

GREENWOOD CITY COUNCIL MEETING
Wednesday, August 7, 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: Attorney Kelly and City Zoning Administrator / City Clerk Karpas

Members Absent: None

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

2. CONSENT AGENDA

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

- A. July 3, 2013, City Council Meeting Minutes**
- B. June 2103 Cash Summary Report**
- C. July Verifieds, Check Register, Electronic Fund Transfers**
- D. August 2013 Payroll Register**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

John Lang, 21120 Excelsior Boulevard, stated he and his wife attended a meeting at Shorewood City Hall regarding the Metropolitan Council Environmental Services (MCES) Excelsior Boulevard forcemain and watermain project. MCES had indicated it would hold weekly meetings about the project and that it would have a construction trailer. It has no construction trailer and there are no weekly meetings. From his perspective many of the things discussed at the meeting did not come to fruition and he questioned the purpose of the meeting. He reviewed the issues they have. They were told they would be given notice when their driveway would be closed. They received 12-hour notice the other day, and he did not think that was adequate notice. Their mail has been moved down to where it is unsafe to go and get it. Their garbage has not been picked up for two weeks.

Mr. Lang then stated their biggest issue is they spoke with a project manager who stated he was not sure if there would be any money in the project to replace landscaping. That person also stated that the Minnesota Department of Transportation (MnDOT) preferred to just plant grass and that the City of Greenwood (he assumes Council) does not care because it is not in the City's right-of-way (ROW). He asked who is championing the landscaping cause. He stated landscaping is a big issue for him and his wife. The old landscaping provided some sound barrier and landscaping, or lack of, affects their property value. He asked for help from the City in addressing this issue.

Mayor Kind thanked Mr. Lang for bringing this to Council's attention. She stated the City will look into this. She explained there is a landscaping restoration plan. A copy of it can be found on the City's website. The landscaping is to be replaced with lilacs, other shrubs, and a variety of shade trees. The City's arborist did review the plan. Most of the large trees that used to be there were ash trees and the arborist thought the City was somewhat lucky they will be replaced with new shade trees, because it was likely that the ash trees would have become infected with emerald ash borer.

Mr. Lang stated it's his recollection they have been told that landscaping plan is a preliminary thing.

Mayor Kind clarified that plan is part of the contract between the City and the Met Council.

Councilmember Fletcher asked if it would appropriate at a future Council meeting to review the landscaping plan.

Mayor Kind noted that on August 14, 2013, at 5:30 P.M. MCES will hold a neighborhood meeting at the corner of Excelsior Boulevard and Maple Heights Road regarding the project. That would be an excellent opportunity to present issues and concerns. Councilmember Fletcher stated he has an Excelsior Fire District Board meeting that evening. The other four Council members indicated they are going to attend, and directed the city clerk to post the meeting since a quorum of the council will be in attendance.

Bill Cook, 5195 Greenwood Circle, explained he is repairing the retaining wall located on City property immediately to the north of his property. Construction will start in about 7 to 10 days. The wall is being replaced in its current location and its current size.

4. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

A. Chief Bryan Litsey – South Lake Minnetonka Police Department 2014 Budget

Mayor Kind noted South Lake Minnetonka Police Department (SLMPD) Chief Litsey is present this evening regarding the SLMPD 2014 Operating Budget. Deputy Chief Pierson is also present. She then noted the meeting packet contains a copy of the budget that was recommended by the SLMPD Coordinating Committee. She stated Litsey will answer any questions Council has regarding the budget. She asked if any Councilmember has questions for Litsey. She noted additional background information about the budget process and copies of budget documents can be found on the SLMPD's website www.southlakepd.com.

Kind explained the SLMPD Coordinating Committee recommended approval of a 2014 budget on a 3/1 with Tonka Bay Mayor De La Vega dissenting. The recommended budget reflects an increase of 2.9 percent when compared to the 2013 approved budget. The budget needs to be approved by September 1, 2013. The Excelsior City Council unanimously approved the budget at their meeting on July 29, 2013. The Greenwood Council is the second member City Council to take action on the budget.

Kind then explained that during the Coordinating Committee's June 26, 2013 budget work session and also during its July 10, 2013 regular meeting there was discussion about the SLMPD member cities absorbing the cost of policing for Fourth of July activities, rather than invoicing that cost to the Excelsior-Lake Minnetonka Chamber of Commerce (the Chamber). The Coordinating Committee agreed that the Fourth of July celebration is deserving of special consideration compared to other events. If the cost for Fourth of July policing activities was rolled into the SLMPD budget, it would give the false impression of a larger than usual budget increase. Therefore, it was recommended that the cost be invoiced directly to each member city. She noted the City currently contributes more than it would be required to contribute

based on what is being recommended. She indicated she prefers the way things are currently handled, but that she would be okay with what is being proposed.

Chief Litsey explained the SLMPD currently invoices event sponsors for special policing activities. The upside is it does provide some additional policing that would normally have to be covered anyway with someone else helping to cover the cost of that. The special policing activities do create scheduling conflicts sometimes. He stated if the recommended Fourth of July policing funding proposal were to be approved, Greenwood could also contribute the difference between its share of policing activity costs and what it currently contributes to the Chamber for the Fourth of July celebration.

Mayor Kind asked Chief Litsey if he knows what the other three SLMPD member cities currently voluntarily contribute to the Chamber for the Fourth of July Celebration. Litsey stated he does not because it goes directly to the Chamber.

Mayor Kind clarified Council only needs to take action on the SLMPD 2014 Operating Budget this evening.

