

GREENWOOD CITY COUNCIL MEETING
Wednesday, March 6, 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 and City Zoning Administrator/City Clerk Karpas

Members Absent: None

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

2. CONSENT AGENDA

Mayor Kind reviewed the items on the consent agenda.

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

- A. February 5, 2013, City Council Meeting Minutes**
- B. February 20, 2013, City Council Special Meeting Minutes**
- C. January 2013 Cash Summary Report**
- D. February 2013 Verifieds, Check Register, Electronic Fund Transfers**
- E. March 2013 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

None.

5. PUBLIC HEARING

- A. Annual Public Hearing for the City's Stormwater Pollution Prevention Program**

Zoning Administrator/Clerk Karpas explained that annually the City holds a public hearing to take public comment on its MS4 (municipal separate storm sewer system) General Permit. Because the City is classified as a MS4 it is required to develop a Stormwater Pollution Prevention Program (SWPPP). The SWPPP outlines the steps the City takes to limit runoff into protected water bodies. It is accomplished

through the adoption of Best Management Practices in six categories – 1) public education and outreach on stormwater impacts; 2) public participation/involvement; 3) illicit discharge detection and elimination; 4) construction site stormwater runoff control; 5) post-construction stormwater management in new development and redevelopment; and, 6) pollution prevention/good housekeeping for municipal operations. He commented that in 2003 all cities were required to get the Permit. He noted that this year the United States Environmental Protection Agency plans to overhaul the municipal stormwater program. The Minnesota Pollution Control Agency (MPCA) will have to comply with the new federal rules with the 2016 MS4 General Permit reissuance.

Cook moved, Quam seconded, opening the Public Hearing at 7:04 P.M. Motion passed 5/0.

There were no public comments.

Cook moved, Roy seconded, closing the Public Hearing at 7:04 P.M. Motion passed 5/0.

6. UNFINISHED BUSINESS

A. Excelsior Boulevard Watermain Project

Mayor Kind stated the City received revised copies of the Excelsior-Greenwood Water Service Expansion Agreement (SEA) for Excelsior Boulevard and the Excelsior-Greenwood Municipal Water Service Agreement (MWSA) from the City of Excelsior the previous day. The revised copies were emailed to Council earlier in the day and Council found hardcopies of the documents at the dais this evening.

Kind suggested Council discuss the SEA first. She stated from her perspective a lot of the changes made by Excelsior's City Attorney to the SEA are style changes. She asked Attorney Kelly if he had any comments.

Attorney Kelly recommended changing Item 2 Paragraph 2 related to project cost to include something about minus any reimbursement costs Excelsior received from Metropolitan Council Environmental Services (MCES). The new language would read *"Greenwood shall pay Excelsior within 60 days of demand the SEA Project Cost incurred. Notwithstanding the foregoing, SEA Project Cost includes the cost of installation of the watermain, service stubs/curb stops, fire hydrants, engineering/inspection costs, and additional costs as may be required by Metropolitan Council Environmental Services to amend or otherwise change the contract documents to include additional properties within the SEA including, but not limited to, increased unit prices, additional mobilization, administrative, and engineering costs minus any reimbursement Excelsior receives from MCES related thereto."*

Kelly stated in that same paragraph it states *"SEA Project Cost shall include the cost of installation of 300 feet of 12-inch watermain to serve 2 commercial properties, and 900 to 1480 feet of 8-inch watermain as needed to service 10 to 15 residential properties. Excelsior shall be responsible for the oversizing cost of the 900 to 1480 feet of 8-inch watermain to 12-inch watermain and such cost shall not be part of the SEA Project Cost."* He found that to be good news because the watermain to the residential properties will be upsized at Excelsior's expense.

Kelly then stated Item 13 states *"Public Right-of-Way Access. For the term of this Agreement, Greenwood grants to Excelsior a continuing construction easement for access to all public right-of-ways necessary to installation of the watermain and associated improvements."* It was narrowed significantly by Excelsior's City Attorney. He noted it dovetails with the MWSA which gives Excelsior access for ongoing repair and maintenance. He then noted that he has no issue with all of the other changes.

Mayor Kind stated once Council solidifies the number of residential properties that will be included in the project area, Item 2 paragraph 2 needs to be changed to reflect that and the number of feet. She then stated in that same paragraph "... *Excelsior-Greenwood Water Service Agreement* ..." needs to be changed to "... *Excelsior-Greenwood Municipal Water Service Agreement* ..." She went on to state typographical errors in Items 12 and 14 need to be corrected. She noted she has no issue with the changes made by the Excelsior City Attorney.

Councilmember Fletcher noted the SEA states owners of the abutting properties in the expansion service area must connect to the watermain and become a paying customer of the Excelsior Municipal Public Waterworks (EMPW) system no later than ten years after completion of the SEA Project. Mayor Kind noted that the failure of their private well also would be a trigger. Fletcher stated property owners will have to pay for water service connection fees, a water meter as well as the cost to run the water from the service stub to the house. Kind asked Councilmember Cook if ten years is a reasonable amount of time. Cook responded it is reasonable, yet suggested it be changed to fifteen years if possible. Cook clarified if Excelsior does not want to change it to fifteen years he is okay with that. Kind stated it's her understanding that the Excelsior Council discussion about this was somewhat contentious. Cook withdrew is suggestion.

Fletcher moved, Cook seconded, approving the Excelsior-Greenwood Water Service Expansion Agreement dated March 5, 2013, subject to adding "costs minus any reimbursement Excelsior receives from MCES related thereto" to Item 2 Paragraph 2 Sentence 5 per the City Attorney recommendation, authorizing the Mayor to make changes including those discussed earlier and authorizing the Mayor and City Clerk to sign the agreement. Motion passed 5/0.

Mayor Kind asked Attorney Kelly to comment on the changes made to the Excelsior-Greenwood Municipal Water Service Agreement (MWSA) by the Excelsior City Attorney.

Attorney Kelly stated Item 2 in the MWSA included the following language "*The term of this agreement shall run for a term of twenty (20) years from the date of this Agreement, after which time said Agreement shall be automatically renewed for successive periods of ten (10) years, provided that on one year advance written notice to the other party, either city may give notice to the other of demand to renegotiate specific terms of this agreement setting forth the provisions to be renegotiated. The renegotiated agreement shall go into effect no earlier than one year after the written notice.*" The Excelsior City Attorney changed it to read "*The term of this Agreement shall run for twenty (20) years from the date of this Agreement (the "Initial Term"). The Agreement shall be automatically renewed for successive periods ("Renewal Terms") of ten (10) years unless one of the parties to the Agreement provides written notice to the other at least one year in advance of the expiration of the Initial Term or any Renewal Term that it does not want the Agreement renewed.*" He expressed concern about the change because the two Cities already have a de facto business relationship. There can't be a situation where the water service could be turned off. He noted that needs to be revisited because the agreement cannot be collapsed by either party. It is a permanent infrastructure improvement that Greenwood residents have paid for.

Attorney Kelly noted Excelsior added the following language to Item 4 – "*Except as otherwise provided herein, properties located in Greenwood ("Greenwood Customers") connecting to the EMPW shall be subject to the provisions of Excelsior's City Code regarding water service including, but not limited to, provisions relating to connection fees, water service pipes, metering, and water billing and rates.*" He interprets that to imply Excelsior can make a distinction between resident and non-resident. He stated in Item 7 there is no cap on what the rate might be for non-residents. He noted he finds this to be a problem.

Kelly then noted Excelsior removed language Greenwood had included that basically said if Greenwood asks for an extension and if the EMPW system has the capacity to handle the expansion Excelsior would have to say yes. He stated that does not have to be negotiated at this time. Mayor Kind stated the same processed used now can be used in the future.

Kelly stated other than what he just discussed he has no problem with the other changes made.

Mayor Kind stated she shared Attorney Kelly's concern about not having a cap on the water rates for non-residents because Greenwood residents don't have any voting power in Excelsior. She believes there should be some sort of protection for Greenwood residents. She noted there has been a long history of Excelsior charging Greenwood residents a reasonable amount more for water rates. There is a long history of trust. She stated the City could proceed based on that. But, it does make her a little nervous to leave it entirely up to Excelsior when they are not accountable to the City's residents.

Attorney Kelly stated there are three options. The first is to let it go. The second is to ask to cap it at a to-be-determined percent surcharge. The third would be to allow Greenwood to intervene with Excelsior through an arbitration process if the non-resident water rate was onerous in some way. He expressed his preference for the second option.

Councilmember Fletcher explained Excelsior currently has a fixed per-meter billing charge plus a usage charge. On the fixed rate non-residents pay an approximate 21 percent higher rate than Excelsior residents. Non-residents pay an approximate 7 percent higher rate on the usage charge. He stated one option to control the margins is to put a cap on them. He noted that it's his understanding that a cap on the non-resident rate was a significant issue during the Excelsior Council's discussion about this. Mayor Kind stated that is her understanding that the Excelsior Council did not want to put a cap on the margin because it has always been fair to Greenwood residents.

Councilmember Quam asked what the current agreement stipulates. Mayor Kind stated no one can find a copy of a current agreement.

Councilmember Quam stated he could support capping the margin at what it is now. The non-residents rates would adjust as resident rates adjust.

Councilmember Fletcher offered another option which would be to say Excelsior could increase the rates more for Greenwood residents if they could provide an engineering analysis by a certified engineer that shows non-residents need to pay a higher rate. That would give Excelsior flexibility.

Councilmember Cook suggested requiring Excelsior to justify a non-resident increase that is disproportionately higher than a resident increase. The intent is to have a mechanism in place that requires the each City's representatives to talk to each other.

Mayor Kind stated she supported stipulating the current margin rates in the agreement.

Attorney Kelly suggested Council authorize Mayor Kind to include the current rate split and give Excelsior a reason to come to the Greenwood Council should there be need to increase that in the future.

Councilmember Fletcher stated Excelsior should be able to increase the rates for Greenwood resident as long as it is proportional to resident increases without talking to Greenwood about it first.

Attorney Kelly reiterated his concern about either party being able to terminate the agreement. There are residents in the City who are dependent on the EMPW system for water.

Fletcher moved, Quam seconded, authorizing the Mayor, with the City Attorney's support, to negotiate with Excelsior representatives regarding the draft Excelsior-Greenwood Municipal Water Service Agreement dated March 5, 2013, to address concerns as discussed.

Councilmember Cook stated he thought the City could be silent about Item 2. The agreement is for 20-years with automatic successive 10-year renewals.

Attorney Kelly reiterated that problem does not need to be resolved right now. He stated Mayor King and he can highlight Item 2 with Excelsior and ask that Excelsior to come back with a little more open ended language. The recitals (which are part of the agreement) could state there is an expectation of ongoing service.

Motion passed 5/0.

B. Second Reading: Ordinance 214, Amending Code Section 1155 Variances and Section 1176 Shoreland Management District Regarding Variance Policies, Evaluation Criteria, and Conditions Relating to Impervious Surfaces (prohibiting illegal nonconforming hardcover properties from trading landscaping hardcover to increase structural hardcover) and Resolution 11-13 Summary of Ordinance 214 for Publication

Mayor Kind noted this is the second reading of Ordinance 214, Amending Code Section 1155 Variances and Section 1176 Shoreland Management District Regarding Variance Policies, Evaluation Criteria, and Conditions Relating to Impervious Surfaces.

Kind explained that the amendment is intended to address the issue where variance applicants propose to trade some of their landscaping hardcover in excess of 30 percent to increase the size of their home structure to more than the 30 percent hardcover allowed by the City Code, and to remove some of the remaining landscaping hardcover to claim they are "reducing" their overall hardcover. That issue has come up numerous times. During its February 6, 2013, meeting Council discussed the fact that the City cannot require a property owner to reduce legal nonconforming landscaping hardcover as a condition of approval for a variance. Based on Council's discussion it approved the first reading of Ordinance 214 subject to several changes. A copy of the revised Amendment is included in the meeting packet with the approved changes highlighted in red. Should Council approve the second reading, there is a copy of a resolution approving publication of Ordinance 214 by title and summary for Council's consideration.

Attorney Kelly stated he is recommending the ordinance use the term "impervious surface" rather than using "impervious surface" and "hardcover" interchangeably. It talks about structural impervious surface and landscaping impervious surface. He noted that the intent of the Amendment has not been changed.

Mayor Kind stated she and Zoning Administrator/Clerk Karpas discussed a proposed change to Section 1176.07.05 Subd. 4.2. The first statement in that section of the Amendment currently reads as "*Landscaping related impervious surfaces cannot be exchanged for an increase in structural related impervious surfaces to obtain a variance.*" The proposal is to change it to read "*Illegal non-conforming landscaping related impervious surfaces cannot be exchanged for an increase in structural related impervious surfaces to obtain a variance from impervious surface requirements.*"

Attorney Kelly stated he has no problem with the proposed change.

Kind explained the second statement in Subd. 4.2 reads “*Variance applicants shall provide a certified survey showing separate calculations for structural related impervious surfaces and landscaping related impervious surfaces.*” She asked if it should also require applicants to provide calculations for legal nonconforming impervious surfaces, if any, and illegal nonconforming impervious surfaces, if any.

Attorney Kelly stated Council has discussed that any impervious surface over 30 percent is deemed illegal unless an applicant can prove otherwise.

Councilmember Fletcher questioned if a surveyor is supposed to search the records for the property to determine what is legal impervious surface and what is illegal impervious surface. He stated that is not their job.

Mayor Kind withdrew her suggestion.

Councilmember Quam stated Section 1176.06 Subd. 1 in the Amendment reads “*Existing Nonconforming Use of Non-Riparian Lots. Existing legal nonconforming multiple use of non-riparian lots may continue as a nonconforming use under terms of the underlying zoning ordinance and may be upgraded and maintained so long as any upgrade is performed within the allowable height, setback, massing, and impervious coverage requirements of this ordinance.*” He asked what that is talking about. Mayor Kind explained the only change to that subdivision is the addition of the word “massing.”

Councilmember Cook stated in the summary Resolution Paragraph 1 is different than in a similar paragraph in Ordinance 214. Mayor Kind stated the summary Resolution doesn’t have to be the same; it’s intended to be in plain English. Cook stated the Ordinance states “... *showing evidence the excess has been in existence since before the shoreland management ordinance was adopted (December 1992) or by showing the excess was approved by the city.*” Mayor Kind suggested replacing summary item 1 with the language in Section 1176.07.05 Subd. 4.1. Cook suggested changing in Item 1 “*since before*” to “*before.*”

Zoning Administrator/Clerk Karpas suggested adding the change proposed by Mayor Kind to the summary Resolution as well.

Cook moved, Roy seconded, Approving ORDINANCE 214, “An Ordinance of the City of Greenwood Amending Code Section 1155 Variances and Section 1176 Shoreland Management District Regarding Variance Policies, Evaluation Criteria, and Conditions Relating to Impervious Surfaces” subject to inserting “Illegal non-conforming” to the front of Section 1176.07.05 Subd. 4.2. Motion passed 5/0.

Quam moved, Fletcher seconded, Adopting RESOLUTION NO. 11-13, “A Resolution Approving Publication of Ordinance No. 214 by Title and Summary” subject to changing in Item 1 “since before” to “before” and inserting “illegal non-conforming” in between the words “excess” and “impervious.” Motion passed 5/0.

C. Second Reading: Ordinance 215, Amending Code Section 1140.18 Regarding Building Volume

Mayor Kind noted this is the second reading of Ordinance 215, Amending Code Section 1140.18 regarding building volume. Council had the first reading during its February 6, 2013, meeting. She stated the Ordinance originally was intended to be related to rules for small lots. She explained the Planning

Commission recommended relaxing only the building volume standard. It did not recommend any changes to standards for setbacks and hardcover. During the February 6 meeting she and Councilmembers Fletcher and Quam indicated they were in favor of making changes to the setback and hardcover standards for small lots. Councilmembers Cook and Roy indicated they supported the Commission's recommendation to relax only the building volume standard. Fletcher and Quam noted they would like to have broader Council support before they were willing to change the standards for setbacks and hardcover. Therefore, for the first reading Council decided to move forward with the building volume changes only. She noted a copy of the revised Ordinance for building volume is included in the meeting packet.

Kind stated if Council approves Ordinance 215 it will go into effect after it has been published in the City's official newspaper.

Councilmember Quam noted the Ordinance states that for lots between 7500 square feet and 15,000 square feet in area above grade building volume cannot be greater than 42,000 cubic feet (the current standard is 37,500) plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet). He explained the increase to 42,000 is still a problem because 7500 square feet times 6 equals 45,000 cubic feet. A 7500 square foot lot will be allowed more building volume than an 8000 square foot lot.

There was Council consensus to change the 42,000 cubic feet to 45,000 cubic feet.

Councilmember Roy asked if this goes back to the Planning Commission. Mayor Kind noted it does not.

Councilmember Fletcher recommended tabling this item in order to give Zoning Administrator/Clerk Karpas an opportunity to review the last ten zoning variance requests (or more) for smaller lots to determine if there has been a pattern. He stated if the City continually grants a variance for certain things then it seems that the Code should be changed so a variance is not required. Councilmember Quam stated he does not think Council has all the data it should have to make a good decision. Karpas stated the volume variance granted for the property on Greenwood Circle is the only one he remembers recently. Fletcher clarified he was talking about setbacks and hardcover variances as well as volume. Karpas stated he could go back fourteen years which is what he has records for. Fletcher stated from his perspective the more data Council can be provided the better. Kind stated the City has not had trouble with its massing ordinance.

Mayor Kind noted that philosophically she supports relaxing rules to allow property owners to improve their properties within reason. She stated during the recent government training session people learned that if a variance is continually granted for the same types of things it serves as a signal that an ordinance should be changed.

Zoning Administrator/Clerk Karpas stated he would be able to assemble the variance data into a spreadsheet format for Council's April 3 meeting.

There was Council consensus to continue Ordinance 215 to Council's May 1 meeting, to give Council time to review the variance spreadsheet and make possible ordinance changes.

Councilmember Cook asked if Council wants to involve the Planning Commission. Mayor Kind responded that the Council may decide to refer the issue back to the Planning Commission depending on what is discovered from Zoning Administrator/Clerk Karpas' research presented at the April meeting.

Quam moved, Fletcher seconded, continuing Ordinance 215 to Council's May 1, 2013, meeting. Motion passed 5/0.

7. NEW BUSINESS

A. Planning Commission Appointments

Mayor Kind explained that each year three or four of the Planning Commissioner terms expire. Terms are for two years and there is no limit to the number of terms that may be served. Planning Commission members are appointed by the Council during its March meeting and as needed to fill a vacancy. Notification regarding term expirations was announced during Council's December 2012 meeting. An article seeking applicants was published in the last edition of the Greenwood Quarterly newsletter.

Kind then explained that the terms of Pat Lucking (seat B-1) and Kristi Conrad (seat B-2) expire in March 2013. The term of the vacant Alternate-2 seat also expires in March. Both Lucking and Conrad have stated that they are willing to serve another 2-year term and have submitted letters of interest (copies are included in the meeting packet). As of the Council packet deadline, one new application was received and withdrawn. Past protocol has been to reappoint Commissioners that are willing to serve again, for alternate members to move up to voting positions that open up on the Commission, and for new applicants to fill the alternate positions. Based on this protocol, Lucking and Conrad would be reappointed and their new terms would expire in March 2015. Should the open alternate position be filled that term also would expire in March 2015.

Quam moved, Cook seconded, Adopting RESOLUTION 10-13, "A Resolution Updating the Appointments and Assignments for 2013 to Appoint Pat Lucking (2-year term, Seat B-1) and Kristi Conrad (2-year term, Seat B-2) to the City of Greenwood Planning Commission and directing that the Oath of Office be administered to them during the next Planning Commission Meeting. Motion passed 5/0.

Mayor Kind thanked the newly appointed Planning Commissioners for again serving the community. She stated the Planning Commission is an appreciated group.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Cook: Planning Commission

Councilmember Cook stated the Planning Commission has not met since the last Council meeting due to a lack of agenda items.

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

With regard to the Lake Minnetonka Communications Commission (LMCC) activities, Councilmember Fletcher stated he spoke about what is going on at the LMCC during Council's February meeting.

With regard to the Excelsior Fire District (EFD), Fletcher stated there has not been an EFD Board meeting since the last Council meeting. The next meeting is scheduled for March 27.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated the Department of Commerce has published its environmental assessment. He is in the process of reading the published assessment, but so far it's difficult to get a clear understanding of what has been written. He noted a public hearing on the assessment will be scheduled.

Mayor Kind noted that a copy of the letter sent from Council to various representatives on the Xcel Energy Project is included in the meeting packet.

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

With regard to the South Lake Minnetonka Police Department (SLMPD), Mayor Kind stated the SLMPD Coordinating Committee met on February 7. She noted she is the only returning Committee Member. During the meeting the outgoing three members were recognized. They were former mayors Bill LaBelle, Chris Lizée and Nick Ruehl. Their combined years as elected officials equal 38 years. The agenda for the meeting was mostly start of the year housekeeping items. During SLMPD Chief Litsey's verbal report he noted there had been a significant increase in gun permit applications. That triggered a discussion about possibly opening up the firing range in the public safety facility to the public for firearms training. That topic will be discussed again during the Committee's May 21 meeting. Councilmember Quam noted the firing range idea was considered before and dropped because the insurance costs were going to be too much. Councilmember Fletcher stated if a decision is made to allow the public to use the firearms range the management of that would be absolutely critical. He commented that being a good police officer is different than being a good range master.

Mayor Kind noted that Attorney Kelly has reviewed the latest draft of the uniform animal control ordinance for the SLMPD community. She stated a few changes were suggested and forwarded on to SLMPD Support Services Manager Hohertz who is coordinating the effort. The ordinance will be placed on Coordinating Committee's May 21 meeting for discussion. Once the Committee takes action on it will come to each of the SLMPD member Councils for approval. She then noted the social host ordinance may be coming back to the Cities of Excelsior, Greenwood and Tonka Bay for consideration. She stated Council has made it clear that it would like to be presented with examples of when a social host ordinance would have been beneficial in the South Lake area and surrounding communities.

Kind stated there will be an emergency management training session held in March or April. It will be for elected officials, member city staffs and public safety personnel.

With regard to administration, Kind stated the City's 2012 audit has been completed. It went very well. It will be on Council's April 3 meeting agenda for approval. She noted that the City of Deephaven gets 69 percent of Greenwood's building permit revenue because it administers those efforts. It was determined that Deephaven was also taking 69 percent of Greenwood's load limit fees and it should not have been. Councilmember Fletcher found the issue during the audit process. Deephaven has written Greenwood a check for approximately \$6,300 to correct the problem.

Kind stated that ShopNBC has contacted the City about filming at a private Greenwood residence for 4 – 7 days beginning June 27 and asked Zoning Administrator/Clerk Karpas to explain the request to the Council. Karpas stated that ShopNBC wants to shoot some footage for Invicta watches at a private residence on Curve Street. Karpas noted that the City does not have a permit process for that, but it does have some public safety regulations that could prevent ShopNBC representatives from parking vehicles in

the area. ShopNBC has indicated it needs up to three television type trucks and up to twelve vehicles to handle its crew. He noted he has been in contact with Excelsior Fire District (EFD) Chief Gerber as has ShopNBC. He has also been in contact with SLMPD Deputy Chief Pierson. He stated the goal in reaching out to public safety is to make sure there is access for public safety vehicles. He stated the Chiefs and ShopNBC personnel are going to meet on site on March 8. Mayor Kind noted that if ShopNBC films for 7 days that would put its stay over the Fourth of July. Zoning Administrator/Clerk Karpas related that Deputy Chief Pierson had stated that won't be happening. Pierson indicated the extra days if needed would have to be on the front end, and that a police officer will be needed around the site to manage parking (at ShopNBC cost).

Kind stated the City of Excelsior is going to review the Bridge Agreement in either April or May.

Kind stated that Lakeshore Market is closed. She explained Zoning Administrator/Clerk Karpas is working with the property owner to get a vehicle and freezer removed.

Kind stated the island house has sold. Councilmember Fletcher stated he assumed the construction to finish the house will have a significant impact on Maple Heights Road. Fletcher then stated if he was spending the amount of money that he assumes it will take to finish the house he would like to have municipal water. He suggested someone contact that new property owner.

Discussion moved to the Excelsior Boulevard Water Service Extension Project area. It should have been discussed under Item 6.A. Mayor Kind explained Michael Quackenboss, 21030 Excelsior Boulevard, has sent an email to the City expressing his interest in learning more about connecting to the City of Excelsior's municipal water system which would require the Excelsior watermain to be extended down as far as his property. In a letter to Mr. and Ms. Quackenboss Zoning Administrator/Clerk Karpas stated the estimated assessment cost of at least \$10,500 plus connection costs, water meeting costs and future water service fees. Mayor Kind stated the City needs to determine where the watermain extension stopping point is so the City Engineer can determine the assessment cost to put on a new petition for watermain extension. She asked Council if it wants Zoning Administrator/Clerk Karpas to send a letter to the Quackenbosses, or to send a letter to all of the rest of the houses down Excelsior Boulevard. Councilmember Quam stated there isn't time to do them one property at a time. Councilmember Fletcher stated if the extension goes past the Clear Channel property it will drive the cost up for the group of properties just before that. Fletcher suggested sending a letter to the owners of the properties up to Manor Road asking them if they may be interested in extending watermain in front of their properties and to respond by a certain date. Kind asked if a letter should be sent to the owners of all the properties abutting Maple Heights Road as well. Attorney Kelly asked what the condition of Maple Heights Road is. Mayor Kind responded it was redone three years ago. It was noted that if the line is extended to Maple Heights Road that a stub for the properties on Maple Heights road would be included.

Kind suggested sending a letter to the owners of every remaining property along Excelsior Boulevard up to Manor Road. Councilmember Fletcher suggested the owner of property on the corner of Excelsior Boulevard and Manor Road should get a letter even though the mailing address for that property is Manor Road.

Councilmember Roy asked at what point the remaining property owners along Excelsior Boulevard have to commit. Mayor Kind responded when they sign a petition. Kind stated there has to be an assessment amount to put on the petition before it is circulated. Councilmember Fletcher stated there could be a petition forwarded where the petitioners could specify a not-to-exceed assessment amount.

Attorney Kelly stated there are two stages to this from the City's point of view. The City needs to give notice to people who might benefit from the project. He suggested the City identify the maximum end point. After that the property owners need to file a petition.

Mayor Kind stated the estimated assessment cost for the five properties is in the neighborhood of \$15,500. She explained that this petition would be different from the first petition the City received. This new petition would be a 100 percent participation petition. She stated that she and Zoning Administrator/Clerk Karpas will work with resident John Lang, the owner of the property located at 21120 Excelsior Boulevard, to get him what is needed for him to circulate a petition.

Attorney Kelly stated he will work with Zoning Administrator/Clerk Karpas on writing the letter that will be sent to the property owners.

Mayor Kind returned to giving her report.

Kind explained she had previously talked about purchasing vests for Councilmembers to wear in the event that there is a significant emergency event. The vests would be lime green, say Greenwood City Official on them and have the City's logo on them. The vests would be stored in the City's bin at the Emergency Management Center (EOC) in the public safety facility located in the City of Shorewood. The cost would be \$27 per vest and seven vests would be purchased. Councilmember Quam stated he thought it would be a good idea to do that.

Kind stated the previous Greenwood stickers for the Meadville boat launch don't work as hoped. The year is written on the sticker with a Sharpie pen but it only lasts a few months at most. Therefore, the year needs to be pre-printed on the sticker. The minimum order is 250 and the cost would be \$317. The cost to buy 400 stickers is \$352. With that quantity one sticker could be mailed to each household in the City. For \$368 the City could buy 750 and then send two stickers to each household while leaving some to spare. She noted the City of Deephaven mails two stickers to each household. There was Council consensus to purchase new stickers and to mail two to residents.

Kind noted the pre-board work session with the assessor is scheduled for April 3, 2013, at 6:00 P.M. just before Council's regular meeting. She asked Zoning Administrator/Clerk Karpas to remind the assessors of the meeting.

Kind stated the City of Orono sent a letter to the Lake Minnetonka Conservation District (LMCD) Executive Director expressing its opposition to the LMCD's draft Comprehensive Eurasian Watermilfoil (EWM) and Curly-Leaf Pondweed (CLP) Plan (the Plan) for Lake Minnetonka. All the mayors of the LMCD member cities were copied. Orono's position is to limit the introduction of nutrients and chemicals into the Lake. Orono does not think the herbicide treatment has proven as effective. Orono is concerned about the continuing expense and that it would be unsustainable. Basically, Orono is opposed to it. Councilmember Roy stated that there are inaccuracies in the letter from Orono that he does not want to go into at this time. He noted there will be a letter going out to all of the LMCD member city mayors that will address some of the inaccuracies. Mayor Kind stated she gets the sense from some cities that there is a not in my backyard mentality; a mentality that if they don't directly benefit from something right away they don't want to pay for it.

Councilmember Fletcher stated he had a conversation with Gabriel Jabbour, the owner of two marinas on the Lake and a resident of Orono, and learned that the State of Minnesota allows Lake Improvement Districts. Mayor Kind asked if it could be done by bay. Councilmember Roy noted the Minnesota Department of Natural Resources (MN DNR) recognizes each bay as a lake. Fletcher explained the

districts would be quasi administered by Hennepin County with the day-to-day activities administered locally by something like a board. The County would tax what the district wants. Only lakefront property owners would be taxed. Typically Lake Improvement Districts have been used for aquatic vegetation control. Fletcher stated a St. Alban's Bay district could potentially be established to help fund aquatic invasive species management. He then stated the first step in moving this forward would be to talk to Hennepin County Commissioner Jan Callison. Councilmember Roy stated he would have to be provided more information before he could comment on the idea. Councilmember Fletcher stated if Council is interested in discussing this more it could be placed on the meeting agenda for Council's April 3 meeting and he could provide Council with more information at that time.

Mayor Kind stated Council was provided with a map showing the route for the first annual Jake O'Connor's Luck o' the Lake 5k Fun Run on March 16 starting at 9:00 A.M. It is being sponsored by Jake O'Connor's and the Excelsior-Lake Minnetonka Chamber of Commerce. She noted most of the route is in Greenwood on residential streets. The Executive Director of the Commerce very recently sent the route to the City and asked if the City had a problem with it. She stated on the surface she does not have any problem with it. Councilmember Quam noted the Excelsior Fourth of July Firecracker 10k run goes through Greenwood as well. Mayor Kind stated there needs to be some assurance that there is some police control. Councilmember Quam stated that is part of the event organizer's expense. Councilmember Quam cautioned against saying no you can't run through Greenwood. Councilmember Fletcher stated the South Lake Minnetonka Police Department serves Excelsior and Greenwood so he does not think public safety is a problem. If police and fire have blessed this he does not think it is a problem. There was Council consensus to allow the event to go forward.

Mayor Kind said she attended a mayor's breakfast meeting hosted by Hennepin County Commissioner Jan Callison. It was attended by eight of the mayors of Lake Minnetonka area cities; attendance was low because of inclement weather. State legislators, the County Attorney and the Hennepin County Sheriff also attended. She shared several things she found of interest. Someone expressed concern about the business-to-business tax proposed by Governor Dayton. There is a \$500 property tax rebate also being proposed. The general consensus of the mayors was that would be a silly thing to do. The Governor plans to introduce a bill that would allow health and safety revenue to be used for school security. There was a lot of discussion about gun control. She noted that a Republican Legislator and a Democratic Legislator were sitting next to each other and they told people how well they get along. They indicated they agree on 80 percent of things. She stated they wanted to clarify it's a pleasant working environment; it's not contentious. She then stated the Sheriff's Department has a new air boat and remote operating vehicle. The vehicle allows a robot to dive rather than a human. She noted she thought the vehicle was funded in part by the Save-the-Lake Fund. The Sheriff stated he would like to redefine the standards for who can have guns and have penalties for violators. The County Attorney indicated he wanted to focus on repeat gun offenders. There was discussion about sharing services. The Cities of Wayzata and Long Lake have a joint committee that is looking for possible ways to share services. Mayors shared how their cities share services. The Mayor of Shorewood stated that he would like to see a consolidation of cities, and stated there are five South Lake cities with a total of 25 elected officials that have a combined population equivalent to the City of Hopkins. Kind related to the group that Greenwood likes things the way they are as did the Mayor of Woodland. Both thought there is more accountability when elected officials are closer to their constituents.

D. Quam: Roads & Sewer, Minnetonka Community Education

With regard to roads and sewers, Quam stated the roadways will be inspected after spring arrives. Hopefully the recommendations for improvements will be ready to present during the April 3 Council meeting.

With regard to Minnetonka Community Education (MCE), Councilmember Quam stated there is nothing new to report.

E. Roy: Lake Minnetonka Conservation District

Councilmember Roy stated the Lake Minnetonka Conservation District (LMCD) Board discussed how to streamline dock extensions in 2013 if there is low water again. He explained people who applied for and received a permit in 2012 for a dock extension would only have to go online to register an extension in 2013. He stated bow fishing should come to a head in April. He then stated Council spoke about the LMCD budgeting \$75,000 for possible herbicide treatment for 2013. He noted there is another \$35,000 budgeted for the capital improvement budget for a future replacement of a harvester. He stated he does not support setting \$35,000 aside for a future harvester replacement. Mayor Kind agreed. Councilmember Fletcher stated he supports keeping the LMCD budget reasonable so some of the larger member cities don't get too riled up. He noted that each member city's share of funding for the LMCD is based on tax capacity. There was Council consensus to support a reasonable budget.

10. ADJOURNMENT

Roy moved, Cook seconded, adjourning the City Council Regular Meeting of March 6, 2013, at 8:56 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder