

**GREENWOOD CITY COUNCIL MEETING**  
**Tuesday, February 3, 2009 6:00 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 and Fletcher

Member absent: Councilmember Quam

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

Councilmember Page moved to approve the meeting agenda. Motion carried 4-0.

**2. APPROVE CONSENT AGENDA**

Councilmember Page moved to approve the consent agenda. Motion carried 4-0.

Items so approved include the following:

- A. Approve minutes of 1-6-09 Former Council  
Approve minutes of 1-6-09 New Council
- B. Approve December Treasurer's Report
- C. Approve January payables \$88,371.09

**3. MATTERS FROM THE FLOOR**

Tom Moser, 21670 Fairview Street distributed lighting information. Joan Moser requested the Council look at the current ordinance and consider amending it. She suggested a lighting commissioner be appointed to address issues throughout the city. She cited examples of areas in the city that are on until after midnight. Tom Moser noted their neighbor has holiday lights on from 6 p.m. until 1:50 a.m. Joan Moser stated there has to be something coming from the city to address this issue through an ordinance amendment. She believed everyone has the right to light their property, but something needs to be done about them shining on other residents' property.

**4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS**

- A. Mayor: 5560 Maple Heights Road update on Wirth property  
Kind stated construction on the property has resumed. Rob Roy, 202?? Summit Oaks stated there is nothing in the code for completion dates for properties. He suggested the code be changed. Kelly stated our building permits, once issued, are valid forever. That can be problematic. He stated he will discuss this with Gus Karpas.
- B. Administrator: Audit/Authorize Administrator with credit card use  
Whipple stated the city had its audit last week. One of the things to arise is

the auditor suggested she be authorized to use the city's credit card. She asked the auditor if there should be a limit on how much she can spend, and he didn't think it would be necessary. Councilmember Fletcher moved to authorize Roberta Whipple to use the city's credit card. Page asked what the credit limit is on the card. Whipple stated she did not know. Motion was withdrawn. Councilmember Rose moved to table this item. Motion carried 4-0.

C. Administrator: Utility bills in homeowner's name

Whipple stated this item was discussed at the January meeting. The city attorney stated it is an administrative matter to keep the bills in the homeowner's name rather than the renters. She would like authorization to do this effective in July. Councilmember Page moved to authorize that all utility bills in Greenwood be sent to the property owners effective July 1. Whipple noted this is not unusual, and several cities have this policy. Motion carried 4-0.

5. **PUBLIC HEARINGS**

None

6. **UNFINISHED BUSINESS**

None

7. **NEW BUSINESS**

A. **Appoint Lake Bechtell as Lake Minnetonka Communications Commission Representative**

Kind stated Lake Bechtell has submitted an application to be considered as Lake Minnetonka Communications Commission representative. Councilmember Fletcher moved to appoint Lake Bechtell as Lake Minnetonka Communications Commission representative. Motion carried 4-0.

B. **MILFOIL PROJECT (FLETCHER)**

Rob Roy, 21270 Excelsior Boulevard discussed his efforts to raise money to have the milfoil treated in St. Alban's Bay at a cost of \$6500. A letter will be drafted to be sent to Greenwood residents, and he is looking for an Excelsior resident to represent that community. Mr. Roy stated that the test treatment in Gray's Bay was a success.

Rose asked what the fee for treating the milfoil would be once the survey is completed. Roy stated the amount is unknown. Roy stated he is looking for Greenwood's wholehearted participation. Kind stated the LMCD indicated the Gray's Bay survey was done at no charge by the Army Corps of Engineers. Kind asked if it would be premature to do the study now when the LMCD has not indicated the treatment would be done in 2010. Roy stated he believed in being proactive. Bob Schmidt, 9555 Excelsior Blvd. asked if residents should stop their individual milfoil treatment. Roy stated the inventory determines how much of the bay should be treated. Once the treatment plan is in place, it is a 5-year program. Every year the cost is reduced until it is a maintenance cost only. Councilmember Fletcher moved to support the milfoil inventory efforts by donating \$1000 from the lake fund. Fletcher stated St. Alban's Bay has a good likelihood of a successful treatment. The city docks will benefit from this treatment. He noted the inventory is good for seven years. Rose was unsure why an inventory is necessary when we know a problem exists. Kind noted it is a requirement from the LMCD. Page stated the LMCD and Army Corps of Engineers have reported the treatment of Gray's Bay was marginally successful which was partially attributed to the slow growth. In order to get the Army Corps of Engineers involved, the inventory has to be done. He stated he would be following up on whether any donations can be considered tax deductions. He noted the majority of the funding comes from property owners. Kind was concerned about St. Alban's Bay not being on the LMCD's radar. She believed the inventory should be "wait and see" at this point. Page was concerned about the bay not being susceptible to a chemical treatment. Kind asked how much of the marina fund should be allocated toward this. Page didn't think \$1000 would be a problem. It won't be paid until we know the \$5500 is available from the residents. Fletcher stated the city will not pay \$1000 until the inventory has been completed. Roy noted the funds from the lakeshore owners will go through the Lake Minnetonka Association, so they will be tax deductible. Rose asked if we could get an idea what percentage everyone will be giving (LMCD, Army Corps of Engineers, and property owners). Kind stated she didn't want to waste money on something that isn't going to happen and believed the inventory is premature. It would be wasted if the treatment isn't done within four years. Roy stated the residents may decide to do their own thing. Page stated it is worth seed money of \$1000 if it generates the \$5500 and is good for a number of years. We need to make a stand here. Deephaven is treating on their own, but only 1/2 is allowed to be treated. Mayor Kind moved to amend the motion to authorize the expenditure of \$500 for the milfoil inventory of St. Alban's Bay. Motion carried 4-0.

