

MINUTES

Greenwood City Council Meeting

7pm, Wednesday, June 7, 2023

Deephaven Council Chambers

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA

Mayor Kind called the meeting to order at 7:00pm.

Members Present: Councilmembers Tom Fletcher, Brian Malo, Bill Cook, Kristi Conrad, and Mayor Deb Kind

Staff Members Present: City Engineer Dave Martini and City Assistant Administrator Shanda Wilhelmy (via Zoom)

Motion by Kind to approve the agenda. Second by Cook. Motion passed 5-0.

2. CONSENT AGENDA

- A. Approve: 05.03.23 City Council Meeting Minutes
- B. Approve: 04.13.23 – 04.27.23 LBAE Meeting Minutes
- C. Approve: 05.10.23 City Council / Planning Commission Joint Worksession Minutes
- D. Approve: April Profit & Loss
- E. Approve: YTD Profit & Loss Budget vs. Actual
- F. Approve: April Cash Summary
- G. Approve: May Check Detail
- H. Approve: June Payroll Report
- I. ~~Approve: Support for LMCD 2024 Budget (move to 10A)~~
- J. Approve: Proposal - SLMPD Excelsior Park, Dock Patrol, Parking & Code Enforcement
- K. ~~Approve: Ord 332 and Res 11-23 Summary of Ord 332 Amending Chapter 4 and 5 – False Alarms (move to 10B)~~

Fletcher requested to move item 2I to 10A, and Malo requested to move item 2K to 10B. Motion by Kind to approve consent agenda items 2A-2H, and 2J. Second by Malo. Motion passed 5-0.

3. MATTERS FROM THE FLOOR

- A. NONE.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

- A. Reports: City Engineer Dave Martini – Project Recommendations (Mtka. Blvd. Trail Update & Meadville Culvert Quote)

City Engineer, David Martini, provided an update on two of the 2023 Greenwood projects.

Plans and specifications for the **Minnetonka Boulevard Trail Improvements Project** were included in the council packet. These documents were distributed to contractors for quotes that are due on June 14, 2023.

Minnetonka Blvd. Trail Project The section of trail across from Curve Street currently shares the shoulder of Minnetonka Blvd. To improve this area, the trail is proposed to be moved away from the edge of the road and widened to 8'. The improvements will require a retaining wall on the north side of the trail and will result in a grass boulevard between the trail and the road. All the work will be performed in city Right of Way, but there is coordination with the property owners at 21620 Minnetonka Boulevard because the improvements will have an impact on the existing vegetative screen that exists between the road and the house. The property owners have agreed to the improvements with the understanding that the city will replace the vegetative screening. The estimated cost of these improvements is \$60,000.

Greenwood resident Kimball Anderson, 21580 Pineview Court, addressed the council concerning the trail project. He questioned what benefits the landowners would receive from this project. Martini explained that the work is in the city Right of Way, the owners are willing to partner with the city as long as Bolton & Menk restores the landscaping that will be impacted from the project.

No council action taken for the Minnetonka Blvd. Trail Project. Quotes will be presented at the July council meeting.

Meadville Street Culvert Replacement This spring it was discovered that the culvert that runs between the Old Log Theater Pond and the City Fire Lane under Meadville Street needs replacement. A quote was solicited from Schneider Excavating and Grading to complete the work. The total quote of \$15,612 was included in the council packet.

Motion by Cook to approve the Meadville project quoted for \$15,612 with half the funds to be paid from the Road Improvement Fund and half to be paid from General Fund reserves. Second by Malo. Motion passed 5-0.

In May, Greenwood was notified by the Met Council that there was an error in their calculation determining Greenwood's monthly wastewater charges and that the city was underpaying due to the miscalculation. Starting in 2024, Greenwood's rate will increase 173.83%. Also in May, Greenwood was notified by Excelsior that Greenwood was not invoiced for sewer services since 2019. The four years of missed payments from 2020 – 2023 totals \$80,024.46. Councilmember Fletcher and Cook will work with Martini to resolve both of these issues.

