

**GREENWOOD CITY COUNCIL MEETING**  
**Tuesday, August 4, 2011, 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 7:03 P.M.

Members Present: Mayor Kind; Councilmembers Fletcher, Page, Quam and Rose

Others Present: City Attorney Kelly and City Zoning Administrator/City Clerk Karpas

Members Absent: None

**Quam moved, Rose seconded, approving the agenda as presented. Motion passed 5/0.**

**2. CONSENT AGENDA**

**Rose moved, Page seconded, approving the items contained on the Consent Agenda.**

- A. July 5, 2011, City Council Meeting Minutes** (This was moved to Item 8.A under Other Business.)
- B. June 2011 Cash Summary Report**
- C. July 2011 Verifieds and Check Register**
- D. August 2011 Payroll Register**

**Motion passed 5/0.**

**3. MATTERS FROM THE FLOOR**

There were no matters from the floor presented this evening.

**4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS**

- A. Chief Scott Gerber, Excelsior Fire District 2012 Budget**

Mayor Kind noted that Excelsior Fire District (EFD) Chief Scott Gerber is present this evening to answer any questions Council may have about the proposed 2012 EFD budget.

Chief Gerber stated he had provided the City with the fourth draft of the 2012 EFD Operating Budget and Capital Improvement program developed by the EFD Board. The overall proposed budget is approximately \$1.5 million and it reflects a \$17,456 (or 1.16 percent) increase over the overall 2011 adopted budget. The 2012 budget reflects a municipal contribution increase of \$4,541 (or 0.30 percent) over the 2011 contribution. The total overall budget of \$1,523,072 was reduced through the use of the anticipated surplus in the Fire Facilities Fund at the end of 2011 and this in turn reduced the municipal

contribution. The surplus is the result of using unspent proceeds remaining in the construction fund for the public safety facilities to offset part of the first 2011 bonded debt payment for the EFD.

Chief Gerber then stated he is willing to review the budget in detail if Council would like. He expressed his willingness to just entertain questions as well.

Councilmember Fletcher stated he read meeting minutes from an EFD Board meeting when there was a discussion about emergency medical services (EMS), including how firefighters were dispatched to emergency medical calls. During that discussion there was a reference to the cost of providing those services being approximately \$60,000 (Greenwood's share of that is about \$5,000). Someone suggested the possibility of reducing the level of EMS. He noted he does not support that. He stated it's important to continue to provide that service to the community. A reduction in the level of service would have a negative impact on the EFD community. He expressed support for dispatching firefighters more efficiently if that is possible.

Fletcher then stated when he was at the EFD Station 1 recently he took the time to inspect the lounge furniture. His assessment is it should be replaced. The replacement of that furniture is not included in the fourth draft of the budget. The original budget proposal did include it. He recommended that be put back in the budget for a cost of \$2,500. Councilmember Quam expressed he agreed with Fletcher on that.

Mayor Kind explained that EFD Board has not finalized a budget for the member cities review. Council will take action on it during its September 6, 2011, meeting.

Chief Gerber explained the 2012 budget process timeline was adjusted to allow for the budget to more accurately reflect what the 2012 mandatory contribution to the Excelsior Firefighters Relief Association's fund for pensions will be. He stated there is an EFD work session for the member City Councils scheduled for August 10, 2011, at 6:00 P.M. Councilmembers will have the opportunity to ask questions about the fourth draft of the budget during that meeting. Immediately following that work session the EFD Board will meet in regular session to finalize a budget and recommend it for approval.

#### **B. Chief Bryan Litsey, South Lake Minnetonka Police Department 2012 Budget**

Mayor Kind noted SLMPD Chief Litsey is present this evening to give a brief presentation about the South Lake Minnetonka Police Department (SLMPD) 2012 Operating Budget.

SLMPD Chief Litsey thanked those Councilmembers and staff members who were able to attend the recent Emergency Preparedness Seminar held on August 3<sup>rd</sup> for doing so. There were 25 city representatives in attendance. He also thanked those Councilmembers who were able to attend Night to Unite neighborhood gatherings on August 2<sup>nd</sup> for doing so. There were two neighborhood parties in Greenwood. The SLMPD's new all terrain vehicle was there. The ATV was purchased with donations.

Councilmember Quam stated the SLMPD and Excelsior Fire District personnel that attended the neighborhood gatherings were very helpful and knowledgeable.

Chief Litsey gave a short presentation about the proposed 2012 SLMPD budget. He noted this has been his thirteenth year of preparing and presenting a budget as the chief executive officer for the SLMPD. The highlights of his presentation are as follows.

The primary objective has always been to develop a realistic, yet lean and efficient budget proposal that adequately provides for the mission of the SLMPD with an eye toward the future. The sluggish economy

has made this task particularly challenging in recent years. Preparing an annual operating budget for a joint powers organization requires the process start sooner and it involves layers of review prior to it being considered for approval by the SLMPD member City Councils. The budget process has been very transparent. For this budget process a new web-based feature has been implemented on the SLMPD's website [www.southlakepd.com](http://www.southlakepd.com) that allows individuals to track the budget process and download information.

Given the autonomy of the SLMPD as a joint powers organization its Chief of Police has a greatly expanded role. Many of the Chief's duties are akin to that of a city manager with additional responsibilities. The Chief is charged with shepherding through a budget process that has the support of the Coordinating Committee and is ultimately approved by the member City Councils.

A considerable amount of reference material has been generated to date including two comprehensive PowerPoint presentations and a budget memorandum specifically addressing questions about overtime expenses. Those documents are included in the packet for this meeting and they can be downloaded from the SLMPD website.

Preliminary 2012 budget considerations were discussed during the Coordinating Committee's May 11<sup>th</sup> meeting. The considerations were incorporated into an initial budget proposal developed by staff. The initial proposal was presented to the Committee during its June 27<sup>th</sup> budget work session. Based on the direction received during that work session and based on input from the negotiation team representing the Committee during contract talks with the union the budget presented during that work session has been refined. (SLMPD Chief Litsey and Excelsior City Manager Luger have sat at the bargaining table the last few negotiations and Coordinating Committee Member Kind has served as the liaison between the management negotiation team and the Coordinating Committee.) The revised budget proposal is a workable budget for 2012 absent any anomalies and/or unforeseen conditions. The revised budget sustains current operations while addressing some future needs.

Personnel costs for 2012 reflect the negotiation team's expectations. But, the labor agreement for union employees expires at the end of 2011 and negotiations for a new contract for 2012 have not been started. For 2012 health insurance rates are expected to decrease; that hasn't happened for years.

Other expense considerations include additional costs associated with a move to a new record management system (RMS), additional capital needed to support an adequate vehicle fleet rotation schedule and higher fuel costs. The current RMS is antiquated and there is no vendor support for it. The SLMPD is considering partnering with the Hennepin County Sheriff's Department on its licensing on a new RMS and that would reduce the cost for the SLMPD. The 2012 budget for fuel was increased when compared to the 2011 budget. The budgeted transfer into the designated Vehicle Fund was increased. There needs to be an incremental increase in future budgets in order to support a realistic fleet replacement schedule. In 2010 funds in the DWI Forfeiture Fund were used to help purchase a vehicle, but this Fund is not a reliable source to support ongoing operations.

Declining revenues continue to be an issue, most notably state aid payments associated with police pensions and disability benefits. State aid payments have gone down drastically. Lower revenue projections from that aid have been incorporated into the budget.

A 2006 arbitration ruling reset each member city's percentage contribution toward the operating budget for 2007 through 2011. In accordance with the arbitration ruling the percentages are to be adjusted every five years starting in 2012 based on the change in population, tax capacity and initial complaint report statistical data. The Coordinating Committee assigned the member City Administrators/Manager the task

of working on the reallocation formula for 2012 – 2016. The Committee was presented preliminary figures during its June 27<sup>th</sup> work session. The Committee accepted the 2012 – 2016 reallocation formula during its July 20, 2011, meeting. The budget worksheets reflect the reallocation formula.

