

**GREENWOOD CITY COUNCIL MEETING**  
**Tuesday, October 6, 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, Planning Commissioner Spiers, and Recording Secretary Link

Councilmember Quam moved to approve the agenda. Rose seconded the motion. Fletcher asked that 7C and 7D be moved to after Item 7F. Quam and Rose agreed to the amended motion. Motion carried 5-0

**2. APPROVE CONSENT AGENDA**

Councilmember Page moved to approve the following Consent items.

- A. Recommendation: Approve 9-1-09 Council minutes
- B. Recommendation: Approve 9-17-09 Special Council Minutes
- C. Recommendation: Approve August Treasurer's Report
- D. Recommendation: Approve September payables \$72,902.97

Councilmember Rose seconded the motion. Motion approved 5-0

**3. MATTERS FROM THE FLOOR**

None

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

**A. Announcement: New recycling contract begins October 1 - same provider as before (Vintage Waste)**

Kind stated we have reached an agreement with Vintage Waste for recycling for a one year period at an increase of \$1.50 per month.

**B. Announcement: Southshore Center Oktoberfest Open House: 6-9 pm, October 9**

Kind reported on the open house to be held at the Southshore Community Center on October 9.

**C. Announcement: Cub Foods Dash for ICA Food Shelf, 10 am, October 13, Cub Foods at Highways 7 and 41**

Kind stated the Cub Foods Dash will be held on October 13 to raise money for the ICA Food Shelf. Mayors team up with raffle winners to fill shopping carts.

**5. PUBLIC HEARINGS**

**A. 2010 Budget/Levy**

Motion by Rose, seconded by Fletcher to open the public hearing. Motion carried 5-0. There were no public comments. Motion by Quam, seconded by Rose to close the public hearing. Motion carried 5-0

Kind noted the amount on line 74 should be changed to the approved contract amount of \$8900. On page 4, the recycling amount should be changed to the approved amount of \$18,819. She reviewed other adjustments which can be made.

**B. Assessment of Delinquent Sewer/Recycling Charges**

Councilmember Page moved to open the public hearing. Quam seconded the motion. Motion carried 5-0. There were no comments. Councilmember Fletcher moved to close the public hearing. Quam seconded the motion. Motion carried 5-0.

Whipple stated the resolution will allow staff to add an additional \$20 assessment fee before they are certified to the County. Past due amounts are as of June 30.

Councilmember Rose moved to adopt the resolution. Fletcher seconded the motion. Motion carried 5-0

**6. UNFINISHED BUSINESS**

**A. Second reading: Ordinance #174 amendment to the liquor code section 820.15 to add a food/liquor sales ratio requirement.**

Kelly reviewed the changes made following suggestions made at the first reading. He noted the applicant would have to make representation that

food sales vs. liquor sales were 60/40%. He reviewed the fines for non-compliance.

Councilmember Fletcher moved to approve the second reading of ordinance #174. Page seconded the motion. Motion carried 5-0.

Councilmember Quam moved to approve the summary ordinance for publication. Fletcher seconded the motion. Motion carried 5-0.

**B. Second reading: Ordinance #175 amending Chapter 12 Penalties, Separability, Name and Citation of Code and/or Definitions**

Kelly reviewed the changes to amend Chapter 12 and the fees associated with citations. Councilmembers discussed the initial fees and whether those fees can be returned. Kelly stated he liked the idea of having the hearing officer have the power to order whether it can be refunded. Kelly noted where in the ordinance that language would be added.

Councilmembers discussed what would happen if the person fails to attend the hearing. Kelly noted the language is in the proposed ordinance. He suggested adding a hearing officer could impose an appropriate fine in such a case.

Fletcher suggested the website where statutes can be accessed be added to the ordinance. He also suggested added language whereby a resident would have the right to appeal to district court.

Councilmember Page moved to adopt Ordinance #175 with the two amendments as noted. Fletcher seconded the motion. Motion carried 5-0.

Councilmember Quam moved to approve the resolution authorizing the summary ordinance for publication. Rose seconded the motion. Motion carried 5-0.

**C. Consider: Load limit fees on building permit application**

Kind stated it was suggested that load limit fees be included on the building permit application. Quam offered to do research of other cities to see if they currently have load limit fees. Kind stated she would not be in favor of bonds as it would be difficult to determine which truck did what damage.

Councilmembers discussed signage and determining how to charge for loads. Kind suggested language be written to determine how to include load limit fees on the building permit application and it will be brought back to the next meeting.

7. **NEW BUSINESS**

A. **Consider Establishing an Agreement with Minnetonka for Administrative Hearings**

Kind stated a sample agreement between Minnetonka and Excelsior is in the packet this evening. She indicated this is the next step in the process.

Fletcher suggested it be an agreement that can be terminated with sixty days notice from either party.

Councilmember Page moved to direct the City Attorney to draft an agreement with the city of Minnetonka to provide administrative hearing services for Greenwood. Quam seconded the motion. Motion carried 5-0.

B. **First Reading: Ordinance #176 Updating Section 510 Licenses, Permits and Fees and Other Fee-Related Sections of the Code**

Kind reviewed proposed changes to Section 510 relating to license, permits and fees and other fee-related sections of the City Code. She indicated the recycling fee needs to be added to the ordinance reflecting the \$16 quarterly fee.

Page was unsure how the boat launch fee would be administered. Kind suggested in order to have a key to unlock the center pillar, they would have to get a permit. Fletcher suggested that it would be easiest to leave the center pillar out for the summer so the boat launch fee would be based on the honor system.

Councilmembers discussed the need for event permits such as Parade of Homes and excessive garage sales.

Councilmember Fletcher moved to approve the first reading of Ordinance #176 with an amendment to change the recycling collection fee to \$16 per quarter. Page seconded the motion. Motion carried 5-0.

**E. First Reading: Ordinance #177 Adding New Section 515 Civil Fines & Fees and Updating Related Sections of the Code**

Kind stated this ordinance adds a new section to have all the fees in one location. She asked the Council for input on the fee amounts.

Fletcher suggested language for nuisance and penal code violations be amended to state each day is a separate offense. Councilmembers suggested the note section on many of the offenses be blank.

Councilmember Fletcher moved to approve the first reading of Ordinance #177 to add new Section 515 with changes as discussed. Kind seconded the motion. Motion carried 5-0

**F. Consider Resolution #19-09 Establishing an Administrative Civil Citation & Hearing Process**

Kind distributed a revised resolution amending the warning to be at the discretion of the Administrator.

Councilmember Page moved to adopt Resolution 19-09 establishing an administrative civil citation and hearing process. Rose seconded the motion. Motion carried 5-0.

**C. Consider 2010 Lake Minnetonka Communications Commission Budget**

Kind stated the 2010 LMCC budget has been provided for the Council's review.

Councilmember Quam moved to approve the 2010 Lake Minnetonka Communications Commission budget. Rose seconded the motion. Motion carried 5-0.

**D. Consider Waiver Form of Monetary Limits on Tort Liability**

Kelly recommended that we not waive the monetary limits on tort liability.

Councilmember Page moved to not waive the monetary limits on tort liability.

Quam seconded the motion. Motion carried 5-0.

8. **OTHER BUSINESS**

None

9. **COUNCIL REPORTS**

A. **Kind: Computer Back-up, Police, Met Council**

Kind stated the city computer is backed up every morning at 2:00 a.m. Police union negotiations are taking place with Chief Litsey and City Manager Luger from Excelsior representing management. Kind attended the Met Council meeting the previous week highlighting the North Star Line and the future of other LRT lines. They are also studying the possibility of converting algae to bio-fuel.

B. **Fletcher: Planning Commission, Street Sweeping, Milfoil**

Fletcher reviewed Planning Commission activity. Fletcher stated a meeting was held relating to milfoil treatment in St. Alban's Bay. The DNR is waiting for a report from the Corps of Engineers on the impact on other native plants. Fletcher stated he has preliminary discussions with Deephaven relating to new technologies in street sweeping. They are interested in exploring new technologies.

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

Page stated the last LMCD meeting was canceled; and, therefore, he had no report.

10. **ADJOURNMENT**

There being no further business, it was moved by Quam to adjourn the meeting at 8:58 p.m. Rose seconded the motion. Motion carried 5-0.

Respectfully submitted,

Clare T. Link  
Recording Secretary