

GREENWOOD CITY COUNCIL MEETING
Tuesday, January 4, 2011, 7:00 P.M.
Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331

Attorney Kelly administered the Oath of Office to newly elected Mayor Debra Kind and Councilmembers Thomas Fletcher and Robert Quam.

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

Mayor Kind called the meeting to order at 7:02 P.M.

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

Others Present: City Attorney Kelly, City Zoning Administrator/City Clerk Karpas, and City Engineer Martini (departed the meeting at 7:13 P.M.)

Members Absent: None

Quam moved, Rose seconded, approving the agenda as presented. Motion passed 5/0.

2. OATH OF OFFICE

This was conducted before the meeting was called to order.

3. CONSENT AGENDA

Quam moved, Page seconded, approving the items contained on the Consent Agenda.

- A. December 7, 2010, City Council Meeting Minutes**
- B. November 2010 Cash Summary Report**
- C. December 2010 Payables**

Motion passed 5/0.

4. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

5. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. Greenwood Night at the Old Log Theater, Friday, January 14, 2011**

Mayor Kind stated Greenwood Night at the Old Log Theater is scheduled for January 14, 2011. This is an opportunity for residents to support the Theater which is a landmark in the City. She noted she planned on attending the event. Councilmembers Fletcher and Page stated they would also be attending the event so Zoning Administrator/Clerk Karpas was asked to notice it.

B. City Engineer Martini – Minnehaha Creek Watershed District Draft Plan Amendment

Mayor Kind stated the meeting packet includes a copy of a letter authored by her in response to the Minnehaha Creek Watershed District's (MCWD) request for comments about its proposed amendment to its Comprehensive Water Resource Management Plan (CWMP) regarding implementation of phosphorous reduction goals. The packet also includes a copy of a letter dated December 20, 2010, from Bolten & Menk's Water Resources Specialist Doug Carter outlining his comments about the proposed amendment; a copy of a letter from Becky Houdek, with the MCWD, about the proposed amendment; and, a copy of the proposed amendment. She noted because of the holidays and the MCWD's request to receive comments by January 3, 2011, she and Zoning Administrator/Clerk Karpas met with Engineer Martini and Mr. Carter as well as representatives from Deephaven and Woodland the week of December 27, 2010, to discuss Mr. Carter's comments. She composed a letter based on that discussion and sent it to the MCWD.

Kind highlighted what her letter said. She personally agrees with Bolten & Menk's comments. Council typically agrees with Bolten & Menk's comments, but she could not speak for Council. She anticipated Council would take issue with the MCWD's attempt to dictate the process by which the City will achieve its phosphorous reduction goals. She thought the 45-day comment period (which included the Thanksgiving, Christmas and New Year's Day holidays) was too short. The letter noted that Council would be discussing the letter she authored as well as Bolten & Menk's comments during this meeting.

Kind noted that the MCWD has recently extended the comment period to January 13, 2011, which is the day of the MCWD's public hearing on the amendment.

Engineer Martini, who ultimately works for Bolten & Menk, stated the comments letter from Bolten & Menk about the proposed MCWD rule change are organized into five different categories. The first category is regarding the overall tone and relationship between the MCWD and the local government units (LGUs) within its jurisdiction. The amendment indicates the MCWD will monitor the progress the LGUs are making against phosphorus reduction goals and it will decide what it wants to do if the LGUs are not making what the MCWD deems reasonable progress. Two subsections in the CWMP are cited as being of concern because of the tone of the language or the type of data the MCWD was asking the LGUs to provide.

Councilmember Page stated he thought the City is responsible to the Metropolitan (Met) Council for achieving its phosphorus reduction goals. Engineer Martini clarified the MCWD ultimately has that responsibility. Martini explained the City would not have had its Comprehensive (Comp) Plan approved if it had not developed a Storm Water Pollution Prevention Program (SWPPP), noting the Comp Plan is approved by the Met Council and the SWPPP is required by the MCWD.

Councilmember Quam stated the results of the 2010 analysis of street sweeping samples indicate the City has exceeded the phosphorus reduction goals identified in the City's SWPPP. Councilmember Fletcher stated he thought that was a base-point sample and that he anticipated the City could reach its goals with some additional street sweeping. Fletcher stated it's likely the MCWD would want to see an improvement over what the City is already doing. Quam stated the City needs to make sure it receives phosphorus reduction credit for the sweeping it currently does. Engineer Martini stated Bolten & Menk believes that there is enough benefit derived from the sweeping of City streets to achieve the goals.

