

GREENWOOD CITY COUNCIL MEETING
Tuesday, April 5, 2011, 7:00 P.M.
Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

1. CALL TO ORDER – ROLL CALL – APPROVAL OF AGENDA

Acting Mayor Quam called the meeting to order at 7:01 P.M.

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

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

Members Absent: Mayor Kind

Fletcher moved, Page seconded, approving the agenda as presented. Motion passed 4/0.

2. CONSENT AGENDA

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

- A. March 1, 2011, City Council Meeting Minutes**
- B. February 2010 Cash Summary Report**
- C. March 2011 Verifields and Check Register**
- D. April 2011 Payroll Register**

Motion passed 4/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. Announcement: Local Board of Appeal & Equalization Meeting, 6:00 P.M. April 14, 2011**

Acting Mayor Quam stated the Local Board of Appeal & Equalization meeting is scheduled for April 14, 2011, at 6:00 P.M. in the Deephaven City Council Chambers. He explained during that meeting property owners in the City have an opportunity to present their case about the valuations of their property. He recommended if property owners have an issue with their property valuations that they first discuss it with the appropriate property assessor. He also recommended that those property owners who want to come before Council let the City know that they want to be heard. Councilmember Page encouraged property owners to submit any materials they want considered in advance.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Second Reading: Ordinance 193 Amendments to Code Sections 1140 General Regulations, 1140.45 Parking Requirements, and 510 Fees

Acting Mayor Quam stated this is the second reading of Ordinance 193 amending the Ordinance Code Section 1140 General Regulations, Section 1140.45 Parking and Loading Requirements and Section 510 Fees. Council adopted the first reading of the Ordinance during its March 1, 2011, meeting subject to it being amended to also include amendments to Sections 1140 and 510. A copy of the revised Ordinance is included in the meeting packet.

Fletcher moved, Rose seconded, Approving Ordinance 193, “An Ordinance Amending the Greenwood Ordinance Code Sections 1140 General Regulations, 1140.45 Parking and Loading Requirements, and 510 Fees. Motion passed 4/0.

B. Resolution 09-11 Summary of Ordinance 190 for Publication

Page moved, Rose seconded, Adopting RESOLUTION 10-11, “A Resolution Approving Publication of Ordinance Number 193 by Title and Summary.” Motion passed 4/0.

C. Greenwood Park Beautification

Acting Mayor Quam stated residents have requested the City make some improvements and do some maintenance to the City’s park. He explained that during the March 1, 2011, Council meeting Council discussed which improvement and maintenance items could be funded with the park dedication funds in the General Fund. [The Park Fund was closed in 2010 and those funds were moved into the General Fund.] That has not been resolved. Some of the improvement and maintenance items discussed included resurfacing the tennis court and basketball court; purchasing a park-style garbage can, brooms and a rack; and, trimming trees and branches.

Councilmember Page stated he went to the park earlier in the day. He explained the south end of the tennis court was still covered with snow so he was unable to evaluate its condition. The surface on north end of the court did not look too bad. There is a fairly large crack on the northwest side of the court that needs to be patched. The net on the court is nearing the end of its useful life. The basketball court does not have any asphalt on it. He suggested asphalt be put down. He stated he thought the asphalt improvements could be paid for out of the park dedication funds.

Page explained walking paths have been developed going from the south to the north where the tennis court goes as well as east to west. It appeared to him that residents have been cleaning up the area a little bit and have placed some of the larger branches that had fallen to the edge of the path. One large tree has fallen down on the east side and another on the west side, although he thought the one on the west side may be on a residential property. He suggested the City remove the one large tree that is down and clean up the dead and fallen branches. The branches could be put through a wood chipper and the chips could be left on the paths.

Page then explained there is a lot of buildup in the pond located in the park. He asked Zoning Administrator/Clerk Karpas how that could be cleaned out. Karpas explained he has spoken with the Public Works Director about cleaning up the park. The plan is to ask the company that does a lot of tree

service for the City to walk the park once the snow has melted to assess the dead limbs and trees and underbrush and then provide the City with a bid for cleaning that up. He will ask that company to assess whether or not it could clean out the pond, and if so what the cost would be. Karpas stated that since the last meeting he has spoken with individuals about the paths and the possibility of putting down wood chips generated from dead wood the City has had cleaned up on the path.

Zoning Administrator/Clerk Karpas stated plans to ask the representative from Tennis West what it would cost to put an asphalt surface down on the basketball court, either patch or resurface the tennis court (if that's needed) and fill in the crack near that court. He noted that until the snow is gone it's difficult to get a clear assessment of what is needed.

