

**Greenwood City Council  
Special Minutes**

6:00 pm, Wednesday, February 20, 2013  
Deephaven City Hall ~ 20225 Cottagewood Avenue ~ Deephaven, MN 55331

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 6:30 pm.

Council members present: Cook, Kind, Fletcher, and Quam  
Others present: City Attorney Kelly, City Engineer Martini, City Clerk Karpas and Dan Fick, Metropolitan Council Environmental Services (MCES)

Quam moved to approve the agenda. Second by Cook. Motion carried 4-0.

Mayor Kind summarized the items on the agenda which included the plans for the Excelsior Boulevard Watermain and Land Acquisition, Design, and Construction Cooperation Agreement between the City of Greenwood and the Metropolitan Council (Met Council) for the upcoming watermain project. Kind said the agreement has been reviewed by the City Attorney and his comments have been included in the packet.

2. Consider: Resolution 08-13 Approving Excelsior Boulevard Watermain Plans

Mayor Kind said an item for discussion prior to diving into the plans is a recent conversation she had with a resident along Excelsior Boulevard who was not on the original petition wondering if it was too late to be included in the project. She said John Lang, 21120 Excelsior Boulevard, lives two homes down from the end of the proposed watermain and has asked what the process would be to be included in the project.

City Engineer Martini said the feasibility study would have to be amended and the process, including the public hearings would need to be started over again. Mayor Kind said if the properties between Mr. Lang and the end of the pipe agreed to the extension there would be 100% support. In that case would the process be required? City Attorney Kelly said it would, though it would politically be easier and could be expedited.

Dan Fick, MCES, said if the homeowners are sure they want to participate they can be added at a later date as a change order. Councilmember Fletcher asked what the cost would be. Mr. Fick said that would be based on what the bid unit cost was. Mayor Kind asked if the homeowners could just pay the change order cost without going through the process. City Attorney Kelly said there still needed to be a process. City Engineer Martini noted the change order could also raise the per unit cost on the other properties based on the length of the additional watermain needed. Kelly said the homeowners could go into the process with the understanding they would be responsible for 100% of the up charge on the change order.

Councilmember Fletcher said there may still be some savings to those homeowners on the "soft costs." City Attorney Kelly said the cost of the change order needs to be calculated up front and included in the petition before the Council so the cost doesn't have to be recalculated later and the assessment spread out over all the properties included in the project. City Engineer Martini agreed and said it should be considered a separate project. Councilmember Cook agreed that keeping this request as a separate project was the best approach.

John Lang, 21120 Excelsior Boulevard, addressed the Council. He said he has had contact with both of the neighbor on either side of his property both have shown some interest in participating in the project. One has said they are definitely interested while the other would still

like to know the specific numbers. Mayor Kind she was not interested in adding on a project unless all of the neighbors along the extension were interested. Councilmember Quam agreed and clarified what was needed from the neighbors. City Attorney Kelly said a petition would be needed from the homeowners. Mr. Lang said his only concern now, from the discussion that has taken place, is the potential change in his anticipated cost which was based on the numbers in the original feasibility study. City Engineer Martini said the cost would be based on the extension of the watermain divided by three. He doesn't expect it to double the cost or anything like that, but is unwilling to guess what that cost would be. Councilmember Cook feels it is appropriate for the Council to direct the City Engineer to calculate the anticipated expense to the homeowners and that the amount be included in their petition to the city. Martini recommended that the city determine the "stopping point," so the city does not have to face another situation where the next property owner wants to add on.

**Cook moved, Quam seconded, directing the City Engineer to calculate the expenses required to extend the proposed watermain from its current end point to the "stopping point" once it is determined and provide the number to the City Clerk so the number can be given to Mr. Lang for inclusion on a petition to extend the watermain further. Motion passed 4/0.**

Mayor Kind focused the discussion on the MCES plans distributed by the City Engineer. Mr. Martini said the plans are from the 95% plan submittal and have been reviewed by his office and their comments have been submitted to the Met Council for consideration in their final plan. Mr. Martini noted that the Met Council has been very patient with the city throughout the whole process.

Dan Fick Fink, MCES, said once the work has been completed the city will get a complete set of as-built plans for all work done in the city. Mayor Kind noted the plan shows concrete aprons on all driveways. City Engineer Martini said all driveways will get concrete aprons, even if they don't have them now. Mayor Kind asked about tree replacement. Mr. Fick said the largest extent of impacted trees in Greenwood would be near Christmas Lake Road and Manor Road. He said steps have been taken to minimize the impact by digging as shallow as possible in that area, but also the Met Council will prepare a landscaping plan to address any replacement needs. Kind said she could not find any mention of that in the agreement. Mr. Fick said it isn't in the current agreement but could be added. Kind said she would like tree replacement language added along with some language regarding sign replacement. Mr. Fick said sign replacement is included in the agreement. Kind said the issue is with the type of sign post used by the city and making sure the replacement posts are consistent. Martini said this would also be a good time to evaluate the need for the number of signs the city has along Excelsior Boulevard, noting there may be too many.

Councilmember Quam asked if there would be a crosswalk at Christmas Lake Road. Dan Fick, MCES, said there is not one shown on the current plan but it could be added. He said there are two designs, parallel lines or blocks. After some discussion the Council decided on a crosswalk with two parallel lines at Christmas Lake Road. Mr. Fick noted the City of Shorewood wanted a stop bar at the intersection of Excelsior Boulevard and Manor Road and asked if Greenwood would want the same. The Council said they would.

Mayor Kind asked if there were any further questions regarding the plans. Councilmember Cook said he wanted to hear the City Engineer say he reviewed the plans and they are acceptable. Mr. Martini said he has reviewed the plans and submitted his comments to the Met Council. He said the plans are consistent with standard watermain construction plans. Councilmember Fletcher asked if the Met Council has received the engineer's comments. Mr. Fick said they have and will incorporate the changes. It was noted that the MCES will be including the watermain project in its advertisement for bids for the total project.

**Fletcher moved, Cook seconded, adopting RESOLUTION NO. 08-13, “A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Excelsior Boulevard Watermain Option 1 Project. Motion passed 4/0.**

3. Consider: Resolution 09-13 Approving Metropolitan Council Environmental Service (MCES) Agreement

Mayor Kind said the City Attorney and City Engineer reviewed the document and submitted their comments for the Council’s consideration. Councilmember Quam asked if the city has the responsibility to raise issues but no authority to address them. Dan Fick, MCES, said that the city does not have any contractual authority, so that all construction issues would go through the MCES. In discussing the agreement, the city council agreed to the following changes:

Add the E and F paragraphs to I. PURPOSE OF THE AGREEMENT AND OBLIGATIONS:

- E. The Met Council will, at its own expense, replace trees, replace City signage, and repair City property disturbed during construction of the Total Project.
- F. Construction activities within the City of Greenwood shall be limited to one construction season (i.e. May 1, 2013 to November 31, 2013).

Strike and add text to Exhibit B-3, Services Provided, Reimbursable services provided by the City to the Council: Per this agreement, City staff and professional consultants ~~and the City’s engineer~~ will provide services to Council for which the City will be reimbursed.

Add text to Exhibit B-3, Construction Phase: The total reimbursement shall be reasonable and based on invoices from the City. Amount is estimated to be \$ 25,000 based on 180 construction days.

Add new bullet to Exhibit B-3, Non-reimbursable services provided by the Council to the City, The Council will provide services to the City described below at no cost to the City:

- Change order fees for watermain extension to the following addresses: 21150 Excelsior Blvd., 21120 Excelsior Blvd., 21110 Excelsior Blvd., \_\_\_\_\_.

**Quam moved, Fletcher seconded, adopting RESOLUTION NO. 09-13, “A Resolution Approving Cooperation Agreement Between Greenwood and Metropolitan Council Environmental Services for the MCES Excelsior Improvements Project #802850 with the changes as discussed. Motion passed 4/0.**

4. Adjournment

Quam moved to adjourn. Second by Fletcher. Meeting adjourned at 7:12 pm.

Respectfully submitted  
Gus Karpas  
City Clerk