- B. Announcement: July 4 Boat Parade (meet at St. Alban's Bay City Docks at 9:45am), Firecracker Run (7:30-9:30am, expect delays)

5. PUBLIC HEARINGS

- A. NONE

6. ACTION RELATED TO PUBLIC HEARINGS

- A. NONE

7. PLANNING, ZONING & SUBDIVISION ITEMS

- A. NONE

8. UNFINISHED BUSINESS

- A. Consider: Greenwood Market Tobacco and Gas Station Licenses for June-Dec 2023, 21380 State Hwy 7

At the May city council meeting, the council approved the tobacco and gas station licenses for the Greenwood Market through June 8, 2023. This item was added to the agenda for council consideration to extend the licenses beyond June 8, 2023.

A conditional use permit (CUP) for the property from 1982 is currently out of compliance. Some of the non-compliant items noted are the following: dumpster is not fully screened, no roof over the enclosure, earth tone colors are not used on the building and signs, a \$2,000 annual bond has not been received by the city, and daily removal of trash and debris from property. Councilman Fletcher sent a letter to the property owner on May 18, 2023 outlining areas of the CUP that are currently out of compliance and need to be remedied. This letter was included in the council packet.

Councilman Fletcher provided an update to the council. The owner of Greenwood Market has been responsive and has made some efforts to come into compliance. Cook suggested that an additional fee or fee structure should be implemented for the tobacco and gas station licenses due to the number of issues concerning Greenwood Market.

Motion by Fletcher to extend the tobacco and gas station license for the Greenwood Market until 08.03.23. Second by Cook. Motion passed 5-0.

- B. Consider: Special Event Form & Expectations

At the April city council meeting, issues with the Luck of the Lake event were discussed. Greenwood resident complaints with this event were due to lack of access to or from their residence for an excessive amount of time. All three access points to the city were shut down for about an hour and a half. A draft special event form and expectations document was created for council consideration. The goal of the special events permit process is to ensure that future events are fun, safe, and minimally disruptive for Greenwood residents and businesses.

At the May city council meeting, discussion focused on the need to have a special event permit application and applicable permit fee, and to develop a set of event expectations. Discussion also focused on food truck inspections and requirements.

An updated draft of the special event permit application was sent to South Lake Minnetonka Police Department, Excelsior Fire District, Chamber of Commerce, and Minnetonka Community Education for their input. Feedback

was received from South Lake Minnetonka Police Department and Minnetonka Community Education at the time of the council packet deadline. This feedback was included in the council packet.

MCE has many issues with the current draft of the permit. Cook recommended continuing the process on creating the special event permit and event expectations. Kind and Cook agreed to work on revising the special event permit process and expectations to bring to the council at a future council meeting.

9. NEW BUSINESS

A. Discussion: LMCC Member City Survey

Lake Minnetonka Communications Commission's Operation Manager, Jim Lundberg, sent a survey to all member cities. Member cities include Deephaven, Excelsior, Greenwood, Independence, Long Lake, Loretto, Minnetonka Beach, St. Bonifacius, Shorewood, Spring Park, and Woodland. The purpose of the survey is to have cities choose one of three options to address LMCC's unsustainable current funding model. Details on these three options were included in the council packet. The three options are:

1. Continue LMCC – long term – Transition to a dual funding model with mix of Mediacom and city funding.
2. Continue LMCC – short term – Use/sell LMCC assets to fund LMCC in the short term.
3. Dissolve LMCC – December 2024 – Distribute assets.

Council discussion was split on which option to choose. LMCC provides cable services to residents and records the city council meetings each month. Malo would like more information on how much their services are used by Greenwood residents. Cook prefers option 3. Greenwood is not required by law to record council meetings. Tonka Bay does not utilize the LMCC for the recording of their council meetings. Fletcher prefers option 2, with LMCC eliminating their studio and utilize a smaller space. Fletcher also stated that Mound should become a member of the LMCC. Conrad prefers option 2, Kind option 3, and Malo would like more information before deciding.

Cook made a motion to send a letter to the LMCC based on the council discussion. Vote on the motion was not taken due to the need for more information. Councilmember Conrad is going to gather information regarding Greenwood cable subscribers, input from neighboring cities, cost to record and post meetings on our own, and report back at the next council meeting.

10. OTHER BUSINESS

A. Discussion: Support for LMCD 2024 Budget (Consent Agenda item 2I)

The Lake Minnetonka Conservation District board approves their annual budget with input from the cities, but the cities do not take official action on the budget. The budget is certified to the state by July 1 each year. This item was moved from the consent agenda for further discussion.

Fletcher had questions for LMCD council representative Cook in regards to the administrative cost vs. benefit to the city of Greenwood. Cook responded that the LMCD is the organization responsible for planning and zoning on Lake Minnetonka, as well as safety on the lake which includes the Sheriff's Water Patrol. Reserves have been in excess of what has been needed. Member cities have been billed less as a result of this to spend down the reserves currently held. LMCD is working on hiring a permanent executive director with a zoning/planning administration background to run the LMCD.

Motion by Fletcher that the Greenwood city council (1) expresses support for the 2024 Lake Minnetonka Conservation District budget as proposed; and (2) directs that a copy of this motion be sent to the LMCD executive director. Second by Cook. Motion passed 5-0.

B. Discussion: Ord 332 and Res 11-23 Summary of Ord 332 Amending Chapter 4 and 5 - False Alarms (Consent Agenda item 2K)

Ordinance 332 will update City Code, Chapter 4, Section 455 Police Alarm Systems, Section 460 Fire Alarm Systems, and Chapter 5, Section 510.00 Fees: Licenses, Permits and Services Established. Greenwood consulted with South Lake Minnetonka Police Department and Excelsior Fire District regarding clarifying and updating city code language on false police and fire alarms, and applicable fees related to false alarms. It was recommended that Greenwood's code should more closely align to neighboring cities' codes on false alarms. Ordinance 332 amends chapter 4 and 5 of city code to clarify the process regarding false police and fire alarms. This item was moved from the consent agenda for further discussion.

Malo had questions about the property with the repeat false alarms. Multiple false alarms occurred at the St. Alban's Bay Villas. These were not related to any one unit in the building, but were due to improvements made in the common

areas of the building. Fletcher also discussed clarifying language in Ordinance 332 to assess the false alarm fine of \$150 after the third false alarm for both false fire alarms and false police alarms.

Motion by Conrad that the Greenwood city council (1) approves the 1st reading of Ordinance 332 with the discussed changes; (2) waives the 2nd reading; and (3) directs that the City Assistant Administrator send the Summary Resolution 11-23 of Ordinance 332 for publication in the City's official newspaper. Second by Malo. Motion passed 5-0.

11. COUNCIL REPORTS

A. Conrad: Lake Minnetonka Communications Commission, Park & Tennis Court

- LMCC – No report.
- Park & Tennis Court – No report.

No council action taken.

B. Cook: LMCD, SABLID, Public Works Committee, City Docks

- LMCD – No report.
- SABLID – No report.
- Public Works – No report.
- City Docks – No report.

No council action taken.

C. Fletcher: Fire, Administrative Committee

- Administrative Committee – No report.
- Fire – The next fire board budget worksession is scheduled for June 28. There have been years where this meeting is held for area city council members to give their input on the fire budget and no council members attend. Greenwood council members will not be attending this upcoming worksession. The fire budget assessment to Greenwood will go from \$167,722 to \$175,165, a 4.4% increase. 2024 pay for firefighters will go from \$16/hr. to \$18/hr., and full-time staff will have a 5% increase in pay.

View report at LMCC-TV.org. No council action taken.

