

GREENWOOD CITY COUNCIL MEETING
Wednesday, April 4, 2012, 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 Fletcher, Page, Quam and Rose

Others Present: None

Also Present: City Tree Inspector Jordan and City Engineer Martini

Members Absent: None

Councilmember Fletcher asked that Item 7.B be discussed after Item 4.A.

Fletcher moved, Quam seconded, approving the agenda as amended. Motion passed 5/0.

2. CONSENT AGENDA

Mayor Kind reviewed the items on the Consent Agenda.

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

- A. March 7, 2012, City Council Meeting Minutes**
- B. March 7, 2012, City Council Work Session Minutes**
- C. February 2012 Cash Summary Report**
- D. March 2012 Verifieds, Check Register, Electronic Fund Transfers**
- E. April 2012 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. ANNOUNCEMENTS, PRESENTATIONS & REPORTS

- A. City Tree Inspector Manuel Jordan: City's Policy Regarding Tree Diseases & Insect Threats**

Mayor Kind stated that the Council had a worksession with City Tree Inspector Jordan in March. At that worksession Jordan asked the council to set a policy regarding tree diseases and insect threats. She

reviewed the options for Council's consideration this evening. They include: 1) tag affected trees for removal in response to complaints only; 2) tag affected trees for removal in response to complaints, and also tag any affected trees observed by the tree inspector while in the City; and, 3) tag affected trees for removal in response to complaints, tag any affected trees observed by the tree inspector while in the City, and establish a tree inventory program with ongoing maintenance surveys of public and private disease centers. She noted that Tree Inspector Jordan is present this evening.

Inspector Jordan suggested another option could be to canvass for disease centers and eliminate the inventory portion of third option. The inventory aspect would be very time consuming and expensive to do. The canvassing could be done multiple times during a year if desired. Councilmember Fletcher asked if Jordan had a guesstimate of what it would cost to canvass the City. Jordan stated the City isn't very large, and he noted the canvassing would be somewhat limited because many of the trees in the City are very high and it is difficult to see the top. Jordan clarified the trees canvassed would mainly be those along roadways. The canvassing would be done from inside of a car and each time a survey is done it should not take more than a day at a \$50 per hour rate. Jordan commented that an intern could possibly be hired to do that at a lower hourly rate.

Inspector Jordan suggested Council decide if it wants the City to be proactive or reactive.

Councilmember Quam stated he thought the City should approach this proactively.

Mayor Kind stated at a minimum she would like to have option 2 as a policy.

In response to a question from Councilmember Fletcher, Inspector Jordan stated the best time to conduct a canvassing would be in August.

Councilmember Page suggested establishing option 2 as the policy now and consider the modified option 3 (the canvassing option by the Tree Inspector) at a future date.

Page moved, Rose seconded, approving Option 2 as the City's policy regarding tree diseases and insect threats and to evaluate if the policy should be expanded at a future date. Motion passed 5/0.

Discussion moved to Item 7.B on the agenda.

B. City Engineer Dave Martini and Greenwood Resident "Expert" Bill Cook – Inflow & Infiltration Project and Potential Sump Pump Program

Mayor Kind explained that during its February 1, 2012, and March 7, 2012, meetings Council discussed the possibility of conducting a new sump pump program and whether or not the City's Inflow & Infiltration (I&I) projects have reduced the amount of stormwater that flows into the sewer system. Council decided to continue the discussion about the I&I projects to this meeting so that the Engineer Martini and resident expert Bill Cook could be present. Mayor Kind noted that Bill Cook is the director of engineering services for the Met Council.

Councilmember Page asked Engineer Martini to comment on the I&I projects. Martini stated the City is close to finishing all of the I&I improvement projects it had identified.

Engineer Martini explained that in 2011 the City bid out a project to make improvements to the City's sanitary sewer system. The City received bids that were substantially higher than the project estimate. So

the approximately \$70,000 was cut from the project. It's possible the pricing for the remaining work could be less this year.

Councilmember Quam asked Engineer Martini what he thought the urgency of the repairs is. Martini stated nothing has been identified that indicates there could be a backup in the system if the repairs aren't done this year. Martini then stated that anything that can be done to eliminate the flow of stormwater into the sewer system is a benefit. Quam stated there is always a possibility that additional grant funds will become available in a year or two and that could help offset the cost of doing the remaining repairs.

In response to a question from Councilmember Fletcher, Mr. Cook stated that most of the problem municipalities have with I&I is on private property. That is statistically the case throughout the country. That is especially true when a municipality has cleaned out its sewers, repaired manholes and so forth. Mr. Cook then stated periodically a municipality may inadvertently drain stormwater into the sewer system. Engineer Martini noted that when the sewer system was televised there was no indication of an inappropriate City connection.

Mayor Kind asked Engineer Martini and Mr. Cook if they thought the I&I projects have helped to reduce the flow of stormwater into the sewer system based on the Met Council's allocated wastewater volumes document for 2005-2012. She noted the meeting packet contains a copy of that information. She stated she interprets the data to mean the City's storm sewer system is not tight. Martini stated the regional flow indicates the City has less variability.

Mr. Cook explained the Met Council has been noticing a few trends. Flows are declining throughout the region, especially during dry weather events. Part of that is because new plumbing codes require lower flow water fixtures. The Met Council also believes ground water has declined. Ground water impacts infiltration.

In response to a comment from Councilmember Fletcher, Mr. Cook stated he estimated that there is an additional 250,000 gallons of flow from sump pumps during rain events based on the wastewater data provided by the Met Council.

Councilmember Quam stated because the City has in the last three years fixed its manhole covers the excess flow is likely to be coming from sump pumps. Mr. Cook stated with a small system the sump pump flow can overwhelm the flow information.

Mr. Cook stated the City of Forest Lake removed 200-300 sump pumps from the flow into its sanitary sewer system. Its flow went down dramatically. It did that by passing an ordinance and working with the public to get the sump pumps disconnected from the sewer system.

Councilmember Quam noted that about five years ago the City notified residents that they had to disconnect their sump pumps from the City's sewer system. The then city council chose not to move forward with inspections because it thought they would be too intrusive. He stated the City has no idea how many sump pumps are hooked up to the system.

Mr. Cook explained there are two sticking points with sump pump surveys. One of them is doing inspections. The other is requiring private property owners to do work on their infrastructure.

Mayor Kind stated she is aware that in some outstate areas residents can connect their sump pump to the municipal sewer system and pay a fee to do that. Mr. Cook stated he thought that approach is a way to try and encourage residents to disconnect their sump pumps from the system.

Kind explained that in 2006 residents had to certify to the City that their sump pumps were not connected to the sewer system. It was done on an honor system. She stated they City could do another certification programs and charge residents a surcharge until they send in their certification paperwork. Councilmember Quam stated that won't guarantee that the sump pumps aren't connected.

Councilmember Fletcher stated the City has made improvements to over 75 percent of its sanitary sewer infrastructure in the last few years. He asked if there is any indication that there has been a reduction in wastewater flow into the sewer system. Mr. Cook stated Met Council is still waiting for a large rain event to assess the impact sewer system repairs in the region have had.

Fletcher then stated it does not seem unreasonable to wait until Met Council can provide wastewater flow data from significant rain events before Council makes any decisions about whether or not to move forward with the remainder of the I&I improvements. Mr. Cook stated that could be a strategy. He then stated he thought what the City will likely find out that the repairs done so far have primarily affected infiltration. Fletcher asked if part of the reduction in flow over the last few years could be the results of the repairs. Mr. Cook stated it could be, but the peaks are still occurring.

Mr. Cook stated the Met Council is going to be asking cities to do more to reduce excessive flows. Similar to what it did a number of years ago.

Engineer Martini suggested Council view the repairs made the last few years as something it will need to do on a regular basis.

Councilmember Quam asked Council if it wants to move forward with the remainder of the repairs identified or does it want to wait for a while.

Mayor Kind stated it is her understanding that there may not be Met Council grant money available this year for improvements. Engineer Martini stated the City was not able to use all of the matching Met Council grant funds in 2011 because of the amount of the project cost. The Met Council chose not to allow municipalities to use those funds on future projects. Kind stated there is legislation being considered to provide grant funds again in 2013.

Councilmember Fletcher suggested holding off with doing the remaining improvements until there may be an opportunity to apply for matching grant funds.

Councilmember Page stated the City could send out a letter informing residents they cannot have their sump pumps connected to the City's sewer system for a relatively low cost. Doing that could reduce the flow into the system for a much lower cost than doing the remaining repairs. The City would be proactive. He then stated there would not be any harm done by asking residents to certify that their sump pumps are not connected to the sewer system and charging them and inspecting them if they don't certify.

Engineer Martini noted there are other things that contribute to excess flow and he suggested they be explained to the residents as well.

Councilmember Fletcher again asked Mr. Cook if it makes more sense to wait until data is available after a significant rain event before implementing another sump pump certification program.

Mayor Kind stated Councilmember Page's suggestion makes sense to do now because whether or not the I&I projects have been effective, the City does not want residents to have their sump pumps connected to

the sewer system. She noted the City Code already has a surcharge fee established, but the Code would have to be amended to implement a new sump pump program.

There was Council consensus to have Staff draft an ordinance to update the City Code allow the City to send out a certification letter and note that if residents do not certify that they do not have a sump pump connected to the City's sewer system they will be billed a surcharge, and to put this item on Council's May agenda.

Mr. Cook stated he could obtain Met Council flow records for the City from recent past storms and that can be compared to the next significant rain event.

There was Council consensus to hold off on the remaining I&I repairs for this year.

Mayor Kind thanked Engineer Martini and Mr. Cook from coming this evening.

