

**GREENWOOD CITY COUNCIL MEETING**  
**Tuesday, July 7, 2009 7:00 p.m.**  
**Council Chambers 20225 Cottagewood Road Deephaven MN 55331**

**1. CALL TO ORDER- ROLL CALL - APPROVAL OF AGENDA**

Mayor Kind called the meeting to order at 7:00 p.m.

Members present: Mayor Kind, Councilmembers Page, Rose, Fletcher and Quam

Others present: City Administrator Whipple, City Attorney Kelly, Zoning Administrator Gus Karpas, and Recording Secretary Link

Councilmember Page moved to approve the meeting agenda. Councilmember Quam seconded the motion. Motion carried unanimously.

**2. APPROVE CONSENT AGENDA**

Councilmember Fletcher asked to have Item 2F moved to Other Business. Councilmember Page moved to approve the following Consent items.

- A. Recommendation: Approve Council minutes of 6/2/09
- D. Recommendation: Approve 6/3/09 Southshore special meeting minutes
- C. Recommendation: Approve 6/22/09 Southshore special meeting minutes
- D. Recommendation: Approve May Treasurer's Report
- E. Recommendation: Approve June payables **\$45,521.54**

Councilmember Quam seconded the motion. Motion carried unanimously.

**3. MATTERS FROM THE FLOOR**

- A. Keith Stuessi 5000 Meadville Street reviewed his meeting with the Board of Equalization and Review regarding assessor duties.

**4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS**

**A. Approve Resolution #11-09 Old Log Theatre**

Councilmember Quam moved to adopt Resolution #11-09. Councilmember Rose seconded the motion. Motion carried unanimously. Mayor Kind read the resolution recognizing the seventieth anniversary of the Old Log Theatre and its founder, Don Stoltz.

**B. Review \$24,082 quote for phosphorus reduction - Greenwood Circle.**

Kind reported the Council approved this expenditure subject to Minnehaha Creek Watershed Districts (MCWD) approval of the phosphorus reduction. The MCWD did not see this as an adequate phosphorus reduction project.

5. **PUBLIC HEARINGS**

None

6. **UNFINISHED BUSINESS**

A. **First reading of Construction Management Ordinance #168.**

Gus Karpas, Zoning Administrator reviewed the proposed construction management ordinance. He noted Deephaven and Woodland have already adopted a similar ordinance.

Quam asked if Greenwood is consistent with the two other cities. Karpas highlighted the differences in the ordinances.

Councilmembers discussed construction hours and notifying property owners of proposed work. Councilmember Fletcher moved to approve the first reading of Ordinance #168 with the following correction: 1a, prior to issuance of building permit, the applicant will be required to attest that all property owners within 200 feet were notified of the proposed construction by U.S. mail. Councilmember Page seconded the motion. Motion carried unanimously.

B. **First reading of Construction Site Runoff Control Ordinance #172**

Karpas reviewed the proposed construction site runoff control ordinance #172 which would require a construction site runoff control plan for future redevelopment projects. Councilmember Page noted the misdemeanor fee should be removed and fine should be according to state statute. Kelly reviewed minor form changes to the proposed ordinance. Fletcher asked if the ordinance applies to lots only larger than one acre. Karpas noted that it would. Councilmember Fletcher moved to approve the first reading with the proposed changes. Councilmember Rose seconded the motion. Motion carried unanimously.

F. **Consider establishing an administrative hearing process**

Councilmember Fletcher moved to remove this item from the table. Councilmember Page seconded the motion. Motion carried unanimously.

Kind stated she and Councilmember Fletcher met with the police chief and a community service officer to begin discussions of the establishment of an administrative hearing process for code enforcement and other civil issues. Kelly discussed the advantages of establishing such a system. He noted Minnetonka has offered to administer the hearing process. Councilmember Quam asked if a joint powers agreement would be necessary with Minnetonka. Kelly stated that it would. The next step would be to ensure this within the scope of services provided to the SLMPD's joint powers agreement. Councilmembers concurred that they are in favor of pursuing the program.

Councilmembers discussed the removal of the recycling container at Highway 7 and Christmas Lake Road which is located on City property.

**C. Consider seasonal barrier at Meadville Fire Lane**

Kind noted the Council has approved the fire lane ordinance, and it has been published. Fletcher stated the barrier will cost around \$3000, and it has not been budgeted for. Kind noted contingency funds would be used. Fletcher suggested it be removed in the summer and set back in place during the winter months. Mayor Kind moved to approve the installation of a barrier at Meadville fire lane with the condition the project does not exceed \$3,500. Councilmember Rose seconded the motion. Councilmember Page believed the cost is way out there, and he didn't think the City should spend one dime on this problem. Motion carried 4-1. Page voted against the motion.

**D. Discuss new community survey**

Councilmember Quam moved to remove this item from the table. Councilmember Rose seconded the motion. Motion carried unanimously.

Kind reviewed the community survey which includes a revision to the police section. She stated the goal tonight is to finalize the survey so it can go out with the next utility billing. Quam suggested adding a section where residents can indicate whether there is adequate lighting on their street.

Fletcher suggested the strategic plan question be removed. Kind suggested the safety question be moved down to miscellaneous. Page believed the strategic plan question should remain as did Fletcher. Rose felt it should be

removed. Kind stated she would work on rewording the entire paragraph.

Councilmembers discussed the wording for funding milfoil treatment. Councilmember Fletcher moved to approve the community survey as revised and direct the City Administrator to include it in the next utility mailing. Councilmember Quam seconded the motion. Motion carried unanimously.

**E. First reading of Tree Preservation Ordinance #170**

Councilmember Quam moved to remove this item from the table. Councilmember Fletcher seconded the motion. Motion carried 4-1. Councilmember Rose voted against the motion. Fletcher suggested this item be tabled so that Planning Commissioners can be in attendance. He stated there also needs to be more clarification of what a heritage tree is. Page stated this went to the Planning Commission, because we had problems enforcing the existing ordinance. What we really wanted was an amendment to the section relating to significant trees. He stated he opposed several sections of this ordinance.

**G. Second reading of Ordinance #169 repealing various city licenses**

Kind stated this involves sections that are no longer valid. Councilmember Page moved to approve the second reading of Ordinance #169 repealing various city licenses. Fletcher seconded the motion. Motion carried unanimously.

**7. NEW BUSINESS**

**A. Consider Conrad variance request Resolution #13-09**

Kind stated the Planning Commission approved this variance request with the condition a license agreement be written between the Conrads and Greenwood. Kelly stated there is a proposed resolution approving the application with the condition there be a license waiver agreement, and it is non-exclusive. Page asked if it was revocable at any time. Kelly indicated it was. Kelly suggested a damage waiver also be signed.

Sean and Christy Conrad were present to discuss the request. He noted the lot was developed by an architect based on the lot configuration. He discussed the planning process. Councilmember Fletcher moved to adopt

Resolution #13-09. Councilmember Quam seconded the motion. Motion carried 3-2. Councilmembers Page and Rose voted against the motion.

*The Council recessed at 8:20 p.m. and reconvened at 8:25 p.m.*

**B. Consider social host ordinance #171**

Kind stated the Coordinating Committee has approved the Minnetonka social host ordinance as the template for the cities to approve. Quam stated he wanted to be very careful if adults are punished when they don't know about the drinking that has taken place. Page stated he believed this is a knee jerk reaction to an isolated incident, and it is criminalizing adults who don't even know what is going on. He was opposed to the ordinance. Kelly stated enforceability is a real issue. Rose agreed with Page's comments. Fletcher stated his personal preference would be to review it and revisit it at the next meeting. Councilmember Fletcher moved to table this item to the next meeting. Councilmember Quam seconded the motion. Motion carried 3-2. Page and Rose voted against the motion.

**C. Review quotes for landscaping west side of Lakeshore Market**

Kind reviewed the bids for landscaping the west side of Lakeshore Market. The low bid was for \$567.95. Councilmembers discussed the proposed landscaping. Fletcher was concerned about adding arborvitae. Page suggested short arborvitae that grow big around but not tall. A barrier was also suggested. Councilmember Page moved to accept the bid in the amount of \$567.95 and authorize Roberta to request to have three bulbous short arborvitae along the south property line at a cost not to exceed \$250. Councilmember Fletcher seconded the motion. Motion carried unanimously.

**8. OTHER BUSINESS**

**F. Approve 2010 Excelsior Fire District Budget**

Councilmember Fletcher stated he would like to approve the city's share, but to add to the motion that we have future concerns about the operating budget. Councilmember Quam seconded the motion. Motion carried unanimously.

**9. COUNCIL REPORTS**

**A. Rose: Fire Department Report**

No report

**B. Kind: Police Report**

Kind stated Chief Litsey's first 2010 budget proposal called for a 3% increase. She noted the increase included a 2% salary increase. A revised budget with no salary increase will be reviewed at the next Coordinating Committee meeting.

**C. Fletcher: Planning Commission Report**

Fletcher stated the proposed lighting ordinance revisions will be reviewed at a public hearing at their next meeting. He reviewed the proposed changes. Councilmember Page moved to direct Karpas to ask Minnetonka to inspect the Georgetown garages. Councilmember Fletcher seconded the motion. Motion carried 4-1. Rose voted against the motion.

**D. Page: Lake Minnetonka Conservation District**

Page updated the Council on activity at Excel Marina. He stated boats are forced into the channel when they come out of the dock area. The LMCD's budget proposes no increase in 2010.

**E. Misc. discussion - fishing from channel**

Kind stated staff has received complaints about people fishing from the Greenwood side of the St. Alban's Bay channel and littering. It was noted fishing is allowed. Roberta will explore the possibility of having the cleanup become part of a community service project or enlisting the help of the sentence-to-serve program.

Kind noted a meeting will be held with the assessor on July 21 at 9:00 a.m. A worksession will be held one hour prior to the August meeting on Thursday, August 6.

**10. ADJOURNMENT**

There being no further business, it was moved by Fletcher to adjourn the meeting at 9:12 p.m. Rose seconded the motion. Motion carried unanimously.

Respectfully submitted,

Clare T. Link  
Recording Secretary