

GREENWOOD CITY COUNCIL MEETING
Tuesday, March 2, 2010 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 Attorney Kelly and Recording Secretary Link
 Absent: City Administrator Whipple

Councilmember Fletcher requested moving Item 7C to Item 4C. Quam asked that Item 2B, Approve 2-4-10 Council minutes be moved to Item 8A for more discussion. Fletcher asked that item 6C be moved to his report under Item 9D.

Quam moved to approve the agenda with the changes: Fletcher seconded the motion. Motion carried. 5-0

2. APPROVE CONSENT AGENDA

Rose moved to approve the consent agenda as amended. Items so approved include the following:

- A. Recommendation: Approve 2-4-10 Worksession minutes
- C. Recommendation: Approve January Treasurer's Report
- D. Recommendation: Approve February payables \$32,460.18

Councilmember Fletcher seconded the motion. Motion approved 5-0

3. MATTERS FROM THE FLOOR

None

4. ANNOUNCEMENTS, PRESENTATIONS & STAFF REPORTS

- A. Planning Commission Appointments (Palmberg A-1, Beal A-2, Paeper A-3, Cook Alt. 1)

Quam moved to approve the Planning Commission appointments. Page seconded the motion. Motion carried 5-0

B. 2009 City Audit Presentation by LarsonAllen

Kind introduced the city's auditors from LarsonAllen who gave an overview of the 2009 audit. Brady Hoffman discussed the balances and fund accounts. Craig Popenhagen discussed the total assets and non-spendable amounts in the marina fund and the sewer fund.

Quam asked if the assets are being depreciated appropriately. Popenhagen stated the assets are being depreciated in an acceptable manner.

In response to a question from Kind, Popenhagen stated the reserves do not need to be built up any higher at this time.

Page asked if all funds are accounted for and if they have been allocated properly. Popenhagen indicated they were.

Quam asked if the city's bank accounts are insured appropriately. Popenhagen indicated they are insured appropriately, and they are insured for more than is in the bank. In response to a question from Kelly, Popenhagen stated the funds are collateralized to their full value, plus.

Fletcher stated it has been suggested the road and park funds be made general fund line items. Fletcher moved to set the road and park funds as general fund line items. Kind seconded the motion. Fletcher stated it will simplify the accounting for the city. Quam noted there are statutory restrictions on park funds. Popenhagen stated it will just show up in a different place in the budget. Motion carried 4-1. Page opposed the motion.

Fletcher moved to move \$40,000 from the reserves and dedicate it as road funds. Quam seconded the motion. Kind stated she would prefer keeping it in the reserve funds until there have been discussions about road projects. Motion failed 2-3. Kind, Page and Rose opposed the motion.

C. Consider Bank Designation

Councilmembers discussed the possibility of having money in more than one bank. It will be discussed at the April meeting.

5. **PUBLIC HEARINGS**

A. **Stormwater Pollution Prevention Program**

Quam moved to open the public hearing. Rose seconded the motion.
Motion carried 5-0

Kind opened the hearing for public comments. There were none.

Quam moved to close the public hearing. Fletcher seconded the motion.
Motion carried 5-0

B. **Ordinance #170 Tree Regulations, Code Section 1140.80**

Rose moved to open the public hearing. Fletcher seconded the motion.
Motion carried 5-0

Kind opened the hearing for public comments. There were none.

Page moved to close the public hearing. Fletcher seconded the motion.
Motion carried 5-0

Kind stated this item ties in with Item 6A, and moved to the next item on the agenda.

6. **UNFINISHED BUSINESS**

A. **First Reading: Ordinance #170 Tree Regulations, Code Section 1140.80**

Kind reviewed the changes which included moving the fees to the fee schedule section to be consistent, tree removal permit requirement, and measuring a tree.

Page asked how it can be assured a tree is removed due to disease without proof. Kind stated there isn't a requirement in our ordinance to prove that a tree is diseased. She suggested the nuisance section of the ordinance be tightened up to deal with this issue. It was agreed that the sentence 'A tree removal conditional use permit is not required for removal of diseased trees per Section 1040.' will be removed from the proposed Ordinance.

Councilmembers discussed the permitting process for tree removal and educating residents through the use of the newsletter.

Fletcher moved to adopt the first reading of Ordinance #170 Tree Regulations, Code Section 1140.80 as amended. Page seconded the motion. Council discussed the fee for tree removal. Page discussed the need to cover costs, and the motion was so amended to set the fee at \$250. Motion carried 5-0. This item will be on the agenda for a second reading in April.

B. First Reading: Ordinance #182 Weight Restrictions, Code Section 730.00

Fletcher reviewed the amendments to the ordinance as discussed by the Council at a previous meeting. He stated he received comments from the City Attorney today. Kelly noted he started to look at this, and his comments can be discussed during the second reading. Fletcher stated that the allowable hours for trucks covered by the ordinance were made the same as those in the Construction Management Ordinance. Councilmembers discussed the proposed changes and fees. Kind stated the dates for road restrictions should be changed to March 1 to May 1 to match the dates on current signs. Councilmembers discussed the weight restriction exemptions such as delivery trucks. Page stated household delivery trucks should also be exempted. Kind stated moving vans should also be an exemption. This item will also be continued to the April meeting.

Kind moved to move Item 6C back to its original location as the representatives were present. Fletcher seconded the motion. Motion carried 5-0

C. Consider Annual Treatment for Eurasian Water Milfoil at City Docks

Fletcher reviewed milfoil treatment of Christmas Lake over the last eight years. Kind noted the permit for the bay-wide treatment of St. Alban's Bay has been denied by the DNR as has the funding request. She stated the question is whether Greenwood wants to pay for the treatment at the City docks or wait to see if the DNR reconsiders their denial for bay-wide treatment.

Fletcher discussed the DNR's concerns about water quality and the impact of milfoil treatment on the lake ecological systems.

Bay Captain Rob Roy stated he will be taking this issue to the DNR to ask for reconsideration of their denial.

Fletcher moved that Greenwood take a position to have the DNR revisit their permit denial for the treatment of St. Alban's Bay. Quam seconded the motion. Page stated he would like to see the letter of denial. Roy stated he would forward it. Page stated if the reason for denial is the damaged water lilies, that would be ridiculous. He was uncomfortable commenting on a denial he hasn't seen.

Lake Minnetonka Association Executive Director Dick Osgood, stated he forwarded the letter to Tom Fletcher for Gideons Bay. He stated he was told the letter for St. Alban's Bay is similar in nature, but he has not seen the letter. Fletcher had a copy of the Gideon's Bay letter and gave it to Page to review.

Kind asked if we should delay the treatment of the City dock area for another month given this new issue. This item will be continued to the April meeting.

Rose stated the Council needs to consider the DNR's point of view and why they are denying the treatment. He suggested the DNR come in to explain why they have denied the permit.

Osgood discussed the treatment in Gray's Bay and the steps taken after it was determined the water lilies there were damaged

Motion passed 4-1. Rose voted against the motion.

7. NEW BUSINESS

A. Consider Greenwood Sign Replacement

Kind stated there are four signs in the city, and three are not in good shape. She stated there is \$2000 to replace one sign each year. The first sign to be replaced is at Manor Blvd. and Excelsior Blvd. She reviewed the estimates and design options provided for different signs. She noted the maintenance-free options are more expensive.

Kind noted all of the current signs are wood. She recommended trying the sign foam.

Quam moved to approve the low estimate for the sign using sign foam. Fletcher seconded the motion. Motion carried 5-0

B. Consider Greenwood Property Tax Basics – Newsletter Insert

Kind distributed a copy of a proposed property tax basics newsletter insert. She stated the purpose of the sheet is to educate residents. She stated this would be included in the March newsletter.

D. Set Date for Code Project Worksession

Kind discussed her review of the city code and the need for a worksession to review these changes. She suggested dates for the worksession. Following discussion, the worksession was set for Wednesday, March 24 at 5:00 p.m.

8. OTHER BUSINESS

A. Approve 2-4-10 Council Minutes

Quam stated the minutes should state that Dave Martini be noted as the City Engineer the first time his name is mentioned under Item 8A, second paragraph.

Quam moved to amend the minutes and approve as so amended. Fletcher seconded the motion. Motion carried 5-0

9. COUNCIL REPORTS

A. Kind: School District Lunch

Kind stated the school district lunch was on February 17. The school district is looking for input from the cities on how they can better partner with them. Possible options would be to share residents broadcast lists.

Kind discussed a recent meeting held with the assessor and how lakeshore valuations are calculated.

Kind stated letters were sent on behalf of Greenwood to the Minnehaha Creek Watershed District (MCWD), Hennepin County and Jan Callison relating to MCWD Rules D and F. She discussed future meetings scheduled.

B. Rose: Fire

No report

C. Quam: Sewer & Roads

Quam stated they are unable to identify road problems resulting from the winter weather at this point but will soon. He stated there is a problem with beavers in the northwest side of St. Alban's Bay. He reviewed options to remove the beavers. He noted it is possible they are burrowing under Minnetonka Boulevard. He noted this is an ongoing problem. This item will be continued to the April meeting.

The Council recessed at 8:55 p.m. and reconvened at 9:00 p.m.

D. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Milfoil

Fletcher reviewed Planning Commission activity.

He stated the Lake Minnetonka Communications Commission (LMCC) is coming to all the cities to discuss fiber-to-home communications and seeking contributions from the eighteen cities (including Mound).

Quam stated he didn't see any value and felt it was redundant to what is already available.

Fletcher's milfoil report was included as part of the discussion for Item 6C.

E. Page: Lake Minnetonka Conservation District

No Report

10. ADJOURNMENT

There being no further business, it was moved by Quam to adjourn the meeting at 9:07 p.m. Fletcher seconded the motion. Motion carried 5-0.

Respectfully submitted,

Clare T. Link
Recording Secretary