Roy moved, Quam seconded, approving the South Lake Minnetonka Police Department 2014 Operating Budget as presented.

Councilmember Fletcher stated he prefers the cost for Fourth of July policing activities be included in the 2014 budget.

Chief Litsey stated it is his recollection the Coordinating Committee was sensitive to the fact that by doing that it would artificially inflate the budget increase. Over time it would eventually be incorporated into the Operating Budget.

Motion passed 5/0.

Fletcher moved, Cook seconding, recommending that the estimated \$5,000 cost for Fourth of July policing activities be added to the South Lake Minnetonka Police Department (SLMPD) 2014 Operating Budget if the other SLMPD member cities are agreeable to that, and if the other cities are not, Greenwood is amenable to contributing its \$424 share of the \$5,000 for policing services and reducing its contribution to the Excelsior-Lake Minnetonka Chamber of Commerce for fireworks activities proportionally.

Councilmember Quam questioned if it is necessary to stir the pot. He did not think there is a need to complicate the budget.

Motion passed 4/1 with Quam dissenting.

Chief Litsey stated he only made it to Councilmember Quam's residence for one of the Minnesota Night to Unite gatherings in Greenwood. The storm came and gatherings were cut short. At least one SLMPD representative was able to go to have a presence at most of the gatherings. This year in Greenwood there was a record high of four gatherings, and there were seventeen in total for the SLMPD community. Food was collected for the ICA food shelf at the gatherings and that was successful. Councilmember Quam stated that was a good idea and it was easy for attendees to do. Litsey stated the gatherings give SLMPD personnel a positive way to connect with the community.

Chief Litsey then stated this fall the SLMPD will offer its third Citizen Police Academy. He noted three members of the Greenwood Council have attended an Academy as did resident Jan Gray who is present this evening. They can attest to the success of the program. He explained it's a great way for SLMPD personnel to connect with the SLMPD community. This year's Academy will start on Thursday, September 12, and run through Thursday, November 21. There will not be a session on October 31. The sessions generally run from 7:00 – 9:30 P.M. Classes are kept small to ensure people get enough hands-on time. He credited Sergeant Mark Geyer with much of the success of the program. He noted there was a great article about the Academy in the Lake Minnetonka Magazine. Applications can be found on the SLMPD's website www.southlakepd.com. He stated there is a background check conducted on applicants. He assured people who are considering attending that it would be well worth their time. He encouraged people to sign up quickly.

Mayor Kind stated she attended the Academy in 2012 and it was well worth her time. Councilmember Quam stated that the reason he has not attended the Academy is because he has a Minnetonka School District Board meetings on Thursday evenings. It is not that he is not interested in the Academy.

Chief Litsey stated after receiving a call last evening about a suspicious vehicle a SLMPD patrol officer made a traffic stop on a prowler that was going through the Cities of Deephaven, Excelsior, Greenwood and perhaps Shorewood. Two people were arrested. They were mostly going through vehicles and primarily looking for electronic devices. They also had possession of drugs and were arrested for that as well. He asked anyone who found something missing to please report it to the SLMPD. The two people will be charged tomorrow; they are still in custody.

Chief Litsey thanked Council for its support of the SLMPD 2014 Operating Budget.

B. Discussion of Next Steps Regarding Proposed R-1C Single-Family Residential & Neighborhood Entertainment District

Mayor Kind explained that the recent adoption of Ordinance 216 removed Theaters as a conditional use within the R-1A Single-Family Residential District. Council's rationale was that Theaters are not an appropriate use in the entire R-1A Single Family Residential District. Council recognizes the Old Log property has been operating a long-standing Restaurant and Event Center in addition to the Theater. In order to give the new owners of the Old Log property the flexibility to make improvements, while allowing the City to keep reasonable control, Council decided that an R-1C Single-Family Residential & Neighborhood Entertainment District should be established for the Old Log area. Council directed the draft of the R1-C district would be the same as the R-1A district with Theater Entertainment Center added as a conditional use. It is understood Zoning Code Section 1150.20 Conditional Use Permits / Determination ensures the City has the authority to impose reasonable conditions that will preserve the character of the neighborhood if the owners of the Old Log property decide to expand current structures, add new structures, or develop the property as a residential neighborhood in the future (a copy of that Code section is included in the meeting packet).

A copy of a draft R-1C ordinance was sent to the Planning Commission for a public hearing and recommendation. The topic has been on the Commission's May, June, and July 2013 agendas. To date the Commission has not held a public hearing. Council may hold the public hearing if the Commission has not taken action in 60 days.

Since the initial discussions Planning Commission Liaison / Councilmember Cook suggested tweaks to the definition of "Theater Entertainment Center," and also suggested that the R-1C "purpose statement" be expanded. Zoning Administrator / Clerk Karpas suggested Section 1150.202 Conditional Use Permit

Section / Determination subd. 2 should include examples of conditions that are related to operations instead of the examples being mostly related to physical characteristics of the site. Cook's and Karpas' suggestions have been incorporated into the third draft of the ordinance (a copy of which is included in the meeting packet).

She noted that if Council chooses to streamline the process the meeting packet includes a timeline for doing that. It also includes a proposed timeline should Council want the Planning Commission to move forward with the process.

She then noted that Planning Commission Chair Lucking is present for the discussion about the next steps in this process.

Planning Chair Lucking stated after eliminating Theater in the R-1A district any major changes desired for the Old Log property would pretty much be under Council's control. He commented that major changes are not expected at this time. He stated there is a reasonable understanding of how the Old Log Theater operated in the past. He thought it prudent for the Planning Commission to get an understanding of how it will operate in the future before creating things such as definitions for a new ordinance. Caution has to be exercised to ensure the definitions will not create unintended consequences. He noted from his perspective he does not think there is a reason to rush finalizing the ordinance. He stated he thought it prudent that the draft ordinance be assessed thoroughly to ensure the wording is in the best interest of all parties.

Councilmember Fletcher stated Theaters used to be a conditional use in the R-1A district. Council had wanted to ensure Theaters could not be built in the rest of that district. He questioned what needs to be analyzed at this time with regard to the R-1C district.

Chair Lucking stated he believes there are things that need to be analyzed. He then stated once the ordinance is approved if something happens that is not consistent with the intent of the ordinance nothing can be done about it. He noted that he thought it prudent to take the time needed to make sure it is done right.

Councilmember Fletcher asked Chair Lucking for an example of what the Planning Commission would discuss. Lucking responded the definition of a Theater Entertainment Center.

Mayor Kind stated a definition for Event Center was recently approved as part of the discussion about Hotel / Motel. She stated the definition of Event Center reads *"means a property, or the buildings thereon, commercially offered, promoted, used, or employed as a venue or site open to the public or available for the conduct of public or private gatherings of people or for the conduct of events thereof of any sort or kind."*

Zoning Administrator / Clerk Karpas stated the Planning Commission had concerns about how many times a site / structure could be used as an event center. The definition of Event Center would allow events in addition to plays to be held on the Old Log every night in a week. The Commission questioned if that is the appropriate regulation.

Mayor Kind stated the Old Log property is grandfathered in to be used that way. The property has been used as an Event Center for a very long time.

Chair Lucking stated the Planning Commission knows how the Old Log property operated in the past and is operated currently. Is that the intent for the future? He noted that he doesn't anticipate it would be

operated much differently under the current ownership. But, that doesn't mean if something changes five to ten years into the future that there wouldn't be a desire to have a dance hall open until 1:00 A.M. He recommended time should be taken to consider those types of things jointly with Council and the Commission.

Mayor Kind stated based on the discussion by Council it is her understanding there was interest in keeping it the way it was when Mr. Frankenfield and his wife bought the Old Log property. At that time Theater was listed as a conditional use. Council's objective was to have Theater as a conditional use for just that area and not the entire R-1A district. At this time the City has taken a step backward from where things stood when the Frankenfields originally bought the property. She questioned why the City would want to take away a legal standing that had been in place when they bought the property. Chair Lucking stated the Planning Commission would not be looking at doing that. Kind noted if Theater is not put back as a conditional use that is what has happened.

Chair Lucking asked if the intent is to put Theater back as a "conditional use" or as a "permitted use." Mayor Kind reiterated the draft ordinance lists it as a "conditional use," which is what it had been. She noted the City has reasonable control of conditional uses.

Councilmember Quam asked if the Planning Commission has reviewed draft 3 of the ordinance. Zoning Administrator / Clerk Karpas stated it has not. Quam stated from his vantage point the Commission needs to review it. Mayor Kind stated the Commission is not required to review draft 3. The Commission reviewed an earlier draft, but it did not hold a public hearing on it or make a recommendation on it to Council. Council can take action on the draft ordinance or it can ask the Commission to consider it again. Quam stated it sounds to him that the Commission wants the opportunity to consider draft 3. Quam thought it prudent that the appropriate amount of attention is given to considering the ordinance to ensure there are no unintended consequences from it.

Greg Frankenfield, 5195 Meadville Street and the new owner of the Old Log Theater property, stated he and his wife are working with architects and are focusing on how to remodel the interior of the structure. He stated that it is his understanding that the Old Log Theater currently is a nonconforming use, so he could not add a patio (which he would like to do), or make an addition to a building. Mayor Kind noted he cannot even add one foot to a structure the way things stand now. Mr. Frankenfield stated it would make it easier for him as he plans things out to know what he can ask to do. Mr. Frankenfield said that waiting another month or two for the status to be changed to a conforming status may not negatively impact him too much, but to wait much longer than that will slow his plans down.

Councilmember Quam stated based on the two proposed timelines, the timeline of going back to the Planning Commission would slow things down about one month.

Councilmember Cook stated it's his understanding that Mr. Frankenfield can submit an application to do anything he wants to now. Mayor Kind clarified that "legal nonconforming" properties are entitled to keep what they have, but the City Council cannot approve a building addition or a new patio for a legal nonconforming property. Mr. Frankenfield has to wait for the property to become a "permitted use" or "conditional use" before he can make an application to the City for a building addition, etc.

Councilmember Fletcher noted that at the time it happened he thought it made sense to take Theater out of the R-1A district as a conditional use because it would protect the City from having someone else apply for a Theater anywhere else in the R-1A district. He would not have supported removing Theater from the R-1A district if he did not think Council would support moving forward with the R-1C district which is

identical to the R-1A district except for having Theater as a conditional use. He stated the R-1C district has been discussed for three months. It's time to move forward with the new R-1C district.

Cook moved, Quam seconded, moving forward with proposed timeline for the Planning Commission to again consider a draft ordinance for the R-1C Single-Family Residential & Neighborhood Entertainment District as presented in the council packet.

Chair Lucking stated he thought one of the reasons the Planning Commission did not get further along in the process for the R-1C district is the Commission did not have the consistent attendance of Planning Commissioners and one meeting it was tabled because of lack of a quorum. He then stated by allowing the Commission to discuss draft 3 of the R-1C district ordinance it may provide the Commissioners the opportunity to satisfy some of the concerns they had. He noted that the Commission does not intend to draw this process out for a significant amount of time.

Mayor Kind stated she favors the City Council taking this task on at this time to move an already lengthy process along faster. She noted that she does not anticipate that she would support any major changes to draft 3 of the R-1C district ordinance. Therefore, she will not vote in favor of the motion. She commented the Planning Commission could have quorum issues again.

Motion passed 3/2 with Kind and Fletcher dissenting.

Mayor Kind noted the Planning Commission will follow the proposed timeline. She explained a notice for the Public Hearing will be submitted to the Sun-Sailor on August 8. The Public Hearing will be published in the Sun-Sailor on August 14. The Planning Commission will hold the public hearing on draft 3 of the R-1C district ordinance and make a recommendation to Council on September 18.

C. Excelsior Library Groundbreaking 2:00 P.M. Monday, August 12, 2013

Mayor Kind stated the ground breaking for the new Hennepin County Excelsior Library is scheduled for 2:00 P.M. on Monday August 12. Everyone is invited. If a quorum of Council will be in attendance the event will be posted. She noted she will be there.

D. Budget and Fees Work Session, 6:00 P.M. Wednesday, September 4, 2013

Mayor Kind stated the City Council will be having a budget and fee work session at 6:00 P.M. on September 4 prior to its regular meeting.

Other

Mayor Kind reiterated that on August 14, 2013, at 5:30 P.M. MCES will be holding a neighborhood meeting at the corner of Excelsior Boulevard and Maple Heights Road regarding the Excelsior Boulevard project. The meeting will be posted since a quorum of the Council will be present.

5. PUBLIC HEARING

A. None

6. UNFINISHED BUSINESS

A. Next Steps Regarding St. Albans Bay Bridge Agreement with Excelsior

Mayor Kind explained that on April 10, 2012, the Excelsior and Greenwood City Councils met in a joint work session to discuss the jointly-owned St. Albans Bay Bridge (the Bridge). Two members of this Greenwood Council and some of the members of the Excelsior Council were not on the respective Councils at that time. During that meeting the Cities agreed to draft a mutual agreement that lays out key steps in the process for replacing or rehabilitating the Bridge. Both Cities were to review the agreement and revise as they deemed appropriate and then approve the final agreement. The agreement was to have a trigger point for determining the time to seek funding for fixing / replacing the Bridge. The meeting packet contains a copy of an agreement created by City Attorney Kelly. The Greenwood Council approved the draft agreement during its June 6, 2012, meeting. It was forwarded to the Excelsior Council for its consideration. The last communication from Excelsior was it was to consider the agreement during its March or April 2013 meetings. During its April 24, 2013, special meeting the Greenwood Council decided to continue the discussion of this matter until later in the summer. That is why it is on this evening's agenda.

Kind asked for direction from Council on what it would like to do.

Councilmember Quam stated because the Greenwood Council already approved the agreement he asked what else this Council should do. Mayor Kind responded this Council could continue to nudge the Excelsior Council to take action on the agreement, or it could put this topic off indefinitely. Quam suggested leaving it be.

Councilmember Fletcher stated the July 3, 2013, Council meeting minutes indicate Councilmember Cook, a professional engineer by trade, did not think the Bridge would have to be rebuilt or replaced anytime in the near future. Fletcher asked if Cook means this is not a burning issue that has to be dealt with soon. Cook stated the rating of the Bridge is not on MnDOT's or any other agency's list of bridges that must be rebuilt in the near future. Cook then stated he personally thinks there are some cosmetic things that are wrong with the Bridge, but nothing is structurally wrong. Cook noted he is not a structural engineer. Cook stated pushing this issue with the Excelsior City Council is premature.

There was Council consensus to have this on a meeting agenda every six months and once a quarter ask Excelsior if there is anything new about the Bridge.

7. NEW BUSINESS

A. Traffic Control Signage

Mayor Kind explained Council had approved a 5-year sign replacement project because most (if not all) of the old signs in the City were faded and out of compliance with federal retroreflectivity standards. At the same time the City is replacing sign posts because most (if not all) the old posts were rusting and not vertical anymore. She has been managing the project and she authorized adding stop signs on the posts at intersections that had no traffic control in the past. The rationale for that was traffic control at intersections is recommended by the Manual on Uniform Traffic Control Devices, it is the norm at intersections in the metro area, and it offers guidance to drivers who are unfamiliar with Greenwood. Since installing the new stop signs, the City has received complaints. The complaints were mostly regarding the stop sign at the corner of Meadville and Meadville adjacent to 5120 Meadville Street.

The City does not have an ordinance that requires Council action for the placement of traffic control signs in the City. However, state statute gives a city the authority to place signage. Since the Council had not delegated the authority to the public works director, or the city engineer, or the mayor, the Council should

take official action regarding the location of the new stop signs. That is why this item was placed on this meeting agenda for Council's consideration.

The City Engineer has reviewed the new stop signs in the field. A letter with his comments is included in the meeting packet. His letter includes a drawing showing his recommended changes. A copy of a map showing the locations of the new stop signs and a map showing the locations of stop signs with the City Engineer's recommendations (Exhibit B) also is included in the packet.

Mayor Kind walked through the changes proposed by the City Engineer. The stop sign that was placed at the intersection of Meadville and Meadville should be moved to stop traffic traveling east of the stub road onto Meadville Street. The stop sign placed at the intersection of Meadville Street and Fairview Street should be moved to Meadville Street to stop traffic traveling south through the intersection. Traffic from Fairview Street to Sleepy Hollow Road should be considered a through street. Therefore, the sign should be moved to stop traffic traveling south on Fairview Street through the intersection. The City engineer has no problem with the placement of the other new signs.

Mayor Kind invited audience members to comment.

Jan Gray, 5170 Meadville Street, stated her property is located next to the stub road (which she will refer to as an alley). She noted the concerns she will convey this evening are shared by other residents in her neighborhood. She asked what the goal of installing additional stop signs was and if it is possible to reconsider the need for them. She stated that she has heard from members of the Council that there is a concern about speeding in the neighborhood. She has also heard concerns about the safety at intersections in the neighborhood. She asked Council if it believes the stop signs curtail speeding and reduce incidents at the intersections. She stated if those are the concerns then alternate methods could be used to mitigate them. She noted that a few years ago Council was persuaded to remove street signs that people thought were a visual pollutant. Adding the stop signs has increased the visual pollutant.

Ms. Gray highlighted comments from various emails she received from other residents. Following is a summary. She clarified some of the comments have been negated by the recommendations of the City Engineer, but that she was not aware of his recommendations (Exhibit B) until this evening. With regard to the sign at Meadville and Meadville, there is question about why it is at a little used alley. She hears cars throughout the day which appear to ignore the sign; that has been improving the last week. Why is that sign needed at all? Another resident questioned why it was necessary to remedy a problem that did not exist by creating a new one. She stated collectively the four households served by the alley have lived along a sign-less street for a combined 100 years. No one remembers a traffic incident at that curve. If the intent was to slow traffic, it is the wrong sign. A resident found that painting a yellow line around the curve worked very well. There are those that think there is more traffic control from a paint can than there is from more signs. A resident thought enforcement of the sign would not be possible. In an email back from Councilmember Fletcher, he suggested the signs would slow traffic and remind people to yield to the rights at the intersection.

Ms. Gray stated a 20mph sign was put up along her street. Unfortunately, it is not visible to east bound traffic. And, she has been told it is merely a suggestion because a driver cannot be ticketed for going faster than 20mph and less than 30mph. She has been told that the Minnesota Department of Transportation (MnDOT) standard is a residential street has a 30mph speed limit unless the City has conducted a speed study and requested the speed limit be lowered. She assumes Greenwood has not done that. Therefore, the 20mph sign is a visual pollutant and it is ineffective. Those going over the speed limit near the Wyatts' property are going the opposite direction. She explained that in an email from Mayor Kind she stated that traffic control (stop signs) at intersections is the norm in the metro area. And, traffic

control signs offer guidance to drivers who are unfamiliar with Greenwood. She stumbles over the logic of comparing Meadville to the metro area. She expressed her appreciation for the time the Mayor and Councilmember Fletcher spent reviewing and talking about stop signs in the field. Unfortunately, the message appears to be that they are comfortable with the new stop signs. In an email Ms. Gray received from Mayor Kind, the mayor said that she agreed that many of the residents will ignore the stop signs and roll through the intersections after determining it is safe to do so, but at least they will slow down and that is good.

Ms. Gray noted that during the neighborhood Night to Unite event on August 6 one resident suggested using slow traffic signs to address speeding. She also noted the letter from the City Engineer about his stop sign review states *"In general, I believe it is important to state that I do not believe that stop signs should be used as a traffic calming device."* She assumes calming means slowing. The Engineer also states *"In addition, I am not aware of any issues at the intersections where stop signs have been added."*

Ms. Gray noted that a former member of Council has indicated she had her share of concerns about safety at the curve in Meadville Street as well as about the speed on the roadway. She had brought her concerns to Council many years ago. Council authorized painting a line which separates the roadway at the curve. It ended up being a clear and effective way to manage speed and safety at the location.

Ms. Gray stated during the last two weeks she spoke with other residents at Councilmember Fletcher's suggestion. Their comments about the signs were that they were ridiculous, unnecessary, dangerous, not helpful, nonsense, stupid, overkill, inappropriate, and so forth. The other residents suggested Council inquire with the residents before taking on such a program and that a lack of accidents be factored into the decision-making process. Some residents brought up concerns about the trail crossing and traffic control at the Old Log Theater property. They feel there is a real need for a stop sign at the exit from the Old Log property onto Meadville Street. That has been a long-time concern for neighborhood residents.

In conclusion, Ms. Gray stated she thinks order in a community and in society is essential. She respects the laws. She appreciates Council's interest in the safety of its residents. However, she agrees with many of the residents who think the new stop signs are unnecessary and can potentially create a safety hazard. She thanked Council for its consideration.

Mayor Kind stated that she that she had emailed Ms. Gray a copy of the City Engineer's letter and a copy of the Exhibit B map reflecting his recommendations, so she was surprised to hear Ms. Gray say that the information was new to her. Ms. Gray stated she received the email and explained the comments from the neighbors were received prior to her receiving the email, so she still thought it was appropriate to share the comments.

Councilmember Fletcher asked Ms. Gray if she is okay with the City Engineer's recommendations. Ms. Gray stated she agrees that stop signs should not be used as a traffic calming device. Ms. Gray reiterated some of her earlier comments and noted that she continues to believe the additional stop signs in her neighborhood are unnecessary.

Bob Newman, 5230 Meadville Street, stated when he was the mayor of the city he made an attempt to apply three questions prior to action taken by Council. Is action needed? If so, why? Will the action improve safety and / or the quality of life for residents in Greenwood? When considering the stop sign changes he finds they fail the test. He questioned why the signs were installed. He stated he does not think the City has a mandate to follow metro standards. He asked what the accident history has been in the area where the signs were placed. He noted sometimes inaction is the appropriate action. Otherwise it can

result in over government, the creation of issues where there aren't any, or fixing a problem that doesn't exist.

Mr. Newman then stated he drove to the corners where the stop signs were installed in his neighborhood. He noted he does not think the stop sign that is proposed to be moved to the stub road for traffic going east is necessary. He stated the stop sign on Meadville Street in front of his property is also unnecessary. He then stated from his perspective of the eleven new stop signs, maybe three could be warranted. He stated if a side street enters on to a throughway he asked if the driver on the side street is supposed to yield. South Lake Minnetonka Police Department (SLMPD) Chief Litsey explained at an uncontrolled intersection who ever reaches the intersection first generally has the right-of-way. Councilmember Quam noted if they both reach the intersection at the same time the person on the right has the right-of-way, and that would mean the driver coming off the stub would have the right-of-way.

Chief Litsey stated the SLMPD would be happy to analyze the intersections being discussed.

Councilmember Fletcher asked SLMPD Chief Litsey and SLMPD Deputy Chief Pierson if based on their experience if there is any benefit to have a stop at intersections like those being discussed to reduce accidents. Litsey he personally lives in an area where all of the intersections have stop signs. He stated that if it is in an area traveled mainly by residents, the residents get used to the right traffic pattern.

Chief Litsey stated when there are speed issues striping the roadway to create a narrowing effect is very helpful. It tends to slow driver down because of the perception. He then stated as far as traffic calming devices it's a policy decision of what Council wants to do. He noted he would refer to the traffic engineer and Council on where to place traffic calming devices. He stated if Council wants a more formal recommendation the SLMPD can provide one.

Mr. Newman stated common sense should apply to this for minor streets. He recommended Council review the stop signs at the minor streets. He noted that some of the stop signs that were added from side streets onto Minnetonka Boulevard make sense.

Keith Stuessi, 5000 Meadville Street, stated he strongly objects to the relocation of the stop sign at the intersection of Meadville Street and Fairview Street. That street is a raceway. Every year residents call the police about drivers running the stop sign or going way to fast while going up and down the hill. It's a blind intersection coming down Fairview Street or back up Meadville Street. The curve and the nature of the hill cause drivers to go much faster. He noted that he thought the stop sign there now is very essential. He encouraged Council to talk to residents in the neighborhood. He noted he agreed with comments made by Ms. Gray and Mr. Newman. Mayor Kind noted that some people thought it was a new stop sign.

Mary Thacher, 21915 Fairview Street, stated she has lived in her home since 1978 and there always has been a stop sign at the intersection where Fairview Street connects with Meadville Street. School buses stop there while large construction vehicles coast through. She explained people enter her neighborhood by two roadways – Sleepy Hollow Road and Meadville Street. She stated from her vantage point the only stop sign needed is the one that has been at the intersection of Meadville and Fairview.

Councilmember Fletcher stated Council has heard that striping is effective and he suggested Council consider that. He also suggested having the Three Rivers Park District come and talk to Council about the crossing for the LRT Trail. He stated he originally was supportive of installing the additional stop signs and he toured the various spots with Mayor Kind. If the new signs do not serve a practical purpose he has no issue with removing them based on resident feedback. The signs can be used in other areas.

Councilmember Cook stated the residents do not think the stop signs are useful and the fact that the traffic volume doesn't warrant them he recommends keeping only one of the three signs recommended for relocation (the one at Fairview Street and Meadville Street). He suggested keeping the other eight signs and considering removal of the others on a case-by-case basis based on resident feedback.

Mr. Newman suggested that other signs should be removed.

Fletcher moved, Cook seconded, removing the stop signs at Sleepy Hollow Road and Fairview Street, the three stop signs involving Covington Road, the stop sign at the hard curve on Meadville Street, and the sign near the Setterholm's property; leaving the stop sign at the intersection of Meadville Street and Fairview Street at its current location; authorizing the painting of a yellow line at the hard curve on Meadville Street; keeping the other stop signs that were put up; and, requesting that a Three Rivers Park District representative come before Council to talk about trail enforcement. Motion passed 5/0.

Councilmember Fletcher thanked Mayor Kind for her efforts in managing the sign program.

B. Variance Request, Bridgewater Bank, 21500 Highway 7

Mayor Kind explained that the Planning Commission considered Bridgewater Bank's variance application comments, application materials, staff report, City Code conditional use permit (C.U.P.) standards, and public comments when making its recommendation and determining conditions during the Commission's July 17, 2013, meeting. (The meeting packet contains a copy of the minutes from that meeting, a copy of the staff report, a copy of the C.U.P. standards, and a copy of the application.) The packet also contains a copy of a resolution with findings of fact drafted by the City Attorney. The Commission recommended approval of the variance request on a 4/0 vote. She noted the applicant had granted the City a 60-day extension to take action on the request. Therefore, Council must take action by September 18, 2013.

Fletcher moved, Quam seconded, Adopting RESOLUTION NO. 20-13, "A Resolution Approving a Side Yard Setback Variance to Permit Installation of Awnings for Bridgewater Bank, 21500 State Highway 7," and directing the City Clerk to mail a copy of the findings to the applicant, and the Minnesota Department of Natural Resources, and to place an Affidavit of Mailing for each of the mailings in the property file.

Zoning Administrator / Clerk Karpas stated because the awnings will cross over the property line the applicant has submitted an easement agreement with the neighboring property to the City Attorney for his review. The motion should be contingent on the Attorney approving that agreement. Attorney Keane noted that is addressed in the resolution.

Motion passed 5/0.

C. Authorization to send Budget Comment Opportunity Information to Hennepin County

Mayor Kind explained that each August the City has to notify Hennepin County when public comment will be taken regarding the next year's budget and Council has to authorize the City Clerk to send the date, time, place, and contact phone number to the County. The date usually is set during Council's January meeting. At that time the Council set the budget public comment date of December 4, 2013 at 7:00 P.M.

Quam moved, Roy seconded, authorizing the City Clerk to send the following information to Hennepin County – the time and date to hear public comment regarding the Greenwood 2014 Budget is December 4, 2013, at 7:00 P.M.; the place is at the Deephaven Council Chambers located at 20225 Cottagewood Road, Deephaven, Minnesota 55331; and the phone number is 952.474.6633. Motion passed 5/0.

D. Lake Minnetonka Regional Scenic Byway Concept

Mayor Kind noted Councilmember Fletcher requested that the topic of a potential Minnetonka Regional Scenic Byway be placed on this meeting agenda. She explained that as part of her Council report during the June 6, 2013, meeting she brought this topic up. Prior to that meeting she had received letter from Wayzata Mayor Ken Willcox inviting mayors to participate in discussions regarding the potential Byway. The idea would be to post signage along the Byway identifying the route. Maps would be available that would list points of interest. At this time there are two sites listed as points of interest in Greenwood – the Greenwood Marina and the Old Log Theater. Wilcox identified several benefits of the Byway in his letter. The benefits are listed in the meeting packet information.

Fletcher moved, Quam seconded, noting the Greenwood Council goes on record stating it is in favor of the Lake Minnetonka Regional Scenic Byway only if all of the other Lake Minnetonka cities approve the plan.

Councilmember Fletcher stated he is fine with the concept but he has heard that the City of Orono has some concerns about it around County Road 15. Therefore, he does not want the Greenwood Council to come across as pushing this.

Councilmember Quam stated he was not sure he wants more traffic through the Greenwood.

Councilmember Cook questioned why this is coming up now and why the Council should support this if there is controversy about it. He stated he views this as a do nothing item.

Mayor Kind stated based on Council feedback she will decline to attend meetings about it.

The maker and seconder withdrew their motion.

8. OTHER BUSINESS

A. None

9. COUNCIL REPORTS

A. Cook: Planning Commission

Councilmember Cook stated the Planning Commission related items had already been discussed.

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, Fletcher stated there is a full Commission meeting next week.

With regard to the Excelsior Fire District (EFD), Fletcher noted there is a joint work session of the EFD member City Councils scheduled for August 14, 2013, at 6:00 P.M. to talk about the proposed 2014 EFD Operating Budget and 2014 – 2035 Capital Improvement Program. The Councils have been provided with a copy of the proposed budget.

Fletcher explained the EFD Board pushed to increase the EFD Fire Chief's and EFD Fire Inspectors salaries and possibly the EFD Administrative Assistant's salary. Other members of the Board thought the salaries should be increased more than he did because there is also the firefighters' hourly-per-call rate as well as other expenses in the budget.

The recommended budget includes the use of EFD Operating Fund reserves to help fund the proposed increases to the Fire Chief's and Fire Inspector's salaries. He noted he informed the Board that the Greenwood Council does not favor the use of reserves to fund ongoing operating expenses.

Fletcher noted he supports the recommended budget.

Councilmember Cook stated the recommended budget does not include a mandatory contribution to the Excelsior Firefighters Relief Association (EFRA) fund for pensions. He noted he gets worried about not making mandatory contributions.

Councilmember Fletcher noted on August 6, 2013, there was a joint meeting of the EFD Board and the EFRA Board which he attended.

Fletcher explained the EFRA firefighters receive a per-year-of-service (PYOS) pension benefit currently is \$6,250 for each vested year they work. A firefighter is 60 percent vested after 10 years of vested service and that increases by 4 percent per year until being fully vested after 20 years of service. The EFRA special fund for pensions is invested with the State Board of Investment in a variety of things. The special fund is currently about 112 percent funded based on calculations made by the Office of the State Auditor (OSA) using data supplied by the EFRA. The PYOS was increased to its current level back in 2007 when the funding level was 123 percent; that was the last increase. Then along came the market crash in 2008. The special fund was no longer fully funded. Per State Statute mandatory contributions must be made to the special fund when it falls below the 100 percent funding level. The amount that must be funded can be amortized over ten years. The EFRA had gotten its funding for its special fund mainly from investment earnings and 2 percent state aid money (from a 2 percent surcharge on homeowners hazard insurance). The EFRA has an unwritten agreement that it will not ask the EFD Board to authorize a PYOS benefit increase unless the special fund dips below being 110 percent funded. Once the PYOS benefit is increased the EFRA membership would have to agree to reduce it.

Fletcher stated the PYOS benefit is a good benefit and the firefighters provide the EFD community good service for that benefit.

Councilmember Quam asked who has control of the EFRA special fund. Councilmember Fletcher responded the EFRA does, noting the fund is audited.

Councilmember Fletcher stated the State Board of Investment charges a low fee for managing investments. And, its investments are not quite as volatile as others. Therefore, there is less fluctuation in the EFRA's investments.

With regard to the Xcel Energy Transmission Line Upgrade Project, Fletcher stated Xcel did file with the Public Utilities Commission that it does support the Highway 5 option.

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

With regard to the South Lake Minnetonka Police Department (SLMPD), Kind noted Council approved the SLMPD 2014 Operating Budget earlier this evening. She stated none of the four SLMPD member City Councils have taken action on the Uniform Animal Ordinance.

With regard to administration, Kind stated the major calls to the City have been about the Metropolitan Council Environmental Services Excelsior Blvd project and the related loss of lilacs.

With regard to the Southshore Center Advisory Committee (the Committee), Kind stated the Committee had its first meeting on July 23. The Committee discussed four options for the Southshore Community Center (SSCC). The options include: 1) to keep things as they are now where the five cities who co-own the SSCC contribute on a voluntary basis, building repairs would be paid for based on the formula used for the construction of the facility, and the City of Shorewood would decide how the SSCC should best be used; 1A) cities wishing not to participate revoke their claim to any building ownership, they would have no further financial participation or liability, and they may give a voluntary contribution to Shorewood for any shortfall in funding for operations in 2013 (it's projected to be \$60,000 for 2013); 2) develop a new business plan to run the SSCC with a paid program and operations director with salaries paid in accordance with a to-be-determined formula paid by all cities, the budget would be approved each year by each of the City Councils; and. 3) sell the SSCC and distribute the proceeds based on the formula used for construction with easement rights valuation added to Shorewood's portion. She asked for Council's feedback about the options or ideas for other options. She stated the next Committee meeting is August 7.

Councilmember Quam expressed his support for Option 1.

Councilmember Roy stated he is comfortable for this year staying with the status quo (Option 1). But, if there continues to be losses in the range anticipated for 2013 he thinks other options should be seriously considered.

Councilmember Cook stated he can envision starting with status quo, then changing the business model, and if that doesn't work then sell the building. Mayor Kind explained the business model proposed would be a full-time program and operations director whose salary is paid by the partner cities. Cook clarified he supports changing the business model, but not to that model.

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

Mayor Kind reconvened the meeting at 9:02 P.M.

Councilmember Fletcher stated Greenwood paid for part of the building. Therefore, he does not understand why it would want to give up its ownership. He then stated if the amount it needs to be subsidized continues to be about \$60,000, then maybe operations should be scaled back. He commented that the reality the SSCC fights is its location and access to that location. He encouraged working with the other cities, while recognizing the realities that exist. He stated it's his recollection that Greenwood has contributed to the SSCC each year. He asked if the other co-owner cities have done the same.

Mayor Kind stated Excelsior contributed toward the purchase of a new digital sign. According to records provided by Excelsior, they have not made any other contributions (other than renting the facility) since

Shorewood assumed responsibility for managing the SSCC for a few years. She also thought Deephaven contributed toward the purchase of the sign as well. She is unsure about Tonka Bay.

Councilmember Fletcher stated from his perspective whatever goes on, all cities have to buy into whatever happens.

Councilmember Cook stated the City's equity position is 4 percent and it will have that equity position whether it contributes or not. He then stated Greenwood could expedite the decision of how to move forward by not making a voluntary contribution other than to maintain the equity position. Mayor Kind stated she takes that to mean contributing to capital projects but not ongoing operations.

Mayor Kind stated she has had conversations about this with Tonka Bay city officials and their past position has been to only fund capital expenses. She then noted the original vision was for the cities to pay for the construction of the SSCC and that ongoing operations were to be self-funding.

Councilmember Roy stated he thought the building was built about 10 to 12 years ago. He asked if its operation ever broke even. Mayor Kind noted that it did break even for a number of years when grant funds were used to help fund operations. Those grant opportunities no longer exist.

Councilmember Cook stated from his perspective the only way to change the vision is to stop sending money until something is worked out.

Mayor Kind stated she was involved in discussions when Shorewood offered to take on operational responsibility for a short term. And from her perspective, based on the discussions back then the five cities will never come to agreement on a formula.

With regard to the City's website, Kind stated it has a new look. There are two new things on the website. One is page about the Metropolitan Council Environmental Services (MCES) Excelsior Boulevard project. There is a pdf version of the landscape plan for that project on that page of the website. There is also an update about Xcel Energy's power line upgrade project.

Councilmember Fletcher noted he found the contractor for the MCES project to be very accommodating when he has tried to get to or from his property. Councilmember Roy also noted that he has not had any problems with the contractor. Mayor Kind stated she has received a few calls about noise and residents wondering what the noise ordinance is. She explained construction needs to happen between 7:00 A.M. and 9:00 P.M. weekdays. The hours on Saturday are a little different. Councilmember Quam noticed that one morning pounding did not begin until 7:30 A.M. and another morning it did not start until 8:30 A.M.

D. Quam: Roads & Sewer, Minnetonka Community Education

With regard to roads and sewers, Quam stated the 2013 roadway improvement project is progressing very well. Barber Construction is a very good contractor. He then stated the St. Alban's Bay Bridge has been resurfaced. It appears things will come in on or under budget.

With regard to Minnetonka Community Education, Quam noted the Tour de Tonka event was held on August 3. There were close to 3,000 bike riders and 400 volunteers. It was a perfect day for the event. And a lot of money was raised for the ICA Food Shelf.

E. Roy: Lake Minnetonka Conservation District, Lake Improvement District

With regard to the Lake Minnetonka Conservation District (LMCD), Roy stated he was not able to attend either of the LMCD Board meetings because he was out of commission. The first LMCD board meeting for August has been cancelled.

With regard to the Lake Improvement District, Roy stated he and Councilmember Fletcher have talked with all of the agencies they needed to talk to. The next step is for the two of them to develop a plan.

10. ADJOURNMENT

Cook moved, Roy seconded, adjourning the City Council Regular Meeting of August 7, 2013, at 9:15 P.M. Motion passed 5/0.

RESPECTFULLY SUBMITTED,
Christine Freeman, Recorder