Karpas stated he obtained a quote for a park-style garbage can which is about \$500. He noted that Vintage Waste would not empty it. He explained the cost for Public Works to service the can would be \$170 per month. The cost for Vintage Waste to put a 96-gallon can in the park and service it would be about \$25 per month. He noted he will have estimates for park maintenance and improvements available for the May 2011 Council meeting.

Councilmember Page stated it's his recollection that the south end of the tennis court was in bad shape last year. A lot of water accumulates on that end of the court and it has caused the surface to come up. He suggested the basketball court be surfaced to about a half-court size, noting it would come up to the edge of the tennis court surface. He stated it may be best to join the two surfaces for stability purposes. He suggested assessing whether or not more gravel should be put down around the playground area.

Acting Mayor Quam asked if wood chips are a good long-term solution for the paths. Zoning Administrator/Clerk Karpas responded they would have to be replaced every couple of years but that should not be an issue because there will always be an abundance of chips. Quam then asked if there is a long-term vision for the park. Karpas stated at a minimum wood chips should be put down on the paths where people walk, the tennis court's surface should be assessed and the area around the basketball hoop should get an asphalt surface.

Councilmember Page stated he thought it was Council's plan to debate if the park dedication funds could be used to resurface the tennis court. Acting Mayor Quam stated before that debate occurs he thought council should decide what improvements it wants to make to the park and what it will cost to do them. Once the costs are known Council can determine if it wants to move forward with improvements. Zoning Administrator/Clerk Karpas stated he has a clear understanding of what improvement quotes he needs to obtain.

Councilmember Fletcher stated he had asked that the topic of park beautification be placed on the March 1, 2011, Council meeting agenda so that Council would begin its discussion sooner versus later.

Councilmember Page stated Council has been told that park dedication funds can not be used to resurface the tennis court. He noted that it's been indicated to him that the limitation is found somewhere in the State Statutes. After reviewing the Statutes he's not convinced that the City can't pay for resurfacing the tennis court as an improvement with park dedication funds.

Page noted that the minutes from the March 1, 2011, meeting state the City's auditor has told the City the park dedication funds can't be used to resurface the tennis court because it's not an improvement. He stated he's not willing to accept that opinion; he wants to know what Statute restrains the City from using park dedication funds to pay for resurfacing. He explained Statute §429.021 Local Improvements, Council Powers states the council of a municipality shall have power "(6) To acquire, improve and equip

parks, open space areas, playgrounds, and recreational facilities within or without the corporate limits.” Case law indicates that paving or repaving, for instance a street, is considered an improvement. This would indicate the City could pay for the resurfacing the court with park dedication funds. He stated if the City can't use park dedication funds to resurface the tennis court or put an asphalt surface down on the basketball court he questioned what those funds could be used for.

Attorney Kelly stated the quandary starts with the City's auditor suggesting that there is prohibition. He noted he can't point to what the prohibition is. He stated there are improvements and also repairs. He stated an improvement can be paid for with park dedication funds. He then stated he would like to know why the auditor has stated the park dedication funds can't be used to resurface the tennis court.

Councilmember Fletcher stated from a business perspective installing an asphalt surface on the basketball court would be an improvement that can be capitalized. He then stated doing a major overlay of the tennis court could likely also be called an improvement.

Attorney Kelly stated another test, from a tax standpoint, is if it's a depreciable asset as opposed to one that is community expendable.

After further discussion there was consensus to have Zoning Administrator/Clerk Karpas ask the City's auditor why the auditor believes park dedication funds can't be used to resurface the tennis court. There was also consensus to have this discussion continued to the May 2011 City Council meeting.

7. NEW BUSINESS

A. Xcel Energy Project

Councilmember Fletcher stated he had attended an informational open house hosted by Xcel Energy about its project for an electric transmission line upgrade in the Southwest Twin Cities. [Xcel plans to rebuild the current 69 kilovolt line with a proposed 115 kilovolt line.] He then stated if there is enough interest on the part of Council he suggested Council invite Xcel Energy representatives to a Council work session to discuss what impact the project will have on the LRT Regional Trail and the areas abutting the Trail. Council could go to the Trail and have the representatives walk them through what's anticipated to occur. He went on to state a committee of 2 – 3 people could also be formed to stay on top of this topic. It would be better to know the impact the project will have on the Trail upfront. He noted he thought the project construction work will take place in 2012. He stated City residents may also have interest in this.

Councilmember Page stated he would like to find out more about the project and the impact it will have on the Trail.

After discussion there was consensus to have Zoning Administrator/Clerk Karpas contact Xcel Energy and ask for a couple of dates when representatives could come and talk about impacts to the Trail and areas abutting the Trail.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

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

Councilmember Fletcher stated there had not been a Planning Commission since the last Council meeting.

With regard to Eurasian Watermilfoil (milfoil), Fletcher stated St. Albans Bay Captain Rob Roy and others are busy raising money to put toward the cost of treating milfoil in St. Albans Bay. He noted contributions would be greatly appreciated. He stated that he guesses that to date 75 – 80 percent of the private funds needed have been raised. He noted that the Minnesota Department of Natural Resources has contributed \$8,500 toward the treatment. He encouraged all owners of properties fronting St. Albans Bay to sign a waiver to have the Lake in front of their properties treated whether or not they choose to make a contribution. Having some areas of the Bay not get treated impacts the results of the overall treatment. He noted there is a copy of the waiver form on the Lake Minnetonka Association's (LMA) website.

Acting Mayor Quam noted that contributions made last year in anticipation of this treatment being done are still being held by the LMA.

Councilmember Fletcher noted that the LMA is tax exempt organization which is why funds flow through the LMA. Contributions for the treatment are tax deductible.

With regard to the Lake Minnetonka Communications Commission, Fletcher stated there is nothing new to report on.

B. Page: Lake Minnetonka Conservation District

Councilmember Page reported on Lake Minnetonka Conservation District (LMCD) activities. The LMCD Board discussed the Lake level during its most recent meeting. He noted that Lake water has recently been running over the Grays Bay Dam, which is partially opened, at a rate of 150 – 200 gallons per second. The goal has been to keep the Lake water level at 930.02 feet (the high water mark). He explained the LMCD staff has a hard time explaining to people that call the LMCD what the parameters are for quiet waters. The staff at the LMCD would like all of the Lake to be no wake. He noted that request was not well received.

Councilmember Fletcher noted Professional Lake Management has been chosen to be the applicator for the 2011 granular chemical treatment of Eurasian Watermilfoil in five bays in Lake Minnetonka. Fletcher stated Lake Management has done a good job with the treatment of three bays the last few years. Councilmember Page commented the various agencies believe treating with granular chemicals is more effective than treating with liquid chemicals.

Councilmember Page stated the LMCD is considering changing some of the public amenities criterion for multiple dock licenses.

C. Quam: Roads & Sewer, St, Alban's Bay Bridge, Minnetonka Community Education

Councilmember Quam stated cost estimates for the project to repair the remaining half of the City's sewer system and manhole covers will be available for the May 2011 Council meeting. The bids for the project will be opened on June 1, 2011, and the contract will be awarded in June, noting a special Council meeting may have to be called to award it.

Quam then stated the City's roadways have been inspected. Some roadways will have to be milled and overlaid and some others sealcoated. The list of improvements recommended and associated cost estimates will be available for the May 2011 Council meeting for Council's consideration. He noted that sealcoat projects will be done in June and the mill and overlay projects will be done in July. He stated the problem with stormwater drainage on Meadville Street needs to be assessed to determine if it's the City's problem. He then stated the City has budgeted \$130,000 for improvements in 2011. He also stated he believed the restriction the City imposed on refuse haulers for reducing the size of trucks they use has made a big difference. It appears to him the roadways are holding up better.

Quam commented he recently heard that the bridge over St. Albans Bay is on a historical registry. He stated City Engineer Martini is going to look into that further. If the bridge is considered historical the bridge could not be replaced; it would have to be rehabilitated. Rehabilitation could cost more than replacing.

D. Rose: Excelsior Fire District

Councilmember Fletcher stated he attended the March 23, 2011, Excelsior Fire District (EFD) Board meeting. He explained that the Shorewood and Tonka Bay City Councils want the unspent construction funds for the public safety facilities to remain with police and fire while the Deephaven and Greenwood City Councils want the unused funds to be returned to the EFD member cities. He noted the Excelsior City Council had not yet discussed the topic. He then explained there was a presentation about the Excelsior Firefighters Relief Association's fund for pension purposes which has been under funded the last few years. When the fund is under funded the EFD (i.e. the EFD member cities) must make mandatory contributions until the fund is 100 percent funded. He commented based on the EFD 2010 audit report presented that evening he thought the fund could be close to 100 percent funded. He stated there is an EFD work session scheduled for April 6th to discuss the preliminary 2012 operating budget and the 20121 – 2032 Capital Improvement Program. The EFD Board has been discussing a timeline change for when the budgets have to be presented to and approved by the member cities. The impetus for the change is the funding level of the EFRA's fund for pensions is not solidified until August 1st.

10. ADJOURNMENT

Rose moved, Page seconded, Adjourning the City Council Regular Meeting of April 5, 2011, at 7:41 P.M. Motion passed 4/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder