

GREENWOOD CITY COUNCIL MEETING
Wednesday, September 5, 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 7:01 P.M.

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

Others Present: City Attorney Kelly and City Zoning Administrator/City Clerk Karpas

Members Absent: None

Councilmember Fletcher asked that Item 4.C Buckthorn Removal along Excelsior Boulevard be added to the agenda.

Mayor Kind asked that Item 4.E August 1, 2012, City Council Work Session Minutes be added to the agenda.

Quam moved, Fletcher, seconded, approving the agenda as amended. Motion passed 4/0.

1A. FIRST ORDER OF BUSINESS

Mayor Kind explained former Councilmember Rose moved out of Greenwood. Mr. Rose sent a letter of resignation to the City. She reviewed the procedural steps Council needs to follow. First, a council seat vacancy must be declared. Once that is done State Statute 412.02 mandates the Council must act to fill it. She noted copy of the language stipulating that is included in the meeting packet.

She then explained that because only four months remain in Mr. Rose's term a special election is not required. Therefore, Council needs to appoint someone to complete that term. She stated the obvious people to consider are the two people who filed to run in the November 6, 2012, election for the two council seats that will be up at the end of 2012. Bill Cook filed for candidacy on August 1, 2012, and Rob Roy filed for candidacy on August 9, 2012. Both of the candidates have indicated they are willing to complete the remainder of Mr. Rose's term and that they are fine with whatever process Council decides to use for determining who to appoint to the remainder of the term. Council may also chose to appoint someone else. Council can appoint a person during this meeting or during its next meeting, but it cannot leave the seat open for the rest of the year.

Kind stated the meeting packet contains a copy of a certificate of appreciation of Mr. Rose's service to the City for Council to approve to give to Mr. Rose.

Fletcher moved, Quam seconded, declaring a City Council seat vacancy due to the resignation of Councilman William "Biff" Rose because of the sale of his Greenwood residence. Motion passed 4/0.

Fletcher moved, Quam seconded, approving the certificate of appreciation recognizing the contributions of Councilman William "Biff" Rose and directing the City Clerk to mail the certificate to his new address. Motion passed 4/0.

Councilmember Quam recommended filling the open council seat immediately because he thought it is difficult to operate with only four members. He then recommended appointing either Mr. Cook or Mr. Roy.

Page moved, Quam seconded, approving the appointment of Bill Cook to complete former Councilman Rose's remaining term through December 31, 2012, and directing that the oath of office be administered as soon as possible. Motion passed 4/0.

Mayor Kind asked Zoning Administrator/Clerk Karpas to inform Mr. Cook that he has been appointed to Council and that the oath of office will be administered during Council's October 2012 meeting. Councilmember Quam recommended not to wait that long to administer the oath. Attorney Kelly stated if it is done sooner a notary on the City of Deephaven's staff may be willing to notarize that it has been done or he himself could do it. Quam recommended doing it quickly. Kind asked Karpas to contact Mr. Cook and ask him to stop by Kelly's office to take the oath of office.

2. CONSENT AGENDA

Mayor Kind reviewed the items on the Consent Agenda.

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

- A. August 1, 2012, City Council Meeting Minutes**
- B. July 2012 Cash Summary Report**
- C. August 2012 Verifieds, Check Register, Electronic Fund Transfers**
- D. September 2012 Payroll Register**
- E. August 1, 2012, City Council Work Session Minutes**

Motion passed 4/0.

3. MATTERS FROM THE FLOOR

Valdis Muceniaks, 21555 Minnetonka Boulevard, noted he has been a resident of Greenwood for 44 years. He stated the lakeshore by the City-owned docks is overgrown with brush and it now blocks off the view of Lake Minnetonka even from the area where picnic tables are. He asked if the City would remove the brush. He noted he used to be able to see the docks from his deck, and he cannot see them now. He then stated the right of way (ROW) between his property on the west and the apartments is overgrown with buckthorn with some of the buckthorn being six to eight inches in diameter. The buckthorn has created a canopy. If something is not done in the near future the buckthorn will infringe upon his property. He went on to state if the docks are stored in the ROW he asked the City to put down grass seed after the docks have been removed in the spring to restore the grass. The grass that was killed this past season when the docks were stored there has been replaced with weeds. He noted he cuts the grass in the ROW of the side closest to his property all the way down to the Lake. The person who manages the apartment complex mows the other side. They take turns mowing the area where the picnic tables are. He has been mowing that grass for 44 years. He noted there are two dead trees in the ROW.

Mayor Kind explained Council cannot take action on matters from the floor but it can consider them during a future meeting. She thanked Mr. Muceniaks for bringing these items to Council's attention.

Councilmember Page thanked Mr. Muceniaks for doing the mowing.

Councilmember Fletcher suggested Mr. Muceniaks' requests be placed on the October 2012 meeting agenda for consideration.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

A. Chief Scott Gerber, Excelsior Fire District 2013 Budget

Mayor Kind noted Excelsior Fire District (EFD) Chief Scott Gerber is present to give a brief presentation about the final recommended 2013 EFD Operating Budget (the Budget) and Capital Improvement Program (CIP). She noted a copy of each of them is included in the meeting packet.

Chief Gerber stated the 2013 budget process started in 2011. He noted the EFD Board and members of the Department have had a great deal of discussion about the Budget. He explained a copy of the final recommended Budget and CIP had been forwarded to the member City Administrators/Manager on August 9, 2012. A joint meeting of the EFD Board and member City Councils was held on August 8th to provide the member City Councilmembers the opportunity to talk about any concerns they may have had about the Budget and CIP. When a similar joint meeting was held a number of years ago there were a number of concerns raised and questions asked about the then budget. None of the non-Board member City Councilmembers attended the August 8th meeting.

Gerber explained the Budget calls for a 1.09 percent increase in the municipal contribution when compared to the actual 2012 contribution. It is based on utilizing fund balance. The actual Budget increase is a 3.3 percent and a large portion of that is based on a 2013 required contribution to the Excelsior Firefighters Relief Association (EFRA) fund for pensions.

Gerber stated he will entertain questions from Council.

Councilmember Fletcher asked what the funding level for the EFRA fund for pensions is. Chief Gerber responded it is not 100 percent funded and explained that is why there continues to be a required contribution. Gerber stated since the market fall in 2008 there has been continued progress toward achieving 100 percent funding. If a snapshot were taken today the fund is probably 95-100 percent funded. If the market continues to do as well as it is doing the funding level should continue to grow.

Fletcher stated it is his understanding that the EFD leases some of its equipment.

Chief Gerber explained that since 2006 it has been the EFD's policy to purchase big apparatus on a five-year lease purchase. The EFD pays for them over a five year period and then it owns them. That same approach was used for purchasing new self contained breathing apparatus (SCBA), but it was over a ten year period. SCBA is replaced every ten years. The main apparatus are on a 20-25 year replacement schedule.

Councilmember Fletcher asked what the lease rates are. Chief Gerber stated the rates vary. Gerber explained that for the last couple of purchases the lease rates have been 2-2.5 percent and the EFD was able to finance the equipment through one of the EFD member cities. That benefited both the EFD and the member city.

Councilmember Quam noted that he likes the EFD's General Fund balance which is proposed to be 41 percent for 2013.

Chief Gerber stated the EFD also likes its General Fund balance. He noted the level of fund balance is a result of the District being fiscally responsible and operationally responsible. He then noted the Department has operated under budget for the last several years. He stated he hopes it will be possible to continue with that trend.

Mayor Kind noted that even though there is a proposed overall increase in the municipal contribution of 1.09 percent Greenwood will have a decrease of 2.38 percent in operations and a decrease of 3.19 percent for facilities/capital costs. Greenwood's overall decrease will be 2.76 percent. The decrease is a result of property values going down in the City. The funding formulas are based on ad valorem.

Councilmember Fletcher asked Chief Gerber to comment on the volunteer paid-on-call firefighters staff.

Chief Gerber stated the EFD has a great organization that provides a great service to the community. The EFD recently brought onboard four new firefighters to bring the compliment of paid-on-call firefighters to 47. The firefighters live and work within the community the EFD serves. Gerber then stated volunteerism continues to be an issue across the nation. It is becoming increasingly more difficult to find people to volunteer. Although the EFD continues to be able to find volunteers today he has no idea what it will be like ten years from now. People who move into the five EFD member cities, as well as other cities, believe they will continue to have the same services they had when they lived in an urban city. They think they will have a full-time fire department. He noted the goal is to continue with the current staffing model with some slight refinements. To go to a full-time department would be considerably more expensive than today's paid-on-call department.

Mayor Kind stated although the pay for being on-call is not great the pension is very good. She asked if the EFD is in need of more firefighters now. Chief Gerber stated the EFD likes to stay in the 45-50 range of firefighters, and noted that 50 is the maximum the EFD can have. Gerber then stated the EFD likes to maintain a list of people who are interested for when there is a need for a firefighter. Today there are some people in the EFD's file of pending applications.

Councilmember Fletcher asked what the paid-on-call rate is. Chief Gerber explained an active firefighter that is off of probation gets \$10.20 per hour and a probationary firefighter gets \$9.25 per hour. Gerber stated a person does not sign up to be a paid-on-call firefighter because they are going to get rich. They do it because it is something they want to do. There is a pension if a firefighter has been an active firefighter for at least 10 years. Mayor Kind stated the pension is the motivator. Gerber stated it is a component of it. Gerber noted a firefighter carries a pager day-in and day-out and they aren't compensated for carrying it. He explained there is an expectation that when a firefighter receives a page for a call that they will drop what they are doing and respond. Gerber explained the District is fortunate to have the people it does as firefighters because they do respond when a call is received. Fletcher stated he thought it is pretty good for people to get a call at 2:00 A.M. and show up at the station for \$10.20 per hour. Fletcher then stated it is not about the on-call pay.

Fletcher moved, Quam seconded, approving the recommended final 2013 Excelsior Fire District Operating Budget and 2013-2033 Capital Improvement Program as recommended by the EFD Governing Board on August 8, 2012. Motion passed 4/0.

Chief Gerber thanked Council for its continued support of the EFD.

Council thanked Chief Gerber and the EFD firefighters for the service the EFD provides.

B. CUB Food Dash, September 6, 2012, 1:00 P.M.

Mayor Kind stated the CUB Food Dash is scheduled for September 6, 2012, at 1:00 P.M. She encouraged people to come and cheer her on. She stated she will find out who her partner is the day of the Food Dash. She noted the Food Dash raises money for the ICA Food Shelf.

C. Buckthorn Removal along Excelsior Boulevard

John Beal, 5470 Maple Heights Road, stated he had sent Council an email about his proposal for removing buckthorn along Excelsior Boulevard. He explained that volunteers will cut all of the buckthorn down on Saturday, September 22, 2012. He recommends a method of cutting the buckthorn close to the ground and then treating the stumps rather than pulling the buckthorn out. He stated he would like the City to haul away the brush and pay for the applicators, blue dye and the chemical purchased for this removal effort. It will probably cost about \$50. The chemical used to kill the buckthorn will not harm the lilacs in the area.

Quam moved, Page seconded, authorizing an amount not to exceed \$100 for the removal of buckthorn along Excelsior Boulevard and directing Public Works to haul away the brush that will be cut down. Motion passed 4/0.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Variance Findings of Fact, Matt and Angela Lindberg, 5160 Greenwood Circle (grade alteration)

Mayor Kind explained that during its August 1, 2012, meeting Council approved the variance request to permit an alternation of grade for Matt and Angela Lindberg, 5160 Greenwood Circle, to help with drainage and enlarge the rear yard. The Council directed the City Attorney to draft Findings of Fact for approval at the September 5, 2012 council meeting. She noted that a copy of the Findings of Fact prepared by the City Attorney is included in the meeting packet.

Fletcher moved, Kind seconded, Adopting RESOLUTION NO. 18-12, "A Resolution of the City Council of the City of Greenwood, Minnesota Acting as the Board of Appeals and Adjustments, for real property located at 5160 Greenwood Circle setting out the findings of fact and conclusions of law regarding the Matt and Angela Lindberg variance request for grade alteration." Motion passed 3/1 with Page dissenting.

Mayor Kind asked Councilmember Page if he would like to comment on his dissenting vote. Page stated he has already elaborated ad nauseam in previous meetings about his position on this.

B. Second Reading: Ordinance 212, Amending Code Section 425, Municipal Watercraft Spaces

Mayor Kind stated this is the second reading of Ordinance 212, amending Ordinance Code Section amending Ordinance Code Section 425, Municipal Watercraft Spaces to establish a process for assigning spaces for canoe racks. It also includes other minor revisions to help clarify the process for watercraft spaces in general. She explained Council approved the first reading of the Ordinance during its August 1, 2012, meeting. During that meeting Council discussed the concern raised by property owners whose drivers' licenses do not list Greenwood as their address because their primary residences are in Florida or other winter locations. She noted the City of Deephaven's dock requirement is that people need to reside in Deephaven during the boating season. She stated Council decided not to make any changes regarding residency requirements during the first reading, and chose to continue the discussion to this meeting with the understanding it could do so during this second reading. She commented she thought the way the Ordinance reads now is fine.