Looking forward, it's important to keep in the forefront the Strategic Planning Group's (SPG) 2008 findings which are published in its 2008 Strategic Action Plan. A copy of the Plan is posted on the SLMPD website. The Plan serves as a reminder of the unfinished business needing to be addressed once the economic conditions improve. Central to the SPG's recommendation is for the SLMPD to increase its current compliment of police officers. Continuing to do more with less can only go on so long before core operations and safety become comprised. This critical staffing concern needs to be funded sooner rather than later.

The SLMPD has made attempts to secure a COPS grant for adding police officers but competition has been immense for the limited amount of money available through the federally funded program. The SLMPD is one of a vast majority of applicants that did not receive funding. Demand far exceeded available funding.

Chief Litsey noted that during the July 20, 2011, Coordinating Committee meeting the Committee accepted, on a 4/0 vote, the SLMPD 2012 Operating Budget Proposal as presented and it directed that it be forwarded to the member City Councils with a recommendation for approval prior to September 1, 2011.

Chief Litsey also noted that he attended an Excelsior City Council meeting on August 1<sup>st</sup> during which the Excelsior City Council approved the budget based on the reallocation formula on a 4/0 vote.

In response to a question from Councilmember Quam, Chief Litsey explained the SLMPD personnel have been switching to high deductible health savings accounts and that has helped control health insurance costs. The SLMPD is part of the LOGIS Health Care Group, a consortium of government agencies, which collectively negotiates with health insurance providers. The existing contract with HealthPartners expires at the end of 2011. LOGIS has decided to go with Blue Cross Blue Shield (BCBS) for 2012 because BCBS rates are lower than those proposed by HealthPartners.

On a topic not related to the budget, Councilmember Fletcher asked what it takes to have the speed buggy located in the City more. Mayor Kind responded she thought the procedure should be to go through her to consolidate requests and she will schedule the speed buggy with SLMPD Community Service Supervisor Hohertz.

**Fletcher moved, Quam seconded, approving the South Lake Minnetonka Police Department's 2012 Operating Budget as presented. Motion passed 5/0.**

Chief Litsey thanked Council for its support and asked whether the motion included approval of the reallocation formula.

Mayor Kind stated that she would like the council to address the reallocation formula in a separate motion. She explained the 2006 binding arbitration agreement stipulates the funding allocation formula be adjusted for 2012 – 2016 and then every five years after that. The SLMPD Coordinating Committee directed the member City Administrators/Manager to determine what the reallocation formula is. The SLMPD Coordinating Committee unanimously agreed their interpretation of the arbitration agreement is accurate. Based on the reallocation formula Greenwood's share of the operating costs for the 2012 SLMPD Operating Budget will increase 8.73 percent. The administrators group is reviewing the SLMPD

joint powers agreement to determine if the Coordinating Committee's acceptance of the reallocation formula is the appropriate protocol to follow or if each member City Council must also accept the formula. In case it's determined that each Council must accept the formula she recommended Council take action on the formula this evening to avoid having to call a special council meeting.

**Quam moved, Page seconded, accepting the 2012 – 2016 funding formula for South Lake Minnetonka Police Department operations as recommended by the City Administrators/Manager of the Cities of Excelsior, Greenwood, Shorewood and Tonka Bay as an accurate interpretation of the arbitration agreement order.**

Councilmember Rose asked why Council is even being asked to vote on this. Kind stated that it may not be necessary, but approving the reallocation would avoid the need for a special meeting if it is determined that the 4 cities need to take action.

**Motion passed 4/1 with Rose dissenting.**

Councilmember Rose explained he does not agree with the arbitration agreement order. Mayor Kind stated that she does not like the original arbitration order either, but that the reallocation formula is accurate and the city must abide by it.

**Page moved, Quam seconded, approving that Item 7.B on the agenda be discussed next. Motion passed 5/0.**

Discussion moved to Item 7.B on the agenda.

**C. City Attorney Mark Kelly, Unemployment Claim**

This was discussed after Item 7.B on the agenda.

Councilmember Quam stepped out of the room.

Mayor Kind stated the meeting packet contains a memo from Attorney Kelly regarding his research into the former City Clerk Roberta Whipple's unemployment claim.

After some discussion about this item there was consensus to recess the meeting until Councilmember Quam came back.

**Mayor Kind recessed the meeting at 7:50 P.M.**

**Mayor Kind reconvened the meeting at 7:58 P.M.**

Councilmember Quam returned during the recess.

**Fletcher moved, Quam seconded, accepting the City Attorney's recommendation that the City cannot successfully contest the interpretation of State Statute 268.095 subd. 10 and therefore approving the payment of the unemployment insurance bill dated July 8, 2011, in the amount of \$5,256.**

Councilmember Quam asked if there is any way for the City to get out of paying the bill. Attorney Kelly explained he is not aware of any way the City can get out of doing that unless the City receives a

determination. To date the Department of Minnesota Unemployment Insurance has not responded to the original objection dated February 7, 2011, filed under Mayor Kind's signature or his letter dated April 19, 2011. He noted the City is entitled to know what the determination was. The initial notice from the State dated February 2, 2011, did not inform the City that Ms. Whipple had a job. He stated the City did not receive full information in February and it's entitled to know what the determination is. He commented Council and he can surmise what the determination is. He stated he does not think the City will prevail on the State's policy.

Mayor Kind stated she did have a conversation with a representative of the Department of Minnesota Unemployment Insurance and learned that Ms. Whipple did work another job for awhile after she terminated her employment with the City but she but was laid off from the job.

Mayor Kind expressed her support for the motion. She stated the City may not have received the final bill. The maximum the City has to pay is about \$10,500.

Councilmember Page stated he would like to hear about the job Ms. Whipple had after she left the City. He then stated maybe the Department of Minnesota Unemployment Insurance made a mistake.

**Motion failed 2/3 with Page, Quam and Rose dissenting.**

**Page moved, Rose seconded, authorizing Mayor Kind to write a letter to the Minnesota Unemployment Office stating that no further payments will be made until the City receives copies of all determinations and a written reply to the Mayor Kind's letter dated February 7, 2011, and Attorney Kelly's letter dated April 19, 2011. Motion passed 4/1 with Kind dissenting.**

Mayor Kind stated that she thinks it is a waste of her time to write the letter.

## **5. PUBLIC HEARING**

None.

## **6. UNFINISHED BUSINESS**

### **A. Yard Definitions**

Mayor Kind stated Council discussed the "Definitions of Yards" in the City Code during its July 5, 2011, meeting. Four of the five Councilmembers were in attendance. Those present were split on whether or not to refer this topic to the Planning Commission for review and a recommendation. Because of the split vote Council decided to continue the discussion to this meeting so Councilmember Fletcher could be the deciding vote. The meeting packet contains a copy of the language in the Code and a drawing depicting what that language means as well as potential revised language and a drawing depicting what the revised language means.

Councilmember Fletcher stated he read something recently published by the League of Minnesota Cities (LMC) that states it's beneficial to include diagrams in a code book. He suggested the Planning Commission prepare diagrams for the various lot configurations (e.g., corner lots, lots with nonconforming structures on them and so forth) in the City. The intent is to have more clarity in the Code. Councilmember Quam stated he would like to have more diagrams.

Councilmember Rose asked Councilmember Fletcher if he liked the two diagrams included in the meeting packet. Fletcher responded he thought the diagrams were beneficial as they made the interpretation of the Code clearer. Rose asked if Fletcher thought the diagram depicting the current language in the Code reflects how the language is being interpreted. [The front yard runs between the inside of the two side yard setbacks.]

Mayor Kind noted Attorney Kelly has stated the way he interprets the current Code is illustrated by the drawing for the proposed Code (the drawing where the front yard goes the length from one side property line to the other). Councilmember Quam stated he agrees with that interpretation. Zoning Administrator/Clerk Karpas stated he enforces the Code based on the proposed diagram. Karpas then stated the Planning Commission can refine the current language in the Code or Council could chose to leave the language as is.

**Rose moved, Page seconded, recommended leaving the “Definitions of Yards” in the City Code as is.**

Councilmember Quam asked why they did not want to clarify the Code. Councilmember Rose responded people aren’t parking their boats in the yards near the closest line of the principle structure. They have been storing them that way for a long time. Quam stated what’s being discussed is the definition of a front yard and that’s different from prohibiting people from parking vehicles in their front yards.