Engineer Martini stated the second category of concern is about the use of undefined, subjective, qualitative and, at times, argumentative language. Terms similar to "lagged, diligently, importantly, good,

timely, adequate and failing” need to be well defined if they are to be used in the CWMRP. Ten areas are cited as being of concern. The third category is about the use of language that is vague and open to interpretation. Two areas are cited as being of concern. The fourth category is about the funding and overarching sense of cooperation and protection of natural resources. Two areas are cited as being of concern. The MCWD could go so far as to set up a special taxing district in a LGU to fund a program to achieve phosphorus reduction goals. The City currently has a memorandum of understanding (MOU) with the MCWD which describes the City’s responsibilities and the MCWD’s responsibilities. The MCWD’s goal is to incorporate the LGUs’ responsibilities and the MCWD’s responsibilities into the rule and eliminate the individual MOUs. The fifth category is general amendment comments.

Mayor Kind asked if Council is comfortable with the contents of the letter she authored and sent to the MCWD.

Councilmember Fletcher suggested a second letter be sent to the MCWD stating the Council has discussed this information and that the Council agrees with what was stated in the letter from Mayor Kind dated December 28, 2010.

Engineer Martini stated the goal has been to have a cooperative working arrangement between the LGUs and the MCWD. No one is questioning the value of protecting water resources. He noted that Bolten & Menk does not think the proposed rule change fosters a sense of cooperation.

Councilmember Fletcher stated the City has a great interest is having water resources well maintained.

Fletcher moved, authorizing the letter written by Mayor Kind dated December 28, 2010, be resent to the Minnehaha Creek Watershed District subject to it being revised to say the Greenwood Council has met and discussed the MCWD’s proposed amendment to its Comprehensive Water Resource Management Plan as well as Kind’s response and that Council agrees with the response.

Engineer Martini departed the meeting at 7: 13 P.M.

Attorney Kelly suggested that be done as a formal resolution and that a certified copy of the resolution be sent to the MCWD. He noted the government speaks through resolution.

Without objection from the maker of the motion, it was amended to direct the City Attorney to prepare a resolution authorizing the letter be resent subject to the revisions identified along with a copy of the comment letter from Bolten & Menk, adopting such resolution and directing Staff to send a certified copy of the resolution to the MCWD. Page seconded. Motion passed 5/0.

C. St. Albans Bay Captain Rob Roy – 2011 Bay-Wide Milfoil Treatment

Mayor Kind stated St. Albans Bay Captain Rob Roy is present to discuss the 2011 bay-wide treatment of Eurasian Watermilfoil (milfoil).

Rob Roy, 21270 Excelsior Boulevard, thanked Mayor Kind, Councilmember Fletcher, Minnesota Senator Gen Olson and Minnesota Representative Connie Doepke for their efforts in pulling the various agencies together to improve communications regarding milfoil treatment in St. Albans Bay and Gideon Bay. He noted the treatment of these two bays is separate from the three-bay milfoil chemical treatment pilot program. He stated the Minnesota Department of Natural Resources (MnDNR) has stated that they will issue a one-year permit for the treatment of these two bays. The results of the 2011 treatment will be evaluated and the extension of the permit will depend on the impact on native plants.

Mr. Roy then stated there was a meeting of all the bay captains in December 2010 to specify the treatment desired, the time for the treatment, the desired water temperature and so forth. Negotiations are in process with the Lake Minnetonka Association (LMA) to reduce the fees to do the treatment because there are more bays being treated. The treatment applicators have not yet provided the LMA with the costs to treat the five bays. He then stated a letter will again be sent out to the City's residents asking for donations toward the cost of treating St. Albans Bay. He asked the City to contribute \$5,000 toward the treatment of St. Albans Bay. He requested that contribution be authorized this evening.

Mr. Roy went on to state that lakefront property owners will have to sign letter authorizing the area in front of their property to be treated and send the letter to the LMA. Donations for the treatments can be made in a variety of ways with one of them being through the LMA's website by charging the donation to a credit card. He noted he needed three additional bay captains to help with the fundraising effort because some of last year's captains are gone for a few months.

Mr. Roy stated he can be contacted at (952) 474-3774 or by email at lrobroy@msn.com.

Councilmember Page asked if there was money available from last year's fund raising efforts for treatment that the MnDNR would not authorize. Mr. Roy explained that when the treatment effort was not approved people who had contributed to the effort were either able to get their money back or leave it in the account. The majority of the contributors asked for their money back. Mr. Roy noted there is approximately \$6,000 in the account.

Councilmember Page asked when the money was needed by. Mr. Roy responded May 1, 2011. Mr. Roy explained that treatments will be dependent on the temperature of the water and the temperature should be at the correct level the end of May 2011 or early June.

Mr. Roy noted the 2010 treatment results of Phelps Bay were not as good as desired because of the temperature of the water when the treatment was done and because the MnDNR changed the ratio of parts per million by 25 percent. The parts per million will be adjusted for 2011.

Councilmember Page stated Council authorized a \$5,000 donation in 2010 and he asked if the contribution was made. Mayor Kind stated the City pledged the \$5,000 contingent on DNR approval of the permit, which did not happen, so no funds were submitted.

Page moved, Quam seconded, authorizing a contribution in the amount of \$5,000 out of the General Fund toward the 2011 chemical treatment of Eurasian Watermilfoil in St. Albans Bay. Motion passed 4/1 with Rose dissenting.

Mr. Roy stated the City of Excelsior will be asked to make a contribution.

In response to a question from Councilmember Quam, Councilmember Fletcher explained a lakefront property owner can elect not to make a contribution but still have the lake area in front of their property treated if the property sends in the authorization letter to the LMA. Mr. Roy stated that will be conveyed in the solicitation.

Councilmember Page stated all residents will be solicited for a contribution and people who don't have lakefront property can make contributions.

6. PUBLIC HEARING

A. None

7. UNFINISHED BUSINESS

A. Second Reading: Ordinance 189 Amending Code to Regulate the Completion of the Exterior of Structures Under Construction

Mayor Kind stated this is the second reading of Ordinance 189 amending the Ordinance Code Chapters 3 and 5 adding provisions regulating the completion of the exterior of structures under construction. She noted the copy of the amendment reflects the changes discussed during the December 7, 2010, Council meeting. She stated the fee to extend the completion of exterior work should read \$200 for first 60-day extension (administrative).

Quam moved, Page seconded, Approving ORDINANCE NO. 189, “An Ordinance Amending the Greenwood Ordinance Code Chapters 3 and 5 Adding Provisions Regulating the Completion of the Exterior of Structures Under Construction” subject to the fee to extend the completion of exterior work being changed to say \$200 for first 60-day extension (administrative). Motion passed 5/0.

Quam moved, Page seconded, Adopting RESOLUTION 03-11, “A Resolution Approving Publication of Ordinance Number 189 by Title and Summary.”

Councilmember Fletcher stated there is no mention of the changes made to Section 515 in the summary and he asked if there should be. Attorney Kelly responded the City has an obligation to publish its ordinances as written or to create and publish a summary that adequately informs the public. Kelly stated he did not think Resolution 03-11 does that. Kelly stated Council can either amend the ordinance or publish the entire ordinance to address Section 515.

Without objection from the seconder, the maker amended the motion to add to the summary point 5 that states “This Ordinance includes an amendment to Section 515 stating each day a violation continues is subject to administrative civil citation.” Motion passed 5/0.

B. Response to the Minnehaha Creek Watershed District Aquatic Invasive Species Program Plan Amendment

Mayor Kind stated during Council’s December 7, 2010, meeting Council discussed the Minnehaha Creek Watershed District’s (MCWD) proposed amendment to its 2007 Comprehensive Watershed Resources Management Plan. The amendment establishes a District wide aquatic invasive species (AIS) control and management program. Based on that discussion she drafted a comment letter to the MCWD for Council’s discussion this meeting, noting a copy of the letter is included in the meeting packet. The goal is to send the letter to the MCWD by January 7, 2011. She asked the Councilmembers if they had any feedback on the letter.

Councilmember Page stated he did not understand what the second sentence in point 6 means. Point 6 states “*If an ad valorem tax levy is used to begin an AIS program, we agree (and prefer) that it should be spread out either watershed wide or statewide. We also strongly agree that the continuing costs should be shifted to permit fees charged to those whose activities present the greatest threat to spread AIS.*” He asked who it’s focused on and he indicated he did not recollect there being discussion about that. He stated sentence two bothers him.

Mayor Kind stated it's her recollection that Councilmember Rose took issue with the "ad valorem" approach. Rose had asked why there can't be some type of fee imposed on boaters using boat launches on Lake Minnetonka (the Lake). Kind and Councilmember Fletcher expressed they agreed with Rose's point of view on that.

Councilmember Page stated if the intent is to charge launching fees then that is what the letter should say. He then stated he opposed doing that. He recommended sentence two be eliminated.

Councilmember Rose asked Councilmember Page if thought it wouldn't be appropriate to charge people a fee when they use boat launches on the Lake even though it is people who tend to put their boat in and out of the Lake with some regularity who are more likely to spread AIS. Page stated State Statute does not allow it. Rose stated he can't pay for all of these types of things yet he has to. Mayor Kind stated the letter is trying to convey this is a State issue and that the State Statute could be changed to allow inspection fees.

Mayor Kind stated inspections for AIS should be done by the Minnesota Department of Natural Resources (MnDNR) and fees should be charged for the inspections if the MnDNR is serious about stopping the spread of AIS. Councilmember Fletcher commented he thought the MCWD would agree with that.

Councilmember Fletcher stated he preferred that sentence 2 in point 6 stay in the letter. Funding for programs is always an issue and that issue should be brought to the forefront now.

