

MINUTES

Greenwood City Council Meeting

Wednesday, June 1, 2016

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Kind; Councilmembers Tom Fletcher, Bob Quam, Rob Roy

Members Absent: Councilmember Bill Cook

Staff Members Present: City Engineer Dave Martini

Motion by Kind to approve the agenda. Second by Roy. Motion passed 4-0.

2. CONSENT AGENDA

A. Approve: 04-28-16 Local Board of Appeal & Equalization Meeting Reconvene Minutes

B. Approve: 05-04-16 City Council Worksession Minutes

C. Approve: 05-04-16 City Council Meeting Minutes

D. Approve: 05-18-16 City Council / Planning Commission Joint Worksession & City Council Worksession Minutes

E. Approve: April Cash Summary Report

F. Approve: April Certificates of Deposit Report

G. Approve: May Verifeds, Check Register, Electronic Fund Transfers

H. Approve: June Payroll Register

I. Approve: Res 21-16 Appointing Election Judges and Absentee Ballot Board

J. Approve: Res 22-16 Authorizing Hennepin County for Central Counting Location

Motion by Kind to approve the consent agenda items. Second by Quam. Motion passed 4-0.

3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. City Engineer Dave Martini: 2016 Street Improvement Bid, County Aid Application, I/I Smoke Test Report, St. Alban's Bay Road Drainage

Motion by Fletcher that the city council (1) awards the 2016 Street Improvement Project to the lowest bidder Midwest Asphalt for an amount of \$146,916; and (2) authorizes the city engineer to submit the project approval form to receive CAM funds for the city's 2016 road projects. Second by Quam. Motion passed 4-0.

Motion by Fletcher that city council authorizes the city engineer to: (1) secure bids to raise and seal manholes and lift stations that were identified following June / July 2014 rain events and identified during smoke testing; and (2) in accordance with the Metropolitan Council I/I Surcharge program, report activities performed in 2015 and update the required work plan for 2016. Second by Quam.

Motion passed 4-0.

B. Announcement: July 4th Parade, Meet at Greenwood Park (Covington & Fairview) at 9:45am
View announcement at LMCC-TV.org.

5. PUBLIC HEARINGS

A. Public Hearing: Conduit Financing for Main Street School of Performing Arts

Before opening the public hearing, Mayor Kind stated the following: 06-01-16 at the Deephaven Council Chambers is the date and place fixed by administrative action for a public hearing to be held on the proposal that the city of Greenwood undertake financing on behalf of Main Street School of Performing Arts Affiliated Building Company, a Minnesota nonprofit corporation (the "Borrower"), pursuant to Minnesota Statutes, Sections 469.152 through 469.165. The city clerk has certified that an affidavit is on file at the office of the city clerk showing publication of the notice of public hearing on May 12, 2016 in the *Sun-Sailor*, the official newspaper of the city and a newspaper of general circulation in the city. The certification and other documents are located in section 8A of

the full hard copy of the council packet, in the electronic packet available for viewing at www.greenwoodmn.com, and also are available for viewing at city hall. In addition, hundreds of pages of other related documents are available for viewing at city hall. No written comments have been received by the city. Representatives from Dorsey & Whitney, the Main Street School of Performing Arts, and the underwriter (Piper Jaffray) are present at the city council meeting to answer questions.

The purpose of the hearing was explained, the nature of the proposed revenue bonds was discussed, the draft copy of the Application to the Minnesota Department of Employment and Economic Development with draft copies of all attachments and exhibits were available, and all persons who desired to do so were afforded an opportunity to express their views with respect to the proposal to undertake the financing.

Mayor Kind then called for a motion to open the public hearing on the proposal to undertake the financing on behalf of the Borrower.

Motion by Fletcher to open the public hearing. Second by Roy. Motion passed 4-0.

No one spoke during the public hearing.

Motion by Roy to close the public hearing. Second by Quam. Motion passed 4-0.

Council action regarding resolution 25-16 was taken under item 8A later on the agenda.

6. PLANNING & ZONING ITEMS

- A. 2nd Reading: Ord 255, Regarding Tree Preservation Plans and Res 23-16 Summary of Ord 255 for Publication

Motion by Kind to approve the 2nd reading of ordinance 255 regarding tree preservation plans, as written. Second by Quam. Motion passed 4-0.

Motion by Kind to approve resolution 23-16, a summary of ordinance 255 for publication. Second by Quam. Motion passed 4-0.

- B. Consider: Res 24-16, Variance Findings, 20870 St. Alban's Green

Motion by Fletcher that the city council adopts resolution 24-16 laying out the findings of fact approving the variance application of Damian and Jennifer Novak, 20870 St Alban's Green, with the following additional sentence to 5(e): "There is a large retaining wall for the neighboring property and the grade at the neighboring house's foundation is 20 feet higher than the current grade for the proposed addition so the reduced setback for the proposed addition will not impact the neighboring property." I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file. Second by Roy. Motion passed 4-0.

7. UNFINISHED BUSINESS

- A. None.

8. NEW BUSINESS

- A. Consider: Res 25-16, Authorizing Issuance and Sale of Charter School Lease Revenue Bonds for Main Street School of Performing Arts

Motion by Fletcher that the city council adopts resolution 25-16, authorizing issuance and sale of charter school lease revenue bonds for Main Street School of Performing Arts, and directs the city clerk to complete a certification of minutes relating to the project. Second by Roy. Motion passed 4-0.

Motion by Fletcher that city council appoints Jennifer Hansen of Dorsey & Whitney as Greenwood's attorney representative for conduit financing projects. Second by Roy. Motion passed 4-0.

- B. Discuss: Potential Conduit Financing for Eagle Ridge Academy

Motion by Fletcher that the city council authorizes the publication of a public hearing for the Eagle Ridge Academy conduit financing project to be held at the regularly scheduled Greenwood city council meeting at 7pm on July 6, 2016 at the Deephaven City Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331. Second by Quam. Motion passed 4-0.

- C. Consider: 2017-2020 Assessment Contract

Motion by Roy that the city council (1) approves the 2017-2020 assessment contract provided by Michael

Vanderlinden and Conrad Anderson DBA Equalized Assessment Solutions; and (2) authorizes the mayor and city clerk to sign the contract on behalf of the city, contingent on the city attorney's review of the contract. Second by Fletcher. Motion passed 4-0.

D. Consider: Requests Regarding the Fire Lane Between 5120 & 5130 Meadville Street

Jan Gray, 5170 Meadville Street read a letter by Mark & Kitty Krezowski and presented a petition signed by Mark Krezowski, Kitty Krezowski, Tim Burton, Diane Mulligan, Don Mulligan, Janice M Gray, John C Gray, Joe Fronius, Marna Fronius, and Julie Ekelund. The petition requested that (1) the current "No Outlet" sign be replaced with a "Resident's Only" sign; (2) that the current Meadville Street sign be reduced to a single sign oriented North-South; and (3) that a white strip be painted on the center line of Meadville Street as it turns the corner in front of the Meadville fire alley. *View complete comments at LMCC-TV.org.*

Mayor Kind presented a draft of resolution 27-16 to keep the following conditions and principles from the 1998 resolution 2-98A: (a) It shall not be improved; (b) It shall not be developed; (c) No tree or shrub shall be removed; (d) No swimming beach shall be developed thereat; (e) No fishing shall be authorized thereat; (f) No boat docking shall be permitted thereat; (g) Snowmobiles shall not be permitted to travel over and across the parcel; (h) The property shall not be denominated by the city as a "park." And add the following new conditions and principles: (i) The current "No Outlet" sign shall be replaced with a "Residents Only" sign; (j) The current Meadville Street sign blades shall be replaced with 2 new Meadville Street sign blades with arrows indicating the road continues around the hard curve in both directions; and (k) A stripe shall be painted on the center line of Meadville Street as it continues around the hard curve.

Jan Gray, 5170 Meadville Street; Don Mulligan, 5120 Meadville Street; and Joe Fronius, 5140 Meadville Street had no objections to the conditions and principles proposed in resolution 27-16.