Mayor Kind stated the Code contains an ordinance which stipulates a person can’t store vehicles in their front yard.

Councilmember Page stated one of the things that bothers him about making this type of change is the rest of the Code has to be reviewed to make sure there shouldn’t be other changes made. He then stated people have been storing vehicles in their front yards for a very long time based on their interpretations.

Zoning Administrator/Clerk Karpas clarified the ordinance does not prohibit people from parking a vehicle in their front yard. It does stipulate it must be parked on a paved surface.

Mayor Kind stated if Council wants to change Code Section 900.65 Unlawful Parking and Storage (3) (b) so vehicles don’t have to be parked on a paved surface that is a different discussion and that can occur during Council’s September meeting. She asked Council if it wants to put a moratorium on enforcing that section of the Code until Council has had time to review and discuss it. Councilmember Rose commented the moratorium could go until 2035.

**Mayor Kind called for a vote on the motion. Motion failed 2/3 with Fletcher, Kind and Quam dissenting.**

**Fletcher moved, Quam seconded, directing the Planning Commission to review and make a recommendation regarding the “Definition of Yards” in the City Code and to consider including drawings in the Code to aid with the interpretation of the Code. Motion passed 3/2, with Page and Rose dissenting.**

Mayor Kind asked if there was anyone on the council who was interested in including a discussion of Code Section 900.65 Unlawful Parking and Storage (3) (b) at the next council meeting. Rose said yes. Kind stated she will make sure the topic is on the September council agenda.

**Rose moved, Kind seconded, placing a moratorium on the enforcement of the City Code Section 900.65 Unlawful Parking and Storage (3)(b).**

Mayor Kind stated if Council is entertaining amending the Code on yard definitions then she does not think it's appropriate to enforce the Code Section 900.65 Unlawful Parking and Storage (3) (b) until Council has had time to discuss it.

Councilmember Page clarified Council has not made a decision on amending yard definitions. It has only directing the Planning Commission to review them and make a recommendation as it deems appropriate. He does not support a moratorium.

Mayor Kind stated a letter is being sent out to a resident tomorrow saying the City is going to enforce the Code Section 900.65 Unlawful Parking and Storage (3) (b).

**Motion failed 2/3 with Fletcher, Page and Rose dissenting.**

**7. NEW BUSINESS**

**A. Code Section 1135.05 Revision to Change "Office" to a Principal Use and Change "Restaurant" to a Conditional Use**

Mayor Kind explained that Councilmember Rose asked for this item to be placed on the agenda. Rose wants Council to consider revising the City Code Section 1135.05 to change the principal and conditional uses in the C-2, Lake Recreation District. The current language in the Code lists marinas and restaurants as principal uses, and includes general offices on the list of conditional principal uses in the C-2 District. With the discontinuance of a restaurant use at one of the two sites in the C-2 District and Council's recent approval of an office building as the principal use for the site, now is a good time to consider changing the Code. She noted all amendments to Chapter 11 Zoning in the Code must be reviewed by the Planning Commission.

Zoning Administrator/Clerk Karpas stated restaurants are a more intensive use and therefore there should be more Council oversight of them. He suggested general offices should be the permitted use and restaurants should be the conditional use. He stated he supports the proposed change.

**Rose moved, Page seconded, directing the Planning Commission to review and make a recommendation regarding amending City Code Section 1135.05 to change "office" to a principal use and change "restaurant" to a conditional use. Motion passed 5/0.**

Discussion moved to Item 7.C on the agenda.

**B. Replacement Policy for Minnetonka Boulevard Barrier Posts**

This was discussed after Item 4.B on the agenda.

Mayor Kind explained during Council's July 5, 2011, meeting she reported that a vehicle crashed into barrier posts located near Minnetonka Boulevard on June 27<sup>th</sup>. At that time she was under the impression that the vehicle went through the barrier posts and landed upside down on the walking path side of the posts. She thought the posts created a false sense of security to people using the pathway and she suggested the City not replace the damaged posts. The cost to replace the posts is approximately \$280. During that Council discussion someone else stated the posts had stopped the vehicle from crossing the

walking path and they caused the vehicle to flip over onto the street. Based on that information Council decided to continue with the City's past practice of replacing damaged posts.

Kind went on to explain this was further investigated with the South lake Minnetonka Police Department (SLMPD). The SLMPD report indicated the vehicle went through the barrier posts and landed upside down on the walking path side of the posts. The meeting packet includes a copy of the SLMPD's report and photos. The packet also includes opinions from the SLMPD Chief of Police and the City Engineer.

Kind noted that it costs approximately \$650 annually to weed whip around the posts and it would cost approximately \$600 – \$800 to remove all of the posts.

Councilmember Quam stated the barrier posts may have kept the vehicle from reaching the LRT trail.

Chief Litsey stated the barrier posts are more symbolic than helpful, noting it would be difficult to determine how far the vehicle would have gone if the posts were not there. He explained a wooden post that has been in place for a while is generally not up to design standards for safety reasons. The barrier may be more of a cautionary measure that keeps vehicles more to the left on the driving lane. The current trend is to have metal or cement posts for barriers.

Mayor Kind stated the curve in the roadway does not meet state standards for requiring a guard rail. Chief Litsey noted the curve is not sharp.

Councilmember Quam asked if having cable strung between the posts would be helpful. Chief Litsey responded cable may help provided the aging posts were replaced with treated wood posts if wood is the desired material. Litsey noted that cable barriers are not as effective as cement barriers. Litsey stated the wood posts are visually more appealing. Quam asked if the posts will stop a vehicle sliding on the ice. Litsey stated a wood post in the ground is not able to absorb any shock; it takes something with a lot of structural integrity to do that.

Councilmember Quam stated he thought there should be some type of barrier there. Residents in the area have expressed their concern about the possibility of removing the barrier posts.

Councilmember Page expressed he did not support removing the posts. He stated the posts mark the edge of the path. The posts do slow a crash down. The posts keep drivers from veering onto the path.

Mayor Kind stated other cities have sidewalks that are located next to roadways.

Councilmember Fletcher asked Chief Litsey if there is any potential benefit of having the barrier posts. Chief Litsey stated they give the pedestrian a sense of protection they really don't have, but they create a definite distinction between the roadway and the path.

Councilmember Page stated he did not think people assume the posts will stop an out of control car going at 30 miles per hour. Mayor Kind stated she thinks they will.

Councilmember Quam stated if there is a desire to have a barrier there he asked if a better barrier should be put up.

Councilmember Page stated to put a wire cable between the posts isn't going to do much.

Mayor Kind stated she's opposed to spending money on a new barrier.

Councilmember Quam stated he's opposed to taking the existing barrier posts down.

Councilmember Fletcher stated continuing the policy of replacing posts as they are damaged seems to be a middle of the road solution.

Mayor Kind reiterated that it costs approximately \$650 to weed whip around the posts annually. That money could be spent on taking all of the posts down and the City would soon be money ahead. Councilmember Quam stated the decision about what to do about the posts is not about money. Kind stated she thought they provided a false sense of security. Councilmember Rose stated the City could quit weed whipping around the posts. Mayor Kind stated she did not hear council support for removing the barrier posts, and thanked Chief Litsey for staying for the discussion.

Chief Litsey stated he appreciates that the SLMPD was provided the opportunity to offer its perspective on this.

On a different topic, Councilmember Quam stated the City would like the SLMPD to weigh trucks more often when they come through the City. Chief Litsey stated the SLMPD's scales are not up to standards now and they would have to be replaced. The cost of doing that should be weighed against the benefit. Litsey noted he will prepare information on this for the SLMPD Coordinating Committee to review.

Discussion returned to Item 4.C on the agenda.

**C. Resolution 16-11 for Renewal of Recycling Services from Vintage Waste**

Mayor Kind stated the City approved a one-year agreement for recycling services with Vintage Waste Systems, Inc., in September 2009. The agreement was effective from September 1, 2009, through August 31, 2010. The agreement included the option for two one-year extensions if agreed upon by both parties. Vintage Waste is agreeable to extending the agreement for the period September 1, 2011, to August 31, 2012.