**C. Dick Osgood: Lake Minnetonka Association Executive Director Dick Osgood:
Aquatic Invasive Species**

Mayor Kind stated Dick Osgood, Lake Minnetonka Association (LMA) Executive Director, is present to give a report on the herbicide treatment of Eurasian Watermilfoil (milfoil).

Mr. Osgood noted last week he emailed Staff a report titled *Assessment of the Lake Vegetation Management Plan Objectives* involving five bays in Lake Minnetonka (the Lake). He stated he assumed Council was provided with a copy of the report. He also noted that he provided a one-page summary of that report.

Mr. Osgood explained the LMA has been the project manager, along with other partners, for managing milfoil in five bays in the Lake. Carman, Gray's and Phelp's Bays were the original three bays in the project. In 2011 Gideon and St. Alban's Bays were added to the treatment project. Much of the monitoring data for the project is now available for the first four years of the treatment of milfoil.

Mr. Osgood stated that based on the data the LMA believes the demonstration project has been a success. It has met all of its objectives. The expanded project includes the treatment of 683 acres of the Lake. That acreage is double what the Lake Minnetonka Conservation District's (LMCD) harvesting program manages each year. Native plants and water quality have been protected throughout the project. The herbicide products used are safe. The treatment has resulted in substantial public benefit. The Minnesota Department of Natural Resources (DNR) has endorsed herbicide treatment of milfoil and has streamlined the permit application process to a "short-form." The protocol the DNR is allowing throughout the State is the protocol used for the Lake Minnetonka projects. The demonstration project was and still is intended to be a five-year project; 2012 will be the fifth year.

Mr. Osgood then stated the LMA believes it is time for the project to be operational. It believes there is a need for a comprehensive lake-wide invasive plant management plan for the Lake and a provision for some type of public funding formula. He explained one of the challenges there has been is the uneven funding from public versus private sources. Funding has come from a variety of sources. The public part of the funding has been variable (e.g., city to city and bay to bay). There would be a great benefit to have the public funding sources more reliable.

Mr. Osgood stated the LMA is asking the cities to support this becoming operational.

Mayor Kind thanked Mr. Osgood for his brief and nicely done report.

Councilmember Quam asked Mr. Osgood to elaborate on what he envisions the plan to be and what it may cost.

Mr. Osgood explained in general a management plan should identify the problem, evaluate alternative solutions, evaluate the feasible options, recommend fund sources, and identify an implementation strategy. For the Lake his answer would be the plan should include the problems for all invasive plants in the Lake. Currently there are three known – milfoil, curly leaf pondweed, and flowering rush. The plan should identify what problems the invasive plants cause and where they cause them. And, what could or should be done to control them. He noted that he did not think it is feasible to talk about eradication. He stated he does not know how much it would cost to prepare the plan. To develop it would involve some inventory work. The level of assessment will depend on some of the preliminary steps. How the problem is defined will help define the rest of the steps. If the problem is defined loosely then the inventory doesn't have to be as precise. If it is defined in very specific terms then the inventory and survey work will have to be more precise and costly. He stated because public meetings and public hearings would likely be involved it could take 3-6 months. As a consultant he would charge \$10,000-\$15,000 plus the inventory work. He noted because of all of the agencies with experience around the Lake he is not sure it would be necessary to hire a consultant.

Mayor Kind asked what the ballpark cost for an inventory would be. Mr. Osgood stated he has heard estimates from \$30,000-\$120,000. He noted the cost depends on the question that is being asked.

Mr. Osgood stated the inventory and plan could be phased. He stated some of the westerly bays in the Lake don't have a lot of invasive vegetation in them.

Mayor Kind noted Mr. Osgood talks specifically about invasive plants. Therefore, zebra mussels are not included. She asked if it would be possible to have one comprehensive plan that includes all invasive species. Mr. Osgood stated it would be possible but he would not advise that. He noted that generally speaking there are no controls for invasive animals at this time.

Mayor Kind stated if St. Alban's Bay is chemically treated there is no need to harvest the Bay. She asked Mr. Osgood if he knows how much it costs to harvest the Bay. Mr. Osgood stated the way the comparisons are typically done is on a per acre basis. He explained the cost to harvest is \$300-\$350 per acre for the acres harvested. He thought there had been about 100 acres to harvest in the Bay. He stated it is his recollection that the area harvested in the Bay was approximately 20 percent of the area that was chemically treated.

Mayor Kind stated she would like the LMCD to recognize there are some savings from not having to harvest bays that are chemically treated. Therefore, she would like the LMCD to put that savings toward the treatment of St. Alban's Bay and that she would like to see a comprehensive plan that includes both harvesting and chemical treatment.

Mr. Osgood stated the LMA would share Mayor Kind's sentiment. But, it comes back to what is an equitable formula. He explained the harvesting program is mostly fixed costs.

Councilmember Fletcher stated if the LMCD isn't harvesting in St. Alban's Bay it will likely be harvesting in some other bay. There would not be any cash savings.

Councilmember Page stated that in 2011 everything wasn't spent in the harvesting budget. The invasive plants didn't grow as much because of the high water. The cost to harvest varies from year to year.

Councilmember Fletcher asked what the LMCD's total budget is for 2012. Councilmember Page stated he didn't know. Mr. Osgood stated the harvesting portion of the budget is approximately \$95,000-\$105,000 annually.

Mayor Kind stated she would like to have the current LMCD resources reallocated to support some funding of chemical treatment.

Mr. Osgood stated it is in the LMA's interest and its members' interest to continue the chemical treatment program. He again noted the treatment program has treated more than double the acreage than has been harvested on average. Presumably the need for harvesting should go down. He explained the bays selected for treatment were selected because they had the greatest milfoil problem. Presumably by taking those out of the harvesting program there should be less acreage to harvest. That is unless the milfoil problem is much greater than the treatment and harvesting areas combined. The current estimate is there is between 3,000 and 5,000 acres of milfoil in the Lake, but no one knows for sure. The combined treated and harvested acreage is about 1,000 or one-fifth of the total milfoil acreage. He noted that he doesn't know if the other up to 4,000 acres are problem areas that need treatment.

Councilmember Fletcher stated the document in the packet for this item indicated that Mr. Osgood would like Council to direct the City's representative to the LMCD to support the development of a comprehensive aquatic-invasive species management plan for the Lake to evaluate the overall invasive species problems; to evaluate feasible, cost-effective management and control alternatives; to develop a comprehensive funding formula involving public and private funds; and, to implement a coordinated management program.

Councilmember Page stated the LMCD AIS Task Force does not share the rosy picture painted by Mr. Osgood of what has and has not been successful. The treatment model that was originally prepared was to have a more aggressive treatment followed by continuing less aggressive treatments until milfoil was at a very low, stable level and only low-cost treatments, if any, would be required. The activity to date has shown that to be a failure. That is the position of the Minnehaha Creek Watershed District (MCWD), the DNR and various other parties involved. It can only be classified a success if expectations are adjusted. He clarified he is not saying it has not worked well in the treated areas, but only that when compared to the original plan it has not been a success. He explained the current understanding is there would be a need for a very heavy treatment in year one, a lesser treatment in year two, and then most likely a heavy treatment in year three. That would bring the cost up when compared to what the original model projected. The cost would probably be double.

Page then stated when the idea of the LMCD developing a plan at a cost of \$70,000 and when the idea of public funding is discussed just for what is currently being chemically treated that would likely max out the LMCD's ability to levy. The LMCD has approximately \$150,000 to \$200,000 that it does not levy each year, noting that it could if it decided to. It doesn't levy that much more because the LMCD member cities don't want it to.

Mayor Kind stated there could potentially be a matching funds approach taken.

Councilmember Page stated the LMCD agreed to contribute up to \$10,000 per bay each year of the five-year demonstration project for the three bays. He then stated when he participates in LMCD AIS Task Force meetings he doesn't hear an overwhelming need expressed for a lake-wide management plan. He

also doesn't hear the DNR say that a lake-wide comprehensive plan is necessary. The DNR believes that those who want to chemically treat milfoil will use the short form to obtain authorization to do so and then pay for the treatment. He noted the DNR is not going to fund a comprehensive plan and implementation, and the MCWD has no interest in funding it either.

Mayor Kind stated she only hopes to get partial public funding for the treatment of St. Alban's Bay.

Mr. Osgood stated he would frame the success or lack of success differently than Councilmember Page did. He noted that he agreed that the original financial expectations fell apart. That was known the first year. He explained the original model was based on bench tests and it didn't work. The model was tweaked and now is successful when compared to the management objectives. He noted it is more costly than originally anticipated. He stated from his vantage point it is premature to judge that the increased cost is onerous. He then stated he agreed that the current model is to treat a bay heavy in year one, then have a one to two year reprieve, and then treat it heavily again. He went on to state there is enough good information now to develop plans and expectations. He noted it is unclear whether or not the DNR will pay for the management of the plan; it has just come out with new rules for its grant program for partial funding of treatments.

Mr. Osgood explained the difference between the harvesting program and the treatment program is funding as well. Harvesting is paid for solely through the LMCD from levy money and grant money. The funding formula for the chemical treatment has evolved. He would not have designed it the way it is in hindsight. It has evolved out of necessity. He then stated the LMA would like to make the chemical treatment program operational and that there is a significant public benefit to it. Therefore, there should be public financial participation on some formula basis. He clarified that no matter what funding formula is agreed to he still believes there will a private element to funding. He stated he did not think the average of 60 percent private funding participation is sustainable. Nor does he believe it is totally equitable.

Councilmember Page stated harvesting will continue in conjunction with chemical treatment. Per the Army Corps there is no one program in general that will work on a lake the size of the Lake. He then stated he believes that chemical treatment works best on a closed bay with limited inflow or outflow. It does not work very effectively in larger, open bodies of water or in bays with an open mouth to a larger body of water. Mayor Kind noted that it worked relatively well in Gideon Bay. Page indicated the Army Corps was not overly impressed with the results of the treatment of Gideon Bay. He stated there is discussion occurring about whether or not to harvest milfoil around Big Island. He then stated there will be a balance between treatment and harvesting and the bottom line comes down to how much money there is to spend on the combined efforts.

Page then stated that the way he interprets the LMA's request is that it wants the City to send a message that it wants and is willing to live with a very substantial increase in the LMCD's budget in order to pay for more chemical treatment of milfoil and a management plan. If Council wants to do that he noted he will bring the message back to the LMCD that the City wants to have the levy increased in order to pay for chemical treatment of St. Alban's Bay and other areas of the Lake.

Mr. Osgood stated he personally along with the LMA is frustrated by the use of the words substantial increase because no one has any idea about what the cost is at this time.

Councilmember Page stated that is the problem. The LMA calls for public funding without there being any idea of what amount of funding is needed. He then stated the LMCD newsletter indicates \$507,000 was spent on the treatment of the original three bays over the four year period. That includes not treating

the equivalent of one bay because treatment of Gray's Bay was skipped on year and it was skipped in Carman's Bay another year.

Mr. Osgood stated that number is misleading. He asked why the numbers for 2008 would be included when both he and Councilmember Page agree that was a failure. It was a demonstration project and people understood that it was a project to learn from. He stated when you project into the future you don't project based on a project's failures. He explained the 2008 treatment which used the Army Corps protocol did not work. It makes no sense to include that in the formula for projecting into the future. There is proven information to now. That information can be part of a management plan and used to help project the costs of treatment and efficacy. Once the treatment costs are estimated then discussion can begin about how to equitably fund it. Until the management plan is developed it is difficult to estimate a cost. He stated that as a consultant he always talks about management in the concept of a plan. He noted he does not think it is responsible just to say something will not work or it will cost too much. The cost figures discussed have not been looked at with a critical eye, but they should be. The information is available to do that.

In response to a comment from Councilmember Quam, Mr. Osgood stated the LMA is requesting the LMCD initiate that effort. Mr. Osgood noted the LMA will help develop the plan and there are other agencies with expertise that he believes should help also.

Councilmember Page stated enough chemicals were not used in 2008. Therefore, the cost would have been higher. From his perspective the \$507,000 should be increased to provide a more realistic cost. He noted that Mr. Osgood is also a member of the AIS Task Force, and therefore he should know why the Task Force has not suggested developing a new management plan. He stated no one on the Task Force, other than the LMA, is convinced it is necessary to develop a plan at this point in time and they are not proponents of that expenditure. He explained various members of the LMCD Board attend the Task Force meetings as do representatives from the DNR, the Three Rivers Park District, and the fishing lobby. He noted that other than milfoil's impact on navigation the fishing lobby likes having milfoil in the Lake. He stated there is no consensus that a management plan is necessary at this time. The intent is to wait until year five (2012) of the demonstration project is completed and then analyze the costs and the efficacy. He then stated that everyone understands that harvesting is going to continue and some level of chemical treatment is going to continue in the areas where it works.

Councilmember Quam asked where the money for treatment will come from. Councilmember Page responded it will likely come from the existing sources. Mayor Kind stated she hopes the LMCD will be one of those sources. Page indicated he hopes the MCWD will start to contribute to the effort.

Councilmember Page stated last September he thought Mr. Osgood had thought the MCWD would develop a comprehensive invasive species management plan for the entire area within the MCWD which includes the Lake.

Mayor Kind stated that earlier this evening she forwarded an email stating there is consensus for the MCWD to move forward with AIS management efforts. The MCWD Board of Managers has started the process to formalize an approach. The MCWD has hired an AIS program director.

Councilmember Page stated that it is his understanding that plan will not be ready for a couple of years. Mr. Osgood indicated at least a couple of years. Page stated it is his understanding that for the next few years the MCWD has no intention of contributing anything to the effort. Mr. Osgood stated that is his understanding also. He stated that prior to his coming before Council last September he was told that the

MCWD has no intention of doing this kind of work. Page indicated that is disappointing to hear, and he questioned what the City's \$53,000 contribution to the MCWD is for.

Mayor Kind stated the City contributes \$6,260 to the LMCD. Mayor Kind reiterated she would like to see the resources reallocated.

Councilmember Page commented that he and Mr. Osgood debate the need for a management plan on a regular basis. He stated they both want the invasive species to be controlled.

Mr. Osgood stated based on how he interprets Councilmember Page's comments the LMCD will continue to fund harvesting, whatever that means, and the chemical treatment is somewhat of a forgotten effort. It sounds as if the harvesting will preempt any other consideration. He expressed that he agrees there needs to be a balance between chemical treatment and harvesting, but there is no indication of what that balance should be. He also agrees that treatment works better in some bays than others. That can be the essence of a plan now with minimal effort. He explained that harvesting addresses mainly navigation. Page stated that really means homeowners can get out from their docks and that areas around shore will be dealt with so the usable area of the Lake doesn't continue to shrink.

Mr. Osgood stated the AIS Task Force has never talked about what navigable means in the context of harvesting or what the objective of harvesting is. He suggested having that conversation. He then stated, for example, to exclude St. Alban's Bay from harvesting and include it in chemical treatment will be considered differently than if it were the other way around. That warrants a discussion. The LMA's interest is to formalize a combination plan approach for managing milfoil.

Mayor Kind stated she would support having the LMCD sending some amount of contribution to the chemical treatment of bays where people want that to occur. She commented that treating a bay does provide some contribution to the entire Lake.

Councilmember Fletcher asked who should be the lead agency for the management of AIS in the Lake. Councilmember Page stated the LMCD has always served in that capacity and still does. Fletcher asked Page, as the City's representative on the LMCD Board, what would be wrong with asking the LMCD as the lead agency to develop a milfoil and other invasive plant control program, including feasible costs and implementation methods. He noted that he did not include comprehensive in that statement. He then asked Page if he would do that as the City's representative. Page explained as long as Council understands that if that is a \$70,000 effort the levy will have to be increased. Mayor Kind stated what is being asked for is for the LMCD to develop a basic, not comprehensive, plan. Kind then stated a plan for where harvesting will be done, where chemical treatment will be done, and how much funding the LMCD will contribute toward the chemical treatment of St. Alban's Bay or any other bay for treatment.

Councilmember Page asked if a less than lake-wide plan is being asked for. Councilmember Fletcher explained he would love to have a comprehensive, lake-wide plan but he is realistic about the cost of doing that. Fletcher then stated there should be a push for a basic plan. Mayor Kind stated some of the LMCD's funding should go to chemical treatment; not just toward harvesting.

Councilmember Quam asked Councilmember Page if the LMCD could develop a plan on a per bay basis, or even just for the bays that have been chemically treated. Page stated the LMCD's attitude is everything has to be even. There is no special treatment. Page then stated the LMCD considers the harvesting program to be most equitable for all bays in the Lake because harvesting is done in each bay.

Mayor Kind stated St. Alban's Bay was not harvested in 2011 therefore from her vantage point the LMCD should contribute to the chemical treatment of the Bay in 2012 as compensation. She noted the DNR contributed over \$8,000 to the 2011 treatment of the Bay.

Fletcher moved, Quam seconded, directing the City's representative to the Lake Minnetonka Conservation District to encourage the LMCD to develop a milfoil and other invasive plant control program including feasible costs and effective implementation methods and to develop appropriate funding formulas giving realistic financial frameworks.

Councilmember Quam asked Councilmember Page if he could carry that message forward. Page responded absolutely. Page noted that a plan costs money. He encouraged the Council to understand what the meaning of this vote is. It could result in a levy increase to cover the cost to develop the plan and then implement the plan.

Councilmember Quam stated he assumes Council will be provided the cost to do that and then it can decide it doesn't want to have the LMCD, and ultimately the cities, spend the money. Quam expressed his confidence that Councilmember Page can convey what Council desires.

Councilmember Page stated he lobbied for the LMCD to contribute toward the treatment of St. Alban's Bay in 2011 and he was voted down 15 to 1.

Motion passed 3/0/2 with Page and Rose abstaining.

D. St. Alban's Bay Bridge Work Session with the Excelsior City Council

Mayor Kind noted there is a work session scheduled with the Excelsior City Council on April 10, 2012, at 7:00 P.M. to discuss the St. Alban's Bay Bridge. It will be held in this room.

Councilmember Page asked what the purpose of the meeting is. Mayor Kind explained the Excelsior City Engineer is going to present information about the historic nature of the Bridge and there will discussion about what type of arrangement the two Cities will need to enter in to before any improvements to the Bridge are made.

E. Local Board of Appeal & Equalization Meeting Dates

Mayor Kind noted the Local Board of Appeal and Equalization meeting dates are April 12th and April 26th, only if the second meeting is needed, and the start times are 6:00 P.M. The meetings will be held in this room.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Consider Resolution 04-12 Hennepin County Recycling Program

Mayor Kind stated there is nothing new to discuss about this. This item will be placed on Council's May 2, 2012, meeting agenda for consideration.

7. NEW BUSINESS

A. Consider Resolution 06-12 Update of Appointments and Assignments

Mayor Kind stated the meeting packet contains a draft resolution making three changes to the appointments and assignments for 2012. The changes are: 1) changing the name of the auditor from LarsonAllen to CliftonLarsonAllen; 2) updating the list of Planning Commissioners and their terms per the appointments made during Council's March 7, 2012, meeting; and, 3) adding Gus Karpas as the Assistant Weed Inspector. She noted State Statute requires the appointment of an assistant weed inspector.

Fletcher moved, Rose seconded, Adopting RESOLUTION NO. 06-12, "A Resolution Making Appointments and Assignments for 2012."

Mayor Kind noted there is a vacancy on the lake Minnetonka Communications Commission. She explained should there be an important vote it may be nice to have a second representative to cast the second vote. She stated if no other Councilmember is interested she will be willing to be the second representative with the understanding that she will not attend the meetings unless there will be an important vote taken.

Without objection from the seconded, the maker amended the motion to appoint Deb Kind as the second representative to the Lake Minnetonka Communications Commission. Motion passed 5/0.

Discussion moved to item 7.C on the agenda.

B. First Reading: Ordinance 209, Amending Code Section 1140.85 Subd. 2(4), Diseased Trees

This was discussed after Item 4.A on the agenda.

Mayor Kind explained this is the first reading of Ordinance 209, amending Ordinance Code Section 1140.85 Subd. 2(4), Diseased Trees. She explained that when that Section of Code was reviewed a while back it became apparent that Subd. 2(4) does not give the City the authority to require the removal of trees affected by various insects (e.g., Emerald Ash Borers and Gypsy Moths) because those types of infestations are not diseases. Subd. 2(4) currently states "*Any living or standing tree infected by any other diseases determined to be harmful by the State of Minnesota.*" The proposed amendment states "*Any living or standing tree affected by any other pathogen determined to be harmful by the State of Minnesota.*"

Fletcher moved, Quam seconded, adopting the first reading of Ordinance 209 amending Section 1140.85 Subd. 2(4) Diseased Trees as presented.

Mayor Kind stated there is a name in Subd. 2(1) that is no longer correct. Inspector Jordan stated *Ceratocystis ulmi* is the old name for Dutch Elm disease fungus. Jordan explained that Dutch elm disease is now classified as two different diseases with different names. Jordan stated if Council wants to keep the name of the disease in the Ordinance he recommends it be changed to the two new names. Kind suggested removing the technical names for the disease.

Without objection from the seconded, Fletcher amended his motion to include amending Subd. 2(1) to state "Any living or standing elm tree or part thereof infected to any degree with Dutch elm

disease fungus, or which harbors any of the elm bark beetles.” and amending Subd. 2(3) to state “Any living or standing oak tree or part thereof infected to any degree with oak wilt.” Motion passed 5/0.

Discussion returned to Item 4.B on the agenda.

C. Potential Letter of Support for Inflow & Infiltration Project Grants

This was discussed after Item 7.A on the Agenda.

Mayor Kind stated the meeting packet contains a copy of an email City received from Metro Cities Government Relations Specialist Charlie Vander Aarde. She explained that according to the Metro Cities’ website, its *“primary objective is to be an effective voice for metropolitan cities at the State Legislature and Metropolitan Council, so as is to influence state legislation affecting metro area cities, and regional policies that accommodate the needs of metro area cities. Metro Cities lobbies on a wide range of policies, over 60 in all, including transportation, local government aids and credits, wastewater, redevelopment and housing. Legislative policies are developed each year by consensus of our membership.”* She noted that Metro Cities works closely with the League of Minnesota Cities and that the City of Greenwood is a member of the League of Minnesota Cities.

Kind explained that Mr. Vander Aarde is seeking support for Metro Cities’ \$8 million bonding request for inflow and infiltration (I&I) mitigation on local public sewer infrastructure. The Senate bill is SF1862 (sponsored by Senator Gen Olson) and the House bill is HF2286 (sponsored by Representative Loon). A copy of both bills is included in the meeting packet. Any bonding dollars secured this year would be available to cities through a grant process administered by the Metropolitan Council as was done with money received in 2010. The City received some of this grant money for I&I projects in 2011.

Councilmember Quam questioned why Council would not support it if there is a possibility the City could get some grant money. Mayor Kind stated because it is for \$8 million and the City would only get a very small portion of it. Kind then stated she is on the fence on this.

Councilmember Fletcher stated that although he doesn’t like these types of things he can support it because Senator Gen Olson, who represents the City, is a sponsor of the Senate bill.

Councilmember Rose stated he is against this.

Councilmember Page stated he supports this because the State and Metropolitan Council are forcing cities to make I&I improvements to their sanitary sewer systems. It would be nice to have them help pay for the improvements.

Fletcher moved, Quam seconded, authorizing Mayor Kind to send a letter expressing support for Senate bill SF1862 and House bill HF2286 to Senator Dave Senjem (Bonding Chair and Majority Leader), Senator John Pederson (Bonding Vice-Chair), Senator Gen Olson (bill author and SD33), Representative Larry Howes (Bonding Chair), Representative Jenifer Loon (bill author), and Representative Connie Doepke (33B). Motion passed 4/1 with Rose dissenting.

D. Auditor Services for 2013 - 2015

Mayor Kind explained the meeting packet contains a copy of an email the City received from CliftonLarsonAllen partner Jen Foley regarding a proposed 1 percent annual increase in the auditing

service fees for the next three years. The fee amounts would be: \$9390 for the 2012 audit to be completed in 2013; \$9480 for the 2013 audit to be completed in 2014; and, \$9570 for the 2014 audit to be completed in 2015. The fee for a half day meeting with Brady Hoffman in November of each year is \$740.

Kind then explained that Council put out a request for proposals (RFPs) for auditing services for 2009-2011. At that time the City chose to switch to LarsonAllen; the lowest bidder by far. The Administrative Committee (Kind and Fletcher) recommends Council continue to work with CliftonLarsonAllen through 2015.

Page moved, Rose seconded, approving the following costs for auditing services from CliftonLarsonAllen through 2015: \$9390 for the 2012 audit to be completed in 2013; \$9480 for the 2013 audit to be completed in 2014; and, \$9570 for the 2014 audit to be completed in 2015. And, approving a fee of \$740 each year for a half day meeting with Brady Hoffman in November. Motion passed 5/0.

E. Potential Extension of City Docks

Councilmember Page stated there was quite a bit of discussion at the last Lake Minnetonka Conservation District (LMCD) Board meeting about the possibility of declaring a low water emergency for Lake Minnetonka (the Lake). That can be declared when the Lake level falls below 928 feet. Prior to the meeting the level had fallen to just below 928 feet. By the time of the meeting it had risen to just above 928 feet. The Board concluded that the water level has to be below 928 feet before it can declare the low water emergency. The Board decided to wait until April 11 to make a decision. He suggested the City should wait until after the Board meeting to decide if the City should submit a request for a temporary low water variance to extend the City's docks.

Mayor Kind stated she had spoken with Tim Laturner from Dock & Lift, Inc. (the City's dock contractor) and he indicated he could extend the docks if the City wants. The cost for the extension would be \$1485 to \$1980 (3 to 4 sections at a cost of \$495 per section). The sections would not be floating dock sections.

Councilmember Page stated the LMCD is concerned about the impact on the usable surface area of Lake if property owners extended their docks out farther. The LMCD also has concerns about enforcing dock length regulations after the temporary extensions expire.

Mayor Kind asked if Council wants to call a special meeting to address this or if it wants to pass a motion in the event that the LMCD declares a low water emergency.

Councilmember Page stated he was not convinced that the docks would have to be extended out 32 feet.

Mayor Kind stated if the LMCD declares a low water emergency on April 11 it would be nice if the City could submit its request right away.

Councilmember Page suggested scheduling a special meeting after the Local Board of Appeal and Equalization work session on April 12 to address this item.

There was consensus to schedule a special meeting for immediately following the Local Board of Appeal and Equalization work session on April 12.

F. Potential Excelsior Boulevard Water Project

Councilmember Fletcher suggested skipping this item due to the time. He stated he will report on this during Council's next meeting.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Excel PRT Tree Project

With regard to the Planning Commission, Councilmember Fletcher stated the Planning Commission did not meet in March.

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Fletcher stated there is nothing significant to report.

With regard to the Xcel Energy LRT Project, Fletcher stated there is nothing significant to report.

B. Kind: Police, Administration, Freshwater Society Mayor Meetings, Website

With regard to the South Lake Minnetonka Police Department, Mayor Kind stated the SLMPD Coordinating Committee held a special meeting on March 16, 2012. The purpose of the meeting was to approve the 2012-2013 labor agreement and 2012 salary increases. She noted that she sent a letter on behalf of Council to the SLMPD thanking the SLMPD for its good work in resolving the attempted and actual burglaries in January.

With regard to administration, Kind stated the meeting packet contains copies of letters she wrote to Hennepin County Commissioner Jan Callison and County Assessor Jim Atchison.

With regard to mayors meetings, Kind noted she attended a mayors meeting hosted by the Minnetonka School District last month.

C. Page: Lake Minnetonka Conservation District

Councilmember Page stated the debate that occurred earlier on the agenda about aquatic invasive species (AIS) management and the need for a master plan and funding has been ongoing at the Lake Minnetonka Conservation District (LMCD) AIS Task Force meeting.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated earlier in the meeting Council discussed the City's sanitary sewer system. He noted the City's roadways will be inspected before the next Council meeting. During the May meeting recommendations for roadway repairs in 2012 will be presented.

E. Rose: Excelsior Fire District

Councilmember Rose stated there was an Excelsior Fire District (EFD) Board meeting on March 28, 2012. The replacement tanker truck bids were discussed. The first 2013 budget work session is scheduled for April 18 at 6:00 P.M.

10. ADJOURNMENT

Fletcher moved, Rose seconded, Adjourning the City Council Regular Meeting of April 4, 2012, at 9:00 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder