

City of Greenwood – City Council Minutes
Greenwood City Council Chambers
20225 Cottagewood Road Deephaven, MN 55331
Tuesday, December 4, 2007
7:00 p.m.

DRAFT MINUTES

1. Call to Order/Roll Call

Mayor Newman called the meeting to order at 7:00 p.m.
Council present: Quam, Newman, Scharf and Hill
Council absent: Sagal (arrived at 7:05)
Staff present: Attorney Kelly arrived at 7:38, Clerk Whipple

2. Roberts Rule of Order

Mayor Newman asked the Council to follow Robert’s Rules of Order and to raise their hands for recognition before speaking.

3. Consent Agenda

Councilmember Scharf moved to approve the consent agenda. Second by Councilmember Quam. Motion carried 4-0

4. Approve Agenda

Councilmember Quam asked that in view of the bad weather, item 8A be moved up on the agenda. Item 8A will be moved to item 5.5.
Councilmember Hill stated the Councilmember Sagal had wanted item D added under new business which deals with the Clerk’s contract.
Councilmember Quam moved to approve the agenda as revised. Second by Councilmember Scharf. Motion carried 4-0

5. Matters from the Floor

none

5.5 Approve second reading of Ordinance #157 Xcel Energy Contract

Michelle Swanson, representative from Xcel Energy, reviewed the franchise agreements minor changes from the first reading on November 29, 2007. She said most of the changes were cosmetic and Attorney Kelly added a section for ayes and nays at the end of the document.
Councilmember Scharf moved to approve the second reading of Ordinance #157 the Xcel Energy contract. Motion carried 5-0

6. LMCD Report

Lake Minnetonka Conservation District representative, Kelsey Page, stated he had attended two meetings in November. A new representative from Minnetonka Beach had been appointed, a public hearing approved regarding dock set-back. Mr. Page discussed the I-Lids lake ramp camera surveillance program, spoke of Gregg Nybeck’s evaluation and noted that the Canning dispute has reached a court approved settlement but denied a motion by Mr. Bendix to come into the litigation at such a late date. The resulting order will be filed with Mr. Canning’s property and will run in perpetuity. The November 20th meeting with the Water Patrol noted that water patrol hours were down due to the I-35 bridge collapse. Statistics showed that 2007 saw 39 arrests for boating while intoxicated, 80 citations for minor in consumption (versus 34 in 2006), and one drowning that was snowmobile related.

A. Approve appointment of Kelsey Page as LMCD Representative

Councilmember Sagal moved to approve Kelsey Page as Greenwood’s LMCD representative to a 3-year term beginning 2/2008. Second by Councilmember Scharf.
Motion carried 5-0

7. Planning Commission

A. Report by Kelsey Page on the November 21 Planning Commission meeting:

The PC had a public hearing to review a variance request for 21845 Byron Circle to tear down an existing home and build in the same footprint.

B. The appointment of the Planning Commission appointment will be delayed until the January, 2008 City Council meeting.

C. Approve variance request for 21845 Byron Circle Resolution #26-07 Attorney Kelly reviewed the resolution that was based on the Planning Commission's recommendation for this project subject to: that the rebuilt house be built according to the plans and designs submitted, that the rebuilt building shall have the same footprint as the house to be demolished, the rebuilt house may not exceed the height of the building to be demolished, and the hardcover not to exceed 24.6%.

Mr. Coombs, from Design Group C, spoke to this project. While the current height of the existing home is unknown, the proposed height of the new home calls for an additional 3'4" due to a 9' ceiling on the first floor and the need for the ventilation system to meet code. After lengthy discussion, Councilmember Hill moved to approve Resolution #26-07 with the following revisions: Page 5 #3C should be revised to read; The rebuilt building may not exceed the height of the building to be demolished (as measured from street elevation) by more than 2' 6" and add item #3E to say: future additions of a deck to the lakeside are strictly prohibited. Second by Councilmember Scharf. Motion passed 4-1 with Councilmember Sagal voting Nay.

8. Old Business

A. moved to item 5.5

B. Subsequent Truth in Taxation meeting

1. Approve Resolution #24-07 adopting 2008 collectable levy of \$641,696
Councilmember Quam moved to approve Resolution #24-07 adopting the collectable levy for 2008 at \$641,696. Second by Councilmember Scharf
Motion passed 4-1 with Councilmember Sagal voting Nay.

2. Approve Resolution #25-07 adopting 2008 budget of \$788,785
Councilmember Scharf moved to approve Resolution #25-07 adopting the 2008 Greenwood budget of \$788,785. Second by Councilmember Quam.
Mayor Newman suggested that the Council review prior budgets and audits to make sure that we are not tapping into the contingency fund. The Council can't over-budget to revenues and under-budget for expenses. The budget should come out 3% in the black each year. As the budget seems to keep going up each year, the reserve fund amount needs to be sufficient to stay on track with the 5-year plan. The road fund may need to begin a slow reserve build-up as well.
Motion passed 4-1 with Councilmember Sagal voting Nay.

C. Approve Joint Powers Agreement of the LMCC

Councilmember Hill moved to approve the Joint Powers Agreement of the Lake Minnetonka Communications Commission as proposed.

D. Public Meeting – Continuation of Massing Ordinance #159 discussion

Councilmember Scharf stated the work session of December 1, 2007 was an excellent meeting. Mayor Newman agreed that there was great input at that meeting and another one should be scheduled. Councilmember Hill encouraged the Council's attendance at the Planning Commission meetings when the massing ordinance is discussed.

Councilmember Hill moved to continue the discussion of the massing ordinance to the next Council meeting. Second by Councilmember Sagal.
Motion carried 5-0

E. Approve second reading of Amended Fire Code Ordinance #160

Motion by Councilmember Sagal to approve Ordinance #160 Amended Fire Code. Second by Councilmember Hill Motion carried 5-0

9. New Business

A. Approve 2008 License Applications

Motion by Councilmember Quam to approve the licenses contingent upon receiving a clear background check from the Old Log Theater. Second by Councilmember Hill
Motion Carried 5-0

B. Planning Commission Term Expirations

Terms A1, A2, A3, and Alt 1 expire in March of 2008. Greenwood residents need to contact City Hall for an application to be considered by the Planning Commission at the January 16 meeting. Final selections will take place at the February City Council meeting and Commissioners will be sworn in at the March 2008 Planning Commission meeting.

Councilmember Sagal moved to table the decisions to appoint tentative commissioners until the January 3, 2008 City Council meeting. Second by Councilmember Quam Motion carried 5-0.

C. Discussion of Open Book replacing Board of Review and Equalization – Resolution #23-07

Mayor Newman discussed the pros and cons of changing from the Council acting as the Local Board of Review and Equalization to having the County be both the assessor and the Local Board of Appeal. The City could also discuss hiring a private assessor.

Recess at 9:00

Reconvene at 9:09

Although some Councilmembers did not feel they had the expertise to know the real estate market it was decided that the Local Board of Appeal process would remain the same.

D. City Clerk Contract

There will be a closed Executive Session at the January 3, 2008, City Council meeting to discuss drafting a contract with the Clerk.

10. Reports

A. Mayor – will be working with the Planning Commission on the Comprehensive Plan

B. Attorney – The matter involving 5100 Meadville Street has been resolved. There will be a payment of prosecution costs to the City.

C. Clerk – nothing

D. Budget and Finance – The Mayor suggested a flow chart of when revenues come into the City or when certain expenses occur.

E. Civil Defense – nothing

F. Fire – Councilmember Hill reported that there will be a special Fire Board Meeting on Wednesday, December 5, to discuss the disbursement of the Orono Funds. There is approximately \$93,817 in this fund and it needs to be determined how the money should be spent or **IF** the money should be spent. The breakdown of the money is Board Funds \$62,000 and Firefighter funds of \$31,000. This discussion has been on-going and somewhat divisive for the last four years and Chief Gerber hopes the special meeting will bring resolution to this matter. The Council recommended that Greenwood's position on this matter should be to earmark the \$62,000 in Board Funds for the reserve fund and not spend it, yet.

G. Health & Welfare – nothing

H. MCES – Councilmember Quam said there is nothing we need to do now with regard to the report Bolton & Menk did based on the sewer televising. The estimated cost to address everything found during the televising, is just under \$64,000. Those repairs could be spread out over a few years. We may need to invite the engineers to a meeting in a couple months to discuss a repair plan, but for now, Councilmember Quam will talk to the Engineers and give a report later.

I. Planning Commission – nothing

J. Seniors – Councilmember Scharf stated the last meeting with the Southshore Community Center was cancelled due to the funeral of the Mayor of Deephaven's wife.

K. Technology – Greenwood has submitted a request for an invoice to start developing the City web site in 2008.

L. Weeds – nothing

Councilmember Quam moved to adjourn at 10:00 p.m. Second by Councilmember Hill
Motion carried 5-0.

Respectfully submitted,

Roberta Whipple
City Clerk/ Administrator