

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, APRIL 6, 2009
MINUTES**

1. CALL MEETING TO ORDER: Mayor Paul Skrede called the meeting to order at 6:07 p.m.

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

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

2. PLEDGE OF ALLEGIANCE

The Council recited the Pledge of Allegiance.

3. BOARD OF APPEAL & EQUALIZATION

Mayor Skrede opened the Board of Appeals and Equalization at 6:07 p.m. and stated that the purpose of tonight's meeting is to review property valuations and hear from those property owners who would like to appeal their 2009 estimated market value as set by the City Assessor. He also welcomed Bill Effertz, from the Hennepin County Assessor's Office.

Mayor Skrede outlined the procedures for conducting the Local Board of Appeal and stated that any appellant who is represented at tonight's meeting may appeal the Board's decision by appearing before the Hennepin County Board of Appeals & Equalization.

City Assessor Dan Distel stated that he has been the assessor in Deephaven, Woodland and Wayzata since 1988. He stated that his goal is to assign property values as close to their actual selling price as possible. He stated that his intent is to set market values to within 95% of their actual sale price. He stated that market values have decreased on average 3.8% off-lake and decreased 5.8% on-lake due to the continued decline in the housing market. He stated that he determines his values based on sales occurring from October 2007 through October 2008, noting that there were not many sales occurring within that period. He stated that his overall intent is to try to provide a degree of equalization.

Tom Burton, 19975 Cottagewood Avenue

Mr. Burton stated that the estimated market value of his land and house was \$1,393,000 in 2008 and \$1,297,000 in 2009. He stated that there have been two recent sales on Lakeview Avenue that sold for far less than the Assessor's value.

He stated that 19685 Lakeview Avenue had an assessed value of \$1,535,000 but actually sold for \$1,400,000 and 19860 Lakeview Avenue had an assessed value of \$1,585,000 but sold for \$1,416,000. He stated that these properties sold at 8.8% and 10.7% below the assessed value and felt that his property should have been decreased more than the 6.9% given to him by the Assessor. He added that he has also has a garage that is built on a slab and the slab needs to be replaced.

Assessor Distel stated that lakeshore properties decreased on average 5.8% in Deephaven for 2009 and that there were five lakeshore sales in Cottagewood that averaged a 5.6% reduction. He stated that Mr.

Burton's property was reduced 6.9% for 2009 and felt comfortable with the value he assigned to this property.

Motion by Councilmember Adams to approve the total valuation of \$1,297,000 at 19975 Cottagewood Avenue as recommended by the City Assessor. Seconded by Councilmember Wheaton. Mayor Skrede, Councilmembers Adams and Wheaton voted in approval of the motion. Councilmembers Kask and Crockett voted against the motion. Motion carried 3-2.

Lynn Hooper, 5005 Hooper Lake Road

Assessor Distel stated that he expected Lynn Hooper to be at tonight's meeting to express their concern that a recent refinancing appraisal had valued their home and land at \$360,000 and the Assessor had valued their home and land at \$374,000. He stated that they also had an issue with the fact that bank owned properties are not considered as "good sales" by the Minnesota Department of Revenue.

Assessor Distel stated that the Hooper's appraisal was a pretty good one and it listed a comparable sales that occurred in the immediate neighborhood. He stated that the comparable property sold for \$355,000. He noted, however, that the Hooper's house has more square footage and a heated shop. He stated that he believes there is no comparison between Hooper's home and the home valued at \$355,000.

Motion by Councilmember Adams to approve the total valuation of \$374,000 at 5005 Hooper Lake Road as recommended by the City Assessor. Seconded by Councilmember Kask. Motion carried 5-0.

Joseph Hines, 18225 Honeysuckle Lane

Joseph Hines stated that he bought his house in December 2007 for \$1,380,000 after it had been on the market for two years. He stated that the Assessor proposed a 1.7% decrease in the estimated market value of his property for 2009 and that he felt it should be reduced by the average decrease of 3.8% for off-lake homes. He stated that it is difficult to compare values in his neighborhood because so many of his neighbors have homes that are 49-63 years older than his home. He stated that he bought his home when it was at its highest value and the market value of his home has done nothing but decline since that time. He stated that he believes the market value of his home has decreased by at least 4% since he purchased it.

Assessor Distel stated that his purchase of Mr. Hines home in December 2007 occurred within the sale period that he uses to assign values and his market value at the time was within 92.3% of the sales price of \$1,380,000. He stated that he makes a lot of evaluations and believes that newer or recently remodeled are not declining in value near as much as older homes. For this reason, he stated that he decided to lower the value on Mr. Hines's land but to leave the home value the same.

Motion by Councilmember Kask to approve the total valuation of \$1,274,000 at 18225 Honeysuckle Lane as recommended by the City Assessor. Seconded by Councilmember Adams. Motion carried 5-0.

Jim & Jean Haverstock, 3360 Northome Road

Laura Miles was present to represent Jim & Jean Haverstock with their request to lower the value of their property. She stated that taxes have gone up when the economy indicates it should be going down.

Assessor Distel stated that there are comparable sales at 3770 Northome Road, on Stone Arch Road in Woodland and at 19960 Lakeview Avenue to support the value of \$2,206,000. He stated that the 2009 value of \$2,206,000 represents a reduction of 18.2% from their 2008 value.

Mayor Skrede explained that the tax statements can be very confusing and that the taxes you are paying for in 2009 are determined by your 2008 value. He stated that the Haverstock's 2009 taxes were determined by an estimated market value of \$2,700,000 and their 2010 taxes will be determined by the reduced estimated market value of \$2,206,000.

Motion by Councilmember Kask to approve the total valuation of \$2,206,000 at 3360 Northome Road as recommended by the City Assessor. Seconded by Councilmember Wheaton. Motion carried 5-0.

Mrs. James (Laura) Miles, 3790 Northome Road

Assessor Distel stated that the Miles have 280' of lake frontage and there was an April 2008 sale on a property on Northome that sold for \$3,500,000. He stated that he proposed a reduction in the estimated market of the Miles property of 6.3%.

Motion by Councilmember Kask to approve the total valuation of \$3,860,000 at 3790 Northome Road as recommended by the City Assessor. Seconded by Councilmember Adams. Motion carried 5-0.

Thomas Nelson, 4265 Cottonwood Lane

Mr. Nelson stated that he had two appraisals done on his property and both of the appraisals were less than the estimated market value determined by the Assessor. He stated that one appraisal was done in October 2008 and came in at \$1,550,000 and the other was done in December 2008 and was appraised at \$1,496,000. He stated that the Assessor had established the proposed 2009 estimated market value of his property at \$1,591,000.

Mayor Skrede stated that he has seen appraisals come in fairly conservatively, particularly in conjunction with a refinancing. Mr. Nelson stated that both appraisals were done based on a sales analysis, which are supposed more accurate.

Assessor Distel stated that he felt that some appraisals show a lack of experience in valuing property on Lake Minnetonka. The appraisal at \$1,550,000 is using the Zimba's property as a comparable and sales in Tonka Bay. He stated that the appraisal compares a house built in 1996 with a house built in 1890 and gives only a value increase of \$83,600 on the newer home. He stated that he has estimated there to be a difference of \$240,000 between the two homes. He added that the appraisal also didn't adjust for the difference in lake frontage.

Mayor Skrede stated that he preferred the Assessor's determination of the estimated market value to the values determined by the appraisals.

Councilmember Wheaton stated that he would prefer that we limit comparisons to actual sales rather than using appraisals or the listed prices on homes.

Motion by Councilmember Kask to approve the total valuation of \$1,591,000 at 4265 Cottonwood Lane as recommended by the City Assessor. Seconded by Councilmember Wheaton. Motion carried 5-0.

John Dupont, 4590 Linwood Circle

John Dupont stated that the house next to his was built at a higher grade, which causes water to flow onto his property. He stated that he feels his value should be dropped further than the 5.9% proposed for 2009.

Assessor Distel stated that he is going to be using a new calculation for next year, which could give Mr. Dupont an additional reduction for the calculation of next year's estimated market value. He stated that if the Board wanted to put the results of this new calculation in effect for this year, Mr. Dupont could receive another \$50,000 reduction.

Further discussion was held regarding comparisons between Mr. Dupont's property and the Zimba's property and the Maple's property. Councilmember Adams noted that Mr. Dupont has 100' of lake frontage in comparison with the 62' of lake frontage at the Zimbos.

Motion by Councilmember Adams to approve a \$50,000 reduction in the land for a total valuation of \$1,744,000 at 4590 Linwood Circle as recommended by the City Assessor. Seconded by Councilmember Crockett. Motion carried 5-0.

J. Tucker, 4550 Linwood Lane

Assessor Distel stated that he expected J. Tucker to be at tonight's meeting to express his concern about the equalization of neighboring properties and the measurement of lakeshore frontage used by the Assessor.

Motion by Councilmember Kask to approve the total valuation of \$1,434,000 at 4550 Linwood Lane as recommended by the City Assessor. Seconded by Councilmember Adams. Motion carried 5-0.

Robert Gerlicher, 4540 Linwood Lane

Mayor Skrede read Mr. Gerlicher's letter requesting a reduction of \$100,000 in his estimated market value to a value in the \$1,400,000 range. He noted that Mr. Gerlicher would be receiving a reduction of \$87,000 from \$1,554,000 in 2008 to \$1,467,000 in 2009, which was very close to the amount that he requested in his letter.

Further discussion was held regarding a discrepancy in his lakeshore frontage. Assessor Distel stated that Mr. Gerlicher indicates that he has 85' of lakeshore frontage but he has a map that shows the lake frontage at 80' and an old deed that indicates the frontage at 78'. Mayor Skrede asked the Assessor to further research Mr. Gerlicher's lake frontage to determine which number is accurate.

Motion by Councilmember Kask to approve the total valuation of \$1,467,000 at 4540 Linwood Lane as recommended by the City Assessor. Seconded by Councilmember Adams. Motion carried 5-0.

Edward Oliver, 20230 Cottagewood Road

Mayor Skrede read Edward Oliver's letter requesting an increased reduction from the proposed 5.8% to 6-10% due to declining values, 41' of his shoreline is not proportionately valued with other comparable properties, and the fact that his property is located next to a fire lane, the City Hall parking lot and the City Hall tennis courts.

Assessor Distel provided a site map outlining the values of properties adjoining Edward Oliver's property, which showed market value decreases to those properties that are located near City Hall. He stated that the value reduction given to Mr. Oliver is 5.8%, which is the same as the City average.

Motion by Councilmember Kask to approve the total valuation of \$872,000 at 20230 Cottagewood Road as recommended by the City Assessor. Seconded by Councilmember Crockett. Motion carried 5-0.

Thomas Pokonosky, 20100 Minnetonka Blvd

Mayor Skrede read Thomas Pokonosky's letter requesting an increased reduction from the proposed 3% to 11% due to the actual sale price of two homes at 19685 Lakeview Avenue and at 19860 Lakeview Avenue.

Councilmember Crockett asked why Mr. Pokonosky is only receiving a 3% reduction when the average decrease of on-lake property was 5.8% for 2009.

Assessor Distel stated that he has always factored in a reduction in value for those homes on Minnetonka Blvd from Mr. Pokonosky's house to the Yacht Club than other lakeshore properties due to the fact that they are located on such a busy street. He added that the comparables cited by Mr. Pokonosky don't readily apply because the market hasn't effected the value of his home as greatly as higher valued lake properties. He stated that his 2009 value of \$730,000 is very reasonable for a property with 120' of shoreline.

Motion by Councilmember Adams to approve the total valuation of \$730,000 at 20100 Minnetonka Blvd as recommended by the City Assessor. Seconded by Councilmember Wheaton. Motion carried 5-0.

George & Barbara Webster, 4253 Heathcote Road

Mayor Skrede read George & Barbara Webster's letter requesting a comparison of their home with homes at 4018 Heathcote Road and 4247 Heathcote Road.

Assessor Distel stated that 4018 Heathcote Road is valued at \$516,500, 4247 Heathcote Road is valued at \$525,000 and the Webster's home is valued at \$526,000 for 2009. He stated that the value of the two other homes seems to support the value he established on the Webster's home, particularly in light of the fact that one of the other homes had been advertised as a tear down.

Motion by Councilmember Kask to approve the total valuation of \$526,000 at 4253 Heathcote Road as recommended by the City Assessor. Seconded by Councilmember Crockett. Motion carried 5-0.

Bruce Wheaton, 20045 Cottagewood Avenue

Mr. Wheaton had a general question regarding the impact on his property taxes due to removal of the limited market value on his property and asked several questions of Bill Effertz, the County Assessor on whether Hennepin County residents are being taxed at a higher rate to support other counties. Mr. Wheaton didn't have a specific request for the Board.

Warren Nelson, 3540 Hamilton Avenue

Mr. Nelson had general questions regarding the assessed value of his property but he didn't have a specific request for the Board.

The Board recessed the meeting at 8:24 p.m. to see if any other residents showed up to meet with the Board of Appeals.

The Board reconvened the meeting at 9:20 p.m. to complete specific Board action on each request.

Motion by Councilmember Kask to adjourn the Board of Appeals. Seconded by Councilmember Adams. Motion carried 5-0.

4. APPROVE CONSENT AGENDA

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

- A. March 16 & 25, 2009 Minutes as amended
- B. Approve Verifieds
- C. Approve 2009 Planning Commission Chair & Vice-Chair

Seconded by Councilmember Adams. Motion carried 5-0.

5. PLANNING & ZONING REQUESTS

A. VARIANCE REQUEST – Minnetonka Public Schools, Deephaven Education Center, 4584 Vine Hill Road, (R-2, 40,000) Variance requests to design parking stalls below the minimum required dimensions and create parking stalls below the minimum required square footage. Section 1310.04 requires a minimum dimensions for parking stalls of nine (9) feet in width by twenty (20) feet in length. The applicant proposes a parking stall width of nine (9) feet and length of eighteen (18) feet, requiring a variance of two (2) feet of the required length. Section 1310.04 requires a minimum parking stall area of two hundred (200) square feet. The applicant proposes a parking stall area of one hundred sixty two (162) square feet, requiring a variance of thirty-eight (38) square feet of the minimum required parking stall area.

Zoning Coordinator Karpas presented his staff report. He said Minnetonka Public Schools would like to alter the parking lot at the Deephaven Education Center (DEC) by re-stripping the lot to gain additional parking spaces. The physical dimensions of the parking lot itself will not change.

He said the City Council approved a variance to allow for parking spaces below the minimum required area in conjunction with the proposed expansion request for the DEC in December 2008. At that time, the applicant was proposing parking spaces that were nine (9) feet wide by twenty-two (22) feet in length and a total parking space area of one hundred and ninety eight (198) square feet. The proposal before the City reduces the length and area of each parking space from the previous request.

The applicant cited a number of reasons for the proposed alteration including increased safety, more on-site staff parking, increased need due to expansion of classrooms and the increased use of the building for conferences and events and has indicated the proposed striping plan is consistent with that of their other buildings throughout the district.

Karpas said he recommended denial of the variance request to re-stripe the existing parking lot, which further reduces the dimensions and area of each space from the variance previously granted by the City Council. He felt the property could be put to a reasonable use without the issuance of a variance. Even though the use of the property is unique and requires a large amount of parking, there is more than the required parking available for the site when the lot across the street is taken into account. The City has approved safety measures in the past to permit safe crossing from that lot.

He said the circumstances causing the need for the variance are caused by the property owner, since the additional classroom area and increased use of the facility is due to the expansion of the structure and that approval of the proposed parking space dimensions would be inconsistent with what the City has required for other uses that have parking requirements.

He noted, as designed, the current parking area complies with the required number of parking spaces in the City Ordinances.

The Planning Commission voted unanimously to recommend approval of the request.

Mike Condon, Minnetonka Public Schools, said the request was necessary to increase safety for those using the building.

Councilmember Crockett asked why this wasn't presented at the time the request came before the Council for the expansion of the Deephaven Education Center. Mr. Condon said the parking lot was still under review at that time.

Mayor Skrede noted that the physical parking lot dimensions are based on using land owned by the city, which has been agreed to at this time. His concern is that the users of the proposed lot tend to drive larger vehicles, which could create a very congested area. He believes that situation also causes safety concerns. He asked if any thought was given to designing a lot that could accommodate both larger and smaller vehicles. Mr. Condon said there tends to be a mix of vehicles using the school district's lots with not all of them being larger SUVs. Mayor Skrede said he's concerned with creating a mass of activity along the busiest thoroughfare in the city.

Councilmember Adams said the safety concerns should cut in favor of creating parking stalls on the school side of the street. He has heard concerns from residents about the sightlines and safety issues associated with the adjacent intersection. He asked if the proposed dimension and stall areas are consistent with the rest of the school district's properties. Mr. Condon said they were and they were also consistent with dimensions used by many commercial businesses. Adams commented it doesn't make sense to push cars across the street.

Councilmember Kask said he's sensitive to the safety issues related to the request, but is also concerned a safety issue could be created with egress from the site. He's not entirely sold on the proposed increase in the number of stalls, which is about 50% of what currently exists. He would like to see a plan for the lot across Vinehill to gauge the necessity for the proposed increase in stalls on the school side. Based on that design, it may be that there could be a lesser degree of increase on the school side.

Mr. Condon said based on the redesign of the building, the south side parking lot will now be the front face of the structure.

Councilmember Wheaton agreed safety may be an issue but is concerned about the interior design of the proposed parking lot where the drive lanes seem to narrow throughout the lot and the proposed ingress/egress point seems narrow. He said the district could establish a policy where staff parks across Vine Hill, lessening the need for stalls on the school side. He would also like to see where the school proposes to place crosswalks and other safety features.

Councilmember Crockett asked about the anticipated use of the building between the hours of eight a.m. and six p.m. Mr. Condon said he wasn't entirely sure, but recalls that the building serves approximately 1,200 customers a day.

Mayor Skrede discussed the proposed crosswalk and signage locations. He said the placement of the lights was proposed in a manner in which they are elevated so to be seen from both the north and south bound traffic on Vine Hill. He noted there would be no crossing guard on the site.

Police Chief Cory Johnson commented there is a safety issue in the area, but is unsure that tightening the parking area within the lot would be the best possible solution. Cliff Buhman, Inspec, said the proposed internal drive aisles exceed the minimum required width in the ordinance. He said that a number of the Planning Commissioners commented that they measured parking stalls prior to their meeting and found the proposed dimensions were consistent with those they measure at both the elementary school and commercial sites in the city. He said a civil engineer on the Commission commented that the proposed dimensions were an industry standard. Mr. Buhman believes it comes down to adherence to the ordinance requirements, which some Commissioners felt may be antiquated, and safety for those using the education center.

Mr. Condon commented that he was in error and that the number of existing stalls was forty-four and not thirty-five, thus lowering the proposed increase in the number of stalls from eighteen to nine.

Councilmember Wheaton said he doesn't mind the increase in the number of stalls, but still would like to see the additional safety measures prior to making a decision.

Mr. Condon noted the proposed project was to begin on July 1st and be completed prior to the beginning of the school year. Mayor Skrede commented that the lot could still be black topped since the dimensions aren't changing, and the applicant would only be held up on the striping portion which shouldn't affect the district's construction schedule.

Mayor Skrede suggested that a mock up of the additional safety measures be done to allow Councilmembers to understand what is being proposed. Mr. Condon said that could be done.

Councilmember Kask said if the existing class five parking lot was going to be removed after construction, he would be supportive of the proposed increase in the number of stalls on the school side of the property.

Mayor Skrede asked that an amended drawing be submitted to the Council for their review at a future meeting. Mr. Condon said he would work with the Police Chief to finalize the safety features and present the whole package to the Council.

B. VARIANCE REQUEST – Minnetonka Public Schools, Deephaven Elementary, 4452 Vinehill Road, (R-2, 40,000) Variance request to construct a classroom addition which would exceed the maximum permitted impervious surface area. The proposed addition would increase the impervious by .1 percent. Section 1350.06(2)(a) permits a maximum impervious surface area of twenty (25) percent. The applicant proposes an impervious surface area of 34.9%, requiring a variance of 9.9% of the maximum permitted impervious surface area.

Section 1350.06(2)(a) permits a maximum impervious surface area of twenty (25) percent. The applicant proposes an impervious surface area of 34.9%, requiring a variance of 9.9% of the maximum permitted impervious surface area.

Zoning Coordinator Karpas said Minnetonka Public Schools would like to construct a 1,322 square foot classroom addition onto the southeast portion of the existing structure and is seeking a variance to exceed the maximum permitted impervious surface area. The proposed alteration would comply with the required fifty (50) foot front yard setback and the required twenty-five (25) foot south side yard setback.

He said the existing impervious surface area on the property is 34.8% and due to the creation of additional greenspace through a small reconfiguration of the parking lot in that area, the applicant proposes a net increase of impervious surface area of 482 square feet or .1%.

He noted the height of the proposed addition would be approximately ten feet and match the height of the existing structure in that area and is similar to an addition approved by City Council on the southwest portion of the structure in 2008.

He said he recommended approval of the variance request to exceed the maximum permitted impervious surface area by 9.9% finding that the unique use of the property requires a large amount of impervious surface for a parking area and recreational facilities skews the percentage of overall impervious surface, that the circumstances causing the need for the variance are not caused by the property owner, since the enrollment projections indicate a need for additional classroom area to meet future demand and that the requested variance would not alter the essential character of the locality. The proposed classroom addition would be in line with the existing east wall of the structure and due to the small size of the addition, there should be no noticeable impact on the existing traffic pattern.

He noted that the increase in impervious surface is minimal, only .1%.

Mayor Skrede commented that the Commission had a tie vote, which constitutes a denial, based on the fact they felt they did not have enough information. Additional information has since been provided to the Council for their review.

The Council was supportive of the request.

Councilmember Crockett moved to approve the variance request to exceed the maximum permitted impervious surface area by 9.9% for the proposed classroom addition, as presented for 4452 Vinehill Road. The proposal would have minimal impact on the surrounding area and is necessary to address the increasing enrollment of the District. Seconded by Councilmember Wheaton. Motion carried 5-0.

C. VARIANCE REQUEST – Verizon Wireless, City Hall Campus, 20225 Cottagewood Road, (R-3, 20,000) Special Use and Variance requests to remove the existing monopole cell tower and construct a new tower that exceeds the maximum permitted tower height in its place and collocate their antennas with T-Mobil on the tower. The proposal includes the construction of a new 13'-4" by 20'-8" equipment shelter adjacent from the new cell tower and existing hockey rink. 1311.05(1) permits the construction of cell towers with the issuance of a Special Use Permit. Section 1311.04(8)(a) permits a maximum tower height of one hundred (100) feet. Section 1311.09 authorizes the issuance of variances for towers unable to conform with the provisions of the ordinance. The

applicant proposes a tower height of one hundred and twenty (120) feet, requiring a variance to exceed the allowable tower height by ten (10) feet.

Mayor Skrede summarized the request stating the applicant is requesting a special use request to construct a new tower and a variance to exceed the maximum permitted tower height. He said that he and staff had been working with Verizon on a lease agreement, which has been approved by the Council. He said the original intent was to collocate on the T-Mobil tower, but it was found that Verizon could not locate on the tower without significant modification and that the available height would provide the needed coverage.

Amy Dresch, FMHC Corp., was present to represent the request. She gave a description of the project, including the proposed equipment building. She said the building was designed to blend in with the adjacent buildings and that all conduits would be run underground to the tower.

Mayor Skrede said the question is the need for the proposed 120-foot height. He said the Planning Commission felt if the height was needed for coverage, then it was necessary. Skrede said the staff report contained two letters supporting the request with one opposed. He said he also received four calls, three in support of the request and some of those in support had a view of the proposed tower.

Councilmember Adams stated that when considering the proposed increase in height, it is important to take into account the surrounding area, which already contains high power lines and an emergency siren. The tower would not be a standalone item in the area and a twenty-foot increase in height would not contribute to an aesthetic in the area. He noted the need to relocate the two pine trees in the area and reiterated that expense would be borne by Verizon.

Councilmember Kask said he was supportive of the recommendation from the Planning Commission and commented that he felt the height selected during the creation of the ordinance was too low, especially given the city's desire to locate the use on the City Hall Campus which is located on low ground.

Councilmember Wheaton said he doesn't see an appreciative difference in the amount of clutter in the area and was not opposed to proposed variance. However, he would like to see the roof pitch on the proposed equipment building changed to more closely match those of the adjacent buildings. Ms. Dresch said the roof pitch could be altered.

Councilmember Crockett stated she supported the request.

Mayor Skrede said when the city was drafting its tower ordinance it chose a maximum height of a hundred feet, even though other cities permitted higher towers, as a means to make wireless carriers prove there was a need for a higher tower. He feels Verizon has demonstrated such a need.

Councilmember Wheaton moved to approve the special use request to construct a new cellular tower to replace the existing tower and the variance request to construct the new tower at a height of one hundred and twenty feet, as presented for City Hall Campus, 20225 Cottagewood Road. A practical difficulty/hardship exists in need to provide adequate coverage for subscribers and that the location of the existing tower in a low spot within the city requires the additional height to get the desired coverage. The motion notes that the proposal does not invalidate the existing lease agreement between T-Mobile and the city. The motion is conditioned that the existing tower be removed once

construction is completed on the new tower and that Verizon provide documentation that the new tower meets the needs of T-Mobile. Seconded by Councilmember Adams. Motion carried 5-0.

6. NEW BUSINESS

A. Other

There was no other New Business.

7. DEPARTMENT REPORTS

A. Police Department

Police Chief Johnson provided an update on a recent community meeting that was held on March 18, 2009 to provide an update on some recent vandalism that had occurred this past month. He stated that the meeting was very positive and that there had been no reports of vandalism since the meeting.

Police Chief Johnson stated that he would like to pursue a COPS grant that would enable the Department to hire an officer to conduct investigations to help address the backlog of investigations, including Identity Theft crimes and Fraud cases. He stated that the Department typically only has one officer on duty at one time and this has hampered the Department's ability to patrol the City and conduct investigations. He stated that the COPS grant would cover the cost of salary and benefits of the new officer for three years and the City would be required to retain the officer for a minimum of one year after the end of the three year grant period.

General discussion was held on the budgetary impacts of hiring an additional officer and on what should be the proper scope of the Department's responsibilities concerning Identity Theft and Fraud cases.

The Council supported the submittal of the COPS grant application with the understanding that the Council may decide to decline the grant at a later date.

B. Excelsior Fire District

Excelsior Fire District Liaison Crockett provided a brief summary of her efforts to initiate legislation that would mitigate the impact of a mandatory Fire Relief contribution that the Excelsior Fire District is required to make next year.

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:

- April Mailings

- Property Management Plan
- 2009 Lifeguard Contract
- Waste Management Organic Waste Pickup Program

9. ADJOURNMENT

Motion to adjourn by Councilmember Kask, seconded by Councilmember Wheaton. Motion carried 5-0. The meeting adjourned at 10:12 p.m.

Respectfully submitted,
Dana H. Young
City Administrator