

GREENWOOD CITY COUNCIL MEETING

Tuesday, April 7, 2009 7:00 p.m.

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 7:00 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 Rose moved to approve the meeting agenda. Councilmember Quam seconded the motion. Motion carried.

2. APPROVE CONSENT AGENDA

Councilmember Page moved to approve the Consent Agenda. Councilmember Fletcher seconded the motion. Motion carried. Items so approved include the following:

- A. Recommendation: Approve worksession minutes of 3-3-09.
- B. Recommendation: Approve regular council minutes of 3-3-09.
- C. Recommendation: Approve special meeting minutes of 3-10-09.
- D. Recommendation: Approve February Treasurer's Report
- E. Recommendation: Approve March payables \$61,388.57
- F. Withdraw application for interest-free loan from Met Council

3. MATTERS FROM THE FLOOR

- A. Val Mucenieks, 21555 Minnetonka Boulevard stated he shares the right-of-way with apartment buildings, and he would like to have the weeds removed.

4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS

- A. Engineer, Dave Martini: Storm water plan, inflow & infiltration (I&I), roads

Dave Martini, City Engineer stated the city's stormwater management plan has been submitted to the MCWD, and it is still in the review process. He discussed the need for improvements to the sanitary sewer system. He explained how groundwater infiltration into the sewer system can be a problem, and Met Council charges a surcharge for this infiltration. The ideal solution is to make corrections to the system so that inflow and infiltration does not occur. Eight sewer districts were created to make the system more organized. He recommended that districts 3 and 4 be earmarked this year for improvements, specifically manhole repairs/corrections. He asked for authorization to start with manhole inspections. Councilmember Quam moved to authorize the expense to complete manhole inspections in

districts 3 and 4. Councilmember Fletcher seconded the motion. Motion carried.

Martini discussed road improvements that are in need of repair. He reviewed cost estimates. Councilmember Quam recommended Greenwood Circle be broken into several manageable projects. He also stated it should be determined if construction has been completed before road improvements are done. Martini suggested he work with Councilmember Quam on road construction projects.

B. Mayor Kind: New City website address and email address

Kind reported the city has its original website address back: www.greenwoodmn.com, and the city's email address is: administrator@greenwoodmn.com. The old addresses still work.

C. City Attorney, Mark Kelly: updates

Kelly stated he drafted the letter to Clear Channel, but since that time billboards have been re-signed. The letter is no longer necessary.

Kelly updated the Council on the dangerous dog issue. The parties are willing to work on resolution. He asked Council to pursue a resolution on the civil end of this matter. Page asked if this would be done amicably or if civil action would take place. Kelly stated the parties are interested in avoiding civil action. Councilmember Page moved to authorize the City Attorney to pursue resolution of this matter on an informal basis. Councilmember Rose seconded the motion. Motion carried.

5. PUBLIC HEARINGS

None

6. UNFINISHED BUSINESS

A. Second Reading of Ordinance #163 - Establishment of Stormwater Management Utility Fund

Kind stated the ordinance has not changed. Kelly stated after the discussion at the worksession, any fees in Ordinance #163 would be removed and language added that the fees would be set by statute. Councilmember Fletcher moved to approve the second reading. Councilmember Quam seconded the motion. Motion carried.

B. Second Reading of Ordinance #164 - Amendment to Section 520, Sewer Rates

Councilmember Fletcher has approved all the changes to the ordinance. Kelly stated similar changes as Item 6A will also be made. Councilmember Quam moved to approve the second reading as amended. Councilmember Rose seconded the motion. Motion carried.

7. **NEW BUSINESS**

A. **First Reading of Ordinance #165 - Establishing Uses of Fire Lanes**

Kelly stated City Code allows us to set parking requirements at fire lanes by resolution. Quam asked if penalties will be addressed. Kelly stated they are inferred. Kind opened the floor to public comments. David Paulson, 20580 Carson Road, Deephaven stated over time as regulations became more common on fire lanes in Deephaven, the fire lanes became the property of abutting property owners. Maureen Burns 5080 Meadville, Greenwood didn't understand what is being proposed. She asked if barriers were being installed so neighbors cannot use them. Kind stated they are seasonal barriers that would come down in the spring and summer. Councilmember Quam moved approval of the first reading. Councilmember Rose seconded the motion. Motion carried.

B. **Consider setting a date for "Painting with the Council" to repaint Greenwood signs**

Kind stated the signs are in need of repair. Councilmember Rose was one of the original painters of the signs. She suggested a community project to paint them and suggested Saturday, May 2 in conjunction with Greenwood's clean-up day. Councilmember Page moved to set Saturday, May 2 as the painting day. Councilmember Rose seconded the motion. Motion carried.

C. **Consider our response to Shorewood's notice to exercise its option to retain the Southshore Center**

Kind stated the city of Greenwood received a letter from Shorewood stating they have decided to exercise their option to retain the Southshore Center with the intent to resell to LMCC. Greenwood has gone on record as supporting maintaining the use of the building as a community/senior center.

She stated that the dissolution of the Friends means that 1 of 4 things needs to happen: the 5 cities create a new cooperative agreement, Shorewood retains the Center by buying out the other 4 cities, the Center is sold, or Greenwood opts out. Last night there was a Community Conversation event at the Southshore Center preceding a Special Session of the Shorewood City Council. Residents want to figure out a way to keep the Southshore Center. It appeared Shorewood backed down from the possible sale. They also approved an interim agreement with SSSP to run

the center, and a Memorandum of Understanding stating five cities would each pay 20% towards the operation of the center through June 30. This afternoon a meeting was held with the five cities to discuss the outcome from last night's meeting and to review RFPs from three organizations. The cities would need to determine how to cover costs for a 2-year period based on one of the organization's proposal. It appears that all the other cities are willing to share the costs of 20% each. Councilmember Rose stated the April deadline has now been extended to June 30. Whipple stated that those at this afternoon's meeting are very excited about the proposals presented. The big issue for Greenwood is the 20%. Kind stated that it appears that the other 4 cities including Excelsior and Tonka Bay are okay with the 20% through the end of June.

Kind stated the three issues before us tonight are: a memorandum of understanding for 20% through June 30, an interim agreement with SSSP, and what our response to Shorewood's letter is for exercising their option.

Kelly stated his sense is they are still hoping to hear from the Shorewood City Council that they no longer wish to exercise their option. We are the first city being asked to act on this agreement. He stated he would like the opportunity to talk about this with the other city attorneys.

Quam stated he was not opposed to paying 20% until the end of June.

Kind opened the floor for public comments and explained how comments would be received in an orderly manner.

Nancy Middleton, 203 Mill Street, Excelsior discussed the importance of communication and the community meeting held the previous evening. She urged the Council to seriously consider their response to Shorewood and not rush into a decision.

Bob Newman, 5230 Meadville Street, Greenwood discussed arguments for retaining the community center. He submitted a petition with over 800 signatures to save the center.

Tom Anderson, 4640 Old Kemp Road, Deephaven stated the RFP options are very exciting. He stated the Shorewood City Council has lost their credibility. He encouraged the City Council to move forward.

Marietta Jacobsen, 5530 Maple Heights Road stated she is a Board

member for the Friends of the Southshore Center. She gave a background on the Center usage. She was opposed to Shorewood owning the building.

Scott Keane, Shorewood stated that history has shown that Shorewood will renege on any agreements.

Woody Love, 5390 Barrington Way, Shorewood thanked the Council for letting the residents be heard. He discussed his concerns about the Shorewood option. He didn't believe the option was presented in good faith and urged the council not to support the option.

Jan Gray, 5170 Meadville, Greenwood gave a background on the history of the creation of the center. What are being forgotten are the small and large contributions of \$100,000 to get the center started from organizations and fund raising events. She asked that those present this evening be heard.

Val Muceniaks, 21555 Mtka Blvd. Greenwood stated the center is used 4.5 days a week.

Kristin Dowell, Excelsior agreed that a legacy needs to be passed on to future generations. If every resident contributed \$1.20, the maintenance would be paid for. She believed a 20% share for Greenwood is ridiculous.

Kind closed the floor to public comments. She stated Greenwood currently owns 3.95% of the center which coincides with the population. We have 20% voting rights. She would not support 20% cost sharing. Maintaining the center will take two years of cost sharing before it is profitable.

Kind stated Shorewood and Deephaven have approved Shorewood's decision to exercise their option to retain the center, Tonka Bay has said they're ok with it, and Excelsior opposes it. We also have to take action on a new agreement with SSSP, and we need to take action on the Memorandum of understanding.

Kelly stated the city will also need to respond to Excelsior's letter to Shorewood.

Page stated he has reviewed the agreement, and he doesn't agree Shorewood has the option to take over the building unless the other cities

agree. He stated we need to make clear to them that they don't have that option.

Quam asked if we don't take any action on Shorewood's assumption, what happens. Kelly stated four cities might vote to sell. If we stand silent, they don't have to vote. Part of the city's discussion should be whether they care and make a stand.

Rose stated he doesn't have a problem with it remaining a senior center. If Shorewood exercises their option and brings in a company to run the senior center, he would not oppose this.

The Council recessed at 9:08 p.m. and reconvened at 9:18 p.m.

Fletcher believed the 20% idea is a horrible precedent. He didn't see any problems with the Memorandum of Understanding through June otherwise. He stated we can opt out of the agreement. He believed the percentages should be in proportion to the population. Kind stated as an interim through June 30, the contribution should be in proportion to the ownership.

Page was in agreement with the first three pages of the Memorandum of Understanding. He discussed changes to the rest of the document. He definitely believed an appraisal should be done of the center. He was willing to pay 1/5 of the cost of the appraisal. He stated he does not feel good about those people who were supposed to be managing the center. He stated the seniors need to step forward and raise some substantial money. In summary, he supported the Memorandum but did not support the Shorewood option.

Quam stated he did not support any action that would threaten the use of the center. He opposed the Shorewood option.

Councilmember Page moved to send a letter to Shorewood in response to their March 25 correspondence rejecting their assertion that they have the power to exercise the option to take control of the Southshore Center and repay the other cities their original investment. Councilmember Quam seconded the motion. Rose asked what it will take for Greenwood to determine they are done with it. Kind stated she would personally entertain a sale to move forward after June 30. The Council concurred that after June 30, they could change their minds. Motion carried 4-1. Rose voted against the motion.

Councilmember Fletcher moved that we pass the Memorandum of Understanding as amended - change "equally" to "in proportion to their ownership of the center". Councilmember Rose seconded the motion. Page stated he opposed the amendment. Fletcher stated even if the other cities turn this down, we have gone on record opposing the 20%. Motion carried 3-2. Page and Rose voted against the motion.

Councilmember Fletcher moved to approve the SSSP operational agreement. Councilmember Rose seconded the motion. Motion carried 5-0.

8. OTHER BUSINESS

None

9. COUNCIL REPORTS

A. Fletcher: Planning Commission Report

at Fletcher stated Georgetown Manor and Lakeshore Market were discussed the last Planning Commission meeting. Lakeshore Market has added hardcover and is selling cars. Kind stated they must comply with our ordinances.

B. Fletcher: Milfoil Report

Fletcher stated a letter will be going out to raise funds for milfoil eradication.

C. Page: Lake Minnetonka Conservation District

Page stated Excelsior has added a new member to the LMCD Board. He will address Excel's Marina at the LMCD meeting.

10. ADJOURNMENT

There being no further business, it was moved by Councilmember Fletcher to adjourn the meeting at 9:50 p.m. Councilmember Page seconded the motion. Motion carried.

Respectfully submitted,

Clare T. Link
Recording Secretary