**C. SET BOARD OF REVIEW RECONVENE DATE**

Whipple stated the reconvene date needs to be established within twenty days of the original Board of Review on April 16. Kind suggested April 30. Councilmembers concurred. Councilmember Fletcher moved to set April 30, 2009 at 6:30 p.m. as the Board of Review reconvene date. Motion carried 4-0.

**D. BILLBOARDS AT 20900 EXCELSIOR BLVD.**

Kind noted there are two billboards at that address that are unused and are an eyesore. Neighbors would like them removed. Kelly stated there is a question whether they have been abandoned. The company should be put on notice, and whether that should be done should be discussed. Kelly stated if a letter is sent, they may be motivated to use the billboards or shut off the lights. He noted they are grandfathered in. John Biel, 5470 Maple Heights Road stated the Planning Commission discussed this issue in December of 2007. At that time, there wasn't any signage in use. He noted the language in the current ordinance addresses this issue by stating a year without a message would be an abandoned sign. He believed something needs to be done. Kelly stated he would like to have the strength of the new sign ordinance for an entire year before anything is done. Councilmember Rose moved to continue this item to the March 3, 2009 City Council meeting. Page stated he would like to visit the site and talk with the City Attorney more about this issue. Motion carried 4-0.

**E. RESOLUTION #7-09 REGARDING MAINTENANCE OF LOCAL TITLE AND REGISTRATION SERVICES - ROBERT SCHMITT**

Kind asked Mr. Schmitt if he had any more comments to make. Robert Schmitt, 20550 Highway 7 stated he was appointed deputy registrar by the State of Minnesota. He was present to ask the City Council to support his request for credit card use at the title and registration services office, increased handling fee, and to be able to share in revenues collected by the state. Councilmember Page moved to adopt Resolution #7-09. Fletcher stated he would most likely abstain from this resolution. Motion carried 3-0-1. Fletcher abstained from voting.

**F. ANNUAL MILFOIL TREATMENT**

Kind stated Gus Karpas has recommended to the DNR that 178' of milfoil be treated at the city docks. Councilmember Page moved to accept Gus Karpas' indication to continue the annual milfoil treatment. Motion carried 4-0.

**8. OTHER BUSINESS**

None

**9. COUNCIL REPORTS**

**A. Fletcher: Update on fire lane between 5050 and 5060 Meadville Street**

Fletcher reported the chain and appropriate reflector is up. It does have a fire/police lock on for emergency access. Kind stated residents are appreciative of the temporary solution.

**B. Fletcher: Greenwood website & e-mail address**

Councilmember Fletcher moved to change the city's web address. Fletcher noted either address would work. Motion carried 3-1. Page voted against the motion.

Councilmember Fletcher moved to authorize Kind and Fletcher to change the city's e-mail address. He stated the current web provider provides two e-mail addresses at no cost. Motion carried 4-0.

**C. Kind: Police**

Kind attended the SLMPD Coordinating Committee on January 28. She is the chair this year. The union negotiations with police officers are still in progress. The committee is considering a social host ordinance. She reviewed the purpose of such an ordinance. Seventeen ordinances in Minnesota have adopted the ordinance. A model ordinance will be brought to cities in the future.

**D. Rose: Southshore Center**

Rose stated he attended the Southshore Center meeting to review the cooperative agreement. It is still in the rough stages, but they have come up with a proposal. It states if you leave the agreement, you will only get the money you put in when the building was built. If you sign the agreement,

then everything is equal. If you want to quit in the future, you would get your original investment and a portion of any profit from the sale of the building. Excelsior wants to stay with their official participation rate. Page stated there was a plan in the original agreement whereby you would get your original investment back but also a percentage of the sale should you opt out. Page stated some more analysis needs to be done of what expenses will be in the future. He stated he needed convincing this agreement is good for Greenwood. Fletcher stated his big concern is the length of the agreement. Page stated he would not take any action until he knows what kind of funds the Friends currently have.

**E. Page: LMCD Report**

Page stated there have been two meetings since the Council last met. They discussed the Excel Marine (Tonka Bay Sales) dock configuration. They want to put 84 slips in the main spear and six on the easterly. Tentative approval was given. LMCD staff was asked to mark on the ice where the proposed dock ends would be located. The item was approved at the second meeting. A new accountant for LMCD was hired which will save \$1500 per year. He discussed how the Save the Lake funds were allocated. They discussed a de-icing problem at Sailors' World. The Save the Lake banquet is Thursday night at the Bayview Event Center.

**10. ADJOURNMENT**

Councilmember Rose moved to adjourn the meeting at 8:44 p.m. Motion carried 4-0.

Respectfully submitted,

Clare T. Link  
Recording Secretary