

GREENWOOD CITY COUNCIL MEETING
Wednesday, May 1, 2013, 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 Cook, Fletcher, Quam and Roy

Others Present: City Attorney Kelly, City Zoning Administrator/City Clerk Karpas and Engineer Martini (departed the meeting at 8:08 P.M.)

Members Absent: None

Kind moved, Quam seconded, approving the agenda as presented. Motion passed 5/0.

2. CONSENT AGENDA

Mayor Kind reviewed the items on the consent agenda.

Roy moved, Cook seconded, approving the items contained on the Consent Agenda.

- A. April 3, 2013, City Council Meeting Minutes**
- B. April 11, 2013, Local Board of Appeal and Equalization Minutes**
- C. April 11, 2013, Special Meeting Minutes**
- D. April 25, 2013, Local Board of Appeal and Equalization Minutes**
- E. April 25, 2013, Special Meeting Minutes**
- F. March 2103 Cash Summary Report**
- G. April Verifieds, Check Register, Electronic Fund Transfers (This was moved to Item 8.A under Other Business.)**
- H. May 2013 Payroll Register**
- I. Public Access Procedures Per Code Section 125**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

Greg Frankenfield, Shorewood, Minnesota, noted he is in the process of purchasing the Old Log Theater. He stated this evening he wanted to share with Council some of his preliminary plans should his transaction complete. He has been told by Tim Stolz that he has four of the six signatures needed.

Mr. Frankenfield explained his wife's name is Marissa and that he has lived in the area for 25 years. Three of his four children graduated from Minnetonka High School and the fourth is in sixth grade at Minnetonka Middle School West. He is the CEO and co-founder of Magenic a software consulting company. He is not a real estate developer.

Mr. Frankenfield stated the details for the Old Log Theater are still being worked on. The focus has been on getting the sale of the Theater and property to go through. He noted the process has not been easy. He has been working on it for a number of years.

Mr. Frankenfield then stated they want to keep it a place that is for the whole community as it has been for nearly 70 years. They want to keep the comfortable and welcoming ambience with a commitment to the highest quality theater audience. They want local ownership and to keep involvement from the local arts community for the theater. The vision for the Theater is to create a theatrical center for the western suburbs that will perform both modern plays and small scale musicals. They want to keep their current audience to the best that they can. They would like to expand the audience by broadening the genre of plays and involving a larger array of local acting and production talent. They want to upgrade the facility and renovate where necessary to achieve the vision. Although it has not been set in stone, they are thinking they want to run up to four shows a year. They still plan on holding two children's shows a year.

The vision for the restaurant is for it to be better able to support the theater and to be a friendly place for the local community to enjoy. They plan to move to a menu based dinner; a more modern menu reflecting modern diets. They want to keep events such as weddings. The purchase agreement stipulates they will honor the eight weddings that have been booked for the summer. They seek corporate events as well as community events. They intend on continuing to act as the polling place for Greenwood and the meeting place for the rotary. They want to build strong ties to the community through events such as concerts and free shows like the Stolz family has been offering for years.

Councilmember Fletcher stated taking on a theater and a restaurant is quite an undertaking. He asked Mr. Frankenfield if he is sure he wants to take that on. Mr. Frankenfield stated his wife is going to take on the restaurant side and he is planning on having a full-time artistic director. Tim Stolz has been asked to stay on because he knows the theater and general management very well. Jon Stolz may be willing to stay on for a while as well.

Mayor Kind thanked Mr. Frankenfield for coming.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

A. South Lake Minnetonka Police Department Quarterly Update

Mayor Kind noted South Lake Minnetonka Police Department (SLMPD) Deputy Chief Dave Pierson and Patrol Officer Justin Kuipers are present this evening to provide Council with a SLMPD quarterly update.

Deputy Chief Pierson stated Patrol Officer Kuipers joined the SLMPD in June 2010. Kuipers was formerly with the Golden Valley Police Department. He then stated Kuipers has been put in charge of the use-of-force issues. Kuipers goes to school and then trains the rest of the Department. The Department takes use-of-force training very seriously.

Patrol Officer Kuipers stated he has always had an interest in use-of-force and that is why he was asked to be an instructor of it. He went through a 50-hour, week-long course on use-of-force training held at Camp

Ripley. It was taught by a certified use-of-force instructor. After completing the training he was then certified to teach other SLMPD personnel. This year he will attend a more advanced class.

Kuipers explained force is what a police officer uses to arrest or control a situation with someone. If an officer tells a person they are under arrest and have to come with the officer and the person says “no” the officer explains what will happen next. That could involve using verbal commands, OC spray, a Taser, a baton, an officer’s hands or legs, or a gun (a deadly force option). Officers do that for their safety and the person’s safety. He noted the SLMPD officers do not have a lot of use-of-force issues. The type of force used varies by situation. It is not a stepped/tiered program.

Kuipers then explained per State Statutes an officer can use force when making a lawful arrest, in the execution of the legal process (e.g., a search warrant or a warrant for someone’s arrest), or in any other duty imposed by law (e.g., a person has a mental health issue and needs to go to the hospital for an evaluation by a doctor). Force is use to gain control. Officers use the least amount of force possible which is mandated by law. They cannot use force that is beyond reasonable. Reasonable is defined by what another officer would do in a similar situation. Deadly force can be used any time an officer or the public is in fear of great bodily harm or death, or a potentially-dangerous person’s escape.

Kuipers displayed a Taser and explained it sends a voltage through the body and incapacitates the muscles for long enough for an officer to gain control. He noted that he has been tasered three times; two times were voluntary and one was mandatory (it was part of skills training). He explained some officers carry pepper spray; he does not because of how it affects him. If a person is sprayed with OC spray they cannot be tasered because there is a possibility the person could be started on fire. All SLMPD officers have to carry a baton that has a three-pound ball on the end of it. It is used to hit above and below the elbow and in the meat of the leg. If someone is hit hard enough in one leg the other leg gives out. That gives the officer an opportunity to handcuff the person. He doesn’t know of many SLMPD officers that have ever used the baton on a person; he has not. Officers do use them to break windows, etc. All officers carry a firearm. The type varies by preference.

Kuipers noted every SLMPD officer has to go through training on each of the tools every year. That involves handcuffing and the use of the baton, OC spray and Taser. They have to be proficient in those things per State Statute. He needs to keep his training up because new case laws come up about use of force.

Kuipers stated the Taser the SLMPD uses is becoming obsolete. The newer model of Taser will allow an officer to Taser one person and then another person right after that. He then stated in addition to using the use-of-force tools to keep the officer and the general public safe it reduces the liability to a city.

Kuipers cited a situation where he was on a scene where someone tried to hang themselves. The officers on the scene told that person that he needed to go to the hospital but the person did not want to do that. The person was substantially bigger than the officers and decided to put one of the officers in a headlock. If the officers would not have had Tasers available it would have instantly escalated into a deadly use-of-force situation.

