

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, JANUARY 4, 2010
MINUTES**

1. CALL MEETING TO ORDER: Mayor Paul Skrede called the meeting to order at 7:45 p.m.

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

STAFF: Police Chief Cory Johnson and City Administrator Dana Young

2. PLEDGE OF ALLEGIANCE

The Council recited the Pledge of Allegiance.

3. APPROVE CONSENT AGENDA

The Council requested that the December 21, 2009 Council minutes be pulled from the Consent Agenda pending further additions and corrections from Councilmember Crockett and Wheaton.

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

- A. Approve Verifieds
- B. Approve April 5, 2010 as Date for Board of Review
- C. Adopt Resolution No. 01-10, Appointments & Assignments for 2010
- D. Adopt Resolution No. 02-10, A Resol. of Appreciation to Outgoing Board Members
- E. Adopt Resolution No. 03-10, Authorizing an Extension of the EPDB License Agreement
- F. Adopt Resolution No. 04-10, Est. Schedule of Administrative Fees
- G. Approve 2010 Boat Committee Chair & Vice-Chair
- H. Authorize Purchase of 2010 Equipment
- I. Approve 2010 Verifieds

Seconded by Councilmember Wheaton. Motion carried 5-0.

4. MATTERS FROM THE FLOOR

David Martini, with Bolton & Menk, was present to wish the Council a Happy New Year and to thank the Council for the appointment of Bolton & Menk as the City Engineer for 2010.

5. UNFINISHED BUSINESS

A. Other

There was no Unfinished Business this evening.

6. NEW BUSINESS

A. Approve 12 Month probation, Police Officer Mark Westgard

Police Chief Johnson stated that Police Officer Mark Westgard will complete his one year mandatory probationary period on January 12, 2010. He stated that Officer Westgard has done a great job and provides the Department with 18 years of knowledge and experience. He stated that he is respected by his fellow officers, has an excellent work ethic and outstanding investigative skill. He recommended that the City Council approve the successful completion of his 12 month probationary period.

Motion by Councilmember Wheaton to approve the 12 month probationary period for Police Officer Mark Westgard effective January 12, 2010. Seconded by Councilmember Adams. Motion carried 5-0.

B. Approve 2010 Police Union Contract

Administrator Young stated that contract negotiations on the 2010 Police Union Contract began in October 2009 and were concluded last month. He stated that the initial union proposal was negotiated between Administrator Young and Law Enforcement Labor Services (LELS) representative Dean Mann and Police Union Steward Matt Case. A final contract proposal was negotiated by Administrator Young, Mayor Skrede and Police Chief Johnson and has been agreed to by the union pending Council approval. He stated that the following is a summary of the final contract proposal and the proposed additions to the 2010 Police Union Contract.

1. ARTICLE XXX – DURATION

It has been mutually agreed that the contract should be one year from January 1, 2010 – December 31, 2010. He stated that although we generally prefer a longer contract period, we felt that with the continuing economic conditions and the continuation of levy limits through 2011, we simply could not determine at this time what would be an appropriate salary & benefit increases for 2011 and beyond.

2. APPENDIX A – WAGES

It has been mutually agreed that there will be a 0% wage increase in 2010 except for those employees that qualify for a step increase during the year. The step increase would be at 2009 wage levels. He stated that the 2010 Budget already includes a 0% salary increase and a step pay increase for qualifying employees.

3. ARTICLE XVII – INSURANCE

It has been mutually agreed that insurance shall remain at 54% of the family group health premium. He stated that there is no proposed change from our current group health contribution.

4. ARTICLE XXVIII – FUNERAL LEAVE

Police Union employees are currently eligible to receive a maximum of five (5) scheduled work days leave with pay to be deducted from accrued Sick Leave because of a death in the immediate family of the employee. Immediate family is defined to include spouse, child, parent, parent-in-law, brother, sister, brother/sister-in-law, partner, grandparent or grandchild. For 2010, it has been mutually agreed that Funeral Leave would be granted on a per instance basis.

5. ARTICLE XIII - OVERTIME

It has been mutually agreed that each employee is permitted to carry over 24 hours of compensatory time off each year. Administrator Young stated that the employee is currently permitted to earn up to 40 hours of compensatory time off each calendar year, which allows the employee to be reimbursed by cash payment or towards vacation time off. It was felt that it would not be administratively difficult to allow the employee to carry over 24 hours of accrued compensatory time off each year.

6. ARTICLE XXII – PATERNITY LEAVE

It has been mutually agreed that employees may use a maximum of 80 hours of accrued sick leave while on Paternity Leave. Administrator Young stated that we currently do not have a policy concerning Paternity Leave and generally felt that it would be appropriate to allow 80 hours of accrued sick leave for Paternity Leave.

Motion by Councilmember Crockett to approve the 2010 Police Union Contract. Seconded by Councilmember Adams. Motion carried 5-0.

C. Other

Councilmember Kask noted that this evening's Council Work Session had been taped by the LMCC without the Council's knowledge and stated that it has been the Council's long-standing practice not to broadcast work sessions.

Councilmember Crockett stated that she had asked the LMCC to tape this evening's work session because she would have asked the Mayor to move the discussion item onto the regular Council meeting and also felt that it should have been broadcast due to the fact that notice of the Special Use Permit for Clearwire's new tower had been limited to only those residents within 350' of the proposed tower.

Mayor Skrede stated that he and the rest of the Council were unaware that the work session was being taped, there is an additional cost to the City for taping special meetings, and that permission should be granted from the Council in order to authorize the taping of a work session. Councilmember Crockett noted that she arrived early to make sure the taping was all right but when she arrived LMCC was setting up near and talking to the Mayor, with the camera taping the entire work session. She assumed there were no objections.

Councilmember Crockett stated that she apologized if the Council was unaware that the work session was being taped but stated that she was unaware of how we would make a decision to tape a work session prior to a meeting without being in violation of open meeting laws.

Councilmember Kask stated that his main purpose for bringing this issue up was to reiterate that we only tape regular Council meetings and that the Council has always preferred work sessions that are not televised. He stated that work sessions afford the Council the opportunity to freely discuss issues and not to define policies. He respectfully asked that work sessions be kept off camera.

Further discussion was held on agenda setting policies and the opportunity for a Councilmember to raise an issue or concern under Unfinished Business or New Business.

7. DEPARTMENT REPORTS

A. Police Department

Police Chief Johnson provided a brief update on a letter received from the District Court on their annual budgetary concerns. He stated that the District Court might consider discontinuing the processing of traffic, parking and other similar offenses.

B. Excelsior Fire District

Fire Board Liaison Kim Crockett stated that there is nothing new to report other than the fact that there will be a Fire District Board meeting at the end of January.

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
- 201009 Garbage Rate Increase permitted under the current agreement with Waste Management
- Deer Management Update
- The timelines pertaining to the Audit of the 2009 Financial Statements
- Notification that the grant application to Hennepin County for the Village Hall Tennis Court reconstruction and the purchase of Modular Playground Equipment at Thorpe Park were not selected for the first round of grant funding.

8. ADJOURNMENT

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

Respectfully submitted,

Dana H. Young
City Administrator