**Page moved, Quam seconded, Adopting RESOLUTION NO. 16-11, "A Resolution Approving Recycling Services for the City of Greenwood Provided by Vintage Waste Systems., Inc. for September 2011 through August 2012." Motion passed 5/0.**

**D. Appointing Second Lake Minnetonka Communications Commission Representative**

Mayor Kind stated as of July 27, 2011, the City has not received any applications for the City's second seat on the Lake Minnetonka Communications Commission (LMCC). With important decisions being made at the August 16, 2011, LMCC full commission meeting she asked if any Councilmember would like to serve as the City's second representative until another person steps forward.

Councilmember Quam stated he will be out of town on August 16<sup>th</sup>. Councilmember Page stated he is not willing to serve as the second representative at that meeting. Page asked what the benefit is of having a second representative. Councilmember Fletcher explained the City would then have two votes.

Councilmember Fletcher, the City's representative on the LMCC, gave an update on LMCC activities. The full Commission will vote on the proposed 2012 budget. The fiber to the premise (*tonkaconnect*) project is the big discussion topic. The Shorewood City Council on a 4/1 vote voted against any further

funding for the project. The Victoria City Council voted the same way. The budget recommended by the LMCC Executive Committee does not include funding for the project.

Councilmember Page asked Councilmember Fletcher if he is concerned that someone during the full Commission meeting will want to amend the budget to include funding for *tonkaconnect*. Fletcher responded he is less concerned about that now than he was before the Executive Committee voted to recommend the budget be approved. Fletcher stated his preference would be to have a second voting representative present.

Councilmember Quam noted that the last time Council discussed *tonkaconnect* there was Council consensus not to support the project and suggested that the council take an official vote.

**Quam moved, Page seconded, conveying Greenwood City Council does not support the *tonkaconnect* project at this time. Motion passed 5/0.**

There was consensus not to appoint a Councilmember to serve as the City's second voting representative to the LMCC.

#### **E. Budget Comment Opportunity**

Kind suggested the budget hearing and final budget/levy approval be held on December 6, 2011, at 7 P.M.

**Page moved, Rose seconded, setting December 6, 2011, at 7:00 P.M. at the Deephaven Council Chambers located at 20225 Cottagewood Road, Deephaven, Minnesota 55331 as the time and date and place to hear public comment regarding the Greenwood 2012 Budget and directing the City Clerk to notify Hennepin County with this information as well as the phone number (952.474.6633) to be published in the County property tax mailing. Motion passed 5/0.**

### **8. OTHER BUSINESS**

#### **A. July 5, 2011, City Council Meeting Minutes**

This was removed from the consent agenda at Councilmember Fletcher's request.

**Quam moved, Page seconded, Approving the City Council Meeting Minutes for July 5, 2011, as presented. Motion passed 4/0/1 with Fletcher abstaining due to his absence at the meeting.**

### **9. COUNCIL REPORTS**

#### **A. Fletcher: Planning Commission, Eurasian Watermilfoil, Lake Minnetonka Communication Commission,**

Councilmember Fletcher stated the most recent Planning Commission meeting was very brief. The Commission will discuss amending the City's ordinance regarding variances so that it mirrors the language in the new state statute. Included in the meeting packet is a draft proposed amendment to the City Code Section 1155 regarding variances. He noted he will not be able to attend the August meeting.

With regard to the Lake Minnetonka Communications Commission, Fletcher stated he gave that report during Item 7.D on the agenda.

With regard to Eurasian Watermilfoil, Fletcher stated that based on his observations the treatment of St. Alban's Bay has been a great success. He thanked Bay Captain Rob Roy and his group for all of their efforts in helping to get the Bay treated. Mayor Kind stated she has received a great deal of comments from delighted residents.

Fletcher stated the City of Excelsior conducted a water study and determined it has access to enough water capacity to supply their anticipated future needs as well as the Greenwood homes along Excelsior Boulevard. He then stated the Metropolitan (Met) Council appears to be getting more prepared to tear up Excelsior Boulevard to install a high pressure sewer line in 2013/2014.