Councilmember Quam stated about once a year there is situation in other parts of the state where the police pursue someone at high speed and driver of the vehicle being pursued runs a red light or stop sign and kills someone. He asked what the SLMPD’s policy is regarding chasing a vehicle. How serious does the crime have to be to warrant chasing at a very high speed? Deputy Chief Pierson noted the SLMPD does have a pursuit policy that is mandated by the Minnesota Board of Peace Officer Standards and Training (POST). The policies in the State are close to the same. If a chase becomes too dangerous the

officer has to use common sense. If there is a supervisor on they are responsible for the conduct of the officer. Quam expressed concern that a minor burglar can be turned into a killer during a high-speed chase. Deputy Chief Pierson stated every patrol vehicle has a stop stick in it. The sticks are thrown across the roadway and they deflate vehicle tires. It will slow the vehicle down a lot.

Councilmember Fletcher asked if the SLMPD quarterly activity report for Greenwood (a copy of which is included in the meeting packet) is going to be provided regularly. He noted he likes the report. Deputy Chief Pierson stated it will be provided quarterly. Fletcher stated to him it appears that some of the items listed are duplicate. Pierson stated he is not sure, noting the report is relatively new to him. Mayor Kind stated she did not think there were duplicates listed.

B. City Engineer Dave Martini

a. 2013 Road Project Recommendations and Rough Estimates

Mayor Kind stated each year the conditions of the City's roadways are evaluated by a committee based on a visual inspection, and rough cost estimates are prepared for recommended potential road improvement projects. The evaluation was done on April 10, 2013, by her, Councilmember Quam and Engineer Martini. The meeting packet includes copy of a document describing the potential road projects as well as soft cost estimates for each of the projects. The road project budget for 2013 is \$130,000 for construction and engineering as well as the projects that will be done in conjunction with the Metropolitan Council Environmental Services (MCES) forcemain project. Engineer Martini stated the City's share of the MCES project cost is \$14,245 with \$3,600 being for sewer work so that will come out of the Sewer Fund leaving \$10,645 to be funded out of the road project budget.

Engineer Martini stated the meeting packet contains a map of all of the City's roadways indicating when the last work was done on each roadway and what the work was and a map depicting the current condition of each roadway.

Martini reviewed the recommended potential road projects for 2013.

1. Byron Circle (from Minnetonka Boulevard to the north leg that was resurfaced in 2007) – the recommended improvements include removing the existing bituminous pavement, re-grading and preparing the existing base, 3.5" of new bituminous surface, and turf and driveway restoration as needed. The estimated construction cost for the recommended improvements is \$51,460
2. Covington Street (from Meadville Street to Fairview Street) – the recommended improvements include complete reconstruction of the roadway including drainage improvements. The existing bituminous pavement will be removed and the road will be excavated. A new aggregate base will be constructed along with 3.5" of new bituminous surface. The ditch on the west side of the road will be regarded to improve drainage in the area and allow water to shed from the roadway surface. Turf and driveway restoration will be completed as needed. The design work for this portion of the project will include the collection of topographic survey information so that the needed drainage improvements can be properly designed. The estimated cost for the recommended improvements is \$59,475

Martini stated if there are sufficient funds it's recommended that the City do some preventive maintenance work in the Lodge Lane area or possibly seal coat Sleepy Holly Road and Weeks Road. The last two roads were repaved several years ago and sealcoating them would be a good preventative maintenance practice.

Martini stated the costs for Byron Circle and Covington Street total \$110,935. When the City's cost for the work to be done with the MCES project is added in the total amount comes to \$121,580.

Councilmember Cook asked if any consideration was giving to doing resurfacing the City's half or entire span of the St. Alban's Bay Bridge. Engineer Martini stated the group did not, and noted it could definitely use it. Cook stated from his vantage point now would be the time to do it so there is time to enjoy the improvement prior to the Bridge being replaced. Mayor Kind stated if that were to be done the whole Bridge should be done, not just Greenwood's half.

Engineer Martini stated the City could solicit bids for what resurfacing the Bridge would cost and then that could be considered as an alternate project for consideration. He noted that again the estimates are conservative. He explained if the Bridge surface is taken off it's possible that the condition of what is underneath the surface needs repairs and that could be fairly costly. He suggested the assumption should be the Bridge will not be constructed for 10 years with the hope that it would be done sooner.

Councilmember Quam said the rating of the Bridge for structural integrity was a 51 the last time it was rated. It is supposed to be rated every 3 years but that is not necessarily what happens.

Engineer Martini stated the rating has to be below 50 to be eligible for outside funding.

Councilmember Quam supported getting bids for resurfacing the Bridge.

Councilmember Fletcher asked if there are recommended guidelines for how frequently a road should be seal coated. Engineer Martini explained a lot depends on the condition of the road. The frequency range is 3 – 7 years or longer. But, a lot of factors have to be taken into account such as the condition of the road, the amount of use and the quality of materials used. The purpose of the sealcoat is to protect the road.

Mayor Kind stated the last time Lodge Lane was seal coated was prior to 2004.

Engineer Martini stated the cracks in the surface of Lodge Lane are getting bigger. There is also a lot of settling near the catch basins and storm sewer structure. He then stated a few years ago the estimate for Lodge Lane was \$75,880 to make all of the improvements that should be made. It was an extensive scope of work.

Councilmember Quam stated after the Byron Circle and Covington improvements are done all of the City's roadways should be at least average. He did not think there would be any major projects in 2014.

Councilmember Fletcher asked if it may be better to do some preventative maintenance this year and leave Covington Street repairs for 2014. Then maybe some of Fairview Street could be done in 2014 also. By doing that it may be possible to get a better combined bid than if the two were done separately.

Engineer Martini stated Covington Street is in pretty bad condition now. He then stated doing the preventative maintenance on the Lodge Lane area would keep it in reasonable shape. He noted Byron Circle is beyond preventative maintenance.

Mayor Kind stated she thought for sure Byron Circle should be done this year. She noted the approximate \$59,000 for Covington Circle is not enough to make all the improvements to the Lodge Lane area.

Councilmember Fletcher stated the Lodge Lane project scope could be downsized, while still significantly extending the life of the roadway, to a project cost of \$50,000 – \$55,000.

Councilmember Quam asked if there is something that could be done to Covington Street that would mitigate the water issues in the spring. Engineer Martini responded that some grading could be done alongside of the road. Councilmember Cook stated he does not think grading will do much good.

Councilmember Fletcher stated from his vantage point Covington Street and Fairview Street would be logical to do in 2014 and preventative maintenance could be done in 2013 along with Byron Circle improvements. Mayor Kind and Councilmember Quam agreed.

Fletcher moved, Cook seconded, directing the City Engineer to secure bids for the recommended roadway improvements to Byron Circle, minimal repair and sealcoating of Lodge Lane, and an alternate bid for resurfacing of the St. Alban's Bay Bridge. Motion passed 5/0.

b. Excelsior Boulevard Petition 2 Area Presentation

Mayor Kind explained the City received a second petition dated March 15, 2013, from the owners of the properties located between 21150 and 21030 Excelsior Boulevard (the Petition 2 Area) requesting watermain be extended to their properties as part of the upcoming Metropolitan Council Environmental Services (MCES) sanitary sewer forcemain project. As a result of the petition Council ordered a feasibility report prepared by the City Engineer. The next step in the process is for Council to hold a public hearing during this meeting.

Engineer Martini stated the watermain currently extends from the City of Excelsior to about 300 feet west of Christmas Lake Road.

Martini provided background on the project. Metropolitan Council Environmental Services (MCES) is proposing improvements to its sewer system. MCES' plan is to construct a second 24-inch force main under Excelsior Boulevard. As part of that project Excelsior Boulevard will need to be torn up and reconstructed. The current schedule for the forcemain project is 2013 and 2014 for construction; the Greenwood portion is scheduled for 2013. There were Greenwood property owners who thought it would be the appropriate time to ask for an extension of the City of Excelsior's watermain.

Councilmember Cook noted that MCES has received bids for its project including the extension of watermain in the Petition 1 Area. He also noted that all of the bids were under the engineering estimates.

Engineer Martini explained the proposed watermain extension for the Petition 2 area is from 21150 to 21030 Excelsior Boulevard as requested in the second petition. The size of the proposed watermain is 8-inch diameter. Excelsior plans to pay the incremental cost to upsize the pipe to 12-inch diameter to Christmas Lake Road for a future interconnection with the City of Shorewood. The watermain construction would include the installation of fire hydrants along the route. Service stubs will be constructed to the edge of the right of way. Residential service stubs are proposed to vary between 1 inch and 1.5 inches depending on the length of the service to the individual property.

The proposed reconstructed roadway will be approximately 26 feet wide with concrete curb and gutter on both sides. The existing bituminous walkway on the south side will be reconstructed to 6-8 foot wide. Typically, about 10 feet of the driveways will be reconstructed to provide transition between the newly constructed road surface and existing driveway. Disturbed boulevards will be restored.

The total estimated project cost to Greenwood for the watermain extension for the Petition 2 area is \$65,490.84. The estimate includes construction costs and soft costs. Construction costs consist of the

watermain extension, the service stubs to all lots fronting the watermain, and fire hydrants. Soft costs include things such as project engineering, administrative, legal, fiscal and miscellaneous costs.

City costs are proposed to be funded by special assessments to the benefitting properties. The Petition 2 assessment area consists of 6 single-family residential parcels. The proposed assessment is by unit; it assesses like parcels the same amount. The existing service reconstruction, street reconstruction, driveway restoration, and boulevard restoration costs will be funded by MCES.

Based on the proposed assessment method and the estimated project costs for the residential parcels will be \$10,915 for each of the six residential parcels. Each parcel within the assessment area will be assessed this cost regardless if it connects to the watermain.

Each property receiving water service from the watermain extension will incur other expenses at the time of connection. They include, but are not limited to, the City of Excelsior's \$2,000 connection charge and a meter cost of \$328.46 plus tax. Those costs are subject to change in the future. In addition the property owner will have to hire a contractor to extend the service from the service stub to the house and to make the connection inside the house. The property owner will also pay usage rates and fees after connection.

In response to a question from Councilmember Fletcher, Zoning Administrator/Clerk Karpas stated the owner of the property located at 21080 is on board with the extension.

C. Spring Clean-up Day, Saturday, May 4, 2013

Mayor Kind noted the City's spring clean-up day will be held on May 4. Residents are asked to have their items out at curbside by 7:00 A.M.

D. Annual Joint Work Session of the City Council & Planning Commission

Mayor Kind noted the annual joint work session of the City Council and Planning Commission is scheduled for May 15, 2013, immediately following the Commission's meeting. The meeting will be held at Jake O'Connor's in Excelsior.

E. Xcel Energy Scott County-Westgate 69 kV to 115 kV Transmission Upgrade Project Public Utilities Commission Public Hearing May 16, 2013, Chanhassen Recreation Center

Mayor Kind noted the Public Utilities Commission has scheduled a public hearing about the Xcel Energy Scott County-Westgate 69 kV to 115 kV Transmission Upgrade Project for May 16, 2013, 1:30-4:30 P.M. and 6:00-9:00 P.M. at the Chanhassen Recreation Center.

Councilmember Fletcher stated he met with some residents on April 29 who are going to try and get people to go to the public hearing. He commented that it is important for there to be good turnout at the meeting by Greenwood residents.

5. PUBLIC HEARING

A. Public Hearing Excelsior Boulevard Watermain Project Petition Area 2 (properties between 21150 & 21030 Excelsior Boulevard)

Quam moved, Cook seconded, opening the public hearing at 8:02 P.M. Motion passed 5/0.

Michael Quackenboss, 21030 Excelsior Boulevard, noted that most of the questions he had were answered by Engineer Martini during his presentation. He asked if there are any requirements from the City of Excelsior that the property owners in the Petition 2 Area cap their wells.

Councilmember Fletcher stated in the extension agreement property owners have to connect to municipal water within ten years of the extension being done.

Mayor Kind explained that after a property owner hooks up to municipal water they can continue to use their well water for things outside of the house such as washing a car and watering their lawn.

Roy moved, Cook seconded, closing the Public Hearing at 8:04 P.M. Motion passed 5/0.

6. UNFINISHED BUSINESS

A. Next Steps Regarding Excelsior Boulevard Watermain Project

Mayor Kind explained the next step in the Excelsior watermain extension project for the Petition 2 Area is for Council to adopt a resolution ordering the improvement and preparation of plans for the Petition 2 area. When the meeting packet was sent out the Excelsior-Greenwood Water Expansion Agreement and the Excelsior-Greenwood Municipal Water Service Agreement had not been finalized. The Excelsior Council will take final action on the Agreements during its May 6 meeting. She noted she has no indication the Excelsior Council will not approve them.

Kind asked Council how it would like to proceed. Does it want to approve Resolution 14-13 ordering the improvement and preparation of plans? Or, does Council want to hold off until the Agreements have been signed?

In response to a question from Attorney Kelly, Mayor Kind stated the ordering the improvement and preparation of plans for the Petition 1 area already has been done.

Cook moved, Fletcher seconded, Adopting RESOLUTION NO. 14-13, “A Resolution Ordering Improvement and Preparation of Plans for the Installation of Watermain from 21150 Excelsior Boulevard to 21030 Excelsior” subject to the City of Excelsior approving the Excelsior-Greenwood Water Expansion Agreement and the Excelsior-Greenwood Municipal Water Service Agreement and item 4 in the resolution being clarified to say the city of Excelsior. Motion passed 5/0.

Mayor Kind stated the next step for Greenwood is to make a go / no-go decision.

Engineer Martini departed the meeting at 8:08 P.M.

B. Second Readings: Ordinance 216, Amending Zoning Code Chapter 11, Residential Uses; Ordinance 217 Home Occupations, Amending Code Chapters 4 and 12; and, Ordinance 218, Amending Penal Code Chapter 9 to Add Prohibited Uses of Residential Properties

Mayor Kind stated this is the second readings of: Ordinance 216, Amending Zoning Code Chapter 11, Residential Uses; Ordinance 217 Home Occupations, Amending Code Chapters 4 and 12; and, Ordinance 218, Amending Penal Code Chapter 9 to Add Prohibited Uses of Residential Properties.

Kind explained that during the April 25, 2013, special Planning Commission meeting a public hearing was held regarding Ordinance 216. During that meeting the Commission recommended approval of the Ordinance. During Council's April 25, 2013, special meeting Council approved the first reading of the Ordinance with changes as shown in the copy of the Ordinance provided to Council on April 25. Since that meeting Attorney Kelly suggested new language and a copy of the modified Ordinances were found at the dais this evening. She asked Kelly to walk Council through his changes.

Attorney Kelly explained that in Ordinance 216 it adds definitions to Section 1102 for in the definitions of event center, lake recreation center and marina. Since the first reading of the Ordinance he deleted "*in exchange for valuable consideration*" because he thought it was superfluous. In event center he also deleted "*provided that the use of a single-family home by the property owner or, if leased, by a leasehold tenant with leasehold possessory rights of not less than 30 days for private family gatherings, or an occasional party host to specific invitees are excepted*" in order to narrow the definition down. Section 7 of the Ordinance includes leasehold term minimums.

The home occupation definition in Code Section 1102 was changed to read "*Home Occupation means a business, business office, and/or business related support services housed, located, operated, or conducted from in or about a residence carried on by individuals residing therein as regulated by section 480.*" The deleted language "*Home occupations must be incidental and secondary to the primary residential use of the dwelling and may not adversely impact or change the residential appearance and character thereof*" was added to Section 480.15(B) in Ordinance 217. The intent of the deleted language "*The zoning administrator shall have authority to review and approve or disapprove home occupations*" was incorporated into the new Section 1180.10 Zoning Administrator Enforcement Authority.

In Code Section 1102 the definition of hotel/motel was changed to read "*Hotel, Motel means any building or portion of a building where residential use, or occupancy, or sleeping accommodations is offered to persons for short-term or transient use in exchange for compensation on a per-use, per-day, per-week, or less than a per-month basis.*" The language "*A residential property that is rented for 30 days or more is not considered to be a "Hotel / Motel" provided that there is a written lease to a specific tenant(s), without right of sub-letting or assignment*" was deleted.

Code Section 1140.05 Subd. 2 Prohibited Uses, All Districts continues to read "*No property or lot of record may be put to a use or employed for a use or purpose other than those specifically enumerated as permitted uses, accessory uses, or conditional uses under the applicable respective zoning code regulations for the district host to such property or lot.*" That is the law in the State of Minnesota. Subd. 3 Specifically Prohibited Uses and Activities in Residential Districts was changed to read "*No property or lot of record zoned residential (R-1A, R-1B, or R-2) may be employed for used for or as (1) a "Hotel, Motel," (2) an "Event Center," (3) a "Marina," or (4) a "Lake Recreation Center."*"

Mayor Kind stated she had proposed adding an exception in Subd. 3 which read "*Exception. The property known as the Old Log Theater may continue to be used as an event center.*" Attorney Kelly stated it is not appropriate to reference a particular property in the City Code.

Attorney Kelly explained the Old Log Theater property started as a special use permit and about 15 years ago it was considered as a conditional use which is the more modern term. He noted that Zoning Administrator/Clerk Karpas has informed him that a copy of the special use permit cannot be found. He also noted the owners of the property did not have to apply for a conditional use permit because the uses were grandfathered in. He explained the property is a legal use and can continue in the use that it is. Whether it should be expandable is a matter for discussion going forward. He stated the changes he is

proposing would not prohibit the Old Log Theater from continuing to be used as an event center for things such as weddings. Going forward good communication about the Old Log Theater property owner's needs and the City's needs for that residential area will be beneficial in creating a good plan. He commented there are no known event centers in the City other than the Old Log Theater.

In Section 1140.05 Subd. 4 Leasehold Term Minimums he added the following language "... *nor may such properties be leased to more than two (2) tenant occupant groups in any one four (4) month period.*"

In Section 8 of Ordinance 216 a new subsection was added. Section 1180.10 Zoning Administrator Enforcement Authority reads "*The zoning administrator shall have authority to make determinations that specific uses are prohibited or are or would be in violation of applicable code. In the case of home occupations, the zoning administrator may make determinations that a specific home occupation adversely impacts or changes the character of a residential area and is therefore barred by code. The zoning administrator may issue and serve written demands that uses in violation of code cease and may issue civil citations as provided under chapter 12 for zoning code and underlying municipal code violations.*"

Councilmember Fletcher stated Ordinance 216 does not have theater as a conditional use. He asked what would happen if the owner of the Old Log Theater wants to make a minor expansion to the Theater building if Theater is no longer a listed as a conditional use. He observed that the Theater is grandfathered in for its current configuration, but wondered if a small five-foot expansion would be allowed under the "grandfathered" status.

Attorney Kelly explained that by eliminating theater as a conditional use, even a small building expansion would not be allowed. The City has no record of the special use permit or a conditional use permit for the Theater. There is habit and course of conduct which are defined by the building footprint. When it gets to the question of what it becomes is a matter of balancing public health, safety and wellness. He stated it is in the City's common interest that the Old Log Theater's legacy continues. The community recognizes that it is a unique site. It has a legacy people admire and it puts the City on the map. The City has been accommodating to the Theater and the Stolz family and the Stolz family has been accommodating to the City.

Councilmember Fletcher asked if the Old Log Theater property is big enough to have a zoning district (e.g., R-1C) applicable to it only. Attorney Kelly stated it is. Fletcher suggested consideration be given to creating an R-1C Zoning District that basically has similar residential zoning to what the City already has in the R-1A district and would allow the conditional uses of theater, restaurant, and event center. The current Theater property would be rezoned to that. Attorney Kelly stated that would be a fine concept to explore, noting it needs to be explored through the Planning Commission.

Attorney Kelly explained that by having the Planning Commission explore the concept of a R-1C Zoning district it will identify specific conditions to discuss, define and impose on the operation of a theater/restaurant either exactly as the City has always known it or as it may need to morph going forward. If theater is left as a conditional use in the R-1A Zoning District the only thing the City can do is impose what it thinks it can justify that is in the best interest of public health, safety and welfare. Attorney Kelly recommends that the City and the Theater operator each need to define what they need and they need to reach an agreement that is acceptable.

Councilmember Fletcher stated he thinks there have to be changes made to the Old Log Theater to be viable in the long run. There needs to be flexibility in the City Code to work with the operators of the Old Log Theater to allow them to do things that make sense. He expressed concern that some changes to the

Code may not allow the City to allow things that make sense. He stated having the Planning Commission explore the concept of an R-1C Zoning District seems reasonable.

Mayor Kind stated she would support the Planning Commission exploring the concept of an R-1C Zoning District.

Councilmember Cook stated he understood Councilmember Fletcher to say the way the City Code is currently written it would not allow the owners of the Old Log Theater to ask for a variance to do something. He asked someone to explain why they could not ask for a variance. Mayor Kind explained because Theater, Restaurant, and Event Center are not listed as permitted or conditional uses for the zoning district where the Old Log is located, the property owner would not be allowed to seek a variance.

Zoning Administrator/Clerk Karpas stated legal nonconforming uses are allowed to operate as is. They cannot be expanded. He explained that taking Theater out as a conditional use gives the Planning Commission and City time to identify more specific conditions for that type of use.

Councilmember Fletcher stated the City allowed the Old Log Theater to operate as a conditional use for many years. There is a legitimate buyer for the property and Theater. He questioned why there is an emergency need to quickly remove Theater as a conditional use now.

In response to a question from Councilmember Roy, Attorney Kelly explained conditional use would be the appropriate way to go with a Theater use. He noted that a year and a half ago the Council discussed rezoning the Old Log Theater property to a new zoning district.

Mayor Kind clarified that the Council at that time wanted a potential new owner of the property to request it be rezoned. It did not want to spend City money on researching rezoning without such a request. She noted the prospective new owner has not made such a request.

Councilmember Fletcher noted that discussion was about a proposal for a major change in the use of the property. He stated if an R-1C Zoning District is created with the same single-family regulations as the R1-A Zoning district and with Event Center, Restaurant and Theater allowed as conditional uses, then the Theater conditional use can be taken out of the R-1A district zoning regulations.

Mayor Kind reiterated she likes the idea of creating a new zoning district for the Old Log Theater property. Councilmember Cook expressed his support for rezoning the Old Log Theater property to a new zoning district for that property alone.

Councilmember Fletcher stated he had previously asked about requiring people to let the City know when they had rented out their property. He noted Council had found a copy of a memorandum from Attorney Kelly titled Registration of Landlord and Tenants at the dais this evening which addresses that. He asked Kelly if the gist of his response was to basically ignore doing that. Kelly stated he thought that would be overreaching and it would create issues for the City.

Cook moved, Roy seconded, Approving ORDINANCE NO., 216, “An Ordinance of the City of Greenwood, Minnesota, Amending Greenwood Ordinance Code Chapter 11 Regarding Uses in Residential Districts.” Motion passed 5/0.

Mayor Kind asked Attorney Kelly to review his recommended changes to Ordinance 217 Home Occupations amending Code Chapters 4 and 12.

Attorney Kelly explained in Ordinance 217 he added definitions to Section 1205. They include event center, home occupation, hotel/motel, lake recreation center and marina. The definitions are consistent with the same definitions in Chapter 11. He changed Section 480.15(B) Home Occupations General Regulations to read "*Home occupations must be incidental and secondary to the primary residential use of the dwelling and may not adversely impact or change the residential appearance and character thereof.*" In Section 480.15(K) he inserted "*, nor shall a residential dwelling be used exclusively for business purposes*" at the end of the sentence. He changed Section 480.15(M) to read "*No home occupation may offer, gift or serve intoxicating or non-intoxicating alcoholic beverages to guests, invitees, potential or actual customers or clients, nor serve same at social or sale events.*" It had read "*No home occupation may offer, gift or serve intoxicating or non-intoxicating alcoholic beverages to potential or actual customers or clients, nor serve same at social / sale events.*" Section 480.30 Zoning Administrator Authority was added and it reads "*The zoning administrator shall have authority under section 1180 to enforce this code section and may make determinations that specific home occupations adversely impact or change the character of a residential area in violation of this code. The zoning administrator may issue demands that uses in violation of code cease and may issue civil citations as provided under chapter 12 for violations of this code section.*"

Cook moved, Quam seconded, Approving ORDINANCE NO. 217, "An Ordinance of the City of Greenwood, Minnesota, Amending Greenwood Ordinance Code Chapter 4 Permits & Licenses to Add Section 480 Home Occupations and Adding Related Definitions to Chapter 12."

Councilmember Fletcher stated the current Ordinance has its own language regarding parking and storing vehicles. That language is different than what is stated in Ordinance 217.

Attorney Kelly explained that Section 1140.45 Subd. 13 addresses storage of regulated motor vehicles in residential districts. The intent was to avoid commercial vehicles being introduced into residential areas. It was to address an issue about 15-20 years ago where a property was host to a charter boat. The Code was modified to address commercial boats and commercial vehicles. He then explained Section 480.15(C) reads "*No residence host to a home occupation shall be used to store vehicles associated with the home occupation unless kept and stored wholly within a garage upon the premises.*" The City is not prohibiting the vehicle from being there; it just wants it contained.

Councilmember Fletcher asked if store and parked are two different things. Attorney Kelly stated they might be interpreted to be somewhat different; parking sounds temporary and storage sounds longer term.

Zoning Administrator/Clerk Karpas stated if a person is driving their work vehicle home and then back to work the City won't make an issue of that.

Councilmember Fletcher asked if the existing Ordinance is working well when it comes to what people can store and keep on the property. He then asked if the existing Ordinance could just be referenced in Section 480 Home Occupations.

Attorney Kelly stated Section 1145.45 Subd. 13 is based on gross vehicle weight. Section 480.15 is related to the vehicles used in conjunction with the home occupation.

Councilmember Fletcher asked if the impact is any different if people see a regular vehicle parked on a residential property or if they see a home occupation vehicle. Councilmember Quam stated he thought a truck with a lot of graphics or the company name on it has a different visual impact than a personal van. Fletcher stated if a truck with graphics on it is driven to and from work it is not a home occupation

vehicle and therefore would not be covered by Ordinance Section 480.15. Yet a van could be used for the home occupation and it would be covered.

Zoning Administrator/Clerk Karpas stated he would prefer to keep Section 480.15(C) rather than referring people to Section 1140.15 Subd. 13.

Motion passed 4/1 with Fletcher dissenting.

Attorney Kelly stated in Ordinance 218 he removed the specific reference to the Old Log Theater property in the penal code. The reason for that was discussed during the discussion of Ordinance 216.

Mayor Kind noted the Old Log Theater is grandfathered as an event center.

Greg Frankenfield, Shorewood, Minnesota, (the prospective new owner of the Old Log Theater and property) stated the Old Log Theater has been in operation for many years and the current ordinances have been in place for years. He asked why they are being changed now.

Mayor Kind stated the three ordinances came about different reasons. It started out as just the home occupation ordinance. Then the City found out a residential property in the City was being marketed as vacation rental/event center. That is why the various definitions were added to the Code. When going through the Zoning Code she realized the Old Log Theater is an event center so she thought there needed to be an exception for that.

Mr. Frankenfield asked how many readings on an ordinance amendment there are. Mayor Kind responded that there are two readings and explained the amendments will go into effect once they are published on May 9 in the Sun-Sailor.

Councilmember Fletcher stated a neighbor of a particular property came before the Council and complained that the property next to him that was recently purchased was being marketed as a short-term rental property and an event center. That was what drove a large part of the amendments. The event center thing is not being driven by the Old Log Theater. He then stated that by rezoning the Old Log Theater property and allowing conditional uses on it keeps things simpler for that property.

Mr. Frankenfield stated earlier this evening there was discussion about a special use which is now called conditional use and that a conditional use cannot be expanded. He asked what the definition of expanded is. Attorney Kelly clarified there is expansion in use and expansion in size. Mr. Frankenfield a show that drew a larger audience would be an expanded use. There was Council consensus that larger audiences would not be considered an "expanded use." Councilmember Quam stated he thought Mr. Frankenfield will find the current Council to be very helpful.

Quam moved, Fletcher seconded, Approving ORDINANCE NO. 218, "An Ordinance of the City of Greenwood, Minnesota, Amending Greenwood Ordinance Code Chapter 9, Nuisances and Penal Regulations, by the Addition of Section 910.70 Prohibited Use of Residential Property." Motion passed 5/0.

C. Revised Report of Past Variances Granted for Possible Code Revisions

Mayor Kind noted that the meeting packet did not contain information about this item. The information was found at the dais this evening.

Fletcher moved, Quam seconded, continuing this item until the June 5, 2013, Council meeting. Motion passed 5/0.

D. Second Reading: Ordinance 215 Regarding Building Volume Regulations

Councilmember Fletcher stated he understands that if Ordinance 215 is not acted upon this evening the time limit for it will expire and the Council will have to start over with another first reading of the Ordinance. He suggested Council table this item until after it discusses Item 8.D Report of Past Variances Granted for Possible Code Revisions during its June meeting.

Mayor Kind asked if the Council wanted to approve the second reading of Ordinance 215. She noted the Planning Commission recommended approval of it.

Zoning Administrator/Clerk Karpas stated he likes this Ordinance. He then stated through the last few variances regarding volume it has been shown that the volume calculations for the smaller lots is very low. He noted the Planning Commissioners involved with this Ordinance were very supportive on increasing the volume for the smaller lots. They do not think it would be detrimental to the neighborhoods; Commissioner Beal in particular.

Councilmember Fletcher asked how many lots there have been problems on. Zoning Administrator/Clerk Karpas stated the Fisher property and there is currently a volume variance request for a property on Greenwood Circle. He noted the house size is small.

Cook moved, Roy seconded, Approving ORDINANCE NO. 215, “An Ordinance of the City of Greenwood, Minnesota, Amending Greenwood Ordinance Zoning Code Section 1140.18 Regarding Building Volume.” Motion passed 5/0.

E. Lake Improvement District Concept

Mayor Kind explained that during Council’s April 3, 2013, meeting Council appointed Councilmembers Fletcher and Roy to a Lake Improvement District (LID) subcommittee to manage aquatic invasive species (AIS) in St. Alban’s Bay. She stated the subcommittee will report on their observations and recommendations this evening.

Councilmember Fletcher stated they met with Gabriel Jabbour, an owner of a marina on Lake Minnetonka. They are working on contacting the City’s representative on the Hennepin County Board of Commissioners and representatives from the Minnesota Department of Natural Resources (MN DNR). They would like examples of what the MN DNR considers to be good LIDs. Those examples could be used as a model when talking to residents about the concept.

Mayor Kind questioned if it is appropriate for Council to take the lead on this. She stated that reports at Council meetings can create the impression that this is a City-driven concept. She stated that it should be a resident/property owner driven effort. She clarified the Council does not approve this or have any say in it.

Councilmember Roy stated that is where the discussion went during the meeting with Mr. Jabbour. The subcommittee believes it is prudent to be as knowledgeable as possible before talking to the City’s residents about this concept. Once the knowledge is obtained the next step would be to talk to the residents.

Councilmember Quam suggested taking baby steps.

Mayor Kind expressed discomfort with the current subcommittee reporting back to Council, noting Council has no say in it. Councilmember Roy stated he does think Council has some say. Kind stated that residents and owners of properties that have lake rights to St. Alban's Bay would not be petitioning the City to set up a LID. Kind noted the City does not have any jurisdiction in this.

Councilmember Fletcher stated the treatment of Eurasian Watermilfoil (milfoil) was not within the City's jurisdiction either, yet Council has been updated on that effort on a regular basis. He then stated the subcommittee would not be asking for anything from the Council; it would just give Council an update. Councilmember Quam cautioned against doing that at every meeting. Mayor Kind suggested updates be given under Council reports.

7. NEW BUSINESS

A. Certificate of Appreciation Recognizing Former Planning Commissioner Lisa Christian

Mayor Kind stated the meeting packet contains a copy of a Certificate of Appreciation recognizing former Planning Commissioner Lisa Christian.

The Certificate read as follows:

“Certificate of Appreciation

WHEREAS, Lisa Christian served as a member of the Greenwood planning commission from June 2012 through March 2013; and

WHEREAS, during her term Commissioner Christian gave her time and served her community,

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota, on behalf of the residents of Greenwood does present this certificate of appreciation to:

LISA CHRISTIAN”

Roy moved, Cook seconded, approving the Certificate of Appreciation for former Planning Commissioner Lisa Christian.” Motion passed 5/0.

Councilmember Roy noted that Ms. Christian was a great help to him during the process of soliciting donations for the treatment for Eurasian Watermilfoil in St. Alban's Bay.

Mayor Kind recessed the meeting at 8:56 P.M.

Mayor Kind reconvened the meeting at 9:05 P.M.

B. First Reading: Ordinance 219 Amending Code Section 320 to Establish Minimum Rental Lease Term for Residential Properties

Mayor Kind stated this is the first reading of Ordinance 219 to amend Code Section 320 to establish minimum rental lease term for residential properties. She recommended changing "*Subd 7. Lease Term. The minimum initial lease term for a residential rental property shall be 30 days. License holders shall provide leaseholder name and contact information to the city clerk in writing prior to the commencement of each new lease.*" to "*Subd 7. Lease Term. The minimum initial lease term for a residential rental property shall be 30 days.*"

Councilmember Fletcher noted that he agrees with Mayor Kind's recommendation. He suggested changing the minimum initial lease term for residential properties to mirror the clause in Section 1140.05 Dwelling / Lot – Prohibited Uses which in Subd. 5 states "...nor may such properties be leased to more than 2 tenant occupant groups in any one 4-month period." That would make the two ordinances consistent.

Councilmember Cook asked what problem this Ordinance is trying to fix. Mayor Kind explained that Councilmember Fletcher requested that minimal least term be included in the City's Rental Code.

Mayor Kind stated the title of Section 320 is being changed to Rental Properties from Multiple Dwellings.

Cook moved, Quam seconded, approving the first reading of Ordinance 219, amending Ordinance Code Section 320 subject to changing "*Subd 7. Lease Term. The minimum initial lease term for a residential rental property shall be 30 days. License holders shall provide leaseholder name and contact information to the city clerk in writing prior to the commencement of each new lease.*" to "*Subd 7. Lease Term. In no event shall a residential rental property leasehold or sub-leasehold be for an initial term of less than 30 days, nor may such properties be leased to more than 2 tenant occupant groups in any one 4-month period.*" Motion passed 5/0.

C. Possible Moratorium to Review the R-1A Zoning District

Mayor Kind stated that Attorney Kelly requested the topic of a possible moratorium to review the R-1A Zoning District be placed on the agenda for discussion. She noted the meeting packet contains a copy of a memorandum from Kelly on it.