D. Kind: Police, Administrative Committee, Public Works Committee, Mayors' Meetings

- Police –

The working group met on June 7 to go over the joint powers agreement (JPA). Kind and Fletcher attended this meeting. Excelsior wants to revisit the funding formula used, and Shorewood does not. Excelsior wants a 10-year term limit to the JPA, while the cities of Greenwood, Shorewood, and Tonka Bay do not want an end date. A compromise was made to automatically renew 20-year terms, with the requirement to have a 2-year notice on reopening it. Redlined and clean copies of the JPA will be in the July meeting packet. The goal is to have all councils approved the JPA by August 1.

A speed study was conducted on Minnetonaka Blvd. The battery died during the speed study unit, and the resulting report was brief since it was only few days before the battery died. Based on the information received, Chief Tholen believes that the electronic speed sign that was installed is working. A full speed study will be conducted at a later date.

- Administrative Committee –

Kind discussed the **cannabis moratorium** with City Attorney Bob Vose. The new law will authorize cities to enact a moratorium on cannabis that will supersede existing statutory authority for zoning. If Greenwood is interested in enacting a moratorium, there is a model that Greenwood could adopt. This moratorium will be on the July agenda. A public hearing is required to adopt the moratorium. The new law will go into effect on July 1. A moratorium cannot be enacted until after that date. Greenwood will be unable to prohibit it all together, but restrictions can be put in place. Federal law still prohibits cannabis, so any businesses selling cannabis will not have access to banks or credit cards for business purposes, so collecting state taxes on cannabis will be very difficult. Having a moratorium in place will allow time to draft an ordinance that could restrict the number of

licenses issued and the location. Cook wants more information about the position other neighboring cities are taking with the new cannabis law. Fletcher is in favor of a public hearing on cannabis.

An email from Planning Commissioner Mark Krezowski and the Three Rivers District 4 Commissioner discussed the three classes of **e-bikes**. Class 1 is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and ceases to provide assistance with the bicycle reaches 20 mph. Class 2 is a bicycle equipped with a throttle-actuated motor, that ceases to provide assistance when the electric bicycle reaches 20 mph. Class 3 is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches 28 mph. All classes of e-bikes can be used on the Lake Minnetonka Regional Trail. Fletcher stated that the Three Rivers has the ability to regulate and limit bikes of all types on the trails if it is determined that there are safety issues with bikes on the trails.

Kind asked the council about potentially changing the agenda language regarding the availability of Zoom as the **Zoom connection** was lost during this meeting. Suggested language to be changed to “The public is invited to VIEW the meeting via the Zoom link below. There is no guarantee that there will be a Zoom connection. If you want to ensure that you are able to see a meeting, the best option is to attend in-person.” Council discussion focused on removing the link if it is not guaranteed to be available, and to keep the Zoom link for staff purposes. Consensus was to remove the Zoom language from future agendas.

- Public Works Committee – Kind received an email from a Greenwood resident inquiring about the timing of repairs to the Meadville Street stub road. Councilman Cook took a look at the road and suggested that it be added to the list for the annual review that is done by the public works committee and city engineer each spring.
- Mayors’ Meetings – No report.

View report at LMCC-TV.org. No council action taken.

E. Malo: Planning Commission, Minnetonka Community Education

- Planning Commission – Next Planning Commission meeting is Wednesday June 14 at 6pm.
- Minnetonka Community Education – The last meeting was held on May 15. Tour de Tonka event is scheduled to be held on August 5. Volunteers are still needed for this event. The 4th of July parade in Delano will have a float to advertise the Tour de’ Tonka event. Parade starts at 10:30am. The MCE 2023-2024 budget is approximately \$4.5 million, with 90% of the budget covered by MCE class revenues. MCE placed a time capsule that will be opened in 25 years.

View report at LMCC-TV.org. No council action taken.

12. ADJOURNMENT

Motion by Cook to adjourn the meeting at 8:48pm. Second by Malo. Motion passed 4-0 (Conrad left meeting at 8:20pm)

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 at lmcc-tv.org for 1 year.