

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, MAY 3, 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 April 19, 2010
- B. Approve May Verifieds

Seconded by Councilmember Adams. Motion carried 5-0.

4. MATTERS FROM THE FLOOR

There were no Matters from the Floor this evening.

5. UNFINISHED BUSINESS

A. Discuss Potential Public Sites for Communications Towers

Administrator Young stated that the Deephaven Park Committee met on April 26th to issue recommendations on the suitability of seven publicly owned sites as possible sites for communications towers. The seven sites are as follows:

Reference #	Address	Square Footage	Current Use
1	20150 Cottagewood Avenue	35,174	Shuck Park
4	20225 Cottagewood Road	184,561	City Hall
9	3725 Hamilton Avenue	769,798	Thorpe Park
18	18338 Minnetonka Blvd	9,960	Pump Park
20	19175 Minnetonka Blvd	50,085	Site 12
32	18300 Northome Blvd	9,511	Hill Park
33	18325 Northome Blvd	37,293	Chowen's Corner Parking Lot

Administrator Young stated that following their review, the Park Committee recommended restricting future communications towers to the existing sites at Village Hall and Chowen's Corner Park Lot. He

stated that the Committee generally felt that there was no distinct advantage to permitting communication towers at Shuck Park, Hill Park and Pump Park, which were in such close proximity to existing sites at Village Hall and Chowen's Corner.

Mayor Skrede stated that the discussion on health concerns relating to communication towers at the Park Committee meeting really lead the Committee members to limiting the location of communication towers to Village Hall and Chowen's Corner Parking Lot. He stated that there was also one resident in attendance at the Park Committee meeting who lived near Pump Park that felt a tower location at this park would be too close to Grace Church and St. Therese due to these health concerns.

Mayor Skrede stated that the health hazards from communication towers discussed at the Park Committee and at the Town Hall meeting are compelling but really hard to demonstrate. He stated that you certainly have to respect the opinion of those who are experiencing health issues and feel that these health issues have been caused by communication tower emissions.

Councilmember Wheaton stated that he would personally make a distinction for potential tower sites between those parks that are used recreationally and those that are not. He stated that he would be reluctant to take Pump Park and Site 12 off the potential list of sites. He stated that he would like to exclude Shuck Park and Thorpe Park from consideration because their current use is not compatible for communication towers. He stated that he doesn't know if we should take them off the site list entirely or perhaps include them on a conditional site list.

Mayor Skrede stated that he felt that our amended ordinance should only list those public properties that are acceptable for communications towers rather than qualifying the list by including certain public properties that could be acceptable under certain conditions.

Councilmember Crockett stated that she would be in favor of excluding recreational parks but would favor including both Pump Park and Site 12.

Mayor Skrede noted that the Chowen's Corner Parking Lot site is the only public site that can accommodate a communications tower without requiring a variance.

Councilmember Wheaton also noted that both the Village Hall site and Chowen's Corner Parking Lot site are commercial in nature.

Mayor Skrede asked if the Council would be willing to exclude Shuck Park, Thorpe Park and Hill Park from the list of potential tower sites.

Councilmember Adams stated that it might be worthwhile to list both preferred sites and lower quality sites. He stated that he would be leery to restrict the list of potential sites. He stated that while he appreciated the progress that has been made to narrow potential sites down from 53 to 7, he was concerned with only listing two potential sites at Village Hall and Chowen's Corner.

Councilmember Wheaton stated that he didn't think limiting the list to only two sites was too restrictive for a smaller city such as Deephaven. He stated that the Council needs to do what is best for the City and would not object to also including Pump Park and Site 12 on the list.

Councilmember Kask stated that he would also be supportive of including Pump Park, if it would be a viable site for carriers. He stated that he doesn't profess to be an expert in cell tower technology to determine which sites are preferable for the carriers. He stated that the third rail to this discussion could be Thorpe Park. He stated that there are studies available that demonstrate that there is no adverse health impact from communication towers. He also noted that future Council's could easily change what we have done in regards to communications towers. He stated that he would be agreeable to just the two currently available sites but would recommend that the Council continue the evaluation of acceptable public sites.

Mayor Skrede asked if Councilmember Kask would also be agreeable to including Site 12 on the list of potential tower sites.

Councilmember Kask stated that he would be agreeable to also including Site 12.

Councilmember Wheaton stated that everyone in town would like good cell service. He stated that this is our city and our first responsibility is to our residents. He stated that he believes that Thorpe Park is one park where our residents would not like to see a tower.

Mayor Skrede agreed and stated his concern that there is a lot of land at Thorpe Park that could be used to accommodate a lot of towers.

Councilmember Kask noted that he has heard from three Heathcote residents who would love better cell coverage and wouldn't be opposed to having a cell tower at Thorpe Park.

Councilmember Crockett stated that the Council is very cognizant of the discussions regarding the potential health concerns that were attributed to the proximity to communications towers that were held both at the Town Hall meeting and at the Park Committee meeting. She stated that the Council is equally aware that the Federal Communications Act of 1996 specifically states that municipalities cannot regulate communications towers based on the environmental and health effects of radio frequency emissions as long as these facilities comply with FCC standards.

Mayor Skrede directed staff to submit language to amend the Communications Towers Ordinance to specifically include the Chowen's Corner Parking Lot site, Pump Park, Site 12 and Village Hall as acceptable publicly owned sites for communications towers. He further requested additional descriptions of the Village Hall site to more narrowly define permissible locations at Village Hall.

6. NEW BUSINESS

A. Approve Y0ga Class at Robinson's Bay Beach

Mayor Skrede stated that Jeanne Strauss, Adult Programs Coordinator with Minnetonka Community Education, was unable to attend tonight's meeting due to a funeral. He stated that the City Council has approved the use of Robinson's Bay Beach by Minnetonka Community Education for Yoga Classes the last five years and that Minnetonka Community Education is again requesting the use of Robinson's Bay Beach in 2010 for the following dates and times:

Day: Wednesdays
Dates: June 16, 23, 30 & July 14, 21, 28
Class Time: 8:00 p.m. – 9:00 p.m.

Administrator Young noted that in prior years, students have been allowed to either park at Robinson's Bay Beach if they obtain a parking permit or they can park along Northome Blvd without a permit.

Police Chief Johnson noted that his Department has never experienced any problems with the conducting of the yoga class at Robinson's Bay Beach.

Motion by Councilmember Crockett to approve a Yoga Class at Robinson's Bay Beach during the specified dates and times submitted with the request. Seconded by Councilmember Wheaton. Motion carried 5-0.

B. Adopt Resolution No. 14-10, Regarding Signage on the LRT Trail

Administrator Young stated that Shorewood Mayor Chris Lizee has requested the City of Deephaven's support in improving safety at trail and roadway intersections.

Police Chief Johnson stated that there has been significant discussion on the problem of individuals either walking or riding their bikes through the stop signs at trail and roadway intersections at his Lake Area Emergency Management meetings. He stated that he had contacted the Three Rivers Police Chief about an accident that occurred at the Linwood intersection last fall, but never heard anything back from him. He stated that he contacted him again after reading the request from the City of Shorewood last week and was told that he was going to have his officers check the existing signage. He stated he informed the Three Rivers Police Chief that the City of Shorewood is pursuing this issue by requesting the support of the Deephaven City Council.

Councilmember Kask stated that the City of Excelsior installed a pedestrian crosswalk at their trail and roadway intersection near the Bay Center. He stated that he has seen a lot of accidents involving pedestrians and agreed that we need to have better signage and the public needs to be better informed that they are required to stop at trail and roadway intersections.

Councilmember Wheaton stated that he has often questioned the wisdom of giving pedestrians the right of way at pedestrian crosswalks. He stated that he has seen several near accidents at crosswalks where pedestrians have been nearly hit by oncoming traffic.

Councilmember Crockett stated that she had a number of issues with the proposed resolution requesting signage at trail and roadway intersections. She stated that she would like the Council to have the opportunity to review the *Guidance for the Installation of Pedestrian Crossing Facilities*, felt that our Police Department should coordinate signage issues with the Southlake Police Department, expressed concern that the educational handouts proposed in the resolution would just result in more litter along the trail and that the education campaign would be both expensive and unnecessary.

Councilmember Wheaton agreed that the Resolution should simply include the request for signage with the appropriate definitions.

Councilmember Kask stated that he didn't object to the Three Rivers Park District providing the appropriate literature on trail crossings to school kids and that the message on trail safety needs to be delivered.

Councilmember Wheaton suggested combining and simplifying the two bullet points on education handouts and on developing an educational campaign.

Mayor Skrede stated that trail safety could be promoted in the City Newsletter and Website. He requested a copy of the *Guidance for the Installation of Pedestrian Crossing Facilities* for Council review and the appropriate revisions to Resolution No. 14-10 for Council action on May 17th.

C. Approve City Assessor Contract

Administrator Young stated that City Assessor Dan Distel's agreement with the City of Deephaven for assessing services will expire on May 31, 2010. He stated that Dan has served as Deephaven's assessor since 1989 and he is hoping to continue in that capacity with a request for a two-year contract extension.

He stated that Dan's current agreement includes compensation of \$47,674 from June 1, 2009 to May 31, 2010. He stated that staff is recommending another two-year extension of Dan's contract at a wage increase similar to what city employees will be receiving over the same time period. This would equate to a 0% wage increase from June 1, 2010 to May 31, 2011 and a 2% increase from June 1, 2011 to May 31, 2012

The Council recommended going with a one year contract with Dan Distel from June 1, 2010 to May 31, 2011 at a 0% wage increase and wait until there is further clarification on 2011 employee wages before extending the contract beyond one year.

Motion by Councilmember Crockett to approve a one-year contract extension with Dan Distel for assessing services that includes a 0% wage increase from June 1, 2010 to May 31, 2011. Seconded by Councilmember Adams. Motion carried 5-0.

D. Adopt Resolution No. 15-10, Providing for Interim Clerical Services for the City of Greenwood

Administrator Young stated that he has been approached by Greenwood Mayor Deb Kind to request that the City of Deephaven provide interim clerical services to the City of Greenwood until December 31, 2010 due to the resignation of Greenwood Clerk Roberta Whipple on May 20th. He stated that the weekly fee would be in the amount of \$592.60, which is based on 20 hours per week of clerical services at \$29.63 per hour. He stated that this would add \$19,555.80 in revenues for 2010.

Councilmember Adams asked if the provision of services to Greenwood would adversely impact services to the City of Deephaven and if the proposed fee was appropriate.

Administrator Young stated that it should not adversely impact the City of Deephaven and that the rate was appropriately based on a deputy clerical rate of \$29.63 per hour for 20 hours per week.

Motion by Councilmember Adams to adopt Resolution No. 15-10, A Resolution Providing for Interim Clerical Services by the City of Deephaven for the City of Greenwood. Seconded by Councilmember Wheaton. Motion carried 5-0.

E. Other

There was no other New Business this evening.

7. DEPARTMENT REPORTS

A. Police Department

Chief Johnson stated that his Department has been very busy lately with traffic related crimes and that annual performance reviews were currently underway.

B. Excelsior Fire District

EFD Board Liaison Kim Crockett stated that the EFD Board will meet on May 12th to continue discussions on the 2011 EFD Budget.

Administrator Young stated that City Councils will have the opportunity to review the 2011 EFD Budget at 6:00 p.m. on June 16th at the Shorewood Fire Station.

C. Public Works

Administrator Young provided an update on recent and upcoming public work activities. He noted that the street sweeper contractor was finally in town to begin street sweeping after a two week delay. Councilmember Wheaton recommended that the Public Works Committee look into the possibility of purchasing our own sweeper.

D. Administration

Administrator Young provided a brief summary on the following items:

- Summer Hours for City Employees
- Part-time Summer Help
- Election Training
- City Cleanup Day
- Arbor Day
- Fiber to the Premise Project
- And, the suspension of Deephaven Days for 2010

Administrator Young noted that the City Council has been invited to work Grill Night at the Cottagewood Store and recommended that the Council consider not participating at this event due to potential conflicts with complying with the Open Meeting Law. He stated that it would be perfectly acceptable if each Councilmembers chose to volunteer individually as city residents, but there could be potential conflicts with the Open Meeting Law if the entire Council chose to serve at one time.

Councilmember Crockett mentioned the possibility of instituting an email contact service with city residents. She stated that the City of Edina had used this service when a home blew up due to a gas main leak and it added greatly to providing critical information to the public. She stated that she belongs to a service that allows individuals to voluntarily sign up for the service and it might provide

potential savings to the City in distributing City Newsletters. She stated that it could also help to alert residents to potential weather emergencies, provide notification that the sweepers are in town or request volunteers for certain projects.

Mayor Skrede stated that he and City Staff had looked into a similar notification system offered by Code Red that used phone communications rather than email service. He stated that he would be curious to evaluate the impact on the notification system from people changing their email address.

Councilmember Crockett stated that her service provides a saturation report so that you can actually see the number of people contacted. She stated that it might be a service worth looking into.

Councilmember Wheaton stated that he would like to think it through first and might only want to make such a service available only for emergency situations only.

8. ADJOURNMENT

Motion to adjourn by Councilmember Wheaton, seconded by Councilmember Kask. Motion carried 5-0. The meeting adjourned at 8:40 p.m.

Respectfully submitted,
Dana Young, City Administrator