Fletcher then stated that he has meeting scheduled with members of Excelsior's staff on August 25<sup>th</sup> to talk about extending Excelsior municipal water system under Excelsior Boulevard to about twelve properties in Greenwood at no cost to the City of Greenwood. The property owners would pay the cost.

Councilmember Quam asked if the extension would go from Christmas Lake Road to Maple Heights Road. Councilmember Fletcher stated interest waned after Maple Heights Road.

Mayor Kind asked if property owners can opt out of connecting to municipal water. Councilmember Fletcher stated there will be a cost to property owners to connect to water.

Councilmember Fletcher stated there is a lot of exploratory work that has to be done about a potential extension. It's his perspective that if the exploratory work isn't started, water will never be extended. It is a one-time opportunity. Engineering work will be required as part of the planning process and he's not sure how that will be funded. Property owners will likely have to fund that effort. At that time the real level of interest in an extension will become clear.

Mayor Kind noted that a small number of Greenwood properties already get their municipal water from Excelsior.

Councilmember Fletcher stated the Met Council has expressed interest in helping to make the extension happen being its going to tear up Excelsior Boulevard up. Excelsior is considering doing other projects in the area at the same time as the Met Council project. He asked the Council to think about whether there were any road or trail projects in that area that should be considered.

## **B. Kind: Police, Administration**

Mayor Kind stated Council already heard a presentation on the South Lake Minnetonka Police Department (SLMPD) 2012 proposed budget. She noted the SLMPD Coordinating Committee's last meeting was on July 20, 2010. She explained a new record management system for the SLMPD will cost less than anticipated because the SLMPD is considering partnering with the Hennepin County Sheriff's Department on its licensing for the same system. Excelsior Mayor Ruehl and Shorewood Mayor Lizée are going to approach some of the neighboring cities to determine if there is any interest in becoming a part of the SLMPD joint powers organization.

Kind then stated Council will have a budget work session before its September 6<sup>th</sup> regular meeting. She noted she and Councilmember Fletcher attended an Emergency Preparedness Seminar on August 3<sup>rd</sup>. It was informative and interesting. There will be emergency preparedness training conducted later in the year. She related that Excelsior Fire District Chief Gerber explained that every elected official and municipal employee is supposed to go through that training.

**C. Page: Lake Minnetonka Conservation District**

Councilmember Page reported on Lake Minnetonka Conservation District (LMCD) activities. The biggest piece of news is one of the LMCD's harvesters capsized in North Arm Bay. One of the pontoons filled with water. The cost for one of the two needed cranes to right it was \$5,000. The harvester was the oldest of the ones the LMCD has. The harvester is totaled. He had suggested to the LMCD Executive Director that the Director research what will be covered by the LMCD's insurance. The LMCD AIS (aquatic invasive species) Task Force is going to conduct a visual review of two of the three bays that were originally treated for Eurasian Watermilfoil in the three-bay pilot program.

**D. Quam: Roads & Sewer, Minnetonka Community Education**

Councilmember Quam stated the City's 2011 roadway improvement project had been scheduled to start the following day. Due to a scheduling problem with the milling machine the start date has been pushed off. He is not sure when the improvements will be started. There is some indication it may start on August 8<sup>th</sup>. Sewer system repairs will start around September 1<sup>st</sup>.

Quam then stated the Minnetonka Community Education (MCE) Tour de Tonka bicycle event is scheduled for August 6<sup>th</sup> and the MCE is looking for volunteers to help with that event. He highlighted some of the event activities.

**E. Rose: Excelsior Fire District**

Councilmember Rose stated the Excelsior Fire District (EFD) Board had a regular meeting on July 27, 2011. EFD Chief Gerber provided highlights of the budget earlier in the meeting. The EFD 2012 budget increase is 1.16 percent when compared to the adopted 2011 budget.

**10. ADJOURNMENT**

**Quam moved, Fletcher seconded, Adjourning the City Council Regular Meeting of August 4, 2011, at 8:55 P.M. Motion passed 5/0.**

**RESPECTFULLY SUBMITTED,**  
**Christine Freeman, Recorder**