization of the center. Over the years, block grant money and United Way money went away. They also lost a contract with Met Council for transportation services. Anderson and the Council discussed the cooperative agreement and lease agreement in detail.

He asked the Council to move forward with them and allow them to stay in the building.

Sally Koennecke, LMCC discussed her organization's search for a new building location and might be interested in purchasing the Southshore building.

Kind stated the question before the Council is whether we should move ahead with the Center, sell the building or walk away. Councilmember Page

stated we need to move forward with the joint meeting on March 11. Councilmember Page suggested a special meeting be scheduled to discuss the new information.

- C. Page: Lake Minnetonka Conservation District
Councilmember Page reported on the February 26 meeting which was an expanded version of the MCWD presentation earlier in the meeting. There will be code enforcement of dockage of boats on residential lots in the near future. There are fifty non-compliant sites on the lake.
- D. Fletcher: Planning/Technology Report
Councilmember Fletcher stated the Planning Commission is working on a revised tree ordinance which should be before the City Council soon.

10. ADJOURNMENT

There being no further business, it was moved by Councilmember Quam to adjourn the meeting at 10:26 p.m. Councilmember Rose seconded the motion. Motion carried.

Respectfully submitted,

Clare T. Link
Recording Secretary