

GREENWOOD CITY COUNCIL MEETING
Tuesday, June 2, 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, Planning Commissioner Spiers, and Recording Secretary Link

Mayor Kind stated she would like to move Item 7G before Item 7A and add Item 8A, set budget meeting dates. Fletcher stated he would like to add discussion of the Southshore Center and remove the treasurer's report. Motion moved and approved to amend the agenda.

2. APPROVE CONSENT AGENDA

Councilmember Fletcher moved to approve the following Consent items.

- A. Recommendation: Approve minutes of 4-30-09 Board of Review Reconvene
- B. Recommendation: Approve worksession minutes of 5-5-09
- C. Recommendation: Approve Council minutes of 5-5-09
- D. Recommendation: Treasurer's Report removed from the Consent Agenda
- E. Recommendation: Approve May payables \$30,193.05

Councilmember Rose seconded the motion. Motion approved.

3. MATTERS FROM THE FLOOR

None

4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS

A. Dave Martini, 2009 sewer project quotes

Martini reviewed quotes for the 2009 sewer project. The low quote was from MN Trenchless Technologies. He recommended they be awarded the project. Quam asked if Bolton & Menk would notify residents of the work. Martini indicated they would notify residents. Quam asked when the start and end dates. Martini stated he anticipated a two-week project, and the contractor will be able to begin as soon as possible. He indicated a letter is handed out to all the residents in the area. Councilmember Page moved to award the project to MN Trenchless Technologies in the amount of \$34,369.50. Councilmember Rose seconded the motion. Motion carried.

B. Dave Martini, 2009 road project quotes

Martini reviewed quotes received for the 2009 road projects. He discussed the need for a structure which would result in a credit for 1.125 pounds of phosphorus with the possibility of additional credits if the structure is successful. Quam noted it would be cheaper to have the structure installed now, because it is the same contractor as the road project contractor. Rose asked how long it would be before we know the structure will qualify. Kind noted the project could be approved contingent on watershed approval of the structure. Councilmember Fletcher moved to authorize transfer funds from the sewer fund to the storm water fund in the amount of \$25,000 to be repaid in equal payment of \$12,500 in 2010 and 2011. Motion carried 3-2. Mayor Kind and Councilmember Rose voted against the motion. Councilmember Fletcher moved to award the project to Barber Construction in the amount of \$64,940.50. Councilmember Page seconded the motion. Motion carried 5-0. Councilmember Fletcher moved to award the alternate bid for the structure to Barber Construction in the amount of \$24,082 contingent upon approval of the MCWD. Councilmember Page seconded the motion. Motion carried 4-1. Mayor Kind stated she voted against the motion, because she would like to find resident-focused projects that would not cost the city money.

C. Presentation by Dave Callister, Ehlers Public Finance Advisors

Callister discussed options for long range improvements in the city and how to pay for those improvements.

5. PUBLIC HEARINGS

None

6. UNFINISHED BUSINESS

A. Remove from table: First Reading of Construction Management Ordinance #168

Councilmember Fletcher moved to remove this item from the table. Councilmember Page seconded the motion. Motion carried 5-0.

Kind noted this item was revised by the Planning Commission to change the

construction hours. Commissioner Spiers was present to answer any questions. Councilmember Quam asked if these would apply to anyone who didn't need a permit. Spiers stated staff would be able to issue a waiver in those cases where it would not apply. Quam asked if the zoning supervisor would be able to waive anything he would think would not apply such as a dumpster. Kelly stated there would be flexibility. Page asked if there would be a definition of how an applicant would contact all property owners within 200 feet. He believed contact needs to be defined. Kelly clarified the requirements for contacting neighbors. Quam was concerned about the construction hours on weekends and holidays and would like to see what other cities have. Kelly suggested Karpas attend any future discussions of this proposed ordinance. Kind suggested language be put in the permit relating to the length of the project. Kelly suggested the building permit fee schedule trigger the requirements. Kind stated there also needs to be a distinction between external and internal construction projects. Councilmember Fletcher moved to direct the Planning Commission to revisit this ordinance incorporating tonight's comments. Councilmember Rose seconded the motion. Motion carried 5-0.

B. Lakeshore Market

Kind noted many items that were requested to be removed are still remaining on the site. Page noted the zoning administrator has sent the owner many letters requesting removal of coolers, aluminum can bin, and a horse trailer. He noted there hasn't been any response to the correspondence. He talked to the property owner who has agreed to remove the horse trailer and snow plow. He stated it appeared that some items would be removed by the deadline of June 2. He believed we should get bids to remove the gravel and sod the area that is city right-of-way. Kelly stated it might be a good idea to find out where the lot line is and plant some arborvitae which would control parking. Councilmember Fletcher moved to direct the City Administrator to get bids to remove the gravel and sod the area. Councilmember Quam seconded the motion. Councilmember Rose suggested getting a group together to do the work without having the city spend any money. Motion carried 5-0

C. Second Reading of Ordinance #166 Amend Section 820 Liquor Fees

Councilmember Rose moved to approve the second reading of Ordinance #166 Amend Section 820 Liquor Fees. Councilmember Fletcher seconded the motion. Motion carried 5-0.

D. Second reading of Ordinance #167 updating Section 510 Licenses, Permits & Fees

Kind reviewed changes. Councilmember Quam moved to approve the second reading of Ordinance #167 updating Section 510 Licenses, Permits and Fees. Councilmember Fletcher seconded the motion. Motion carried 5-0.

E. Discuss Meadville Fire Lane

Councilmember Fletcher moved to postpone discussion to the July meeting. Councilmember Page seconded the motion. Motion carried 5-0.

The meeting recessed at 8:30 p.m. for five minutes.

7. NEW BUSINESS

G. First Reading of Ordinance #170 Tree Preservation

Kind reviewed the purpose of the tree preservation ordinance amendments. Commissioner Spiers gave a brief update on the Planning Commission's review of the ordinance. He noted a public hearing was held on May 22. He discussed the heritage tree distinction with the Council. Members of the Council reviewed the ordinance language. Kind suggested money collected from property owners be put in the General fund rather than the Park fund. Page stated the question is whether we are going to expand the tree ordinance to include heritage trees. He didn't think it was necessary to have arborist input. Heritage tree "business" is way "over blown". He stated limiting trimming to licensed arborists will result in only a few companies being allowed in Greenwood. Kind believed this ordinance will infringe on property rights. She opposed having softwood trees on the heritage tree list. Councilmember Page moved to table Ordinance #170 for further discussion. Councilmember Rose seconded the motion. Motion carried 5-0.

A. First Reading of Ordinance #169 Repealing Various City Licenses

Kind stated this ordinance repeals various licenses that are obsolete or are governed by state statute. Councilmember Fletcher moved to approve the first reading striking mobile homes. Councilmember Quam seconded the motion. Motion carried 5-0.

B. Discuss New Community Survey

Councilmember Fletcher moved to table this item. Councilmember Rose seconded the motion. Motion carried 5-0.

C. Consider Establishing an Administrative Hearing Process

Kind stated the City Attorney has provided a report this evening. Fletcher stated he would like the SLMPD to consider giving the CSOs more authority. It would involve setting a subcommittee to meet with Chief Litsey. The Council concurred. Councilmember Quam moved to continue to the July meeting. Councilmember Fletcher seconded the motion. Motion carried 5-0.

D. Discuss Donation for South Lake Excelsior 4th of July Celebration

Whipple stated there is \$1200 in the budget for the fireworks. The Chamber has asked us to match Tonka Bay's donation of \$1500. Councilmember Page moved to donate \$1200 to the 4th of July celebration for fireworks. Councilmember Fletcher seconded the motion. Motion carried 5-0.

E. Discuss Old Log Theatre's 70th Anniversary

Kind distributed a handout outlining the 70th Anniversary this year. She proposed a simple resolution be adopted at the July meeting and presented to the Stolz family. The Council concurred.

F. Approve Memo of Understanding Between the Minnehaha Creek Watershed District and the City of Greenwood for Local Water Planning and Regulation

Councilmember Fletcher moved to approve Memo of Understanding between the MCWD and the City of Greenwood for local water planning and regulation. Councilmember Page seconded the motion. Motion carried 4-1. Rose voted against the motion stating he would like more detailed information.

8. OTHER BUSINESS

A. Treasurer's Report

Fletcher asked if there was any reason why more money isn't put in money market accounts to earn more interest. Whipple stated there is not a policy to do so. She suggested a minimum checking balance of \$50,000 - \$70,000. Councilmember Fletcher moved to set a minimum of \$50,000 in the checking account. Councilmember Rose seconded the motion. Motion carried 5-0.

B. Southshore Center

Fletcher stated he doesn't have a problem with Shorewood running the Center. His concern is whoever is running it should assume all the liability. He was also concerned about the termination clause. There should also be a condition that promotional signage should include the names of the member cities. He was not in favor of it becoming the Shorewood Community Center.

9. COUNCIL REPORTS

A. Rose: Fire Department Report

Rose reported there will be a zero increase in the 2010 budget. He explained cuts made to achieve the budget. A worksession will be held on June 10 for further discussions.

B. Kind: Consultants Report

Kind stated she had spoken with the City's consultants for input on the consultants' budget. Both have indicated there has been more activity earlier in the year.

C. Fletcher: Planning Commission Report

Spiers noted John Beal has been elected Vice Chairman of the Planning Commission.

D. Page: Lake Minnetonka Conservation District

Page noted the LMCD budget will remain the same. Another budget meeting will be held in the near future. He stated there won't be any milfoil treatment in Carmen's Bay, because not enough homeowners have

contributed to the cost.

E. Set Date for Budget Meeting

Kind proposed meeting one hour before the next meeting to hammer out the 2010 budget. She suggested there be a subcommittee to set some starting point. Mayor Kind and Commissioner Quam agreed to be on the subcommittee. The meeting was set for July 7 at 6:00 p.m.

10. ADJOURNMENT

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

Respectfully submitted,

Clare T. Link
Recording Secretary