

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, AUGUST 16, 2010
MINUTES**

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

PRESENT: Mayor Paul Skrede, Councilmembers Keith Kask, John Wheaton and Kim Crockett (enters at 7:30 p.m.)

ABSENT: Councilmember Steve Adams

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 August 2, 2010 Council minutes
- B. Adopt Resolution No. 23-10, Requesting Authorization for the Winter Use of the Regional Trail
- C. Authorize Final Payment to Allied Blacktop in the amount of \$118,349.38 for the 2010 Seal Coating Project

Seconded by Councilmember Wheaton. Motion carried 3-0.

4. MATTERS FROM THE FLOOR

There were no Matters from the Floor this evening.

5. UNFINISHED BUSINESS

A. Discuss the Sale of Intoxicating Liquor / Approve Petition Request

Administrator Young stated that at the last Council meeting, the Council had requested additional information from the City Attorney on whether a local option election can be held following an election in which the voters have already approved the issuance of intoxicating liquor licenses and if a petition is received, when does Minnesota Statutes require a local option election to be held. He stated that the City Attorney confirmed that another local option election cannot be held if voters have already approved the issuance of intoxicating liquor licenses and there is no timeline that a Council must follow in deciding when to hold a local option election after a petition is received.

Administrator Young stated that in addition to these two questions, the Council also indicated that they would be willing to provide Thomas Kemmetmueller the opportunity to submit a signed petition with a minimum of 200 signatures from registered Deephaven voters before the August 20th deadline in which

a local option election could be included on the ballot at the November 2, 2010 General Election. He stated that on August 12th, a petition was submitted with the names and addresses of 201 registered voters in Deephaven that have petitioned the Council to allow liquor licenses to be issued for intoxicating liquor and to issue Sunday liquor licenses. He added that City staff has verified that 201 signatures on the petition are residents currently registered to vote in the City of Deephaven.

Mayor Skrede stated that the petition threshold of 200 registered voters has been met and thanked staff for verifying that 201 signature on the petition was from registered voters in Deephaven. He stated that now that a qualified petition has been submitted, the Council must decide whether to hold a local option election on the November 2nd ballot.

Councilmember Wheaton stated that even if the local option election passes in November, the City Council still has the latitude to adopt whatever liquor control ordinance that it feels is most appropriate.

Motion by Councilmember Wheaton to authorize the inclusion of the following two ballot questions on the ballot for the November 2, 2010 State General Election.

1. Shall the city council be allowed to issue licenses for the sale of intoxicating liquor at retail?
2. Shall the city council be allowed to issue on-sale licenses to restaurants, clubs, bowling centers, and hotels for the sale of intoxicating liquor at retail on Sundays?

Seconded by Councilmember Kask. Motion carried 3-0.

Councilmember Kask stated that he remains troubled that after 20 years on the Planning Commission, he continues to doubt whether we have a suitable location for a restaurant serving intoxicating liquor. He stated that he continues to feel that we are putting the cart before the horse in holding a local option election when there may not be a suitable location for such a business.

Councilmember Wheaton stated that information will come out on this request and he felt that residents would make an informed decision on whether to approve the sale of intoxicating liquor.

Councilmember Kask stated that the approval of the sale of intoxicating liquor at a local option election would still not address where such an establishment could be placed.

Councilmember Wheaton stated that the local option election is just getting the process underway and added that he would hate to spend city funds on a special election for this issue.

Administrator Young stated that the local option election is simply the first step in this process. He stated that the Council has the authority to decide whether to move forward on a local option election, whether to adopt a liquor control ordinance or to decide whether it would be appropriate to amend our Special Use permit process to allow a restaurant that serves intoxicating liquor.

Councilmember Kask asked if there was any further need to discuss this matter until after the November 2nd election. He stated that he didn't think there was any purpose or need to define a liquor control ordinance until after the results of the election.

Mayor Skrede agreed that there was no need to do any preliminary work on a liquor control ordinance and that developing the ordinance prior to the election might inadvertently be viewed as the Council's attempt to steer the results of the election.

Councilmember Wheaton stated that this shouldn't prevent individual council members from gathering pertinent information on their own regarding a potential liquor control ordinance.

B. Adopt Resolution No. 24-10, A Resolution Approving the Bid & Awarding a -Contract for Playground Equipment-

Administrator Young stated that in response to a Request for Proposals on Thorpe Park Playground Equipment, the Deephaven Park Committee reviewed 11 proposals from the following vendors:

<u>Bidder</u>	<u>Delivery Bid</u>	<u>Installation Bid</u>
Earl F. Anderson, Inc. - #1	\$42,023.00	\$ 7,270.00
Earl F. Anderson, Inc. - #2	\$42,486.00	\$ 8,500.00
Earl F. Anderson, Inc. - #3	\$49,163.00	\$ 7,270.00
Clearwater Recreational, LLC	\$50,000.00	\$17,000.00
Flagship Recreational, LLC - #1	\$50,350.00	\$ 8,460.00
Flagship Recreational, LLC - #2	\$50,350.00	\$ 7,290.00
Flagship Recreational, LLC - #3	\$50,350.00	\$ 7,290.00
Flagship Recreational, LLC - #4	\$50,350.00	\$ 8,370.00
Flagship Recreational, LLC - #5	\$50,000.00	\$ 7,400.00
St. Croix Recreation Company	\$51,250.00	\$ 7,500.00
Midwest Playscapes, Inc.	\$51,661.24	\$ 8,177.00

Administrator Young stated that after reviewing all 11 proposals, the Park Committee recommended the selection of playground equipment from either Flagship Recreation (Option #5) or St. Croix Recreation Company.

He stated that Flagship Recreation (Option #5) offers a fort-like playground structure with a slide, climbing rock, and a number of play stations, as well as a separate 2-5 year old play feature that would be attached to our current multi-colored playground structure. He noted that delivery would be in approximately two weeks.

He stated that St. Croix Recreation offered a much more prototypical playground structure that impressed the Committee with the sheer number of play elements, as the main structure alone contained as many as 16 play activities for 5-12 year olds. He added that delivery would be in approximately four weeks.

Councilmember Crockett enters at 7:30 p.m.

Park Committee Chairman Darel Gustafson added that St. Croix Recreation's play structure was created in a circular format with multiple levels and Flagship's play structure provided more of a natural landscape.

Councilmember Wheaton asked if the Park Committee had any preference on the selection of the two pieces of equipment.

Darel Gustafson stated that if the Park Committee had voted on the matter, it was likely that the playground equipment offered by Flagship Recreation might have been the preferred choice. He stated that several members of the Committee preferred Flagship due to the fact that it fit into a natural landscape and was more aesthetically pleasing.

Councilmember Wheaton thanked the Park Committee for all their time and efforts in selecting playground equipment at Thorpe and noted that St. Croix Recreation's equipment seemed more geared to 5-12 year olds.

Councilmember Crockett stated that she had polled several older children on the two playground selections and all three chose St. Croix Recreation. She stated that there just appears to be more to do on this equipment and it is similar in design to the playground equipment at St. Therese. She stated that the two remaining playground structures at Thorpe Park are primarily for 2-5 year olds and felt that this equipment would be more suitable for older kids.

Mayor Skrede agreed and stated that there should be more than enough equipment for the older kids on the St. Croix Recreation playground. He stated that he prefers the color and activity on this equipment.

Councilmember Wheaton stated that he thought that the final selection should be more of a Park Committee decision.

Mayor Skrede stated that the Council needs to make the final decision and recognized that some Park Committee members are more theme oriented and others more activity oriented.

Motion by Councilmember Crockett to adopt Resolution No. 24-10, Approving the Bid & Awarding a Contract to St. Croix Recreation in the amount of \$58,750.00 for the Thorpe Park Playground Equipment in accordance with the drawings and designs submitted. Seconded by Councilmember Kask. Motion carried 4-0.

Discussion was held on whether to have the contractor install the equipment or the Public Works crew. The Council decided to award the bid with the understanding that the Public Works crew might have the flexibility in their schedule to install the equipment once it arrives.

Councilmember Crockett noted that the company might be more inclined to speed up their delivery if they know they have the contract to install the equipment.

C. Approve Canvass of Primary Election Results

The Council reviewed the canvass of votes that were held at the August 10, 2010 Primary Election.

Motion by Councilmember Wheaton to approve the Canvass of Votes at the August 10, 2010 Primary Election. Seconded by Councilmember Crockett. Motion carried 4-0.

6. NEW BUSINESS

A. Other

There was no other New Business this evening.

7. REPORTS FROM STANDING COMMITTEES

A. Public Works Committee

Administrator Young provided a review of the Public Works Committee meeting held on August 4, 2010 on the following items:

- Reconsidered an earlier recommendation on the approval of no parking signs on the west side of Cottagewood Avenue, north of Elm Street, to alleviate parking congestion. Further action will be taken on this request pending a neighborhood meeting.
- Discussed the draft of an informational booklet on arsenic in well water prepared by the City Engineer that will be distributed to Deephaven residents.
- Reviewed an Air Quality Report prepared by Keith Carlson, a Senior Industrial Hygienist with Environmental Health Consultants, Inc., regarding the air quality within the Police office.
- Recommended posting no parking signs on the north side of Lakeview Avenue to alleviate parking congestion at the corner of Northern Road and Lakeview Avenue near Sandy Beach.
- Reviewed the results of a traffic monitor placed on Ridgewood Road.
- Reviewed and declined a request to stripe Linwood Road.
- Recommended the installation of a 12" drainage basin in front of 3880 Virginia Avenue to alleviate some on-street ponding in the amount of \$3,600.00.

The Council recommended holding off on the installation of no parking signs on Lakeview Avenue until the construction activity is over.

B. Park Committee

Administrator Young provided a review of the Park Committee meeting held on August 4, 2010 on the following items:

- Recommended the selection of playground equipment submitted by Flagship Recreation or St. Croix Recreation Company.
- Discussed interviewing three new members for possible membership on the Park Committee.

C. Boat Committee

Administrator Young provided a review of the Boat Committee meeting held on August 11, 2010 on the following items:

- Reviewed the final design options on the Carson's Bay docks for Council review on September 9th.
- Discussed the need and cost on the installation of security gates at the marinas.

8. ADJOURNMENT

Motion to adjourn the Regular Council meeting by Councilmember Kask, seconded by Councilmember Wheaton. Motion carried 4-0. The meeting adjourned at 8:06 p.m.

9. SPECIAL COUNCIL BUDGET WORK SESSION

Mayor Skrede called the Special Council Budget Work Session to order at 8:06 p.m.

The Council continued their review of the 2011 City Budget.

Motion to adjourn by Councilmember Kask, seconded by Councilmember Wheaton. Motion carried 4-0. The meeting adjourned at 8:20 p.m.