

**DEEPHAVEN CITY COUNCIL MEETING  
MONDAY, MARCH 1, 2010  
MINUTES**

**1. 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 and City Administrator Dana Young

**2. PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

**3. APPROVE CONSENT AGENDA**

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

- A. Approve Minutes of February 1, 201009
- B. Approve March Verifieds
- C. Authorize Plans, Specifications & Advertisement of Bids for Municipal Projects
- D. Approve 2010 Street Sweeping Bid

Seconded by Councilmember Wheaton. Motion carried 5-0.

**4. MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

**5. PUBLIC HEARING**

**A. Public Hearing to receive public comment regarding the City of Deephaven's Storm Water Pollution Prevention Program. Comments will be included in the City's annual report to the Minnesota Pollution Control Agency.**

Administrator Young stated that the purpose of this evening's public hearing is to fulfill the requirement of the city's NPDES Phase II permit submitted to the Minnesota Pollution Control Agency. He said it is intended to allow public comment on the existing permit and to document any concerns or proposed changes. He stated that the majority of 2010 will be spent establishing policies for inspection and maintenance along with securing training opportunities for staff on the detection of illicit discharges.

Mayor Skrede opened the public hearing. Hearing no public comment, the hearing was closed.

## **6. UNFINISHED BUSINESS**

### **A. Park Committee Update**

Park Committee Chairman Darel Gustafson, Vice-Chair Sarah Lien and former Park Committee member Bryan Sykora were present to update the Council on the Committee's progress in reviewing playground structures at Thorpe Park and planning efforts on Deephaven Days.

Darel Gustafson stated that last year the Park Committee presented a custom playground concept plan for Thorpe Park that was not particularly well-received by the Council due to the estimated cost, which was in excess of \$150,000. Since that time, the Park Committee has conducted a residential survey and reviewed off the shelf playground designs in the attempt to look at a more comprehensive approach to Thorpe Park.

He stated that 72 residents responded to the Park survey, which is not a large response but still represents a significant sample. He stated that 70% of the respondents indicated that the playground equipment at Thorpe Park was good to excellent and 30% graded it fair to poor. He stated that this is an indicator that a sizeable proportion of residents feel that something should be done to improve the playground equipment at Thorpe Park.

Darel Gustafson stated that in reviewing 2000 Census data, further need for upgrading the playground structures is demonstrated by the fact that there are 1373 households in Deephaven and 42.4% of these households have children under the age of 18.

Bryan Sykora stated that the Park Committee is presenting two playground options for Council review. The first playground structure is offered by Playbooster at an estimated cost of \$44,000. He stated that Playbooster's playground structure can provide a variety of design alternates for the 5-12 year old age group.

The second playground structure is offered by Playsense at an estimated cost of \$44,000. He stated that Playsense's offers an off-the-shelf playground structure that targets both the 2-5 and 5-12 age group and also includes a swing set.

Bryan Sykora added that the estimated cost of \$44,000 for the two playground structures is for equipment only and does not include the cost of surfacing, which is estimated at 20-50% of the equipment cost, or installation, which is estimated at 20-25% of the equipment cost.

Councilmember Wheaton asked if we could add a 2-5 year old play feature to the Playbooster equipment. Bryan Sykora stated that a 2-5 year old play feature could be added with the Playbooster equipment for an additional cost.

Mayor Skrede stated that he might prefer to continue to use sand for the surface and suggested using volunteers to help install the playground equipment.

Councilmember Wheaton stated that he really liked the design options presented this evening and asked if all of the existing playground equipment would be removed.

Sarah Lien stated that all the playground structures would be removed with the possibility of moving some of the playground equipment to Shuck Park, which is in substantial need of new playground equipment.

Councilmember Adams agreed that it was an interesting design and felt that the playground equipment should include something for 2-5 year olds.

Councilmember Kask asked if sand is considered an acceptable surface. Bryan Sykora stated that a depth of about 12" of sand is needed to comply with fall height. He stated that the problem with sand is that it can turn into a bit of a sand box, it houses bees and is not handicapped accessible. He added that sand is considered accessible if you have a traffic route to the playground area. He stated that wood chips are also considered a handicapped accessible surface.

Councilmember Kask stated that he would be concerned with the expertise of the volunteers used to install the playground equipment. He stated that if you include the cost of surfacing and installation to the equipment cost, the total cost of the playground equipment would be approximately \$70,000. He stated that he would like to see the City's Capital Equipment Plan reflect these updated costs.

Councilmember Wheaton stated that he would like to see new playground equipment for Shuck Park eventually included in this discussion.

Councilmember Kask briefly discussed the bid process for purchasing the equipment and stated that he would like to see an all inclusive bid request of \$75,000 and let all interested companies bid on the equipment, surfacing and installation.

Councilmember Crockett asked if both designs proposed to use the existing swing sets. Sarah Lien stated that only the Playbooster design would include the use of the existing swing sets since the Playsense design already includes a swing set. Bryan Sykora added that the Playsense design could include the existing swing set as well as a new swing set.

General discussion was held regarding the 2010 budget in the amount of \$30,000 for playground equipment at Thorpe Park.

Mayor Skrede noted that \$75,000 has also been budgeted in 2010 for improving the tennis courts at Village Hall Park. He asked if the Park Committee had taken into account citizen's responses with the design of the playground equipment.

Darel Gustafson stated that he believes that the designs do take into account citizen's responses. He stated that a number of the comments in the survey expressed concern over the safety of the wooden playground structure and the need to install playground equipment for 2-5 year olds.

Mayor Skrede noted that he has never received any complaints regarding the accessibility at any of the City parks and stated that he is not particularly worried about providing a handicapped accessible surface since the City has used a sand surface for over 35 years.

Bryan Sykora stated that handicapped accessibility doesn't simply concern access to the equipment as there also are components regarding the number of high versus low elevation play equipment. He added that the movement in handicapped accessibility is toward providing playground equipment for all types of disabilities rather than just physical disabilities.

Councilmember Crockett stated that playground equipment should be designed to provide an area for 2-5 year olds and older kids with more of a focus on the younger children. She stated that it also should have separate areas for both age groups and should include a swing set. She acknowledged that we are really looking at a \$75,000 project and improvements to Shuck Park aren't really on her radar right now. She stated that she likes the idea of recycling older but usable equipment at other parks but questioned how well it would work. She thanked the Park Committee for their great response to the feedback from the Council after last year's meeting.

Councilmember Kask reiterated that he would like to see the Council commit to the full price of the playground equipment.

Bryan Sykora estimated the total price for the playground equipment would be in the \$60,000 - \$70,000 range.

Councilmember Wheaton stated that he prefers the Playsense design because it specifically includes equipment for younger kids.

Councilmember Kask asked if we are prepared to authorize the Park Committee to proceed on their recommendation. He stated that he would be interested in knowing how labor intensive and costly it would be to install an older playground structure at Shuck Park and whether the Council would defer repairs to the Village Hall tennis court project to support the purchase of the playground equipment.

Mayor Skrede stated that the Public Works Committee will be discussing repair options on the Village Hall tennis courts this Wednesday.

Councilmember Wheaton suggested exploring the possible use of "Armor" at the tennis courts. He stated that "Armor" doesn't fill in the cracks but covers the cracks. It is a skin that goes over the court.

Mayor Skrede asked how the Park Committee would feel about moving forward on one project over the other.

Sarah Lien stated that demographics and safety problems with the wooden playground structure are the primary reasons why she would prefer to see playground improvements at Thorpe Park over repairing the tennis courts at Village Hall.

Mayor Skrede stated that the Council can make a final decision once the Park Committee has had the opportunity to review this evening's discussion and the Public Works Committee can evaluate repair options on the Village Hall tennis courts.

Mayor Skrede asked Darel Gustafson to provide a brief update on the preparations for Deephaven Days.

Darel Gustafson stated that preparations are underway for holding Deephaven Days on August 14<sup>th</sup>. He stated that the Committee has made good progress with obtaining sponsors for the events and that Boku Bikes has offered to provide an \$800 bike in exchange for the names and addresses of all race entrants.

Councilmember Wheaton suggested including a line on the registration form that would enable the entrant to indicate whether he or she would be agreeable to releasing their name and address.

Mayor Skrede stated that attendance at the picnic has dropped quite a bit and was wondering if the Committee was considering holding the picnic on another day.

Darel Gustafson stated that the picnic has been fairly constant with the exception of last year when attendance was down due to rain. He stated that the triathlon has continued to grow and expects it to generate additional revenue to help support additional activities at the picnic.

Councilmember Crockett stated that by mid-August, most people are tired of barbeques and the heat and picnics have lost their appeal. She suggested that the picnic might be more successful if it were held earlier in the year. She stated that several businesses have expressed an interest in participating at the picnic but have never been given much of a positive response over the years. She stated that her main concern is that the Park Committee might suffer from burn out due to the amount of time it takes to organize Deeplaven Days and that she doesn't expect the Committee to organize Deeplaven Days each year.

Councilmember Wheaton added that a few more structured activities for kids would help the picnic as well.

## **B. Other**

Discussion was held on declaring a moratorium on the siting of new wireless communications towers on public property.

Councilmember Adams asked if it were permissible to declare a moratorium on the siting of new wireless communications towers under the requirements of the Federal Telecommunications Act.

Administrator Young stated that he was informed by the City Attorney that the City still has the right to safeguard the planning process and the public health, safety and welfare under the Federal Telecommunications Act and can declare a moratorium to provide a period of time to allow for the City to properly study appropriate public sites for new communications towers.

Mayor Skrede stated that he is not viewing the moratorium as a delay tactic but as a legitimate means to review suitable public sites. He stated that it would allow sufficient time to tighten up our ordinance.

Councilmember Adams and Wheaton stated that they would prefer a shorter time line such as 90 days rather than the one year period given in the ordinance.

Administrator Young stated that the one year duration for the moratorium was simply included in the ordinance because it is the maximum time permitted by State Statutes. He also noted that the moratorium is only on the proposed construction of new wireless communications towers and would not hinder applications from carriers who might be interested in collocating on the new tower at Chowen's Corner.

Councilmember Wheaton stated that the moratorium is a great idea and it would give us more time to review appropriate public sites.

Councilmember Crockett stated that she would prefer a time period of 120 days if we plan to consult outside the City Council.

Motion by Councilmember Crockett to adopt Ordinance No. 13-53, an Interim Ordinance Declaring a Moratorium on the siting of New Wireless Communications Towers within the City of Deephaven, subject to a 120 day duration for the moratorium. Seconded by Councilmember Kask. Motion carried 5-0.

Motion by Councilmember Crockett to waive the second reading of Ordinance No. 13-53. Seconded by Councilmember Kask. Motion carried 5-0.

## **7. NEW BUSINESS**

### **A. Adopt Ordinance No. 03-12, Amending the Deephaven Personnel Policy**

Administrator Young stated that on January 4, 2010, the Deephaven City Council approved the 2010 Police Union Contract that included two additional employee benefits that were granted to the members of the police union. The benefits include:

1. **Funeral Leave.** The employee shall receive a maximum of five (5) scheduled work days per year of leave per instance 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.
2. **Paternity Leave.** An employee may use a maximum of eighty (80) hours towards Paternity Leave with pay to be deducted from accrued Sick Leave.

Administrator Young stated that, for the sake of providing an equity in employee benefits, he would recommend that these two benefits be offered to the rest of our fulltime employees including administrative and public works employees.

Motion by Councilmember Wheaton to adopt Ordinance No. 03-12, Amending the Deephaven Personnel Policy, and waiving the second reading of the ordinance. Seconded by Councilmember Adams. Motion carried 5-0.

### **B. Other**

There was no other New Business this evening.

## **8. DEPARTMENT REPORTS**

### **A. Police Department**

Police Chief Johnson stated that Police Incidents Reports are now available on line and his staff has recently completed entering in all 2009 data in preparation for the 2009 Annual Police Report.

**B. Excelsior Fire District**

EFD Board Liaison Kim Crockett stated that the EFD Board will meet on March 24<sup>th</sup> to begin initial discussions on the 2011 EFD Budget. She stated that both she and EFD Board Alternate Keith Kask will not be able to attend this meeting due to prior commitments and asked if Councilmembers Adams and Wheaton could check their schedules to see if they would be able to attend the meeting in their absence.

**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 Newsletter
- Annual Financial Audits
- Deer Management Update

Mayor Skrede and Councilmember Adams provided an update on recent meetings with the Minnehaha Creek Watershed District over proposed Rules D and F and a public hearing held by the Lake Minnetonka Conservation District to discuss technical revisions to their rules that could potentially impact boat storage on docks.

**9. ADJOURNMENT**

Motion to adjourn by Councilmember Kask, seconded by Councilmember Adams. Motion carried 5-0. The meeting adjourned at 9:00 p.m.

Respectfully submitted,  
Dana Young, City Administrator