

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, OCTOBER 17, 2011
MINUTES**

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

PRESENT: Mayor Paul Skrede, Councilmembers John Wheaton, Darel Gustafson, Josh Hackney 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 3, 2011
- B. Approve Pay Request No. 2 to Midwest Asphalt in the amount of \$32,629.94 for the 2011 Mill & Overlay Project
- C. Approve Final Payment to Widmer Construction in the amount of \$9,847.60 for the Lakeview Culvert Project

Seconded by Councilmember Hackney. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

Hennepin County Commissioner Jan Callison was present to provide an update on recent Hennepin County Board activities. She stated that the County Board approved a 1% levy increase, equaling approximately \$1 million, for general operations on September 13th. She stated that the County Administrator has presented a 2012 Budget with a 3.3% decrease, which the Board will consider at their November 29th Truth in Taxation hearing. She stated that state revenue received by the County was approximately \$33 million less in 2011 and is expected to be \$20 million less in 2012.

Commissioner Callison stated that the shift from the Market Value Credit program to the Market Value Exclusion program will tend to shift the property tax burden throughout the County from lower to higher value homes.

Mayor Skrede stated that he appreciated the reduction in the County budget.

Commissioner Callison stated that this would be the third year in a row for a budget decrease. She stated that when she first came into office, the County budget was \$1.7 billion and it has since dropped to \$1.5 billion.

Further discussion was held on the changing demographics of Hennepin County.

5. UNFINISHED BUSINESS

A. Discuss Vine Hill Bridge Reconstruction

City Engineer David Martini and consulting bridge engineer Joe Litman were present to discuss the steps in the process to obtain State Bridge Bond Funds for the replacement of the Vine Hill Bridge, to outline the proposed engineering costs for the project, and to provide a timeline on the design and reconstruction of the bridge. He stated that they intend to advance the design plans as soon as possible in order to obtain state funding.

Mayor Skrede stated that this is not the only bridge that needs work and asked if Hennepin County prioritizes the bridge projects once they are received.

Joe Litman stated that certain bridges receive a higher priority if they are considered in critical condition, but otherwise the County doesn't establish a bridge priority list.

Mayor Skrede asked if the State Bridge Bond Funds were awarded in July 2012, could the City possibly lose the funding if the project were delayed until 2013.

Joe Litman stated that this doesn't appear to be an issue if you delay the project for 9 months or so.

Councilmember Wheaton asked if the City Engineer could develop an itemized list of costs for each phase of the project. He asked if additional city costs, such as bridge demolition and street approach work, could be determined.

Councilmember Gustafson added that he would like to see a project cash flow schedule established.

City Engineer David Martini stated that he could tie in a cash flow schedule with the proposed project schedule.

Mayor Skrede requested that staff send a letter to City Engineer David Martini confirming that the City Council would like his firm to proceed with the engineering work as outlined in the proposal.

B. Discuss Vine Hill / Hwy 7 Turn Signal and Lane Improvements

City Engineer David Martini stated that information has been included in the Council packet from a report he conducted in 2008 that looked at widening the Vine Hill intersection to correct some traffic bottlenecks and provided a cost estimate to widen the road. He stated that he reviewed the intersection a couple of weeks ago with Mayor Skrede and city staff to review possible improvements to both the northbound and southbound traffic and to reduce the width of the traffic barrier. He added that Mayor Skrede had recommended at that time that he conduct a cursory review of this intersection and options to relieve the congestion in this area.

David Martini added that any corrections further north of Excelsior Blvd become more difficult due to slope and private property issues.

Mayor Skrede stated that Police Chief Johnson had emailed MNDOT requesting extending the timing for the turn signal to allow more vehicles to turn eastbound onto Hwy 7. He stated that it would make sense to look at addressing the intersection at the same time as MNDOT is repairing the signal lights.

Councilmember Wheaton noted that a lot of the traffic at this intersection is due to Minnetonka High School. He stated that much of the improvement has to be done on the south intersection in Shorewood and all parties involved in this intersection would have to work together.

Mayor Skrede suggested it would be a good time to talk to our friends in Shorewood.

Councilmember Gustafson noted that the bottleneck at this intersection extends all the way to the three-way stop sign on the south side.

David Martini suggested that the cities might want to consider requesting that MNDOT conduct a traffic study at this intersection.

Mayor Skrede stated that now would be the time to get MNDOT and Shorewood together to resolve this traffic issue.

Councilmember Wheaton noted that we are still late to the game to fix this problem.

Mayor Skrede stated that the traffic problem at this intersection appears to have worsened when access off of Hwy 7 was closed on both sides of the highway.

Councilmember Kask stated that he certainly can understand the rationale for our request to extend the timing of the turn signal but noted that the overall design of MNDOT's lighting and timing system on Hwy 7 is to keep traffic moving as smoothly as possible.

