

# MINUTES

## Greenwood City Council Meeting

Wednesday, October 2, 2013

20225 Cottagewood Road, Deephaven, MN 55331



### 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Deb Kind; Councilmembers Bill Cook, Tom Fletcher, Bob Quam, and Rob Roy

Others Present: Attorney Mark Kelly, City Zoning Administrator / City Clerk Gus Karpas, Engineer Dave Martini

Members Absent: None

**Motion by Kind, second by Fletcher, to approve the agenda as presented. Motion passed 5-0.**

### 2. CONSENT AGENDA

- A. 09-04-13 City Council Worksession Minutes
- B. 09-04-13 City Council Meeting Minutes
- C. August Cash Summary Report
- D. September Verifieds, Check Register, Electronic Fund Transfers
- E. October Payroll Register

**Motion by Kind, second by Cook, to approve the consent agenda items as presented.**

**Motion passed 5-0.**

### 3. MATTERS FROM THE FLOOR

Public Comment: Keith Steussi, 5000 Meadville Street, presented concerns regarding the assessor's methods.

No council action taken.

### 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

- A. Commissioner Jan Callison: Annual Hennepin County Update

No council action taken.

- B. Greg Keller: Annual City Prosecution Update

No council action taken.

- C. City Engineer Dave Martini: Update Regarding Curve Street Drainage

Council Consensus: The committee of Martini, Cook, and Quam will meet to determine a proposed plan or plans and estimates for presentation at the November council meeting.

### 5. PUBLIC HEARINGS

- A. Hearing on Proposed Assessment for Excelsior Blvd Watermain

**Motion by Cook, second by Roy, to open the public hearing. Motion passed 5-0.**

Public Comment: John Wood, Senior Property Manager, 5th Street Ventures LLC, 21000 State Hwy 7 (Miracle Ear Building), stated he did not agree with commercial properties being assessed at 1.5 times the residential assessment. He understands the pipes for the commercial properties are larger than the residential properties to allow for future fire suppression sprinkling of commercial properties. However, he believes that the water use

would be more for residential properties compared to commercial properties, so he would like the council to consider setting the assessment for commercial properties at the same amount set for residential properties.

**Motion by Quam, second by Cook, to close the public hearing. Motion passed 5-0.**

- B. Hearing on Conduit Bond Financing for Chaska Senior Housing Project – CANCELLED
- C. Hearing on Delinquent Sewer, Stormwater, and Recycling Charges

**Motion by Quam, second by Cook, to open the public hearing. Motion passed 5-0.**

There were no comments during the public hearing.

**Motion by Roy, second by Cook, to close the public hearing. Motion passed 5-0.**

## 6. UNFINISHED BUSINESS

- A. Excelsior Blvd Watermain Project ...

Consider: Resolution 24-13, Accepting Work and Authorizing Payment

**Motion by Fletcher, second by Roy, to approve Resolution 24-13, Accepting Work and Authorizing Payment with the following instructions:**

- (a) The city engineer and mayor must review and approve the invoice prior to payment.
- (b) The payment shall be paid from the sewer fund.
- (c) Journal entries shall be made to move all past and future Excelsior Blvd watermain project revenue and expenses to new line items in the sewer fund.
- (d) The city engineer delivers a signed completion statement to the city clerk.

**Motion passed 5-0.**

Consider: Resolution 25-13, Adopting Assessment

**Motion by Quam, second by Cook, to approve Resolution 25-13, Adopting the Assessment including the Assessment Roll dated 10-02-13. Motion passed 5-0.**

- B. 2nd Reading: Ordinance 220, Establishing Municipal Water Service Regulations

**Motion by Cook, second by Fletcher, to approve the 2nd reading of ordinance 220 with a revision to delete the following text: "In addition, the water provider may collect a Water Availability Charge on behalf of the Metropolitan Council." Motion passed 5-0.**

Consider: Resolution 26-13, Summary of Ordinance 220 for Publication

**Motion by Cook, second by Roy, to approve Resolution 26-13, Summary of Ordinance 220 for publication. Motion passed 5-0.**

- C. 2nd Reading: Ordinance 221, Establishing Requirements for City Approvals, Reasonable Accommodation Regulation, and Payment of Assessment Regulation

**Motion by Cook, second by Quam, to approve the 2nd reading of Ordinance 221, Establishing Requirements for City Approvals, Reasonable Accommodation Regulation, and Payment of Assessment Regulation with revisions so the following text reads: "A property that receives a deferment under (a) and (b) above may not have an annual household income that exceeds the federal poverty level." Motion passed 5-0.**

Consider: Resolution 27-13, Summary of Ordinance 221 for Publication

**Motion by Cook, second by Quam, to approve Resolution 27-13, Summary of Ordinance 221 for publication with revisions so the following text reads: "A property that receives a deferment under (a) and**

**(b) above may not have an annual household income that exceeds the federal poverty level." Motion passed 5-0.**

**7. NEW BUSINESS**

A. Consider: Resolution 28-13, Delinquent Sewer, Stormwater, and Recycling Charges

**Motion by Roy, second by Cook, to approve Resolution 28-13, Delinquent Sewer, Stormwater, and Recycling Charges with the Assessment Roll dated 09-24-13. Motion passed 5-0.**

B. 1st Reading: Ordinance 222, Establishing R-1C Single-Family District

Public Comment: Julie Ekelund, 5135 Meadville Street, expressed a desire for the city to have conditions in the ordinance to ensure the Old Log is compatible with the residential neighborhood.

Public Comment: Kristi Conrad, 21780 Fairview Street, stated that sound travels long distances on nice evenings, She said she can hear boats all the way from St Alban's Bay, and it does not bother her.

**Motion by Cook, second by Roy, to approve the 1st reading of Ordinance 222, Establishing R-1C Single-Family District with revisions so the following texts and charts read:**

**"Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events."**

	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Lot Depth (Ft.)	Maximum Lot Coverage
Single Family	Same as R-1A	Same as R-1A	Same as R-1A	As permitted by shoreland management district ordinance, section 1176
Theater with Attached Restaurant	4 acres	600	600	

Land Use	Front Yard** (ft.)	Lot, Interior - Side Yard (ft.)	Exterior Side Yard (ft.)	Rear Yard (ft.)
Single-Family Principal Structure	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Municipal Park Equipment	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Single-Family Accessory Structures	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Theater with Attached Restaurant	50	50	50	50

**"Subd. 2. The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq."**

**Motion passed 5-0.**

C. 1st Reading: Ordinance 223, Updating Chapter 5 Fees

**Motion by Fletcher, second by Cook, to approve the 1st reading of ordinance 223 amending code chapter 5 with the following revisions: (a) Remove all of the zoning fee changes except for the variance extension fee. (b) Remove the amendment to code section 1155.10 subd 9 and refer that amendment to the planning commission for a public hearing and recommendation. Motion passed 5-0.**

D. Consider: Lake Minnetonka Communications Commission Member Status & 2014 Budget

**Motion by Roy, second by Quam, to authorize the mayor to send the proposed letter to the LMCC giving withdrawal notice by October 15 to be effective on December 31, 2013, with the understanding that the letter may be rescinded for any reason before December 31, 2013. Motion passed 5-0.**

**Motion by Fletcher, second by Cook, to approve the amendments to the LMCC Joint & Cooperative Agreement as drafted by LMCC attorney Bob Vose, and as recommended by the LMCC board. Motion passed 5-0.**

**Motion by Fletcher, second by Quam, to not approve the LMCC board-recommended 2014 LMCC budget. Motion passed 5-0.**

E. Consider: 2013-14 Trail Plowing

**Motion by Cook, second by Fletcher, to authorize the city clerk to engage Deephaven Public Works for 2013-14 trail plowing services. Motion passed 5-0.**

F. Consider: Three Rivers Park District Permit for Winter Trail Activities

**Motion by Fletcher, second by Quam, to direct the city clerk to do the following:**

**(a) Complete the Three Rivers Park District Regional Trail System Winter Use Permit form indicating the city's desire to use the trail for cross-country skiing and walking.**

**(b) Mail the following to the park district:**

**i. Completed permit form.**

**ii. Certificate of insurance.**

**iii. Copy of the city council minutes showing the council action.**

**(c) Inform Deephaven Public Works of their responsibilities for trail maintenance.**

**Motion passed 5-0.**

G. Consider: LMCIT Liability Waiver Form

**Motion by Fletcher, second by Cook, to direct the city clerk to do the following:**

**(a) Sign the League of Minnesota Cities Liability Coverage Waiver Form with a check in the box indicating that the city does not waive the monetary limits on municipal tort liability established by Minnesota Statute 466.04.**

**(b) Send the completed form to the city's insurance representative Carl Bennetsen, so he can forward it to the League of Minnesota Cities Insurance Trust underwriter.**

**Motion passed 5-0.**

H. Discuss: Potential Revisions to Swimming Pool Regulations, Section 330

Public Comment: Mike Mulvaney, pool installer representing Bill Cooper, 5030 Meadville Street, asked that the council consider an amendment to the city's swimming pool code to allow electric pool covers in lieu of a fence.

Public Comment: Kristi Conrad, 21780 Fairview Street, noted that there are a lot of children in the neighborhood, and encouraged the council to consider safety if the swimming pool code is amended.

Public Comment: Eric Stafford, 21880 Fairview Street, would like the council to consider reducing the amount of cement apron required to surround pools and consider designating pools as pervious since they catch stormwater and do not create runoff.

Council Consensus: Karpas and Cook will work together to create a draft ordinance for the city council's consideration at the 11-06-13 city council meeting.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

- A. Cook: Planning Commission
- B. Fletcher: Lake Minnetonka Communications Commission, Fire, Xcel Project
- C. Kind: Police, Administration, Mayors' Meetings, Website, Southshore Center Committee
- D. Quam: Roads & Sewer, Minnetonka Community Education
- E. Roy: Lake Minnetonka Conservation District, Lake Improvement District

Council Consensus: Try minimal minutes that meet statutory requirements beginning with the 10-02-13 minutes.

No other action was taken on any of the council reports.

10. ADJOURNMENT

**Motion by Cook, second by Roy, to adjourn the meeting at 10:27pm. Motion passed 5-0.**

*This document is intended to meet statutory requirements for city council meeting minutes. A video recording was made of the meeting, which provides a verbatim account of what transpired. The video recording is available for viewing on LMCC TV channel 8 for 1 month, at [www.lmcc-tv.org](http://www.lmcc-tv.org) for 1 year, and on DVD at the city office (permanent archive).*