

**DEEPHAVEN CITY COUNCIL MEETING
WEDNESDAY, NOVEMBER 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, Kim Crockett, John Wheaton and Keith Kask

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 October 18, 2010
- B. Approve November Verifieds
- C. Adopt Resolution No. 33-10, Adopting an All Hazard Mitigation Plan

Seconded by Councilmember Adams. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **PUBLIC HEARING**

- A. **Ordinance Amendment** – Discuss the amendment of Section 1310.13(1)(d) requiring Police approval for all on-street parking for construction parking.

Administrator Young stated that the adoption of this ordinance had been recommended at a Public Works Committee meeting after the Police Chief commented on the increase in the number of construction vehicles parked on public streets that are creating public safety concerns.

Administrator Young stated that Zoning Coordinator Karpas presented the ordinance amendment to the Planning Commission at a public hearing held on October 19th and the Planning Commission recommended unanimous approval of the proposed ordinance amendment. He stated that the proposed ordinance amendment would require a contractor to work with the Police Department to address any potential parking concerns prior to the issuance of a building permit.

Administrator Young stated that the current ordinance does require a parking plan be submitted in conjunction with a building permit, but the review does not include consideration of other construction projects that may be ongoing on other nearby sites. The proposed ordinance would enable the Police Department to take surrounding projects into consideration when reviewing the overall parking plan.

Mayor Skrede stated that currently the Police Department has to deal with parking problems after problems are already occurring and the new ordinance would help mitigate these parking issues up front.

Councilmember Crockett stated that we are fortunate that we have such confidence in our Police Chief to do a very good job with resolving these potential parking problems. She stated that she could see where this type of review could be abused in a larger city.

Councilmember Adams stated that he was unsure how often the review of parking plans would occur and asked if the Police Chief would need additional resources to deal with these reviews.

Police Chief Johnson stated that it wouldn't take a lot more effort on the part of his Department to process these requests.

Councilmember Wheaton asked if contractors were currently working with the City on parking issues.

Police Chief Johnson stated that his Department isn't aware of the location of construction projects until after they receive a complaint. He stated that this new ordinance will allow his Department to try to mitigate the problem up front.

Councilmember Wheaton agreed that the new ordinance would give the Police Chief a little more latitude in negotiating conditions with the contractors.

Mayor Skrede opened the hearing for public comments on the proposed ordinance. Hearing no comments, Mayor Skrede closed the public hearing at 7:12 p.m.

Motion by Councilmember Adams to adopt Ordinance No. 13-55, An Ordinance Amending the Regulation of On-Street Parking for Construction Projects and waiving the second reading of the ordinance. Seconded by Councilmember Kask. Motion carried 5-0.

6. UNFINISHED BUSINESS

A. Hire Jeff Kask, Public Maintenance Worker

Mayor Skrede stated that at the last Council meeting, the City Council authorized staff to look internally for a prospective candidate to replace Public Works Employee Doug Lawver, who is resigning from employment with the City effective December 27, 2010.

He stated that City staff is recommending hiring Jeff Kask to fill the vacant public works position. He stated that Jeff Kask was interviewed by the Personnel Committee and it was unanimously agreed that Jeff would be an ideal candidate for this position since he has worked for the City as a part time summer employee since 2006 and is extremely familiar with public works activities.

Mayor Skrede stated that Jeff Kask's last day with the City as a part time employee was on October 28, 2010 and that a starting date of November 15, 2010 was recommended to begin training Jeff on all snow plowing duties and responsibilities.

Councilmember Kask stated that he will be abstaining from voting on his son's employment with the City and noted that he had asked Jeff to prepare a resume for the Council to review, which is unusual

to include as a public document for the Council to review, but he wanted the Council to have the opportunity to review Jeff's qualifications for this position.

Motion by Councilmember Wheaton to hire Jeff Kask for the position of Public Maintenance Worker effective November 15, 2010 at a starting salary of \$18.20 per hour. Seconded by Councilmember Crockett. Motion carried 4-0-1. Councilmember Kask abstained.

Councilmember Crockett noted that the Council did discuss the cost ramifications from a salary and benefit standpoint on whether to rehire for this vacant position last month and concluded that it would be in the City's best interest to hire a new employee to replace Doug Lawver in the Public Works Department.

B. Adopt Ordinance No. 02-14, Amending the Composition of the Park Committee

Administrator Young stated that on October 18, 2010, the City Council requested that staff draft an ordinance that would amend the composition of the Park Committee from its current nine members to seven members. He stated that the Council has recognized that it has become increasingly difficult for the Park Committee to find a full complement of members and that this has periodically impacted the ability of the Park Committee to achieve a quorum of members. He stated that staff is presenting Ordinance No. 02-14, An Ordinance Amending the Composition of the Park Committee for Council review this evening.

Councilmember Wheaton asked if this new ordinance would adversely impact the current composition of the Committee.

Administrator Young stated that it would not, as there are only six current members of the Park Committee.

Motion by Councilmember Crockett to adopt Ordinance No. 02-14, An Ordinance Amending the Composition of the Park Committee and waiving the second reading. Seconded by Councilmember Adams. Motion carried 5-0.

C. Select Special Council Meeting to Canvass Election Results

Administrator Young stated that Minnesota Statutes 205.185 requires the city council to serve as the canvassing board for municipal elections and the council must meet to canvass the returns and declare the results within three to ten days after a General Election. He stated that a Special Council meeting will need to be held since the next regular Council meeting will not be held for two weeks.

The Council authorized a Special Council meeting to be held at 9:00 a.m., on Wednesday, November 10, 2010 to canvass the results of the municipal election.

D. Other

There was no other Unfinished Business this evening.

7. NEW BUSINESS

A. Approve Xcel Energy Franchise Agreement

Administrator Young stated that he had been recently contacted by Michelle Swanson, Community & Local Government Relations Manager with Xcel, regarding their interest in renewing the 20-year franchise agreement with the City of Deephaven since the current 20-year franchise agreement with Xcel Energy is set to expire on June 1, 2012.

He stated that the final draft copy of the Xcel Energy Franchise Agreement was negotiated by City staff. He stated that he compared the terms and conditions of a model electrical franchise agreement available through the League of Minnesota Cities with the first initial draft to incorporate changes in the franchise agreement to ensure that the final draft of the agreement contained all current and appropriate language, terms and conditions. He provided a brief review of the more relevant provisions of the proposed franchise agreement.

Motion by Councilmember Wheaton to adopt Ordinance No. 04-47, an Electric Franchise Ordinance with Xcel Energy and waive the second reading. Seconded by Councilmember Kask. Motion carried 5-0.

B. Other

Councilmember Kask noted that Mediacom has experienced a major outage today and service is down in a number of area communities, including Deephaven. He stated that Bob Anderson, Deephaven's representative to the Lake Minnetonka Communication Commission, has done an excellent job in trying to improve Mediacom's customer relations.

Councilmember Adams noted that after reviewing Deephaven's election results, Deephaven is no longer a dry city with the approval of the intoxicating liquor ballot questions and stated that he would expect this Council to begin the work necessary to develop a liquor control ordinance. He asked about the proposed process for moving ahead with the approval of a liquor control ordinance.

Mayor Skrede stated that, in anticipation of the election results, he has asked staff to do a cursory review of liquor control ordinances in other communities. He stated that he anticipated the Council reviewing these ordinances and begin the process of conceptualizing those standards that would be most suitable for our community.

Administrator Young stated that the grandfather of all liquor control ordinances is the League of MN Cities Model Liquor Control Ordinance, which has already been distributed to the City Council. He stated that as the Council works its way through the development of an acceptable liquor control ordinance, the Planning Commission will have to review potential amendments to Special Use provisions in the Zoning Code in order to permit establishments to sell intoxicating liquor in the commercial district.

Councilmember Adams agreed that a conceptual discussion on the development of a liquor control ordinance would be appropriate.

Councilmember Wheaton noted that there has been a lot of misunderstanding on these ballot questions, particularly without anyone pushing the issue. He stated that we should keep residents informed on the Council's progress.

8. DEPARTMENT REPORTS

A. Police Department

Chief Johnson reported that there wasn't anything particularly new to report and noted that incident reports will be available later this week.

B. Excelsior Fire District

EFD Liaison Kim Crockett stated that the Excelsior Fire District responded to a hazmat incident last Sunday night in St. Louis Park and the Fire District Board will hold their last meeting of the year on November 17th.

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:

- Tax Capacity Rankings
- Performance Evaluations
- Building Permit Update
- Parking Permit Update
- LMCIT's Land Use Incentive Program

Councilmember Kask congratulated Josh Hackney, Darel Gustafson and Mayor Skrede for their victory in last evening's Municipal Election and thanked both Steve Erickson and Warren Nelson for their interest in running for the City Council. He stated that Deephaven is very fortunate to have such quality candidates interested in running for municipal office and noted that this isn't the case in a number of other cities.

9. ADJOURNMENT

Motion to adjourn by Councilmember Kask, seconded by Councilmember Adams. Motion carried 5-0. The meeting adjourned at 8:01 p.m.

Respectfully submitted,
Dana Young, City Administrator