Mayor Skrede suggested that staff initiate preliminary discussions with Shorewood, Minnetonka and MNDOT.

C. Discuss MCWD Management of Aquatic Invasive Species

Mayor Skrede stated that the Deephaven City Council has reviewed a request from the City of Shorewood to consider the adoption of a resolution supporting the Minnetonka Creek Watershed District (MCWD) as the lead agency to manage Aquatic Invasive Species. He noted that this was even a topic that was brought up at the Mayor's forum.

He stated that a letter has been received from Eric Evenson, Administrator of the Minnetonka Creek Watershed District, stating that the MCWD is "ready and willing to lead on this issue" and asking the City of Deephaven to pass a resolution of support similar to the resolution recommended by the City of Shorewood. He added that Administrator Eric Evenson has also offered to speak with our Council on the proposed role of the MCWD in protecting the further spread of AIS in the region's lakes and streams.

The Council requested that MCWD Administrator Eric Evenson be invited to attend an upcoming Council meeting to discuss this issue at greater length.

D. Approve Carsons' Bay Dock Bid Specifications

Administrator Young stated that bids on the Carson's Bay docks are scheduled to be received on Wednesday, November 30th for Council review on December 5th. He stated that he intends to obtain

three bids from dock contractors to have the Carson's Bay docks removed as soon as the LMCD approves the proposed Carson's Bay dock plan, which would allow for a winter construction.

Mayor Skrede stated that the presentation of the Carson's Bay docks will be held before the LMCD Board on October 26th and while we are certainly not assuming that the dock plan will be approved it would appear to be prudent to at least get the bids ready.

Further discussion was held on obtaining separate bids on the removal of the Carson's Bay docks.

Mayor Skrede clarified that the City Council is approving the letting of bids because it is a logical step in the process and the Council is not presuming approval of the docks will be granted by the LMCD Board.

Motion by Councilmember Wheaton to approve the Carson's Bay dock bid specifications as submitted. Seconded by Councilmember Kask. Motion carried 5-0.

E. Other

There was no other Unfinished Business this evening.

6. NEW BUSINESS

A. Review Petition to Request the Conversion of Rosedale Court to a Public Street

Administrator Young stated that the property owners abutting Rosedale Court, a private street, have submitted a petition requesting that the Deephaven City Council consider converting Rosedale Court from a private road to a public road.

He stated that the Preliminary and Final Plat of Polich Second Addition was approved by the Deephaven City Council on December 5, 1988. At the time the plats were approved, the proposed street was presented by the developer as a private road. He stated that the reason why the Preliminary and Final Plat was submitted and approved as a subdivision with a private road is simply due to the fact that the total square footage of the subdivision was not sufficient to enable five lots to each meet the 40,000 S.F. lot area requirements of an R-2 Residential District and a 50' wide public street. He stated that the total square footage of the entire subdivision, minus the square footage for the outlot, is approximately 201,481 square feet. This leaves only an average of 40,296 square feet, more or less, for each of the five lots. As a result, the developer could not propose a public street with a cul-de-sac and still meet the lot area requirements of an R-2 District.

He stated that the resulting impact of converting Rosedale Court into a 50' wide public street and of dedicating the cul-de-sac as a public street, would be that the majority of the lots would no longer meet the 40,000 S.F. lot area requirements of an R-2 District. He stated that, in staff's opinion, this action would undermine the exact reason why the City Council granted approval of a private outlot for this subdivision back in December 1988, which was to enable the lots within the subdivision to meet the 40,000 S.F. lot area requirements of an R-2 District.

Councilmember Kask, who was on the Planning Commission at the time Polich Second Addition was reviewed for approval, stated that there was some conversation at the time on whether it should be a public or private street. He stated that there was also some discussion that the subdivision did not meet

the requirement that each lot have a 75' street frontage. He stated that the Planning Commission was assured at the time that it would remain a private road. He stated that while he can understand the reason why residents don't want to maintain a private road, it is a difficult road to maintain for our crew. He stated that it seems inevitable that these types of decisions find their way back to the city.

Mayor Skrede stated that this issue isn't that dissimilar from the discussion the Council held regarding the private road within the subdivision that abutted both Deephaven and Shorewood. He stated that everything would have fit in this subdivision with four lots rather than five lots.

Councilmember Hackney stated that he's not unsympathetic to the residents but there are obvious reasons why the subdivision was approved with a private road instead of a public road.

Councilmember Wheaton stated that there was a space limitation with this subdivision and the developer chose to develop five lots instead of four. He added that he is also not unsympathetic to the request but there is a give and take with any property.

Motion by Councilmember Kask to deny the request to convert Rosedale Court to a public street for the reasons outlined in staff's memo. Seconded by Councilmember Hackney. Motion carried 5-0.

B. Approve 2012-2013 Public Works Union Contract

Administrator Young stated that contract negotiations on the 2012-2013 Public Works Union contract first began in June 2011 and were successfully concluded in early October following the drafting of the attached agreement. He stated that negotiations on the 2012-2013 Public Works Union contract were relatively straightforward as the framework for the proposed agreement was primarily based on the 2011-2013 Police Union Contract that had been approved by the City Council in January 2011.

He stated that the proposed two-year contract includes the following three proposals:

- A 1% salary increase in 2012 and a 2% increase in 2013 that is identical in 2012 and 2013 to the salary increase granted to police union employees.
- Public works employees would have the option to accrue up to (48) hours of compensatory time and carry over (24) hours of compensatory time to the next calendar year. He stated that the proposed provision would increase the number of accrued hours of compensatory time from 40 hours to 48. He stated that proposal is a minor addition that has little or no financial impact on the City other than potentially saving the City an additional 8 hours per year in overtime costs and the comp time provisions for the Public Works Department would now be identical to the comp time provisions for the Police Department.
- The City will furnish uniforms, turn out gear, winter clothing, safety gear as required by OSHA and the Employer. Safety shoes can be replaced once a year or as needed with authorization and proof of condition. He stated that this language proposes to replace the current language concerning shop clothing, which reads: "The Employer shall provide uniforms and safety equipment required by the Employer and OSHA". He stated that the revised language specifically broadens the description of uniforms and safety equipment to include turn out gear, winter clothing, and safety shoes as potential clothing that could be required by OSHA and the City in order to ensure that each employee is wearing appropriate rain gear, winter clothing and safety shoes while on the job.

Motion by Councilmember Hackney to approve the 2012-2013 Public Works Union Contract as presented. Seconded by Councilmember Wheaton. Motion carried 5-0.

C. Other

There was no other New Business this evening.

7. REPORTS FROM STANDING COMMITTEES

A. Public Works Committee

Administrator Young presented a review of the Public Works Committee meeting held on October 5, 2011 on the following items:

- Reviewed Oktoberfest at the Cottagewood Store.
- The Committee reviewed a request to install a stop sign at Carson Road & Linwood. The Committee recommended trimming some bushes along Linwood rather than installing a second stop sign in such close proximity to the existing stop sign at Linwood Road & Cottonwood Lane.
- Discussed the Vine Hill / Hwy 7 turn signal and potential lane improvements. The Committee recommended forwarding this issue to the City Council for further discussion.
- Reviewed and approved a request from David Tucker (20570 Park Place) to remove an existing wire mesh fence and 26 trees that are located within the street right-of-way. Further review will be held on the request to remove the existing power pole at 20460 Western Road.
- Discussed an upcoming technical analysis of the City loader.
- Reviewed a proposal from Xcel Energy on the costs of upgrading the street lighting at Chowen's Corner.
- Reviewed bids to repair the retaining wall next to the Carson's Bay Bridge.
- Recommended approval of a Change Order to relocate the outlet of the drainage pipe on Mr. Tom Bower's property a further five feet from his driveway in the amount of \$1,000.00.

B. Park Committee

Administrator Young presented a review of the Boat Committee meeting held on October 5, 2011 on the following items:

- Discussed the possibility of converting the area outside the Police entrance as a memorial park..
- Discussed establishing a community event.
- Discussed potential 2012 projects.

Mayor Skrede noted that he met with representatives of the Boat Committee at the October 11th Boat Committee as requested to discuss future goals and objectives. He stated that he thought the meeting went well but there was not a quorum held so it was not an official meeting.

8. **ADJOURNMENT**

Motion by Councilmember Wheaton to adjourn the Regular Council meeting. Seconded by Councilmember Hackney. Motion carried 5-0. The meeting adjourned at 8:36 p.m.

9. **SPECIAL COUNCIL BUDGET WORKSESSION**

A. **Review 2012 Park Improvement Fund**

Administrator Young presented the 2012 Park Improvement Fund Budget for Council review.

B. **Review 2012 Marina Fund**

Administrator Young presented the 2012 Marina Fund Budget for Council review.

C. **Review 2012 Recycling Fund**

Administrator Young presented the 2012 Recycling Fund Budget for Council review.

D. **Review 2012 Capital Improvement Projects**

Discussion was held on prioritizing street and road projects for 2012.

Councilmember Kask exits at 9:10 p.m.

10. **ADJOURNMENT**

Motion by Councilmember Gustafson to adjourn the Special Council Work session. Seconded by Councilmember Wheaton. Motion carried 4-0. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Dana H. Young
City Administrator