Attorney Kelly stated the information he provided supplements what was discussed earlier regarding conditional uses. He explained a moratorium is planning tool State Statute allows. A moratorium is presumed to be predicated on having decided to do a study and develop a plan to regulate any particular zone with and what the specifics should be. If the City decides that it wants to start a review process of the City's Comprehensive Plan or the appropriate zoning regulation in any particular area it does not require a public hearing. It could be adopted on a first and second reading of the ordinance without a referral to the Planning Commission. It would be predicated at that time on a referral to the Commission of what the proper zoning would be for the R-1A district and perhaps rezoning the Old Log Theater property into its own zone carrying forward the ideas Mayor Kind and Councilmember Fletcher articulated earlier this evening.

Mayor Kind stated she did not think a moratorium would be needed to rezone the Old Log Theater property. Attorney Kelly clarified Council could direct the Planning Commission to start that process now. Kelly explained the moratorium would keep the City from issuing any building permits to do something in the R-1A district except by a variance justifying why that property is not in the area the City is worried about. It gives the City the opportunity to say it is studying an area for up to twelve months; there is the option to extend it six months.

Mayor Kind stated it's her understanding that Mr. Frankenfield, who hopes to be the new owner of the Old Log Theater and property, wants to remodel the Old Log Theater. If the City approved a moratorium he would not be able to do that. Councilmember Fletcher asked why the City would not want him to improve the Theater right now. Kind expressed concern that a moratorium would halt all building permits in the entire R-1A district.

Mayor Kind recommended sending the concept of rezoning the Old Log Theater property to a unique zone to the Planning Commission.

Fletcher moved, Kind seconded, directing the Planning Commission to investigate the rezoning of the property currently occupied by the Old Log Theater.

Mayor Kind stated she thought that would accomplish the same thing without a moratorium. She expressed concern about putting a hold on issuing building permits for things in the R1-A district noting that is a very large district. Attorney Kelly clarified exceptions could be granted but that would have to be done through a variance process. Kind noted the variance process could take 120 days.

Councilmember Fletcher stated that typically a city uses a moratorium when a developer wants to do something that riles the residents. He asked what people are concerned about with the Old Log Theater and property. What is the issue?

Councilmember Quam asked what if the potential new owner sells the property and a new owner wants to do something different.

Zoning Administrator/Clerk Karpas explained it is a legal nonconforming use that can't be expanded.

Councilmember Fletcher noted the City could not grant a variance to expand the Old Log Theater based on the Ordinances approved under Item 6.B on the agenda. He stated he would like the discussion about rezoning to get started sooner versus later.

Attorney Kelly noted that it was his responsibility to let Council know a moratorium is an available tool.

Greg Frankenfield, Shorewood, Minnesota, (the prospective new owner of the Old Log Theater and property) stated the roof on the Theater leaks. He asked if he needs a building permit to repair the roof. The response was he does. He asked if a moratorium would stop him from being able to fix the roof.

Attorney Kelly stated if the Council approved a moratorium he still would be able to repair a roof. He then stated moratoriums are a planning tool cities use when they need time to study things for the benefit of the public interest. He noted that has been accomplished by taking theater off the R-1A list of conditional uses.

Mayor Kind noted the R-1A district never had restaurant or event center listed as uses. She explained the Planning Commission will be asked to discuss an R-1C district that mirrors the R-1A district and adds theater, restaurant, and event center as conditional uses. The Old Log Theater property would be rezoned to that new district.

Councilmember Quam stated he thought doing that would be to Mr. Frankenfield's advantage.

Mr. Frankenfield stated he would like to work with Council and the Planning Commission on that. But, in the meantime the facility needs some repair.

Motion passed 5/0.

Mayor Kind stated this will be on the May 15, 2013, Planning Commission agenda for discussion.

D. Excelsior Park and Dock Patrol Proposal

Mayor Kind stated this is a routine request from the City of Excelsior for the South Lake Minnetonka Police Department to provide park and dock patrol services. Excelsior pays for all the services.

Quam moved, Cook seconded, approving the South Lake Minnetonka Police Department providing Park and Dock Patrol Services for the City of Excelsior in 2013 as mutually agreed upon by both parties. Motion passed 5/0.

E. Potential City Council Input Regarding the Minnehaha Creek Watershed District's Proposed Aquatic Invasive Species Program and Total Maximum Daily Load Distribution Policy

Mayor Kind stated the Minnehaha Creek Watershed District (MCWD) is seeking feedback on a draft amendment to its Comprehensive Water Resource Management Plan for aquatic invasive species (AIS) management and prevention. It also is seeking feedback on its draft Board Policy for the distribution of pollution reduction credit from MCWD projects for the purpose of TMDL (total maximum daily load) reporting. She noted the AIS amendment is now considered a minor amendment so the process is slightly different.

Councilmember Quam stated he has not given a lot of thought to the AIS minor amendment.

Councilmember Roy stated he likes the MCWD's commitment to working with partners. He then stated he would like the MCWD to say they will take charge of prevention rather than having a number of government agencies doing that. That would help in getting people going in the same direction and doing the same thing. Mayor Kind asked Roy if he intentionally chose the word prevention to which he responded yes.

Mayor Kind stated it appears the MCWD's focus is on prevention. She asked about management.

Councilmember Roy stated in other discussions the idea of providing the Lake Minnetonka Conservation District (LMCD) with another cleaning station came up. That was not in the budget. He then stated the LMCD will be doing level one AIS inspections; an eyeball type of inspection. He went on to state from his perspective the LMCD would be better off being out of that business. He noted there are lakes in the MCWD that don't having any prevention process in place. It would be best if for all of the launches there would be the same equipment and processes in place. He stated there needs to be pre-launch equipment and equipment for cleaning a boat when it comes out of an infested lake.

In response to a comment from Councilmember Quam, Councilmember Roy stated the MCWD may be striving to manage this but he is just a little impatient with how government agencies work.

Councilmember Roy stated he can support what has been presented by the MCWD.

Councilmember Fletcher stated in the response letter he suggested saying something positive because he does appreciate the MCWD's involvement. He then stated it seems the MCWD's approach is all of the

above and he does not like that. Because of limited resources there should probably be something to focus on be it management or prevention. He explained the document from the MCWD states “*The policies and goals in the District’s Comprehensive Plan are designed around the ecological integrity of water resources within the District. Accordingly, the District’s involvement in the long term management (i.e.; control) of AIS present would be based on the watershed’s ecological systems. Other benefits would be secondary.*” The MCWD’s focus is about the ecological environment.

Councilmember Roy noted that is why he suggests the MCWD take over. He stated hydrilla is like milfoil on steroids and it’s not too far away from this area now. Asian carp is not too far away now; they have showed up in minnow buckets. He stated he would like to have the MCWD or an agency like that to manage things throughout Minnesota with the same protocols and the same equipment.

Councilmember Fletcher stated his preference would be for them to focus on prevention.

Mayor Kind asked if Council feels strongly enough that it wants to comment on the AIS amendment.

Councilmember Cook suggested Councilmember Fletcher write a focused comment that could be incorporated in a response.

Cook moved, Roy seconded, asking Councilmember Fletcher to write a focused comment to the Minnehaha Creek Watershed District regarding its Comprehensive Water Resource Management Plan for aquatic invasive species (AIS) management and prevention. Motion passed 5/0.

Mayor Kind asked how Council wants to respond to the MCWD’s draft Board Policy for the distribution of pollution reduction credit from MCWD projects for the purpose of TMDL (total maximum daily load) reporting.

Councilmember Fletcher suggested conveying that the City supports what is proposed.

Cook moved, Roy seconded, asking the Mayor to write a focused comment regarding the Minnehaha Creek Watershed District’s Board Policy for the distribution of pollution reduction credit from MCWD projects for the purpose of total maximum daily load reporting. Motion passed 5/0.

8. OTHER BUSINESS

A. April Verifieds, Check Register, Electronic Fund Transfers

This was removed from the consent agenda at Councilmember Fletcher’s request.

Councilmember Fletcher stated a few years ago the City decided to have a contractor plow the trails in the City. The verified claims list shows that the City spent \$1,568.75 to plow trails. It also shows that City spent \$2,425.38 with the City of Deephaven to plow roads. He suggested Council carefully consider how much it wants to spend on plowing trails for the 2013/2014 season.

Fletcher moved, Quam seconded, approving the April verifieds, check register and electronic fund transfers. Motion passed 5/0.

Mayor Kind stated the Deephaven Public Works Director asked her how the City liked the trail plowing services it received from Cornerstone Industries because he noticed Deephaven was done with plowing

roads before the trails were plowed. Deephaven provides other public works services for Greenwood. She expressed confidence that Deephaven would be willing to again plow the City's trails.

9. COUNCIL REPORTS

A. Cook: Planning Commission

Councilmember Cook stated during its last meeting the Planning Commission discussed a proposal from the owners of the Pastor property. He explained that site is particularly difficult because it has a zero lot line on three sides. On the fourth corner the roadway pavement may actually be on the property. There is a very small house on the very small lot. There is a garage on the northwest corner of the lot and another on the southwest corner. The small house is in between. The access to the northerly garage is difficult.

There was a lot of discussion about the proposal during that meeting. The property owner gave the Planning Commission an extension and it's assumed the Commission will discuss the changes to the proposal again during its next meeting. The original proposal would result in a significant amount of hardcover.

There was additional Council discussion about the proposed new zoning district the Planning Commission will discuss during its next meeting.

B. Fletcher: Lake Minnetonka Communications Commission, Excelsior Fire District, Xcel Energy Project, Lake Improvement District

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Councilmember Fletcher stated there is a meeting of the committee formed to discuss the LMCC joint powers agreement. He is the City's representative on the committee.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated that was already discussed.

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

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated the next SLMPD Coordinating Committee is scheduled for May 21 at 5:00 P.M.

With regard to administration, Kind stated there was a Greenwood Circle street light issue that was resolved earlier in the day. She explained there are seven power poles along Greenwood Circle. A new property owner in that area wants to bury the power lines in the area and is approaching other property owners about sharing in the cost to do that. Things seemed to be going along smoothly until one property owner realized that there are street lights on three of the poles. The property owner was interested in keeping at least one of the lights. She noted a resident cannot take down a City street light without getting permission from the Council. She stated as far as she knows all three lights are staying up.

Mayor Kind asked Zoning Administrator/Clerk Karpas to give a brief history on why there are street lights in some areas of the City and not others. Karpas explained that about ten years ago there was a movement to take back the sky at night. The City did a review of the street lights and decided to remove some of them.

Councilmember Fletcher stated if a group of residents in an area came before Council and explained they did not want the street lights he asked if Council would listen to them.

Councilmember Quam stated that people walking down a street after their car broke down need to see where they are going.

Mayor Kind stated there are no street lights along the many Greenwood streets including hers. She then stated the City is not going to add street lights along every City street, and noted there is no budget for that.

Councilmember Quam stated public safety is the City's highest responsibility. He cautioned against having totally dark streets.

Mayor Kind stated there are studies that indicate street lights don't make a difference. She then stated she receives calls from residents who say it's too dark and from others who say it is too light.

Councilmember Quam clarified he is not suggesting the City add street lighting. Only that he does not want to take down lights.

Mayor Kind stated that on April 17 she co-hosted a school district lunch along with the Deephaven City Administrator and the Mayor of Woodland at Deephaven City Hall. Attendees included the Superintendent of the Minnetonka School District, representatives from Deephaven, Chanhassen and Minnetonka. She reviewed things she learned during the luncheon. There is a senior housing project going on in Deephaven. The Vine Hill Bridge will be replaced sooner versus later. Both Deephaven and Woodland have received requests for allowing residents to raise chickens. Greenwood does not allow residents to raise chickens nor does Chanhassen. Chanhassen just completed a new water tower near Minnetonka Middle School West. Chanhassen received bids that were lower than anticipated for its 2013 roadway improvements. Minnetonka is working with the owners of the Ridgedale Mall on improvements to the Mall. Nordstrom is going to become a tenant and some high-end restaurants also will become tenants.

Kind noted that residents can contribute to the herbicide treatment of St. Alban's Bay by going to the City's website www.greenwoodmn.com

D. Quam: Roads & Sewer, Minnetonka Community Education

With regard to roads and sewers, Councilmember Quam stated Council discussed them earlier this evening.

With regard to Minnetonka Community Education (MCE), Councilmember Quam stated MCE is again running a youth triathlon on May 3. It will be held at the Minnetonka Middle School East.

Quam noted that he attended the Excelsior Fire District (EFD) Board budget work session on April 17. He explained EFD Chief Gerber reviewed the details of the proposed 2013 Operating Budget and the 2014 capital improvement program (CIP). The budget reflects a 2 percent increase in the 2014 municipal contribution when compared to 2013. There was discussion about the benefits and cost of having a 4-person duty crew (2 at each station) that would be at the stations from 6:00 P.M. Friday to 6:00 P.M. Sunday. If that were to be implemented in 2014 there would be an approximate 9 percent increase in the municipal contribution. Doing that would improve the response time to the scene. Chief Gerber will

assemble response time data that breaks out night and weekend response times. He noted that it's unlikely that would be implemented in 2014.

Mayor Kind stated after doing a ride along with a South Lake Minnetonka Police Department (SLMPD) Officer it seems like a police officer is at the scene first. Officers are also trained as medical first responders.

E. Roy: Lake Minnetonka Conservation District

Councilmember Roy stated the Lake Minnetonka Conservation District (LMCD) passed a bow fishing ordinance. The LMCD Board approved two budget options for 2014. LMCD Executive Directory Nybeck is willing to attend Council's June 5 meeting to talk about the increases. A 3 percent increase would basically keep things at the level they are at because of the loss in property values. The levy is based on property values. The 16 percent budget increase option includes \$45,000 for aquatic invasive species prevention. He asked Council if they want Nybeck to come to the June meeting or if they would prefer him to talk about the two budget options. Council consensus was that it was not necessary for Nybeck to attend the June 5 meeting. Roy stated he will ask Nybeck to send a copy of the budget options to the City.

10. ADJOURNMENT

Roy moved, Cook seconded, adjourning the City Council Regular Meeting of May 1, 2013, at 9:51 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder