

City of Greenwood – City Council Meeting
Greenwood City Council Chambers
20225 Cottagewood Road Deephaven, MN 55331
952-474-6633
Thursday, November 6, 2008 7:00 p.m.

DRAFT MINUTES

1. Call to Order/Roll Call

Mayor Newman called the meeting to order at 7:02 p.m.
Council present: Sagal, Newman and Quam
Council absent: Hill
Staff present: Attorney Kelly and Clerk Whipple
Staff absent: none

2. Approve resolution #19-08 Certify 2008 General Election

Councilmember Sagal moved to approve Resolution #19-08. Second by Councilmember Quam. Motion carried 3-0.

3. Swear in Councilmember for Special Vacancy

Councilmember Sagal moved to swear in a new Councilmember to fill the remainder of a vacant 4-year term on the Council in accordance with the General Election Resolution. Second by Councilmember Quam. Motion carried 3-0
Attorney Kelly swore in Thomas M. Fletcher as a Greenwood City Councilmember.

4. Approve Consent Agenda

Councilmember Quam moved to approve the consent agenda. Second by Councilmember Sagal. Motion carried 4-0

5. Approve Agenda

Councilmember Quam moved to approve the agenda as listed. Second by Councilmember Sagal. Motion carried 4-0

6. Matters from the Floor

None

7. Lake Minnetonka Conservation District (LMCD)

A. Report

Kelsey Page reported on the 10/22/08 LMCD meeting. The Excelsior representative to the LMCD resigned as he moved to Florida. The 2008 boat storage count showed a total number of boats at 10,233; 6,400 at residences and 3833 at multiple docks. St. Albans Bay has a count of 438 boats; 195 at personal residences and 243 at multiple docks. This count remains static from 2006.

The LMCD announced the funds available in the Save the Lake fund for 2009 to be \$67,000. Councilmember Sagal will contact the LMCD regarding an application to receive some of those funds.

The milfoil harvest in three bays was less than anticipated.

A vote on the first reading of an ordinance to allow larger tour boats on Lake Minnetonka passed 7-1. Greenwood's rep was the lone dissenting vote. The LMCD is holding an open house at its new location on December 2, 2008.

The Seahorse dock application was denied and an Excelsior town home association is still trying to add 4 boat slips.

B. 2009 Save the Lake Funds/Milfoil

Councilmember Sagal has been in touch with the LMCD director, Mr. Nybeck, and has a meeting with Mr. Osgood of the Lake Minnetonka Association tomorrow, 11/7/08.

Councilmember Sagal will provide a report on the meeting in December. He feels strongly that the City should push towards trying to secure funds to do a plant survey to see if St. Albans Bay is a good candidate for the milfoil treatment program. The council agreed that Councilmember Sagal should pursue the application for funding which is due

December 5, 2008.

C. Boat Size

The LMCD has voted to approve the first reading of an ordinance to allow larger tour boats on Lake Minnetonka. It would allow the length of a boat to go from 70' to 90'. The Coast Guard has recommended increasing the minimum size of tour boats after a tour boat capsized on the East Coast. Mayor Newman had emailed the Coast Guard with questions on this issue and is waiting for a response. He also will be asking the LMCD to seek more information before passing the ordinance.

8. Planning Commission

A. Report

David Paeper gave the report on the 10/15/08 Planning Commission meeting.

He reviewed the Wheeler variance request at 5535 Maple Heights Road.

There is a pending Tree Ordinance discussion. The Planning Commission is reviewing a zoning ordinance hand-out drafted by Mr. Fletcher.

B. Schmitt variance/conditional use update

Robert Schmitt, 21550 Hwy Seven, approached the Council to discuss his hardship criteria for his proposed building. His current building is 40 years old and is breaking apart. If he moves the location of his Deputy Register's office, the State could deny his license. He says there will be green space next to the graveyard.

Attorney Kelly said Mr. Schmitt's next step should be to present to the Council at the December 2, meeting his complete proposal for the new building. At that meeting, the Council will vote on the variance/conditional use application.

C. Variance Request 5535 Maple Heights Road –Wheeler

Steve Hanson, Hanson HomeTech builder, represented the Wheelers in their variance request. He discussed the plans for the property. There was some concern on the grade of the driveway being too steep. Motion by Councilmember Quam to approve Resolution #25-08 by making changes to page 5; inserting the front yard set-back at 8 feet, and adding item "F" to indicate the grade of the driveway to be not more than 8% or less as possible by the addition of two additional layers of concrete block to foundation.

Second by Councilmember Fletcher. Motion carried 4-0.

D. Zoning Enforcement Officer Discussion

Attorney Kelly said the City might want to contact other South Lake Cities to consider the creation of a Zoning Enforcement Officer. City staff does not have time to deal with enforcement of alleged zoning violations. It would not be an expansion of the police department. There could also be the creation of an administrative court. This would be a more efficient way of dealing with nuisances and zoning violations. The City would get compliance and also the possibility of revenue from fines. Attorney Kelly will discuss this with neighboring City attorneys.

9. Public Hearing

A. Continue Discussion on Implementation of Organized Solid Waste

Mayor Newman read a prepared statement reviewing the intent of the public hearing for implementation of organized waste.

Doug Carnival, attorney from McGrann, Shea, Anderson etc. 800 Nicollet Mall Mpls. represented the National Solid Waste Management Association, which included Allied Waste and Waste Management.

They are not in favor of passing the resolution of intent to organize solid waste collection as it eliminates choice for consumers.

Mike Farragher, 21230 Excelsior Blvd. said he was not for or against the City organizing solid waste pick-up. He hoped that if one hauler was awarded the contract that the residents would be getting a better deal on fees. He also wondered if the billing would be done through the City or by the trash hauler.

City Engineer, Dave Martini, stated that Greenwood roads were not designed to carry heavier loads. The street budget has been used to resurface, not rebuild. The roads tend to be soft as there is no structured drainage in the City. Building sturdier roads would have a negative effect on taxpayers.

Mayor Newman said he found information that stated one 32,000 pound empty garbage truck is equivalent to 1000-1500 cars. With six trash haulers service the City, it puts extra stress on the roads. There are also issues of safety, noise and trash cans being on the curbs all week long. The most compelling issue is road deterioration and taxes. Attorney Kelly reviewed the resolution of intent and explained to the Council what their options and timetables were.

Councilmember Quam stated that the City's objective was not to go to just one trash hauler, but rather to get big trucks off the streets and try to limit hauling to one day a week. He went on to suggest a discussion meeting with trash haulers due to the fact that the Council will have an 80% turnover in January.

Emily Metcalf, owner/operator of Vintage Waste Systems, reminded the Council they were already serving Greenwood as the recycling contractor and use small trucks. They also provide residential trash service to 90+ homes and offer free drive-up service. She was opposed to having organized waste collection because as a small family hauler, the loss of those customers would have a negative impact on their business.

Deb Kind, 5140 Curve Street, and mayor-elect for Greenwood, encouraged the Council to put off the resolution of intent to organize as the new Council will need time to get up to speed on this issue.

Mayor Newman encouraged the Council to approve the resolution tonight.

The public hearing was closed at 9:45 p.m.

There was no motion to approve the resolution of intent to organize.

Councilmember Sagal moved to continue this discussion to the December 2, meeting and recommend that two Councilmembers report back to the Council their findings relative to this issue. Second by Councilmember Quam.

It was decided that Mayor Newman and Councilmember Fletcher will represent the Council in this matter. Motion carried 4-0

10. Old Business

A. LMCC Budget

Councilmember Sagal clarified the Lake Minnetonka Communication Commission total budget at \$603,477.

Motion by Councilmember Sagal to approve the 2009 LMCC budget as presented at the October meeting. Second by Councilmember Quam. Motion passed 3-0-1 with Fletcher abstaining.

B. Clerk's Contract

Councilmember Sagal felt it was appropriate to start a process for staff review and formulating a contract and wage scale for the Clerk. Mayor Newman said he and Councilmember Hill have been meeting to discuss this and plan to provide information at the December Council meeting.

11. New Business

A. Street parking on problem on Crestside Avenue

Councilmember Quam discussed a request from a resident for no parking signs on Crestside Avenue. The street is very narrow and if cars are parked there, it's almost impossible for emergency vehicles to get through. Snowplows also have difficulty clearing that street.

Motion by Councilmember Quam to install 3 no parking signs along the eastbound northerly line of Crestside Avenue from Maple Heights Road to the point at which Crestside Avenue turns south. Second by Councilmember Sagal. Motion carried 4-0

12. Reports

A. Mayor: Hennepin County will be completing Phase II of the trail buckthorn removal from south of Sleepy Hollow to the Deephaven border.

The Seniors have made progress in negotiating with Minnetonka Community Education in managing and programs for the Southshore Center.

The ICA food dash had their fundraiser at the Shorewood Cub store. A total of \$13,946.46 was donated to the ICA.

On November 15, 2008, 10 a.m. - noon there will be an Emergency Preparedness Seminar at the Public Safety Building in Shorewood.

Attorney: no report

Clerk: Greenwood had a 95% voter turn-out for the November 4, 2008 election. There will be Senatorial recount the third week in November and the Clerk will be on vacation Nov. 12-14.

Sagal: no report

Quam: no report

13. Adjourn

Motion by Councilmember Sagal to adjourn at 10:15. Second by Councilmember Quam.

Motion carried 4-0

Respectfully submitted,

Roberta Whipple City Clerk/Administrator