Councilmember Quam recommended leaving the Ordinance the way it is proposed.

Councilmember Page stated he is not advocating change to what is proposed.

Mayor Kind asked Council when it wants the City to start accepting applications for the Meadville canoe rack spaces. Councilmember Fletcher suggested October 1, 2012.

There was Council consensus to start accepting applications for the Meadville canoe rack spaces starting October 1, 2012, at 8:00 A.M.

Kind noted the meeting packet contains a copy of Section 425 showing the original and amended text as well as a clean copy with the amendments incorporated.

Page moved, Quam seconded, Approving ORDINANCE NO. 212 "An Ordinance of the City of Greenwood, Minnesota, Amending Ordinance Code Section 425, Watercraft Spaces." Motion passed 4/0.

Page Moved, Quam seconded, Adopting RESOLUTION NO. 19-12, "A Resolution Approving Publication of Ordinance Number 212 by Title and Summary." Motion passed 4/0.

C. Capital Replacement Fund for the Public Safety Facility

Mayor Kind explained that during Council's August 1, 2012, meeting South Lake Minnetonka Police Department (SLMPD) Chief presented the 2013 SLMPD Operating Budget. Litsey also presented the concept of creating a Capital Replacement Fund (the Fund) for the public safety facility located in the City of Shorewood. Litsey is referring to the portion of the facility used by the SLMPD; not the portion used by the Excelsior Fire District (EFD). The meeting packet contains a copy of Chief Litsey's memorandum and the proposed funding plan. Litsey proposes the four member cities fund a \$10,000 contribution based on ad valorem (tax capacity).

Kind noted that since the August 1st meeting the Excelsior and Shorewood City Councils have approved motions to create the Fund in 2013 with a total contribution amount of \$10,000 with each SLMPD member city's share being based on ad valorem. The Tonka Bay City Council discussed the concept of the Fund during its August 15th meeting but it did not take any action on it. All four member City Councils must approve creating the Fund.

Kind stated no action has to be taken, but that it is highly recommended that the member cities establish a fund, or at a minimum agree on a funding formula before a repair is needed.

Councilmember Quam asked when money is anticipated to be needed. Mayor Kind stated it's anticipated it will be needed a couple years before the bonded debt for the facility is paid off in 2023.

Councilmember Page stated the first thing Council must decide is if it supports creating the Fund.

Mayor Kind reiterated at a minimum a formula for funding unbudgeted repairs need to be agreed upon before a there is a need for the repairs.

Councilmember Page stated with all of the money the City is paying to the SLMPD it seems to him there should be a way to squeak out a repair fund. He recommended doing nothing to send the message the City is paying plenty already. He stated the SLMPD already found money that belonged to the City that the SLMPD kept. He thought it was around \$7,000. Mayor Kind stated that the money was put into a building maintenance fund and that she did not remember the amount.

Mayor Kind stated she understands Councilmember Page to be stating that if a cash call is needed it should be worked into the operating budget using the formula for funding operations. She then stated the council memo included a proposed funding formula that would be based on one-third tax capacity, one-third on use, and one-third on population. From her vantage point she thought that funding formula would be fairer than either the current formula for operations or for debt service.

Councilmember Quam stated he did not think the member cities could reach an agreement on a formula in the near future. He recommended the SLMPD Coordinating Committee make a recommendation. Mayor Kind stated what is before Council is the Committee's recommendation, noting there was no agreement what the funding formula would be.

Councilmember Fletcher stated to the extent there is a formula, which assumes there is a desire to have the Fund, he prefers the one-third, one-third, and one-third formula. He then stated in 2023 the debt service for the facility will be paid off. Therefore, there will be substantial monies available. He asked if the \$25,000 set aside for repairs has been spent. Mayor Kind stated not all of it. Councilmember Page stated then there is already a maintenance fund. Kind stated that is correct. Fletcher stated based on his experience major components of a building last longer than 20 years. Fletcher then stated he thought it made sense to have certain amount of money set aside so that if an unexpected repair came up it could be paid for. He went on to state it will be known ahead of time if the roof has problems. An elevator is not going to suddenly fall apart. He expressed he supports Councilmember Page's suggestion to do nothing.

Mayor Kind stated she will let the SLMPD Coordinating Committee know that Council prefers the one-third, one-third, and one-third formula if a cash call is needed and that it does not want to create a fund at this time.

Councilmember Fletcher stated to sway him he needs to see something that shows there is a real need that has to be addressed. He does not see that there is a real need yet.

Mayor Kind stated if there were to be a real need and it is very costly each SLMPD member City Council would have to approve it.

Councilmember Fletcher stated he did not think there will be any big ticket repairs/replacements needed over the next few years that warrant setting money aside.

7. NEW BUSINESS

A. 2013 Preliminary Tax Levy

Mayor Kind stated during its work session preceding this meeting Council had its final discussion about the preliminary 2013 General Fund Operating Budget. The proposed budget requires a property tax levy of \$644,688. The 2012 levy was \$644,719. She explained if that 2013 levy is approved this evening the amount cannot be increased when the final levy is adopted during the December 5, 2012 Council meeting. However, the levy can be lowered before the final budget adoption.

Kind asked if anyone in the audience wants to comment on the proposed budget.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 20-12, "A Resolution Approving the Proposed Tax Levy Collectible in 2013 in the amount of \$644,688." Motion passed 4/0.

B. City Council Position Regarding Bean's Greenwood Marina Proposed Dock

Mayor Kind introduced Aaron Bean with Bean's Greenwood Marina (the Marina) who is here to present his plan for reconfiguring the docks at the Marina. She noted a copy of the proposed plan is included in the meeting packet. A copy of the current dock configuration was placed at the dais this evening.

Councilmember Fletcher stated Council is about one-half hour ahead of where the agenda predicted this discussion would begin. He questioned if there may be people who want to be here for the discussion but aren't because of the estimated time on the agenda. Councilmember Quam and Councilmember Page recommended moving forward with this discussion now being this is not a public hearing.

Aaron Bean, with Bean's Greenwood Marina, stated he lives above the building and he manages the Marina. He explained he is presenting a proposal to the Lake Minnetonka Conservation District (LMCD) next month that would improve all of the Marina's docks. The change would improve the quality, the visual appeal and the aesthetics of the Marina. He noted his reason for being there this evening is to see if Council would endorse what he is proposing to do. He clarified he does not need the City approval on his plan. He noted he had spoken with Mayor Kind and she had suggested he come before Council.

Mr. Bean explained the footprint will basically remain the same. In addition to improving the quality of the Marina, the plan should also help address consumer trends for mid-size boats. In order to do that, all of the 22-foot boat slips, its three 40-foot boat slips, and a 58-foot boat slip will be eliminated. The new configuration will have 28-foot slips. There would be the same number of slips and the square footage will remain the same. In the approved current plan the existing top left dock section (the northwest) is closer to the B dock section. That will be moved out a little further in order to straighten the slips and make enough room to have the 28-foot slips. Other than that there will be very little change to the current footprint. The pilings will be 6-8 inches. While making the changes will improve safety and quality of the Marina, he believes it prudent to accommodate consumer trends.

Mayor Kind asked if the intent is to have the same style of lighting as what is shown in the example picture from Excel Boat Club. Mr. Bean stated that it is. Bean then stated if the plan is approved he will begin to address the electrical and lighting needs. Kind stated there has been a neighbor concern about the amount of lighting, and if that could be improved it would be great. Mr. Bean stated he is doing his best to improve the light situation without compromising the security and safety of his customers. Kind stated she thought the overall look of the docks and lighting was very attractive.

Councilmember Page stated he heard Mr. Bean state the dock section on the northwest is proposed to be moved to the northwest. He then stated the Villas are to the west of that. Mr. Bean stated they are on the northwest. Page asked if Mr. Bean will maintain the required setback. Mr. Bean stated he will be. Mr. Bean explained there is a 20-foot setback for the easement for the water way. The setback in the proposed plan is 45 feet and he is well within what is required by the LMCD. Page asked if the width of the docks will be changed. Mr. Bean stated they will be a little wider for the 28-foot slips, and the main walkways will be a little wider. They are 3 feet now and the new ones will be 4 feet. They will not obstruct the public waterways. Mr. Bean highlighted which slips were being removed and new ones added on a map. Mr. Bean explained that by eliminating the largest slips he can accommodate the 28-foot slips without adding square footage.

John Beal, 5470 Maple Heights Road, asked if the Marina will continue to offer covered slips. Mr. Bean stated the covered slips will basically be in the same areas where there are covered slips now. Mayor Kind stated she assumes the covered slips are grandfathered in.

Councilmember Fletcher stated the current lights are very open and project across St. Albans Bay. Mr. Bean stated he is fully aware that one neighbor thinks it is excessive lighting. Mr. Bean stated the hope is to install podium style lights that would be about waist high from the dock provided they will not compromise safety or security. Fletcher asked if there is some type of cover that could be placed on top of the taller lights to direct light downward. Mr. Bean expressed his willingness to accommodate all property owners that front St. Alban's Bay, while noting he has only received one complaint.

Councilmember Quam stated he supports making the improvements.

Mayor Kind stated she supports property owners bettering their properties. She then stated the upgrade proposed is very attractive. It would be good for the Marina's customers and the City.

Fletcher moved, Quam seconded, authorizing the Mayor to write a letter of support regarding the proposed dock reconfiguration plan by Bean's Greenwood Marina and requesting the Marina do its best to minimize the impact of light on adjacent properties. Motion passed 4/0.

C. Variance Requests, Frank Precopio 5520 Maple Heights Road

Zoning Administrator/Clerk Karpas explained Frank Precopio, 5520 Maple Heights Road, is requesting variances to demolish and reconfigure an existing non-conforming deck which would encroach into the minimum required north and south side yard setbacks and exceed the maximum permitted impervious surface. The applicant also proposes to remove and reconstruct an existing non-conforming lakeside accessory structure within the required north side yard setback.

The applicant proposes a north side yard setback of 1 foot 9 inches and a south side yard setback of 7 feet 10 inches for the proposed deck alteration and expansion. The proposal requires a variance of 13 feet 3 inches of the north side yard setback and 7 feet 2 inches of the south side yard setback. Both the existing and proposed decks are elevated approximately 9 feet at their highest point. The existing deck extends towards the lake approximately 27 feet 8 inches from the principal structure at the approximate midpoint of the deck. The proposed deck would extend a maximum of 24 feet from the principal structure. It would be pulled back from the lake.

The applicant is proposing to remove an existing non-conforming shed that sits on the lake side of the principal structure and to construct a new structure on the lake side. The Zoning Ordinance requires a minimum side yard setback of 15 feet. The applicant proposes a north side yard setback of 8 feet, 5 inches

for the proposed accessory structure. It requires a variance of 6 feet, 7 inches of the north side yard setback. It would be moving it closer to the north side yard setback. The Zoning Ordinance does not permit the placement of an accessory building between the lakeshore and the side of the principal building closest to the lake.

The Zoning Ordinance permits a maximum permitted impervious surface area of 30 percent. The applicant is requesting to exceed that by 16 percent.

Karpas asked if Council wants the long recommendation of the planning commission to be read into the record. Council did not think there was a need to do that.

Mayor Kind stated the Planning Commission's recommendation is included in the meeting packet. Therefore, it is already public record.

Councilmember Fletcher noted the Planning Commission passed its recommendation on 3 to 1 vote with Commissioner Conrad voting against it. He explained Conrad thought the applicant could have maintained a portion of the existing deck design along the north property line without extending further into the neighboring property and keeping within or behind the existing non-conforming deck. He noted that Commissioners Beal and Paeper were not present at the meeting, but they both submitted a letter of support for the project as proposed.

Mayor Kind noted that in its motion the Planning Commission basically recommended the accessory structure be constructed in its current location because the Commission could not find an ordinance to hang its hat on for relocating it. In the motion it states "*The Planning Commission stated for the record they viewed the request for the reconstruction and relocation of the proposed accessory structure as reasonable and felt it should be approved but could not determine the appropriate ordinance provisions which granted them the authority to permit the reconstruction and relocation of a nonconforming structure.*" Councilmember Fletcher stated that does not mean that Council cannot find a good reason for it.

Kind stated the next step in this process is for Council to ask questions of Staff. After that the applicant will be allowed the opportunity to address Council if he wants to. There will also be an opportunity for the public to comment as well.

Councilmember Quam asked if the deck will extend further into the neighboring property. Zoning Administrator/Clerk Karpas responded it will not. Karpas explained it will extend closer to the neighboring property *line*, but that it will not extend into the neighbor's *property*. Karpas stated that is what he thought Planning Commissioner Conrad meant to say when she voted against the motion. Councilmember Fletcher explained the deck is along the neighboring property line, and that the deck will be squared up a little which will result in it being a little closer to the property line. Fletcher noted the deck's square footage does not change.

Councilmember Fletcher noted that Commissioner Cook had suggested the property owner on the side where the accessory structure is located be asked to submit comments about the relocation of that structure. He stated he thought applicant has gotten something.

Frank Precopio, 5520 Maple Heights Road, stated the overall hardcover for the entire project will stay the same. For the deck it will actually be a little bit less.

Mayor Kind commented she visited the site. She explained the Staff report and the application both say the current shed (accessory structure) is 10 feet by 12 feet (or 120 square feet) and the proposed new shed would be 8.5 feet by 14.5 feet (or 123.25 square feet). She asked Mr. Precopio to explain that. Mr. Precopio explained the 10 foot by 12 foot size is a rounded number.

Travis Van Liere, Travis Van Liere Studio, 4146 Coffman Lane, Minneapolis, stated he is the landscape architect for the project. He explained per the survey the actual size of the current shed is 10 feet 2.5 inches by 12 feet 2.5 inches (or approximately 123.88 square feet). The certificate of survey has it documented at 124 square feet. The proposed shed also would be 124 square feet.

Councilmember Quam stated because the shed will be narrower he asked if it will help the line of site from shore. Mr. Precopio stated it will because it will be a thinner structure. He explained the main reason for making the new shed longer was to be able to fit things such as paddle boards into the shed. Today the paddle boards are stored alongside of the shed.

Councilmember Page stated the satellite dishes at the property are currently located on the ground. He asked if the plan is to locate them on top of the proposed shed. Mr. Precopio noted that only one of the dishes is functional, and that he prefers to have the dishes located on the ground. Page noted he would not like the dish to be located on top of the new shed. Mayor Kind stated she assumes that Page would like that as a condition of approval if this is to be approved. Mr. Precopio stated he is fine with the dish being located close to the ground.

Mr. Precopio noted that both of his neighbors are in attendance should Council have any questions for them.

Councilmember Quam asked if any of the neighbors have any objections.

Marietta Jacobsen, 5530 Maple Heights Road, expressed her support for Mr. Precopio's remodeling and landscaping plan. She stated that removing the existing deck and upgrading it plus addressing his lift station makes sense to do it all together. Mr. Precopio no longer uses his hot tub so it makes sense to remove it. The birch tree that the deck was built around by the original owners has gotten large and old. It is a concern when it is windy.

Ms. Jacobsen then stated that most of the homeowners on her street have sheds down by the lake to keep their water toys and lawn mowers in. It would create a hardship if they had to carry everything up and down their steps. She then stated allowing Mr. Precopio to make the shed longer and narrower will allow him to keep his longer items inside the shed rather than having them sit alongside of the shed. Having the shed located closer to the side yard makes sense to her when a person is trying to clean up a property. She noted that the hardcover remains the same so that should be a moot point.

Ms. Jacobsen went on to state the air conditioning unit will be moved off of the deck and onto the side yard by her. She noted that she is comfortable with where it will be placed. She stated Mr. Precopio has assured her that he will plant some evergreens around it. She expressed concern about the large planting of hydrangeas on her property. They are located right on the lot line and she would like them saved. She stated Mr. Precopio is aware of her concern.

Ms. Jacobsen reiterated that she supports the change 100 percent.

John Beal, 5470 Maple Heights Road, stated his property is located in the cul-de-sac at the bottom of the hill. He noted that he is a member of the Planning Commission, and that he missed the meeting because

he was in Chicago. He stated the Planning Commission was not able to approve the shed construction portion of the project so he would like to talk about it. He thought what Mr. Precopio proposes is absolutely reasonable. He explained Mr. Precopio's house is located at street level and all of the lake stuff and lawn care stuff is at the lake level. It is two really long flights of stairs to get from the lake level to the garage which is the other place a person would put that stuff. Therefore, having a shed is reasonable for this property. There are five houses in a row with accessory structures between the house and the lake; that is for a reason. Mr. Precopio's house is in the middle of the group of five, and his shed is about the mid-size of them. His shed is 59.8 feet back from the lake.

Mr. Beal then stated that Mr. Precopio proposes to tear down the existing shed and construct a new shed. The frontal area of the new shed (the area a person would see if they were on the lake) will be reduced by 16 percent, assuming it is the same height. The new shed will be 7 feet 10.5 inches farther back from the lake. Mr. Precopio has committed to him that it will be all neutral colors with white trim. From his vantage point Council has two choices. It can require Mr. Precopio to fix the old shed in the current location. Or it can allow him to build the one he proposes which will be less intrusive and be located farther back from the lake. From his perspective Mr. Precopio's proposal is better for his neighbors and for people going by on the lake. He questioned why Council would not approve the shed request.

Mr. Beal went on to state that with regard to the practical difficulty standard the proposed use is entirely appropriate. The lot is a steep, lake lot with the lake and lawn being way down below. To use the property there is a need for storage space down by the lake. The problems are unique to the property; Mr. Precopio did not create them. The proposed shed will be less intrusive and it will not alter the essential character of the locality.

Mark Knight, 5510 Maple Heights Road, noted his property is located directly north of Mr. Precopio's. He expressed his support for Mr. Precopio's proposed project. The proposed dimensions of and location of the new shed would be an improvement.

Fletcher moved, Quam seconded, accepting the recommendation of the Planning Commission and approving the variance requests by Frank Precopio to encroach thirteen feet, three inches into the required north side yard setback and seven feet, two inches into the required south side yard setback and to exceed the maximum permitted impervious surface area by 16 percent for the deck reconfiguration as presented; and approving the variance requests as presented by the applicant to permit the construction of an accessory structure between the lakeshore and the lake side of the principal structure which would encroach six feet, seven inches into the required north side yard setback with the height of the structure not exceeding the height of the current structure. The motion is based on the following findings. The proposed accessory structure will clean up the view from the lake by making it narrower. Locating it closer to the property line will make it look better because the shed on the abutting property is located close to the property line. It is a reasonable use of the property. It improves the essential character of the locality.

Councilmember Page proposed the following friendly amendments. The first is the movement of the air conditioner to the south side of the property be subject to there being natural screening around it. The second is that there will not be any satellite dish placed on top of the new accessory structure. He stated he thought Council could justify the variance for construction of the new accessory structure based on the fact it is reducing the existing nonconformity. That should always be encouraged. It is inherent in the City Code that the City can always allow a decrease in the nonconformity. Mayor Kind asked what the decrease is. Page stated it will be located farther back from the lake than the existing accessory structure is. Kind stated the existing structure is not encroaching, but it will be farther back. Councilmember Fletcher stated the visual impact from the lake is diminished.

Without objection from the maker or seconded, the motion was amended to require that relocating the air conditioner to the south side of the property is subject to there being natural screening around it, and that a satellite dish cannot be placed on top of the new accessory structure. Motion passed 4/0.

Mayor Kind recessed the meeting at 8:22 P.M.

Mayor Kind reconvened the meeting at 8:32 P.M.

D. Variance Requests, Justin and Jen Zygmunt, 5370 Manor Road

Zoning Administrator/Clerk Karpas explained Justin and Jen Zygmunt, 5370 Manor Road, are requesting variances to expand and construct a partial second story over an existing non-conforming structure which would encroach into the minimum required rear yard and exterior south side yard setbacks. The Zoning Ordinance requires a minimum rear yard setback of 35 feet and an exterior south side yard setback of 30 feet. The existing structure is non-conforming in that the footprint extends 4 feet into the required rear yard setback, 17 feet into the required exterior side yard setback and 8 feet into the required 15-foot north side yard setback.

The proposal is to build a partial second story which would only encroach into the required rear and exterior south side yard setbacks. The second story would maintain the existing encroachment into the required rear yard and reduce the existing encroachment into the required exterior south side yard setback by 9 feet. The applicants propose a rear yard setback of 31 feet (a 4-foot variance) and an exterior side yard setback of 22 feet (an 8-foot variance) for the second story. It would comply with north side yard and front yard setbacks.

The existing structure is non-conforming in that the current garage encroaches 17 feet at its closet point into the required exterior south side yard setback. The applicants propose to attach an addition to the southeast foundation of the garage and continue the angle of the garage to the east to create additional garage space. At the point where the proposed addition would meet the existing garage it is set back 20 feet from the property line, thus reducing the existing encroachment. The applicant is requesting a variance of 10 feet of the required exterior south side yard setback for the garage addition.

The proposal would comply with the maximum permitted impervious surface area and the maximum permitted volume area.

Justin Zygmunt, 5370 Manor Road, stated he and his wife Jen bought their property under a year ago. The house was built in 1955. The majority of the homes in their neighborhood were built more recently. Their proposal would improve the consistency of their home with the neighborhood and it will help to increase the property values.

Mayor Kind commented that she went to look at the site the previous day. She highlighted the current structures on the site and the proposed structure. She stated the grade on the property is fairly high. There is a big hill that comes up to the house. She asked what the applicant is proposing to do with grading.

BJ Shelly, with Auben Residential, 1486 Steiger Lake Lane, Victoria, stated the grade will stay the same on the bottom side of the second story addition. They will have to dig down about 6 feet for the driveway. A 2 foot retaining wall will have to be constructed near the garage addition. The existing asphalt driveway will have to be removed, but the grade in that area will remain the same.

Councilmember Page asked if the existing garage doors will be removed. Mr. Shelly stated the plan is to leave them and that area will be used for storage. Page asked if grass and landscaping will replace the current asphalt driveway. Mr. Shelly stated it will.

Mayor Kind displayed the view of the proposed house and garage from each side. She noted the driveway onto the property will come off of Oak Lane. She stated what is being proposed is very attractive.

Councilmember Fletcher asked what the setback is from Oak Lane for the second story addition. Mayor Kind stated it appears as if it is about 30 feet.

Councilmember Quam noted the neighbors are not objecting to the applicants' proposal, and that the Planning Commission recommended approval of this on a 4 to 0 vote.

Councilmember Fletcher noted that he had expressed concern to the Planning Commission about the structure being close to Oak Lane. He also noted that Planning Commissioner Paeper, who was not at the Commission meeting when this was discussed, had expressed concern in writing about that also.

Mayor Kind stated the proposed addition will comply with the setback from the roadway. She then stated the overall look is very nice and she wants to encourage property owners to make their properties better. She went on to state she found it confusing to know where the entry into the existing home is. It was noted it will be much clearer on the proposed structure.

Councilmember Fletcher stated the setback is defined as being from the property line.

Zoning Administrator/Clerk Karpas noted the second story addition does need a variance of 8 feet on the south. But, from the edge of the road it will be well over 30 feet. From the road it will not have the feeling of crowding. As the structure goes to the east it is pulling away from Oak Lane based on the angle of the house.

Councilmember Quam stated he does not find any problems with what is being proposed.

Quam moved, Kind seconded, accepting the recommendation of the Planning Commission and approving the variance requests by Justin and Jen Zygmunt, 5370 Manor Road, to encroach ten feet into the required exterior south side yard setback for the proposed one story addition, and to encroach four feet into the required rear yard setback and eight feet into the required exterior south side yard setback for the proposed second story addition as presented. The motion is based on the following findings. The variance is in harmony with the purpose and intent of the ordinance, and it is consistent with the comprehensive plan. The proposal puts the property to use in a reasonable manner. The unique circumstances to the property are not created by the property owner. The variance, if granted, will not alter the essential character of the locality.

Councilmember Fletcher expressed concern about the mass close to the roadway. He noted Planning Commissioner Paeper had expressed the same concern. He stated he thought it has the potential to alter the essential character of the locality. He noted he is not in favor of the motion. He stated he likes the design of the house but thinks it is much too close to Oak Lane.

Councilmember Page stated he went to the site earlier in the day and took a good look at it. From his perspective all of houses in the area of Oak Lane seem kind of tight. Therefore, he does not think what is being proposed will alter the essential character of the neighborhood. He noted he is always concerned

with people coming in and requesting a variance who make no effort to reduce nonconformities. He does not think the applicants made any effort to do that.

Zoning Administrator/Clerk Karpas noted the applicants did pull the second story back from Oak Lane as much as they could on the south side and they did comply with the north side setback. They did not push to the limit of the footprint on the second story. He also noted and that the existing garage is not usable. He stated the applicants did try to design it as one story. He explained that their initial plan had upwards of 40 percent impervious surface and he told them that would not be approved. The applicants did redesign their plan.

Councilmember Quam stated the proposed structure is well within the maximum permitted volume area. He questioned how the house could be called too big. Councilmember Page stated he does not think it is, and noted that most of the houses in the area are two story homes. Mayor Kind stated she thought what is being proposed will fit better in the neighborhood. Quam noted that before his home was fixed it was difficult for visitors to determine where the front door was.

Mayor Kind offered the applicant the opportunity to wait to have Council act on this until its October meeting. She explained if this fails on a 2 to 2 vote it fails.

Councilmember Fletcher noted that Bill Cook was appointed to fill the vacancy on the Council for the remainder of this year, and Mr. Cook had been a Planning Commissioner up until his appointment. Mayor Kind noted that Mr. Cook made the motion to recommend approval of the requests at the Planning Commission meeting.

In response to a question from Councilmember Fletcher, Zoning Administrator/Clerk Karpas stated from his perspective the applicants made a reasonable attempt to limit their encroachments. Karpas then stated they did not encroach farther with the proposed garage addition. They attached to the existing foundation and the garage angles away from Oak Lane. They pulled the second story addition back as much as they could on the south side. After hearing Karpas' comments Councilman Fletcher stated he supported the motion.

Motion passed 4/0.

E. State of Minnesota eCharging/eComplaint Agreements

Mayor Kind explained that the South Lake Minnetonka Police Department (SLMPD) is about to go live with the new eCharging/eComplaint system. The SLMPD has the required documents in place to connect with the system, but also needs each SLMPD member city to approve separate agreements with the State on behalf of their respective prosecutors. The meeting packet contains a copy of the resolution and related documents. The resolution and documents are based on model documents provided by SLMPD Chief Litsey and mirror those adopted by the Excelsior City Council on August 8, 2012. The packet also contains a copy of an email from Chief Litsey explaining why the member cities need to enter into separate agreements and a copy of the November 2011 resolution adopted by the SLMPD Coordinating Committee that was deemed unacceptable by the State of Minnesota.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 21-12, "A Resolution Approving State of Minnesota Joint Powers Agreements with the City of Greenwood on Behalf of its City Attorney and Police Department."

Councilmember Page stated the resolution states "... *and obligates the City to pay the costs for the network connection.*" He asked if those costs are known. Mayor Kind responded she does not know what they are. Page stated he thought it prudent to know what they are. Councilmember Fletcher stated the network connection would typically be provided by the SLMPD because it is a secure network connection to the State. He thought it would be apportioned to the member cities as part of SLMPD operating costs. Page stated he wants to know what the cost is.

Page then stated the resolutions states "*The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.*" He noted that he does not like that language because he did not think it would be appropriate to put the City Clerk in the situation of trying to interpret an amendment or agreement which are copious, ambiguous and difficult to understand. He stated the City has to be given 30 days notice before they make any change. He recommends that language be removed from items 2 and 3 in the resolution.

Without objection from the maker or seconder, the resolution was amended to remove the language stating "*The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State*" in two places. Motion passed 4/0.

F. Hosting Planning and Zoning Workshop

Mayor Kind stated Council expressed interest in exploring the idea of the City hosting a workshop to train Planning Commissioners and elected officials from Greenwood and neighboring cities. Interested citizens would also be welcome. A preliminary cost estimate was prepared and an email was sent to representatives from neighboring cities to gauge interest. Based on feedback it appears that the City would be close to getting the minimum of 18 participants needed to break even. There is enough in the City budget to cover the cost (\$125 per person) for Greenwood planning commissioners, elected officials, and staff. The event is proposed to be held at the Southshore Community Center (SSCC) in Shorewood on Saturday, January 12, 2013, from 9:00 A.M. to 4:00 P.M. and the alternate date would be January 26th. The workshop would be conducted by facilitators from the Government Training Services (GTS). The meeting packet contains a copy of the facilitators' biographies and a copy of a draft of the agenda. This agenda reflects the standard class offered by GTS. She noted if there is a desire to change the agenda, the workshop would cost more. She stated if Council wants to move forward with offering the workshop, the next step is to sign a contract with GTS and the SSCC.

Fletcher moved, Quam seconded, approving the plans for the City to host a Planning and Zoning workshop as proposed and authorizing the Mayor to sign contracts with Government Training Serviced and the Southshore Community Center for a workshop to be held on January 12, 2013. Motion passed 3/0/1 with Page abstaining because he will not be a Councilmember after the December 31, 2012.

Zoning Administrator/Clerk Karpas stated if all of the Planning Commissioners decided to attend the workshop the \$600 training budget would be exceeded. Mayor Kind noted the City has a contingency fund to cover the overage.

Councilmember Page recommended all the Planning Commissioners be encouraged to attend.

Mayor Kind suggested the City pay for Attorney Kelly if he would like to attend it.

Zoning Administrator/Clerk Karpas suggested extending an invitation to Deephaven and Woodland representatives.

A. League of Minnesota Cities Insurance Trust Liability Waiver

Mayor Kind explained the cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust (LMCIT) must decide whether or not to waive the statutory tort liability limits. Historically the City has chosen not to waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

Page moved, Quam seconded, directing Staff to complete the League of Minnesota Cities Insurance Trust (LMCIT) Waiver Form and indicate that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04, and to mail the completed form to the LMCIT. Motion passed 4/0.

B. Lake Minnetonka Communications Commission 2013 Budget

Mayor Kind stated the meeting packet contains a copy of the Lake Minnetonka Communications Commission (LMCC) 2013 Budget and a copy of a cover letter from LMCC Executive Director Koenecke. She explained the LMCC's budget is funded with franchise fees paid by Mediacom cable television subscribers (not by tax dollars). The LMCC needs approval of the majority of the LMCC member cities to proceed with the proposed budget. A copy of the minutes showing Council action regarding the Budget needs to be forwarded to the LMCC for their records.

Councilmember Fletcher, the City's representative to the LMCC and the Chair of the LMCC Budget Committee, noted that if residents subscribe to Mediacom cable television they will see an increase in the PEG (public, education and government) fee. It will go from \$0.85 to \$1.20 a month.

Councilmember Page asked Councilmember Fletcher if he recommends Council approve the budget. Fletcher responded he does.

Page moved, Fletcher seconded, approving the Lake Minnetonka Communications Commission's 2013 Budget as presented and directing Staff to forward a copy of the Greenwood City Council September 5, 2012, meeting minutes to the LMCC. Motion passed 4/0.

C. City Council Input Regarding the Minnehaha Creek Watershed District's Lake Virginia Project and 911 Dispatch Fees

Mayor Kind stated the meeting packet went out with the wrong memorandum in it. The correct memo was sent out by email. She noted the third item on the wrong memo was about the Minnesota Department of Commerce seeking public comment. She clarified it is not seeking public comment at this time.

Kind then stated the Minnehaha Creek Watershed District (MCWD) is seeking public comment regarding the Lake Virginia Regional Infiltration Project. The project will be completed in partnership with the Cities of Chanhassen and Victoria. The total estimated cost is \$47,000 and it will be paid via the MCWD ad valorem tax taxes. Council may wish to weigh in on this topic, given the City already pays a lot of money to the MCWD via ad valorem taxes. During its August 1, 2012, meeting Council authorized her to send a letter regarding the Taft-Legion Regional Volume and Load Reduction Project in Richfield to the MCWD Board of Managers. A copy of that letter is included in the meeting packet. The letter states the City supports that Project only if the cost is covered by the MCWD's existing tax levy.

Councilmember Fletcher stated he does not think there is a need to send a letter for the Infiltration Project. He then stated from his vantage point aquatic invasive species (AIS) is a higher priority for the MCWD.

Mayor Kind asked Councilmember Fletcher if he would rather send a letter to the MCWD saying the City would prefer the MCWD spend money on AIS than on these types of projects. Fletcher stated he would be in favor of doing that or doing nothing.

Councilmember Page stated he prefers to do nothing. Councilmember Quam concurred.

There was Council consensus not to send a letter to the MCWD about the Infiltration Project.

Mayor Kind explained Hennepin County Sheriff Stanek sent her a letter recommending that she attend a Hennepin County Board briefing scheduled for September 13, 2012, at 9:30 A.M. regarding the possibility of the County charging for 911 dispatch services. A copy of Stanek's letter is included in the meeting packet. The City already adopted a resolution and sent a letter authored by her to Hennepin County Commissioner Jan Callison regarding this issue. A copy of that letter dated March 12, 2012 is included in the meeting packet. She stated Council may wish to reiterate the City's position by resending the resolution and letter to the County Board with a cover note stating that City's position has not changed.

Kind noted she really does not want to attend the briefing but if Council thinks it is important that she attend she will.

There was Council consensus to do nothing.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Fletcher: Planning Commission, Lake Minnetonka Communications Commission, Xcel Energy Project, Excelsior Fire District

With regard to the Planning Commission, Councilmember Fletcher stated the Commission has had some discussion about landscaping hardcover versus structure hardcover.

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Fletcher stated the LMCC 2013 budget was discussed earlier in the meeting.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated the recent scoping decision did include having the cost to bury the line that is located in Greenwood. He noted he went to Minnesota Department of Commerce presentation on the Project and he again expressed that Greenwood would like the power line buried from St. Alban's Bay Bridge to Greenwood Circle. He reminded them that Greenwood expressed interest in that before and wanted to know what it would cost to do that.

Mayor Kind thanked Councilmember Fletcher for birddogging that effort and encouraging her to send a letter reiterating the City's request.

Councilmember Fletcher noted the meeting packet contains photographs of the existing 65-foot-high poles and the proposed 80-foot-high poles. It also includes a doctored up photograph of what the view would be like from Lake Minnetonka.

With regard to the Excelsior Fire District, Fletcher stated he had nothing to comment on. Mayor Kind asked Fletcher if he is willing to serve on the EFD Board being he is the alternate until January 2013 when new appointments are made. Fletcher said he would be willing to serve on the EFD Board.

B. Kind: Police, Administration, Mayors Meetings, Website

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated the City received a report on statistics for the deployment of the speed trailer from May 4 to May 11, 2012. The display was on from May 4 to 8 and the 85 percentile speed was 34 miles per hour (mph). The display was off from May 8 to 11 and the 85 percentile speed was 33 mph. She noted that the speed was lower when the display was off. She then stated the SLMPD member City Administrators/Manager met to talk about the draft Uniform Animal Control Ordinance and incorporated changes the various cities wanted in the draft Ordinance. The Ordinance will be sent back to the Coordinating Committee for review and then sent on to each city council for consideration. The goal is to have the same or very similar ordinance for all four SLMPD member cities. She went on to state the PremierOne replacement record management system (RMS) through LOGIS (Local Government Information Systems) the SLMPD had originally selected ran into problems. The SLMPD has now chosen to go with the LETG (Law Enforcement Technology Group) RMS. The Committee met on September 4, 2012, to approve moving forward with LETG. The RMS the SLMPD currently uses has not been supported for awhile. She noted the next Citizens Law Enforcement Academy starts on September 13, 2012, and it will be on Thursday evenings until November 15. She stated she will be participating in the Academy. There are a few openings remaining. She asked people to let her know if they would like to attend and then she will pass that on to the SLMPD. She then noted the Lake Area Emergency Management Group is going to hold two sessions of the required Incident Management Training for elected officials; one in November and one in January. They will be held at the Long Lake Fire Station. Excelsior Fire District (EFD) Chief Gerber is going to conduct the sessions.

Councilmember Fletcher stated he attended the Academy in 2011 and he found it to be very interesting.

With regard to administration, Kind stated the City of Excelsior has done nothing with the St. Alban's Bay Bridge Agreement sent to Excelsior for review. Excelsior Staff has had other priorities to focus on. She then stated 241 forms have been returned so far for the City's Sump Pump Program. Council will receive the official list for its October 2012 meeting and Council can decide how to move forward after that. Zoning Administrator/Clerk Karpas stated to date 109 have not been returned, and only nine people have requested an inspection.

Councilmember Quam encouraged residents to read any mail they receive from the City because it is not junk mail.

Mayor Kind stated the first phase of the sign project has been completed. Councilmember Quam noted no more signs will be replaced in 2012. That will start up again in 2013. Kind stated it is a five-year program, and stated people cannot reserve an old sign. They are available on a first-come first-serve basis.

With regard to mayors meetings, Kind noted she attended a mayors' meeting and main the topic of discussion was about the major turnover of mayors in the South Lake area.

Mayor Kind asked anyone who has history about the City or old photos of it to please send items to her. Her contact information can be found on the City's website.

C. Page: Lake Minnetonka Conservation District

Councilmember Page reported on significant Lake Minnetonka Conservation District (LMCD) activities. The LMCD has been working on the bow fishing ordinance. The ordinance needs to be refined a little. An attempt will be made to get a little more unanimity among the cities around Lake Minnetonka. The Lake Vegetation Management Study is proceeding with a goal of bringing it to the LMCD Board at the end of October 2012.

D. Quam: Roads & Sewer, Minnetonka Community Education

Councilmember Quam stated the City has not received its final bill for the 2012 roadway project. He anticipates the project will run over because of some unexpected things that had to be addressed. The largest of them were the poor base on Curve Street and a new culvert on Greenwood Circle. Each of them cost approximately \$2,000.

With regard to Minnetonka Community Education (MCE), Quam stated MCE Board has not met recently.

10. ADJOURNMENT

Page moved, Fletcher seconded, Adjourning the City Council Regular Meeting of September 5, 2012, at 9:30 P.M. Motion passed 4/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder