

City of Greenwood – City Council Minutes  
Greenwood City Council Chambers  
20225 Cottagewood Road Deephaven, MN 55331  
952-474-6633  
Wednesday, March 5, 2008  
7:00 p.m.

**APPROVED MINUTES**

1. Call to Order/Roll Call

Mayor Newman called the meeting to order at 7:00 p.m.  
Council present: Sagal, Hill, Scharf, Quam and Mayor Newman  
Council absent: none  
Staff present: Attorney Kelly and Clerk Whipple

2. Approve Consent Agenda

Councilmember Scharf moved to approve the consent agenda. Second by Councilmember Quam. Motion carried 5-0

3. Approve Agenda

Councilmember Sagal asked to moved item 10A to 7B. Councilmember Quam asked to have 11 P, roads to the agenda. Councilmember Scharf asked for 10B, sign ordinance, be added. Councilmember Hill moved to approve the agenda as amended. Second by Councilmember Sagal. Motion carried 5-0

4. Matters from the Floor

Peter Benencasa, 2357 Wolf Ridge Avenue Shakopee, MN.  
Mr. Benencasa will be managing the Boathouse restaurant for Mr. Tom Fritz. Greenwood's ordinance requires that any manager of an establishment with a liquor license, must also pass a background check. The liquor license had been issued for the restaurant, but Mr. Benencasa had something come up on his SLMPD background check from 23 years ago. Attorney Kelly said it was up to the City Council to find if there was any reason not to approve his application. The issue from 23 years ago was dismissed and never prosecuted. However, the issue was never expunged from Mr. Benencasa's record. Motion by Councilmember Sagal to approve Mr. Benencasa's application as a manager of the Boathouse Restaurant. Second by Councilmember Scharf. Motion carried 5-0.

5. Intercongregation Communities Association (ICA)

Annette Marie Poeschel and Shirley Buehler provided information on the ICA food shelf. 517,000 pounds of food was distributed in 2007 and the need continues to rise. Volunteers, food and monetary donations are needed to provide services to needy members in our community.

6. Virchow Krause 2007 City Audit Report – Jim Murray

Jim Murray reviewed Greenwood's 2007 financial audit. As in years past, he mentioned that the City was unable to segregate the Clerk's duties which created a lack of internal control. The sewer fund had a net operating loss of \$29,384. The cause for the loss was the sewer jetting and televising. He commended the Council on building up the undesignated reserve fund to \$90,125 and encouraged the Council to continue building reserves. Mr. Murray recommended that a Councilmember review monthly accounting procedures with the Clerk which would overcome some of the material weaknesses as pointed out in the audit.

7. LMCD

A. Kelsey Page reported on the last Lake Minnetonka Conservation District meetings. There was a public hearing for two ordinance amendments at the February 13 meeting. Other items discussed at the LMCD meeting were the City of Mound's variance request, the chemical treatment of 3 bays, LMCD enforcement, renewal of multiple dock licenses and the I-Lids program.  
B. Dick Osgood, Executive Director of the Lake Minnetonka Association, spoke regarding treating Milfoil in Grays, Carman and Phelps Bays of Lake Minnetonka. The first year of a 5 year treatment program is estimated to be \$200,000 for all 3 bays. The LMCD has granted \$10,000

per bay and a DNR grant is anticipated for \$40,000-45,000. The remainder is hoped to be raised by lakeshore owners. It is not certain if this program will go forward this year. Hydrilla is another invasive plant that will need to be monitored, but it has not yet been found in Lake Minnetonka.

#### 8. Planning Commission

A. The report was given by Planning Commissioner, Tom Fletcher. Massing was once again discussed at the last meeting. A simpler, volume-based formula for measuring mass was drafted and may be reviewed at the next planning commission meeting and forwarded to the City Attorney for review. Mayor Newman said architects or builders may have figures for newer homes on file that could be used to measure mass.

The Commission briefly discussed the Deephaven sign ordinance which could be modified for Greenwood's use.

The Schmitt property variance was reviewed by the Planning Commission. They denied the request for a drive-through window. The Planning Commission was concerned about increased traffic with a drive-through window.

The Council approved that the City Attorney draft an ordinance to be considered by the Planning Commission in conformance with the petition for a curb-cut.

B. Request for ordinance amendment: Robert Schmitt 21550 Hwy #7

The Council reviewed Mr. Schmitt's request for ordinance amendments. Mr. Schmitt has plans to construct a new commercial building on the existing site of the motor vehicle licensing building. He believes the space would be more marketable if a drive-through window was incorporated in the design. Mr. Schmitt is also requesting a curb-cut to Excelsior Blvd. as the current location has no exit to Excelsior Blvd. Attorney Kelly stated that by approving Resolution #06-08, the

Council was approving the Planning Commissions recommendation to approve vehicle access (curb-cut)

to Excelsior Blvd, but deny the drive-through window. Approving the resolution does not constitute an amendment to the zoning code. It still requires an ordinance being drafted and a public hearing conducted, and the Council will review it again.

Councilmember Scharf moved to approve resolution #06-08 amending page 4 #2 to include the phrase "is in the public good". Second by Councilmember Quam.

Recess at 9:00 Reconvene at 9:08

Motion passed 4-1 with Councilmember Sagal voting nay.

#### 9. Old Business

A. Decorum

Mayor Newman requested that any issues of decorum that come before the Council be specific in nature so they can be dealt with.

B. Sewers/Storm water management

The City Engineer, Dave Martini, spoke on repairs needed to address the Inflow and Infiltration (I & I) in the City sewer system. He presented the Council with a map that showed possible trouble spots in the lines and also identified each manhole throughout the City. He said it would cost approximately \$3,500-5000 for manhole inspections of districts 1 & 2 only. Councilmember Quam moved to authorize manhole inspection in districts 1 & 2 and not to exceed a cost of \$5,000, with the money coming out of the sewer fund. Second by Councilmember Scharf  
Motion carried 5-0

Mr. Martini also spoke on the need for a Storm Water Management Plan. This is plan is required by state statute. The Council agreed to address this in 2009 and the \$8550 for the plan draft can be included in the budget.

C. Comprehensive Plan Review

Clerk Whipple said the Comprehensive Plan is being worked on by Councilmembers Quam and Scharf.

D. Civil Defense Siren

Councilmember Sagal provided the Council with a map showing the current location of the existing siren and suggested location for the new siren. Councilmember Quam suggested reviewing a 40' wide area on Covington for the new site. Councilmember Sagal will check on that location and report at the next meeting.

E. Record Retention

Clerk Whipple reviewed the quote for scanning City documents. The \$4,270 will be added to the 2009 budget.

F. Lift Station

Mayor Newman stated that the City is prepared to relieve the St. Alban's Bay townhome association of its obligation to maintain the lift station. A small fence will be installed on the berm above the lift station and the cost is to be split evenly between the City, the Townhomes and Jill Nagel. Councilmember Quam moved to relieve the association of its responsibility to maintain the lift station. Second by Councilmember Scharf. After discussion, it was decided the money for the fence should be in hand before the City took over the lift station. Motion was withdrawn.

10. New Business

A. Public Hearing on Stormwater Pollution Prevention Program

Mayor Newman opened the hearing but there was no one in attendance to respond. He closed the hearing as there were no comments.

B. Sign Ordinance: This was covered earlier, no additional comments.

11. Reports

A. Mayor: There have been Strategic Planning meetings with the police dept. Buckthorn will be removed this spring on the LRT by Hennepin County. Excel Energy contracted with Asplundh tree service and they have been trimming under distribution lines in Greenwood.

B. Clerk: Clerk Whipple will be attending the Minnesota Clerks and Finance Officers Association Conference. Wednesday March 12-Friday March 14. She will be on vacation the week of March 17-21.

C. Attorney – no report

D. Appeals & Equalization: Wednesday, April 9<sup>th</sup> is the date for Appeals and Equalization. Any Greenwood residents with questions on their valuations are encouraged to attend.

E. Budget & Finance: Councilmembers will be assigned budget items at the April meeting and the numbers are due by the July council meeting.

F. Fire – no report

G. Civil Defense – nothing to add

H. Health & Welfare – no updates

I. Milfoil – Any questions on what Mr. Osgood reported earlier, should be directed to Councilmember Sagal. Councilmember Sagal recommended taking part in the pre-season aquatic vegetation inventory this summer and participate in the 2009 milfoil program.

J. Docks – no report

K. Planning Commission – no report

L. Recycle/Clean-up: Clerk Whipple reported the e-waste day will be held in the City Hall parking lot on Saturday, July 12 from 9:00 a.m. – 2:00 p.m. for Greenwood, Deephaven, and Woodland residents. Cash or checks only will be accepted for the drop off.

M. Seniors: Councilmember Scharf said the committee was trying to coordinate schedules for another meeting.

N. Technology: The City website: [www.cityofgreenwoodmn.com](http://www.cityofgreenwoodmn.com) should be "live" tomorrow. There is much information that needs to be added; this will be done as the Clerk's time allows.

O. LMCC: nothing to report

P. Roads – Councilmember Quam attended an infrastructure seminar conducted by Bolton and Menk. He also did some research on load limit permit fees. They range from no load limits being granted to no load limit fees for any weight of truck. Another City requires a \$1,000 non-refundable application fee and bond-posting to cover road damage.

12. Adjourn

Councilmember Hill moved to adjourn. Second by Councilmember Scharf. Motion carried 5-0. Meeting adjourned at 10:51 p.m.

Respectfully submitted,

Roberta Whipple  
Greenwood City Clerk/ Administrator