Kristi Conrad 21780 Fairview Street spoke in favor of keeping the fire lane as open space for off-shore residents to enjoy the view of the lake. She supported "Greenwood Resident Parking Only" signage and questioned the need for all of the restrictions for the fire lane – especially the restriction stating that "no tree or shrub shall be removed." In her opinion, the current shrubs are blocking much of the view of the lake. *View complete comments at LMCC-TV.org.*

Motion by Fletcher that the city council approves resolution 27-16 with the following revisions: (1) strike "No tree or shrub shall be removed," (2) change "Residents Only" sign to "Greenwood Resident Parking Only" sign. Second by Quam. Motion passed 4-0.

E. Consider: 2016 Proposals for Weed Clean Up at St. Alban's Bay Docks

Motion by Roy that the city council authorizes the city clerk to sign a contract with Life's A Beach for 2016 weed removal at the city docks on St. Alban's Bay for a total cost of \$600. Second by Quam. Motion passed 4-0.

F. Consider: 2017 Lake Minnetonka Conservation District Budget

Motion by Roy that the city council expresses support for the 2017 Lake Minnetonka Conservation District budget as proposed and directs the city clerk to send a copy of this motion to Interim LMCD Executive Director Jim Brimeyer. Second by Quam. Motion passed 4-0.

G. Consider: Res 26-16, 2017-2020 Deephaven-Greenwood Service Contract

Motion by Roy that the city council (1) approves the Deephaven-Greenwood Letter of Understanding for Years 2017-2020 with the direction that the actual contract include these sentences from the Letter of Understanding: "The term of this agreement is four years effective on January 1, 2017 and expiring on December 31, 2020. Either party may terminate or re-negotiate the terms of this agreement upon giving the other party a 180-day notice"; and (2) authorizes the mayor to sign the document. Second by Quam. Motion passed 3-1 with Fletcher voting nay.

9. OTHER BUSINESS

A. None.

10. COUNCIL REPORTS

A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge, Traffic Committee
Councilman Cook was not at the meeting.

B. Fletcher: Lake Minnetonka Communications Commission, Fire
No council action taken.

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

The consensus of the council was to support the following South Lake Minnetonka Police Department Coordinating Committee recommendations outlined in Chief Meehan's 5/26 memo: (1) The City of Shorewood would hold two votes on the Coordinating Committee; (2) The Cities of Excelsior, Greenwood, and Tonka Bay would each retain one vote; (3) A simple majority would be required to approve motions by the committee; (4) Any future amendment to the JPA would still require a unanimous vote by the committee and subsequent approval by the respective city councils; and (5) The definition of a quorum may also need to be addressed / revised. However, the consensus of the council was to tweak the last recommendation as follows: "The fourth amendment to the JPA dated February of 2006 requiring the Parties to *unanimously* agree on the annual operating budget shall be amended to require a *simple majority 4/5ths* vote."

The consensus of the council was to request that Three Rivers Park District monitor the stop signs where the LRT Trail meets Meadville Street in both directions and issue tickets to bikers who do not stop.

The consensus of the council was to amend the ordinance code book to allow the city to revoke or suspend a license or permit if a violation has occurred and include the amended ordinance on the July council agenda for a 1st reading.

The consensus of the council was (1) for Councilman Cook and Mayor Kind to draft an ordinance that reduces the number of residential zones and establishes regulations based on lot size; and (2) send the ordinance to the planning commission for a public hearing, review, and recommendations.

D. Quam: Roads & Sewers, Minnetonka Community Education, Traffic Committee
No council action taken.

E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District
No council action taken.

11. ADJOURNMENT

Motion by Roy to adjourn the meeting at 8:56pm. Second by Fletcher. Motion passed 4-0.

This document is intended to meet statutory requirements for city council meeting minutes. A video recording was made of the meeting, which provides a verbatim account of what transpired. The video recording is available for viewing on LMCC TV channel 8 for 1 month, at www.lmcc-tv.org for 1 year, and on DVD at the city office (permanent archive).