

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, JUNE 20, 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 Darel Gustafson, John Wheaton, Josh Hackney and Keith Kask

STAFF: Sergeant Chris Whiteside and City Administrator Dana Young

2. **PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

3. **APPROVE JUNE 6, 2011 COUNCIL MINUTES**

Motion by Councilmember Kask to approve the June 6, 2011 Special Council minutes and the June 6, 2011 Regular Council minutes. Seconded by Councilmember Wheaton. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **NEW BUSINESS**

- A. **Review Appeals from June 1st Deadline Requirements**

Administrator Young stated that Section 900.07, Subd. 2 (b) of the Watercraft Space Ordinance requires all watercraft to be moored at their assigned space prior to June 1st. If the permit holder is not at their assigned space, the City may revoke the permit for that particular space. The permit holder has the option to appeal the revocation of their 2011 Boating Permit to the City Council within 10 days after the City's notice of revocation is mailed.

He stated that after considering the appeal, the Council could affirm or reverse staff's decision to revoke the permit. If the Council decides to reinstate the permit, the condition of reinstatement shall be a penalty payable to the City of Deephaven in an amount equal to 50% of the normal permit fee.

Administrator Young stated that the following list of permit holders were not at their assigned space prior to June 1st and each have sent a letter appealing City Staff's decision to revoke their 2011 Boating Permit:

<u>Name</u>	<u>Address</u>	<u>Space</u>
Bruce Crist	18850 Rutledge Road	Dock #106, Carson's Bay
Timothy Hamill	4315 Wyndhill Circle	Slide #124, Carson's Bay
Mark Rose	20590 Linden Road	Slide #123, Carson's Bay
Mike Chappelle	4282 Circle Drive	Canoe #1 & Buoy #67, Carson's Bay
James Albertson	4225 Northern Road	Slide #2, Water Street

David Matteson	3925 Walden Road	Slide #29, St. Louis Bay
Lohr LeSueur	18275 Carole Lane	Slide #27, St. Louis Bay
Nancy Lauritsen	18645 Highland Avenue	Slide #25, St. Louis Bay
Lesley Ackerberg	17952 Shavers Lake Drive	Slide #21, St. Louis Bay
John Sweeney	18150 Honeysuckle Lane	Slide #7, St. Louis Bay
Jeff Henninger	18150 Monaltrie Avenue	Canoe 12, St. Louis Bay

Mayor Skrede thanked the residents for appearing this evening to appeal the revocation of their 2011 boating permit. He asked if any of the Council had any particular concerns regarding the letters of appeal from each resident that were included in the Council packet.

Councilmember Kask noted that one appeal concerned the revocation of a permit for a buoy and noted that due to the lack of a waiting list for buoy permit holders, it might not be in the best interest of that individual to not request reinstatement since he could simply reapply for a buoy permit.

Councilmember Gustafson asked if eleven residents requesting reinstatement was a historically large number of requests.

Administrator Young stated that it was not a significantly large number since ten residents had requested reinstatement last year.

Mayor Skrede stated that a number of residents are here this evening due to the change in the date of the deadline to have your watercraft at its assigned space. He stated that the date was changed from June 15th to June 1st due to the difficulty in leasing the space after it had been vacated following the June 15th deadline. He stated that the June 1st deadline was intended to allow for a more reasonable time period to contact other interested lease holders on the waiting list. He stated that the unfortunate side effect of the change in the date has been some ongoing confusion on the part of several residents.

Councilmember Kask stated that is why we are having this discussion this evening on June 20th rather than in July. He stated that the Council considered it rather draconian to remove someone from their watercraft space so the Council initiated a penalty rather than removing someone from their space. He stated that while there certainly is the opportunity to review each request on a case-by-case basis, he wouldn't object to reinstating the entire group of eleven residents subject to payment of the required penalty.

Mayor Skrede stated that he wouldn't also have a problem with a motion to reinstate the entire list. He added that it would be the decision of the individual with a buoy permit if he would prefer to terminate his current lease and reapply.

Councilmember Gustafson noted that one request seemed to indicate that his inability to access his mooring space was due to the City's decision to move him from one slide to another.

Mayor Skrede stated that he has received an additional explanation from staff that clarifies that the individual did have the ability to access his new slide space.

Councilmember Kask added that he does not consider the inability to access a winch system as a justifiable reason for not having your boat on the slide by the June 1st deadline.

Councilmember Wheaton asked what the consequences would be when a resident contacts City Hall regarding their inability to make the June 1st deadline.

Administrator Young stated that residents who call City Hall prior to the June 1st deadline with an explanation as to why they are unable to meet the deadline are not subject to the revocation of their license and are not included in this evening's list.

Mayor Skrede stated that this makes it critical to get a hold of City Hall staff prior to the deadline to avoid being subject to the revocation of your boating permit.

Lesley Ackerberg (17952 Shavers Lake Drive) requested that all permit holders should receive correspondence from the City to explain the circumstances on the need to contact City staff prior to the June 1st deadline.

Mike Chappelle (4282 Circle Drive) agree that more robust communication from City Hall would be very helpful.

City Administrator Young stated that staff does send out several reminders during the year, including a reminder when the Mooring Permit is sent out. He added that staff is also considering sending a reminder notice a couple of weeks prior to the June 1st deadline to all permit holders.

Councilmember Wheaton stated that he doesn't agree that a separate notice should be sent out and that all permit holders should take it upon themselves to write down a reminder and not rely on the City to send out a separate notice. He stated that he would prefer a notice on the City website or in the April Newsletter.

Motion by Councilmember Kask to authorize the reinstatement of the 2011 Boating Permits to those individuals who have submitted a letter of appeal subject to payment of an amount equal to 50% of their normal 2011 permit fee and subject to the fact that there have not been any prior reinstatement requests. Seconded by Councilmember Gustafson. Motion carried 5-0.

B. Adopt Resolution No. 16-11, Approving the 2012 Woodland Contract

Administrator Young stated that the Woodland City Council approved the 2012 Contract for Services with the City of Deephaven on June 13th. He stated that the initial terms of the agreement were negotiated by Mayor Skrede, Woodland Mayor Jim Doak and himself on May 24th. A summary and comparison of the 2012 contract with the 2009 - 2011 contracts is shown below:

Service	2009 Contract	2010 Contract	2011 Contract	2012 Contract
Clerical Services	\$36,892	\$36,892	\$45,280	\$45,655
Police Services	\$98,370	\$98,370	\$101,321	\$102,233
Zoning Coordinator Services	\$29.80	\$29.80	\$33.85	\$34.19
Building Inspection Services:				
1 st \$10,000 in fees	Deephaven	Deephaven	Deephaven	Deephaven
60% of Balance	Woodland	Woodland	Woodland	Woodland
40% of Balance	Deephaven	Deephaven	Deephaven	Deephaven

- The 2012 Clerical Service fee is proposed to increase 0.8% due to a 1% employee salary increase in 2012.
- The 2012 Police Service Fee is proposed to increase 1% due to a 1% employee salary increase in 2012.
- The 2012 Zoning Coordinator Fee is proposed to increase 1% due to a 1% employee salary increase in 2012.
- And finally, no change is proposed in the calculation of the Building Inspection Services formula.

Motion by Councilmember Kask to adopt Resolution No. 16-11, A Resolution Approving the 2012 Contract for Services with Woodland. Seconded by Councilmember Hackney. Motion carried 5-0.

Councilmember Kask asked staff to convey how special our relationship has been with both Woodland and Greenwood over the years.

C. Adopt Resolution No. 17-11, Supporting the New 911 Communications Facility

Captain Jim Bayer, with the Hennepin County Sheriff's Office, was present to request support for a new 911 communications facility. He stated that Hennepin County Dispatch is the largest dispatch service in the Upper Midwest with over 600,000 calls per year. He stated that they are currently in a 62-year old facility and are running out of space for new technology additions. He stated that they are planning to construct the new facility at a county-owned site in Plymouth. He stated that the new facility will be in the design phase beginning in 2012 with construction planned in 2014. He added that the County Board has requested both state and federal funding for the new facility.

Mayor Skrede asked Sergeant Whiteside if he had any comments regarding the proposed communications facility.

Sergeant Whiteside stated that his department supported the Sheriff's Departments efforts.

Administrator Young stated that the only difference between the draft resolution sent out by Sheriff Stanek and the proposed resolution before the Council this evening is the addition of the following statement:

"...at no cost to the City and with the understanding that no fees will be assessed to the City to support ongoing operations of the new facility"

Motion by Councilmember Wheaton to adopt Resolution No. 17-11, A Resolution Supporting the New 911 Communications Facility. Seconded by Councilmember Gustafson. Motion carried 5-0.

D. Discuss Adoption of Performance Measurement Standards

Administrator Young stated that in February 2011, the Council on Local Results and Innovation released a standard set of ten performance measures for cities that is intended to aid residents, taxpayers, and state and local elected officials in determining the efficacy of cities in providing services and to measure residents' opinions of those services.

He stated that participation in the standard measures program is voluntary but those cities that elect to participate in the standard measures program for 2011 is eligible for a reimbursement of \$0.14 per capita in local government aid (\$534 for Deephaven) and is also exempt from levy limits for taxes payable in 2012, if levy limits are in effect. In order to receive the per capita reimbursement in 2011 and levy limit exemptions for 2012, cities must file a report with the Office of the State Auditor by July 1, 2011.

He stated that although the per capita reimbursement is fairly inconsequential, the Council might be interested in the obtaining potential levy limit exemption for 2012 or in the development of performance measurement standards for the City. It must be noted that levy limit legislation for 2012 has not yet been adopted.

He added that the Model Performance Measures for Cities, as shown on the attached sheet, are relatively straightforward but are somewhat overly reliant on citizen surveys and the potential development of a pavement condition index.

Councilmember Kask stated that the results of the proposed survey could be very time dependent, particularly if the survey were received after a recent snowfall, for example. He stated that he feels the proposed measurement standards are intrusive and he would not be eager to participate.

Mayor Skrede noted that our last survey sent out several years ago with the City Newsletter only resulted in approximately 73 responses.

Councilmember Gustafson stated that while he doesn't necessarily favor this model, he would be interested in developing performance metrics. He stated that if you had valid survey results, the Council could make better and more informed budget decisions. He stated that metrics aren't a bad thing if they help to define how well services are provided.

Mayor Skrede stated that he would be more than happy to have a further discussion on this issue at a separate meeting.

Councilmember Gustafson stated that he was not saying that we should participate in this effort but he is not opposed to the adoption of metrics.

Councilmember Wheaton stated that the Council receives metrics every day with feedback received from our residents.

E. Other

There was no other New Business this evening.

6. UNFINISHED BUSINESS

A. Discuss Sewer Backup at 4235 Northern Road

Administrator Young stated that Carrie Bell would prefer to meet with the Council at a later date after she is completely finished with the cleanup of her home and property.

Mayor Skrede postponed discussion on this issue until a later date.

B. Discuss 2011 Goose Control Program

Administrator Young stated that at the May 16, 2011 Council meeting, the City Council discussed a variety of goose control methods, principally for Thorpe Park, the most viable of which included:

1. Contracting with Canada Goose Management Inc. to provide for the removal of geese.
2. Contracting with TruGreen Commercial Services for a treatment called Flight Control.

He stated that of the two options, the Council indicated a greater interest in learning more about Flight Control treatments. He stated that the treatment costs \$429.12 per acre and the only areas needing treatment are those specific "Drop Zones" used by the geese. The treatment is currently being used successfully over at Minnetonka Middle School East on their athletic fields.

He added that there is currently \$2,800 in the 2011 Wildlife Management Budget for goose control.

Councilmember Hackney stated that he was impressed with the information on Flight Control that stated that, in a number of instances, the geese leave two days after the treatment. He stated that the treatment works best after the property has been mowed and encouraged the Public Works crew to coordinate the mowing of Thorpe Park with the proposed treatments.

Councilmember Gustafson stated that he walks Thorpe Park every morning and has noticed only one family of geese by the Flowering Crab trees.

Mayor Skrede noted that the complaints regarding geese are not usually about the number of geese but about the amount of goose droppings. He stated that the geese were typically located in the ball field.

Councilmember Gustafson stated that the geese appear to be a non-issue right now but the issue could be re-examined in the fall when the geese make their reappearance.

Councilmember Hackney agreed that he is not so concerned with only 4-7 geese at Thorpe.

Councilmember Kask agreed.

Mayor Skrede stated that he likes the concept of Flight Control treatments more than trapping geese.

C. Eagle Scout Project

Theresa Haines (25775 Birch Bluff Road, Shorewood) was present to discuss the request from her son, Terrence Haines, on the possibility of the City of Deephaven contributing towards his Eagle Scout Project. She stated that Terrence couldn't be here tonight because he was stuck in North Dakota.

Mayor Skrede stated that the Council felt they couldn't act on the request at the June 6th Council meeting until they received a letter from the City of Shorewood acknowledging that they support the project since Shorewood actually owns the land where the project was proposed to be undertaken.

Theresa Haines stated that the project would include the repair of the bridge and walking path, and installing two benches along the path in the woods next to the Southshore Community Center. She stated that her son has already met with the Shorewood City Administrator, Director of the Southshore

Community Center Kristi Anderson, and the Shorewood Building Official over the particulars of the project.

Councilmember Wheaton asked if the City has contributed towards Eagle Scout projects in the past.

Mayor Skrede stated that we have contributed but the projects have always occurred in Deephaven.

Theresa Haines stated that her son has also has approached the American Legion, the VFW and the Chamber of Commerce about donating towards this project. She stated that the City of Greenwood has donated \$266.00 towards this project and the City of Shorewood has offered matching funds.

Mayor Skrede stated that as one of the five co-owners of the Southshore Center, the City has always contributed a certain percentage towards projects at the Center. He stated that rather than contributing \$629.55 or 1/5 of the total request towards this project, he would be willing to increase the City's contribution to \$750.00.

Councilmember Kask stated that the Council will have a discussion later this evening on potential 2011 contributions to the Center, he is somewhat conflicted over this request. He stated that although the City has donated funds towards projects outside the city limits in the past such as with the Miracle Field at Bennett Park, he has been somewhat critical of the operations of the Southshore Center.

Mayor Skrede stated that he would consider this first and foremost as an Eagle Scout Project that happens to be located in Shorewood. He stated that he recommends taking this donation out of the annual \$3,000 contribution that is included in the 2011 Budget for the Southshore Community Center.

Councilmember Wheaton stated that he was conflicted as well over this request. He stated that these projects, when funded by the City, occur within the City with supervision provided by our Public Works crew. He stated that we usually donate towards something that benefits our residents, not just the 39 residents that attend the Southshore Center.

Mayor Skrede stated that he looks at this donation as pro-Scouts and noted that there might be a project undertaken in Deephaven that is actually constructed by scouts living outside of Deephaven.

Councilmember Gustafson stated that he is in support of donating toward this project because he believes it's a good program, it's supporting the repair of an existing infrastructure at the Center and it supports a project that would benefit our residents that attend the Southshore Community Center.

Theresa Haines stated that she also thinks this donation would be a great way of advertising such a great facility. She stated that if her son receives more funding than he needs, he will return the funds. She noted that all her other son, who are also Eagle Scouts, have all undertaken projects outside their own community.

Councilmember Hackney stated that he wishes Terrence was a Deephaven resident, but still supports the project.

Motion by Councilmember Gustafson to approve the request from Terrence Haines to contribute \$750.00 towards his Eagle Scout project to improve the bridge, walking path and install two benches in the woods next to the Southshore Community Center. Seconded by Councilmember Hackney. Motion carried 5-0.

Councilmember Wheaton requested that Terrence Haines return after he has completed his project to describe the completed project to the Council.

D. Discuss Contribution to Southshore Community Center

Administrator Young stated that the 2011 General Fund Budget includes funding in the General Government Budget in the amount of \$3,000 as a potential contribution of support to the Southlake Community Center. Last year, the City Council approved a contribution in the amount of \$3,000 to offset the estimated cost of a digital type sign, which has yet to be purchased. The digital sign was identified as a "key component to the continued success of the facility" and estimated to cost \$20,000 - \$30,000.

He stated that this year, apart from the request from Terrence Haines for a \$750.00 contribution towards his Eagle Scout Project at the Southshore Community Center, the City has not been approached by the City of Shorewood for a contribution towards the Center.

Mayor Skrede stated that it would not be his intention to forward the balance of the funds, minus the \$750.00 contribution to Terrence Haines, to Shorewood unless the City is solicited for a specific funding request.

The Council agreed with the Mayor's position.

E. 2012-2021 Capital Improvement Plan

Administrator Young presented the 2012-2021 Capital Improvement Plan for Council review.

F. Approve Promotion of John Menzel to Public Works Foreman

Administrator Young stated that with the resignation of Public Works Supervisor Jerry Hudlow on May 31, 2011, discussion has been held on the possibility of establishing a working foreman position rather than replacing Jerry with another Public Works Supervisor. This position change would have two distinct benefits:

- A four vs. five person Public Works Department would result in permanent cost savings of over \$65,000 per year.
- A working foreman position, combining a supervisory position with a public work maintenance position, provides for a more efficient operation of our Public Works Department.

He stated that City staff is recommending that John Menzel be promoted to the position of Foreman. John has been employed with the City since November 15, 1999 and has served as the Acting Public Works Supervisor since 2006 during those times when Jerry was out on vacation or sick leave. John has a long history of experience in all municipal operations including building & vehicle maintenance, utility work, street repair, and park & dock maintenance. Just as importantly, John personality is well-suited to dealing successfully with residents, fellow employees, outside agencies and the City Council.

Administrator Young stated that he has also recently come to the conclusion that John Menzel, if appointed to this position, should be given a pay increase to \$26.20 per hour to reflect his new job responsibilities during his six month probationary period.

Councilmember Kask agreed that John should receive an increase in pay for his promotion to Working Foreman.

Mayor Skrede noted that this position was opened up to everyone in the Public Works Department but none of the other employees expressed an interest in interviewing for the position.

Motion by Councilmember Kask to approve the promotion of John Menzel to the position of Public Works Foreman effective July 1, 2011 and a corresponding pay increase to \$26.20 per hour. Seconded by Councilmember Hackney. Motion carried 5-0.

G. Other

There was no other Unfinished 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 June 1, 2011 on the following items:

- Reviewed privacy fence quotes between City Hall and the Police/Public Works. The Committee decided to construct the fence in house.
- Reviewed a request for additional signage at Northome Blvd & Deephaven Avenue.
- Reviewed a request regarding maintenance equipment time lines..
- Reviewed cost estimates on Mt. Curve drainage improvements and drainage improvements at 20505 Lakeview Avenue. The Committee recommended obtaining bids on both projects for Council review.

B. Boat Committee

Administrator Young presented a review of the Boat Committee meeting held on June 8, 2011 on the following items:

- Conducted a final review of the Carson's Bay dock plans.
- Reviewed the use of group emails to contact permit holders.

8. ADJOURNMENT

Motion to adjourn by Councilmember Kask, seconded by Councilmember Wheaton. Motion carried 5-0. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Dana H. Young
City Administrator