Mayor Kind asked if Council would accept removing the word strongly in point 6 sentence two. Councilmember Fletcher stated he was okay with doing that. Councilmember Rose stated he thought it should remain as written.

Councilmember Page stated he disagrees with charging people to put their boats into the Lake. The next thing that will happen is people will be charged to put their boats into other lakes such as Christmas Lake. He then stated he doesn't agree natural resources are subject to some permit process by the MCWD with the MCWD deciding who is going to be able to launch their boat into the Lake based on what the MCWD decides is some microscopic organism that can't be seen.

Mayor Kind clarified this is not just specific to Lake Minnetonka; it's within the MCWD's jurisdiction.

Councilmember Page stated the pilot inspection program done around the Lake clearly demonstrated that there is very little to no AIS being attached to trailers coming into the Lake. He then stated it's his recollection that the videos of about 10,000 inspections that were reviewed in the recent year and there were seven instances at most where a case could have been made that AIS was attached to the trailer.

Councilmember Rose asked if it would be possible to rewrite that portion of the letter and say that Council doesn't think the inspections are valuable. He stated he thought AIS should be the responsibility of the MnDNR. He questioned who should be paying for the AIS startup program proposed by the MCWD.

Councilmember Page stated he thought the MCWD's effort to establish a District wide AIS control and management program under its jurisdiction is just an effort to create a giant bureaucracy, noting he made the same comment during the December 7, 2010, Council meeting. He commented there are already plenty of bureaucracies. Also, the MnDNR has already decided what funding it will grant to the Lake

Minnetonka Conservation District for AIS related activities. He expressed total opposition to the MCWD monitoring and controlling what goes into the Lake.

Mayor Kind stated Council doesn't have to respond to the MCWD during its comment period about the amendment. She then stated that the first statement in point 2 could be Council's response. Point 2 states *"The majority of the council supports statewide AIS management by the Minnesota Department of Natural Resources. One council member supports local management by the Lake Minnetonka Conservation District. And one council member supports management by the Watershed District."* Councilmember Rose stated he could support that.

Councilmember Fletcher stated the problem of AIS is larger than the funds and resources the MnDNR has available. Mayor Kind stated the MnDNR has more taxing authority than the MCWD.

Councilmember Fletcher stated the MCWD is trying to do something. He then stated he thought it would be best if the State and MnDNR addressed the AIS problem. In absence of that happening, then he thought it would be good for the MCWD to try to do something.

Mayor Kind stated the letter doesn't say the Council supports the MCWD taking on more responsibility for addressing the AIS problem.

Councilmember Fletcher stated a lot of money is currently being spent by the LMCD on the Eurasian Watermilfoil problem. He supports other agencies becoming more involved.

Mayor Kind asked Council if it wanted to send the letter or a revised letter.

Councilmember Quam stated the Lake communities need to depend on the MnDNR.

Councilmember Page suggested that points 5 and 6 be deleted from the letter. Point 5 states *"The District's proposed blue-tag / red-tag plan does not take into consideration that different lakes have different AIS issues. Instead it seems to lump all red-tag lakes together and in effect say "welcome" to AIS from all other red-tag lakes."* Mayor Kind and Councilmember Quam expressed support for doing that.

Councilmember Fletcher asked if point 2 will be changed. Councilmember Page recommended sentences 2 and 3 be deleted from point 2.

Councilmember Fletcher stated he would not support the letter if the proposed revisions are made.

Page moved, Quam seconded, sending the comment letter to Minnehaha Creek Watershed District subject to statements 2 and 3 being deleted from point 2 and points 5 and 6 being deleted in their entirety. Motion passed 4/1 with Fletcher dissenting.

8. NEW BUSINESS

A. Street Issues (Traffic Calming, Snow)

Mayor Kind stated the City received numerous complaints about vehicles driving too fast on residential streets when it conducted its last community survey and residents frequently call the City about speeding issues. Last fall residents along Sleepy Hollow Road contributed to the cost for new signs on that street. During the December 7, 2010, Council meeting former Mayor Bob Newman came before Council during

matters from the floor to ask the City to try and reduce the speed vehicles travel on Meadville Street which his property abuts. Mayor Kind then stated that before installing speed bumps on roadways to slow traffic down (which Newman suggested for Meadville Street) she suggested Council send a letter to the residents who use Meadville to ask them to drive at the posted speed limits, and to fully utilize the capabilities of the speed trailer to encourage drivers to slow down and to capture actual speed data. She stated the speed trailer can measure and record vehicle speeds both when its displaying the speed of a vehicle and before the display comes on.

Councilmember Page stated he's not convinced there is a lot of speeding on Meadville Street or Greenwood Circle (the street near his home), noting there is more of a propensity to speed on Greenwood Circle. He supports putting the speed trailer out to capture data about the actual speed of vehicles and use it to determine if there is really a speeding problem. He explained that although the posted speed limit on many streets located in the City is 20 miles per hour (mph) the actual speed limit is 30 mph and it is set by State Statute. If a driver goes over a posted speed of 15 mph or 20 mph they are not breaking the law. He noted he's not in support of installing speed bumps on City streets.

Councilmember Quam suggested using the speed trailer to capture and analyze the speed data before deciding on any course of action. Councilmember Fletcher stated he supports doing that.

Councilmember Rose stated he knows which three drivers consistently travel faster than the 20 mph posted speed limit on Meadville Street. He asked how residents should approach other residents about their driving too fast. Councilmember Page suggested Rose go and speak with them. Councilmember Quam commented he has had good results by talking with the offender directly.

Mayor Kind noted she will follow up on having the speed trailer placed on Meadville Street in the spring.

Mayor Kind stated the City has received resident complaints regarding residents shoveling their snow onto City streets. She explained State Statute 160.2715 states it's unlawful to "obstruct any highway or deposit snow or ice thereon." She stated highway may not include residential streets. She then stated the City can rely on that State Statute or Council could amend the City's Code to clarify that all public streets are included. She noted the City of Minnetonka added the following language to its code to prohibit this. *"1. A person must not deposit snow or ice, plowed or removed from private property, onto a public street or other public property. 2. A person must not deposit snow or ice, regardless of place of origin, onto a public street in a manner that unreasonably obstructs the use of the street."* She stated she thought the statement "regardless of place of origin" was included because people get mad that a City plow pushed snow on to their property, so they shovel it back onto the street. She recommended the City's code be amended to address this.

Mayor Kind then stated there are eight private vehicles that are consistently parked on City streets during snow events. This creates a need for snowplows to re-plow those streets. The City's Public Works Supervisor has indicated it takes a minimum of two hours at a minimum cost of about \$86 per hour to clean the areas impacted, and that there are a minimum of twelve snowstorms a year for an annual cost of over \$2,000. She explained the City has an ordinance for declaring a snow emergency, but she thinks it is difficult to implement. She recommended Council adopt some winter parking restrictions. She noted the meeting packet contains copies of the restrictions for the Cities of Chanhassen, Deephaven, Excelsior and Minnetonka. She explained Chanhassen prohibits on-street parking after a two inch or more snowfall until streets have been plowed curb to curb as well as between the hours of 1:00 AM. – 7:00 A.M. from November 1st to April 1st. Excelsior's policy is more elaborate and includes odd-even parking restrictions. She stated that the City Manager for Excelsior has recommended against odd-even restrictions.

Deephaven restricts parking on public streets after a two inch or more snowfall until its streets have been completely plowed.

Councilmember Page stated he doesn't agree with requiring all vehicles to be off the streets for a two inch snowfall. He then stated he doesn't think that having eight cars parked on the street during snowstorms is a gigantic problem.

Mayor Kind stated the residents that live next to the streets the eight vehicles are parked on think it's an issue. She stated she supports a restriction that prohibits vehicles from parking on the streets after two inches or more of snow has fallen until the streets have been plowed curb to curb.

Councilmember Fletcher stated the City pays the Deephaven's Public Works Department to come back and re-plow the streets.

Councilmember Page stated residents can't deposit snow on the streets yet the City can put as much snow on residential properties as it wants to. He questioned if that is correct and right. He expressed he appreciates that residents may be irritated by the City plowing snow on their driveways during this heavy snow season and they have no where to put it. He did not think this has been a big problem most years.

Councilmember Fletcher stated the plowing issue has been an ongoing issue and with the amount of snow that's already fallen this year it's been an even bigger issue. He then stated he thought the parking issue is the bigger issue and he's more concerned about that. He noted the City doesn't have the funds to haul the snow away and the snow has to go somewhere.

Councilmember Quam stated he's somewhat torn about the parking issue, noting there had been a problem on Maple Heights Road where plows couldn't get through. There is no parking allowed on that street year round now. He asked if all Greenwood residents have off-street parking for two cars, to which Mayor Kind responded she thought so.

Councilmember Quam suggested the City start putting out warning signs.

Mayor Kind suggested Council direct Staff to draft an ordinance amendment that would go into affect for the 2011/2012 snow season.

Mayor Kind and Councilmembers Fletcher and Rose stated they preferred the restrictions Deephaven has regarding parking.

Mayor Kind asked if Council wanted to amend the ordinance to also prohibit depositing snow on public streets. Councilmember Fletcher stated he thought parking is the bigger issue, but if Council wants to make sure that is enforceable then the ordinance should be amended to address it.

There was Council consensus to have Staff draft an ordinance amendment which includes a no-parking restriction after a two inch or more snowfall until the streets have been completely plowed and language that prohibits residents from depositing snow and ice on City streets. The draft amendments will be on the February 1, 2011, Council agenda.

B. Sign Project for 2011

Mayor Kind stated Council had decided to budget for replacing one of the four City of Greenwood signs each year starting in 2010. The signs are located at Christmas Lake Road, at Minnetonka Boulevard near

where the City borders with the City of Deephaven, near the Villas and at the intersection of Manor Boulevard and Excelsior Boulevard. The sign at Manor Boulevard was replaced in 2010 with a Signfoam sign. The sign near the Villas is the most visible. The sign at Christmas Lake Road is in reasonable condition. The sign near Deephaven is in the worst shape. She noted the estimates from Sign Source, Inc. to replace a sign included in the meeting packet are from July 2009. There is one estimate for a sandblasted Cedar sign and another for a Signfoam sign. She stated she doesn't think there is a need to have a Cedar sign; the Signfoam sign is quite a bit cheaper. She also stated that she expected that the cost for the Signfoam sign would be similar to the 2009 estimate.

Councilmember Fletcher stated Council had budgeted more to replace a sign in 2010 than was spent. He explained the estimates include the cost for design and file layout for an amount of \$130. He doesn't think that is needed because a design and layout was paid for in 2010. He stated Staff should ask Sign Source if it would be cheaper to make and install two Signfoam signs at the same time.

There was Council consensus to have Staff get an estimate for making and installing two Signfoam signs, one at the Villas and one near Deephaven, and to confirm there should be no design and file layout involved. This will be on the next Council meeting agenda.

Councilmember Page asked if he could have one of the signs that will be replaced. Councilmember Fletcher suggested he take the one at the Villas because it's in better shape. Page said he would pick it up when available.

C. First Reading: Ordinance 190 Amending Code Chapter 11 to Limit the Number of Required Front Yard Setbacks

Mayor Kind stated this is the first reading of Ordinance 190 amending the Ordinance Code Chapter 11 to limit the number of required front yard setbacks. A copy of the draft ordinance is included in the meeting packet.

Zoning Administrator/Clerk Karpas stated the Planning Commission held a public hearing during its December 15, 2010, meeting regarding limiting the number of required front yard setbacks. The Commission unanimously recommended Council approve Ordinance 190 amending Ordinance Code Chapter 11 limiting the number of required front yard setbacks to two for lots that front three roads. The Commission recommended the City Zoning Administrator be given the authority to decide which two of the three would have the front yard setback and which one would have the normal side yard setback.

In response to a question from Councilmember Rose, Zoning Administrator/Clerk Karpas explained under the current Ordinance for lots that front three roads the lot would have front yard setbacks on three sides of the property. Requiring three front yard setbacks could impede the development of that type of property.

Councilmember Rose asked how many residential properties would be affected. Councilmember Fletcher responded this originally came about because of a property Fairview Street located next to an unused right-of-way. Fletcher stated there are a few lots that would be affected.

Mayor Kind stated other cities limit the number of front yard setbacks to two.

Quam moved, Page seconded, adopting the first reading of Ordinance 190 amending the Greenwood Ordinance Code Chapter 11 limiting the number of required front yard setbacks.

Councilmember Fletcher expressed concern that there could end up having a house constructed on such a lot that is not set as far back on the property as neighboring houses are. Mayor Kind stated she didn't think a property owner would want to build their house closer to the street than other houses in the immediate area.

Councilmember Page stated he supports granting the City Zoning Administrator the authority to decide which sides will have front yard setbacks. He then stated this is one way to eliminate the need for a variance for those types of lots. He recommended attention be paid to aesthetics when making the setback decisions.

Councilmember Fletcher stated he would be more comfortable with this if there is a way to distinguish between a fire lane and right-of-way that has not been paved versus those lots with regular City streets on three sides of the property. He suggested this be tabled until there has been time to look at each parcel that would be affected.

With out objection from the seconded, the maker withdrew the motion.

Rose moved, Fletcher seconded, continuing the first reading of Ordinance 190 amending the Ordinance Code Chapter 11 to limit the number of required front yard setbacks to the February 1, 2011, Council meeting. Motion passed 5/0.

D. 2011 Appointments and Assignments

Mayor Kind stated the meeting contains a draft resolution making appointments and assignments for 2011, noting this is a routine resolution. She noted the appointment of Councilmember Page to serve as the City's representative to the Lake Minnetonka Conservation District (LMCD) is through February 2014. She stated Council needs to appoint an alternate to the South Lake Minnetonka Police Department (SLMPD) Coordinating Committee and she suggested Mayor Pro-Tem Quam be appointed to that. Council also needs to appoint an alternate to the Excelsior Fire District (EFD) Governing Board. Councilmember Page offered to serve in that capacity. She noted that the regular meeting dates for the EFD Board are the fourth Wednesday's of January, March, May, July, September and November (this could change to the third Wednesday depending on when the Thanksgiving Holiday falls). She also noted the LMCD Board meets on the second and fourth Wednesday's of the month.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 01-11, "A Resolution Making Appointments and Assignments for January 1, 2011 through December 31, 2011." subject to it being amended to appoint Councilmember Quam as alternate to the South Lake Minnetonka Police Department Coordinating Committee and Councilmember Page as the alternate to the Excelsior Fire District (EFD) Governing Board, changing the regular meeting day for the EFD Board to the fourth Wednesday of every other month beginning with January, and changing the meeting dates for the Lake Minnetonka Conservation District Board to the second and fourth Wednesdays of the month.

Councilmember Page asked who Mary Courtney is. Mayor Kind responded she is the Treasurer for the City of Deephaven and serves in a contract capacity for that same function for the City, noting she was previously appointed to serve in that position. Page asked if someone oversees what Ms. Courtney does. Councilmember Fletcher explains the City's Administrative Committee reviews the check register monthly and the bank statements quarterly.

Councilmember Page stated he received a letter signed by the City's Dock Coordinator but the City doesn't have a dock coordinator. The Ordinance states the City Clerk makes the dock assignments. Mayor Kind stated Deborah Hicks with the City of Deephaven does that for Deephaven and the City. Kind then suggested that the City's Ordinance could be amended to allow Council to delegate that responsibility or the City Clerk can just sign the letters.

Motion passed 5/0.

E. Setting 2011 Meeting Dates

Mayor Kind stated the meeting packet contains a copy of a resolution setting meeting dates for the City for January 1, 2011 through December 31, 2011. Tonight Council was provided with an updated resolution changing the August 2nd Council meeting date to August 4th, changing the Subsequent Local Board of Appeal & Equalization meeting date to April 26th, and changing the City Council and Planning Commission joint work session date to May 18th.

Page moved. Fletcher seconded, Adopting RESOLUTION NO. 02-11, "A Resolution setting the 2011 dates for: City Council meetings (first Tuesday of the month with the exception of the August meeting being scheduled for the first Thursday); Planning Commission meetings including public hearings for variance / conditional use permit / subdivision applications (the third Wednesday of the month); pre-board meeting with assessors (April 4, 2011); Local Board of Appeal and Equalization meeting (April 14, 2011); subsequent Local Board of Appeal and Equalization meeting (April 26, 2011); spring clean-up day (May 7, 2011); City Council and Planning Commission Joint Work Session (May 18, 2011); and, 2012 budget public comment opportunity meeting (December 6, 2011). Motion passed 5/0.

9. OTHER BUSINESS

A. None

10. COUNCIL REPORTS

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

Councilmember Fletcher stated Council has already discussed items related to the Planning Commission and Eurasian Watermilfoil.

With regard to the Lake Minnetonka Communications Commission (LMCC), Fletcher stated the LMCC member cities can ask to have their own surveys added to the LMCC fiber optics survey. Cities electing to do so would have to pay a fee.

There was consensus to not pay for a City survey to be added to the LMCC fiber optic survey.

B. Kind: Police, Administration, Speed Trailer

Mayor Kind stated the Federal Emergency Management Agency through the Mitigation Act of 2000 requires each city adopt a hazard mitigation plan in order to apply for and/or receive hazard mitigation funds. The City adopted a resolution in 2004 adopting an All-Hazard Mitigation Plan. At the request of Chief Litsey a copy of that resolution was distributed prior to this meeting along with a new resolution for

consideration. The resolution would adopt the recently updated Hennepin County All-Hazards Mitigation Plan.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 04-11, “A Resolution Adopting the Hennepin County All-Hazards Mitigation Plan.” Motion passed 5/0.

Mayor Kind stated the South Lake Minnetonka Police Department Coordinating Committee has not met since the last Council meeting. The next meeting is scheduled for January 20, 2011, at 5:00 P.M.

With regard to administration, Mayor Kind explained the former City Administrator wrote checks to pay invoices twice a month, Kind would sign the checks and the checks would be mailed out. Under this schedule the Council did not actually approve payables because it did not have the opportunity to pull checks before they were distributed. Instead the Council was approving verified claims. She stated she is not comfortable with invoices being paid before the Council authorizes the payables. There are times when invoices are received mid-month. She noted that when the former Administrator ended her tenure with the City the Council made the decision to contract with the City of Deephaven to provide accounting services. Mary Courtney, with Deephaven, currently provides those services.

Mayor Kind asked Council how it would like to handle claims that need to be paid mid-month. Councilmember Quam asked if they have to be paid before the next Council meeting.

Councilmember Fletcher stated if Council has to approve claims before they are paid, that claims received after the Council meeting in December in any year would not be paid until the next year and that could make year-to-year budget comparisons inconsistent the first year such as change is implemented. He noted that depending on the schedule for the December meeting in one year and the January meeting in the next year the time period between the receipt of a claim, which is likely about one-week before a Council meeting, and mailing payment of the claim could be up to 45 days. He commented that most businesses like to be paid at least on a 30-day cycle and he thought that was a reasonable expectation. He stated he wants the City to be viewed as paying its claims on time.

Mayor Kind expressed her preference for Council to approve the payables before they are paid and mailed out. She noted there are regular claims (e.g., the postage for mailing the City’s newsletter) that must be paid before they are approved by the full Council and she would like the Council to authorize the Mayor or the Administrative Committee to pay those types of claims.

There was ensuing discussion about whether or not claims should be paid without prior approval of Council.

Quam moved, Page seconded, giving the Mayor the authority to allow the release of payment checks for routine claims mid month without Council approval and requiring all other claims be approved by Council before they are released. Motion passed 5/0.

Mayor Kind stated that Council meeting packets are typically completed by noon on the Wednesday preceding a regular Council meeting. The packets are typically delivered by the South Lake Minnetonka Police Department (SLMPD) the next evening. She asked if Council wants to have the SLMPD continue to deliver the packets or to have the packets mailed, noting Councilmembers would get packets by Thursday either way. Councilmembers always have the option of picking the packets up at Deephaven City Hall after noon on Wednesday.

There was Council consensus to continue having the SLMPD deliver the meeting packets. The SLMPD's presence in Councilmembers neighborhoods is a benefit of doing this.

Mayor Kind stated the meeting packet includes a copy of the Planning Commission application. The application was amended to include the question "*Would you be willing to attend a city-paid training class?*" She noted that an electronic version of the Planning Commission application has been placed on the City's website. She also noted that one Commissioner has not reapplied so there is a need for new applicants.

Councilmember Quam suggested that the deadline for receiving applications be added to the application. Mayor Kind stated the deadline would be February 28, 2011.

Mayor Kind stated the meeting packet includes a copy of an email from the City of Shorewood's City Administrator Brian Heck to South Lake Minnetonka Police Department (SLMPD) Chief Bryan Litsey regarding Shorewood's speed trailer which the SLMPD manages and deploys on behalf of Shorewood. Administrator Heck stated the Shorewood Council will consider turning over full operation and decision making about the deployment of the speed trailer to the SLMPD during its January 10th meeting. Heck recommends the SLMPD be asked to provide the SLMPD member cities a statistical report on the use of the trailer. Heck also recommends the SLMPD Coordinating Committee consider a policy on managing the requests for deployment of the trailer.

Mayor Kind then stated Council has been discussing whether or not it would like to share in the purchase of a second trailer. She recommended that be put on hold. Councilmember Fletcher noted that the City of Shorewood is doing the other member cities a favor.

Mayor Kind then called the Council's attention to one of the FYI items in the Council packet. She explained the Council and residents are invited to a public informational open house hosted by Xcel Energy 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. The project is needed to ensure reliable and stable electric services in area including the Cities of Chanhassen, Deephaven, Eden Prairie, Excelsior, Greenwood, Minnetonka and Shorewood. One open house is scheduled for January 13, 2011, from 4:00 – 7:00 P.M. at the Bayview Event Center. Another open house is scheduled for January 10, 2011, from 4:00 P.M. – 7:00 P.M. at the Eden Prairie Community Center.

Mayor Kind stated if three or more members of the Council plan on going to the open house it needs to be noticed so she asked Councilmembers to let Zoning Administrator/Clerk Karpas know if they plan on going. Kind and Councilmember Fletcher stated they will go to the January 13th open house.

C. Page: Lake Minnetonka Conservation District

Councilmember Page stated there was nothing significant to report about Lake Minnetonka Conservation District activities.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated he had asked the Public Works Department to reduce the height of some of the snow piles at intersections in the City where drivers couldn't see over them. He then stated the City should hear whether or not the City will be awarded a grant from the Municipal Infiltration/inflow Grant Program on January 5, 2011. He went on to state there is nothing new to report on Minnetonka Community Education activities, noting that organization is a very important part of the Minnetonka

School District. He explained the City's license for waste hauler providers includes a requirement to not use large trucks on City roadways. He stated that after spotting a provider's large truck awhile back the City contacted that provider and received assurance that using large trucks is not its policy.

E. Rose: Excelsior Fire District

Councilmember Rose stated the Excelsior Fire District (EFD) Board has not met since the last Council meeting. The next meeting is scheduled for January 26, 2011.

11. ADJOURNMENT

Fletcher moved, Rose seconded, Adjourning the City Council Regular Meeting of January 4, 2011, at 8:57 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder