

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, JANUARY 5, 2009
MINUTES**

1. OATH OF OFFICE

Mayor Paul Skrede, Councilmember Keith Kask and Councilmember John Wheaton were administered the Oath of Office.

2. CALL MEETING TO ORDER: Mayor Paul Skrede called the meeting to order at 7:00 p.m.

PRESENT: Mayor Paul Skrede, Council members Steve Adams, John Wheaton, Keith Kask and Kim Crockett

STAFF: Police Chief Cory Johnson, Zoning Coordinator Gus Karpas and City Administrator Dana Young

3. PLEDGE OF ALLEGIANCE

The Council recited the Pledge of Allegiance.

4. APPROVE CONSENT AGENDA

Motion by Councilmember Crockett to approve the Consent Agenda, consisting of the following items:

- A. Approve December 15, 2008 Minutes
- B. Approve Verifieds
- C. Approve April 6, 2009 as Date for Board of Review
- D. Adopt Resolution No. 01-09, Appointments & Assignments for 2009
- E. Adopt Resolution No. 02-09, A Resol. of Appreciation to Outgoing Board Members
- F. Adopt Resolution No. 03-09, Authorizing an Extension of the EPDB License Agreement
- G. Approve 2009 Boat Committee Chair & Vice-Chair

Seconded by Councilmember Wheaton. Motion carried 5-0.

5. MATTERS FROM THE FLOOR

There were no Matters from the Floor this evening.

6. PLANNING & ZONING REQUESTS

A. SPECIAL USE PERMIT – Stonehenge USA, 18258 Minnetonka Boulevard, (C-1, 10,000).

A request to place two commercial identification signs totaling twenty (20) square feet at their office building. Section 115.04(2) requires the issuance of a Special Use Permit for all new signage not intended to replace existing signage. Section 1115.09 permits signage of up to one hundred (100) square feet for commercial businesses.

Zoning Coordinator Karpas presented his Staff Report. He said the request was to install two projecting signs off the front face of the building along Minnetonka Boulevard. The first sign, located on the West Side of the building, would be oval and have signage on both sides containing a red background and white lettering. The dimensions would be thirty (30) inches in width by forty-eight (48) inches in height. The second sign, located on the East Side of the building, would be rectangular shaped and also have signage on both sides containing a white background, with a blue Stonehenge logo and black lettering. The dimension on this sign would be forty-six and a half inches in width by thirty (30) inches in height.

Karpas said he recommended approval for the request. He said the proposal complies with the permitted sign area requirements and would not have a negative impact to adjoining properties.

Councilmember Adams presented the Planning Commission report stating the Commission unanimously recommended approval for the request.

Dave Carland, Stonehenge USA, explained the signage was not originally proposed with the building because the actual tenants and their needs were unknown. He noted the building is completely leased at this time. He said the design of the signage was to keep in the time period of the building.

Mayor Skrede asked if the Councilmembers had any comments or questions for the applicant regarding the request. The Council was supportive of the request.

Councilmember Wheaton moved to approve the special use permit request to place two projecting signs, totaling seventy-six square feet as presented for the structure located at 18258 Minnetonka Boulevard. The proposal complies with the permitted sign area requirements and there would not be any negative impact on adjoining properties. Seconded by Councilmember Crockett. Motion carried 5-0.

7. OLD BUSINESS

A. Review Stormwater Management Plan

City Engineers David Martini and David Poggi were present to present the Surface Water Management Plan for Council review. David Poggi stated that this Plan would be included as part of the City's overall Comprehensive Plan and it would be reviewed by the Metropolitan Council to ensure that the Plan meets the requirements of the Minnehaha Watershed District and the Riley Purgatory Watershed District.

David Poggi provided a brief summary on each of the eight sections of the Surface Water Management Plan.

Mayor Skrede noted that the Plan is intended to be in compliance with State Statute yet is broad enough such that it doesn't commit the City to costly improvements.

David Martini stated that Plan would be updated as needs change and hopes that it will be a useful tool well into the future.

Motion by Councilmember Kask to accept the Surface Water Management Plan as submitted and approval of the final document will await further comments from the appropriate agencies. Seconded by Councilmember Adams. Motion carried 5-0.

B. Adopt Ordinance No. 05-35, Amending Section 520 on Animals and Fowls

Administrator Young stated that the City Council reviewed Ordinance No. 05-35, Amending Section 520 on Animals and Fowls on November 17th and requested that the ordinance be amended to incorporate the changes suggested by Police Chief Johnson to refine the scope of the ordinance.

He stated that the ordinance was amended by staff and was sent out to the City Council for further review on November 19th. He stated that he only received one comment from Councilmember Wheaton, who requested the addition of the following language to the end of Section B (5) "but excluding those members otherwise defined or commonly accepted as not inherently dangerous pets."

Councilmember Kask stated that he considers this ordinance to be the second part of the dangerous dog ordinance that the Council adopted last fall. He stated that he thought it was odd that the Council had adopted an ordinance that controls the behavior of dogs but didn't have anything addressing exotic animals that pose an equal danger to the public. He stated that with the adoption of this ordinance the City doesn't have to wait for something bad to happen and can be proactive in terms of exotic pets.

Councilmember Adams asked the Police Chief if he felt the ordinance was sufficiently clear to enforce.

Police Chief Johnson stated that he has reviewed the ordinance several times and felt that it was sufficiently clear in terms of enforcement.

Motion by Councilmember Kask to adopt Ordinance No. 05-35, Amending Section 520 on Animals and Fowls. Seconded by Councilmember Wheaton. Motion carried 5-0.

8. NEW BUSINESS

A. Approve 2008 Pay Equity Report

Administrator Young stated that the Local Government Pay Equity Act was passed in 1984 with the intent to require local jurisdictions to pay equitable wages to female classes of employees and to submit a report to the MN Management & Budget to demonstrate compliance with the Act. Municipalities are now required to submit a report every three years to demonstrate compliance with the Pay Equity Act.

He stated that the last report submitted by the City of Deephaven was in January 2006 and the next report is due in January 2009 and is presented to the Council for approval this evening.

Motion by Councilmember Kask to approve the 2009 Pay Equity Report for the City of Deephaven. Seconded by Councilmember Wheaton. Motion carried 5-0.

B. Hire Mark Westgard, Police Officer

Police Chief Johnson stated that the Interview Panel met on December 13th to interview 18 candidates for the position of Police Officer. Following the interviews, he stated that Mark Westgard was the

unanimous selection of the Panel. He stated that Mark worked 17 years as a Police Officer with the City of Deephaven and retired several years ago to start a family business with his wife. He stated that Mark has decided to return as a Police Officer and has kept up with both his license and his EMT training.

Councilmember Kask questioned the recommendation that Mark Westgard be hired at the six month salary level and stated that he felt that Mark Westgard's starting salary should reflect his prior work experience with the City and should begin at a higher wage level than the six month level.

Motion by Councilmember Kask to hire Mark Westgard, with his starting salary at the one-year pay level, effective January 12, 2009. Seconded by Councilmember Crockett. Motion carried 5-0.

Mayor Skrede administered the Oath of Office to Mark Westgard.

C. Review City Fiscal Report

Administrator Young presented the 2009 City Fiscal Report for Council review.

9. DEPARTMENT REPORTS

A. Police Department

Police Chief Johnson gave a brief update on recent Department activities, including the striping of the new police vehicle.

B. Excelsior Fire District

Fire Board Liaison Kim Crockett stated that the District will be holding a Board meeting later this month. She noted that she and Gerry Delavega from Tonka Bay would be the only returning board members in 2009.

C. Public Works

Administrator Young provided an update on recent and upcoming public work activities.

D. Administration

Administrator Young provided a brief summary on the following items:

- Part-time Snow Plowing Help
- 2009 Garbage Rate Increase permitted under the current agreement with Waste Management
- State Aid Reductions
- Deer Management Update

10. ADJOURNMENT

Motion to adjourn by Councilmember Wheaton, seconded by Councilmember Crockett. Motion carried 5-0. The meeting adjourned at 8:33 p.m.

Respectfully submitted,

Dana H. Young
City Administrator