

DEEPHAVEN CITY COUNCIL MEETING
MONDAY, MARCH 7, 2011
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 Josh Hackney, John Wheaton, Keith Kask and Darel Gustafson

STAFF: Police Chief Cory Johnson, Zoning Coordinator Gus Karpas, and City Administrator Dana Young

2. **PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

3. **APPROVE CONSENT AGENDA**

Councilmember Kask requested that Item 3C. Approve 2011 Street Sweeping Bid be withdrawn from the Consent Agenda and added under New Business for further discussion.

Motion by Councilmember Kask to approve the Consent Agenda, consisting of the following items:

- A. Approve Minutes of February 7, 2011
- B. Approve Verifieds
- C. Reappoint Michael Kelly & Roy Quaintance to Boat Committee
- D. Approve 2011 Boat Committee Chair & Vice-Chair
- E. Approve Use of Robinson's Bay Beach for Yoga Classes

Seconded by Councilmember Gustafson. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **PLANNING & ZONING REQUESTS**

A. **Special Events Permit** - Request of Jon Monson of Landschute Group to include the property located at 20260 Lakeview Avenue in the Remodeler's Showcase which would be held on the weekend of April 1-3, 12 to 6 p.m. Section 1355 of the Zoning Ordinance permits limited participation in Showcase Events with the issuance of a Showcase Events Permit.

Zoning Coordinator Karpas presented his staff report. He said the request was to include 20260 Lakeview Avenue in the upcoming Remodeler's Showcase, noting this property had been included in the same event last fall. He said the applicant has worked with the Police Department to minimize the impact of parking and has submitted the required insurance information. He recommended approval of the request, since the applicant has satisfied the requirements of the ordinance.

Jon Monson was present to answer any questions.

The Council had no questions for the applicant.

Motion by Councilmember Kask to approve the Special Events Permit to include 20260 Lakeview Avenue in the Remodeler's Showcase to be held the weekend of April 1-3, based on the findings presented by staff that the applicant complies with the requirements outlined in the ordinance to participate in a Showcase Event. Seconded by Councilmember Wheaton. Motion carried 5-0.

B. Special Use – Special Use Request of Minnetonka Community Education to erect a forty-eight square foot, illuminated monument sign at 4584 Vine Hill Road. The overall height of the proposed sign would be five feet, eight inches. Section 1115.09(d) permits monuments signs only with the issuance of a special use permit. Monument signs shall not exceed one hundred square feet or be over eight feet in height. The overall height of the proposed sign would be five feet, eight inches.

Zoning Coordinator Karpas presented the staff report. He said he recommended approval of the request since the proposed monument sign complies with the ordinance regulations.

Councilmember Hackney expressed concern for nearby residents due to the proposed illumination which he felt would add to the light pollution in the area. He asked if there were similar signs located on residentially zoned property in the city. Zoning Coordinator Karpas said there were similar signs at St. Therese Church and Grace Lutheran.

Councilmember Gustafson asked if there were any safety concerns due to the location of the sign. Zoning Coordinator Karpas said the proposed sign was located forty feet off the road so there shouldn't be any impediment to traffic flow.

Councilmember Wheaton asked the intent of the proposed sign. Mike Condon, Director of Buildings and Grounds for Minnetonka Schools, said it was to identify the building. Wheaton noted there was already a sign on the building. Mr. Condon said that was to identify the front of the building.

Mayor Skrede asked about the awning sign previously approved by the city. Mr. Condon said that sign had been removed, along with the wooden post sign.

Councilmember Kask reminded the Council that the school had come before the Council with a similar sign request a while back, which included an electronic reader board. It was viewed negatively by the Council at that time because the sign would have been out of character with the surrounding area.

Mayor Skrede noted the dimensions of the sign are a bit misleading since it includes the base of the sign, which is needed to lift it above the snow. He said the actual sign area is twenty-four square feet.

Councilmember Hackney asked about the changeable portion of the sign and asked if it were still within the requirements. Mayor Skrede said it was and that the sign needed a special use permit because the ordinance requires one, which gives the city an opportunity to regulate any aspect it may find objectionable.

Councilmember Hackney stated the ordinance prohibits signs in residential districts and asked what makes this property different than other residentially zoned properties. Zoning Coordinator Karpas

said it could be argued that the use of the property, which is permitted by a conditional use permit, allows the City Council to approve the proposed sign.

Councilmember Wheaton said he would put the property in a unique category since it operates under a special use permit. He believes there is a need to identify the building, but does question the need for a slide in sign. The sign should be used to identify the building, not advertise services.

Councilmember Kask noted the school was at this location well before there was a Zoning Ordinance and said it could a matter of debate as to why this property has never been rezoned. He said the size of the proposed slide in sign seems to be too small to convey a message based on the speed of vehicles driving by the building, and it would seem to only be useful to those already on the property. He said it wouldn't seem this would serve the purpose of the applicants, but the sign overall is a better design that was previously presented to the city. He said he is also sensitive to the current lighting in the area but does not feel the proposed sign would add greatly to the light pollution given the lighting already in the area.

Councilmember Gustafson said that as he campaigned, he keep hearing that residents wanted to keep Deephaven the same. He feels the proposed sign changes the character of the neighborhood. He said if someone drives by a three story building they should assume they're at the right place given the neighborhood. Mayor Skrede said it's not uncommon to have churches and schools in residential neighborhoods and asked Gustafson if his opposition was just to the sign in general. Gustafson it was because it changes the character of the neighborhood.

Councilmember Hackney said his issue is the reader board portion of the sign. Mayor Skrede said any approval of the request could limit the lighting on the sign or remove the reader board portion of the sign. Councilmember Wheaton sees a need to identify the building, but not a need for the message board. Councilmember Kask said he could support the sign without the message board also, since it transitions the sign from only identifying the building to also advertising services. Kask felt any motion should include the revised height of the sign, which would be reduced by the height of the eliminated reader board portion of the sign.

Councilmember Hackney asked about the proposed lighting. Councilmember Wheaton said he had no problem with the lighting since the Education Center did business at night.

Mayor Skrede asked if anyone from the public had any comments.

Molly Anderson, 19725 Cottagewood Road, said the responsibility of the City Council is to Deephaven and its residents, not the School District or any other business. She said Deephaven is a quaint sleepy lakeside town and noted the Education Center is not in a commercial center. She discussed the signs located in the area, noting they were all made of wood and were unlit. She said there shouldn't be any confusion as to the location of the building since there is already a sign on the building which is illuminated. She said there is no need to make it worse by adding a monument sign and if they felt they needed more signage they could just put some more on the building. She feels the proposed sign is only an advertising vehicle for the School District and said the surrounding residential area needs to be protected.

Ed Bak, 19080 Eastwood Drive, informed the Council that his property is closest in proximity to the Education Center. He believes the community, especially around the School District property, is changing. He said the school was intended to serve the community, but the community doesn't benefit

from it, rather the School District benefits from open enrollment. He said if someone is confused as to the location of the Education Center, they'll only be confused once. He feels the city needs to consider the needs of the community and keep things as they are.

Scott Sandstrom, 18995 Eastwood Drive, said he moved to Deephaven for the country character of the neighborhood. He said the scope of the proposed sign, even without the reader board, impacts the character of the neighborhood. He questions the need for the sign, noting it could be a distraction to drivers. He said that even if the sign doesn't add to the light pollution in the area, it adds to the commercial feel. He feels the signage should be kept on the building.

Tom Trout, 4230 Chimo East, asked if the School District submitted any photo shop photos of the sign to show how it would look. He said it would be easy to do and if the Council saw the sign in context with the surrounding area, they would have second thoughts on approving it.

Allan Haag, 4305 Chimo East, said he doesn't support the sign and feels there's an illumination affect on the surrounding area. He doesn't like the character of the sign and felt that a nicer sign could be designed to fit the needs of the applicant. He suggested limiting signage to the building. He wants to retain the small town feel in the area.

Mayor Skrede asked about the dimensions of the lettering on the building. Mr. Condon said he was not sure, but they were small and lit with up lighting.

Councilmember Kask noted the dimensions of the sign before the city was only about twice the size of a normal realtor sign.

Councilmember Wheaton recited some of the points made during the public comments. He said though the building has been in the city for a number of years, it has morphed into a community education building, pulling more traffic from the outside into the city. He noted that in the Planning Commission minutes, Mr. Condon indicated that the District intended on placing a similar sign in front of Deephaven Elementary School. He stated that he is concerned that two sign would negatively impact the neighborhood and agrees that the signage could be expanded on the building.

Motion by Councilmember Wheaton to deny the Special Use Request of Minnetonka Community Education to erect a forty-eight square foot, illuminated monument sign at 4584 Vinehill Road. Seconded by Councilmember Hackney.

Councilmember Kask commented that signage on commercial properties are typically done with a comprehensive approach to try and address the needs of the business. He said if the motion it to deny the request, the Council needs to make it clear what signage would be acceptable, especially with the Council consensus there is a need to identify the building. He doesn't believe a 3'X6' sign is too much for the building and added that a small sign wouldn't serve the need of the applicant.

Councilmember Wheaton said it's not the Council's place to establish an acceptable size and that the applicant should work with Staff to come up with a new proposal.

Mr. Condon said there was an issue with the style of the proposed sign the last time the District approached the Council. He said they did heed the advice of the Council in designing the current sign. Mayor Skrede noted the Council has changed since the previous request.

Mayor Skrede called the question on the motion to deny the request. Motion carried 5-0.

C. Variance/Special Use – Variance request of Minnetonka Public Schools to exceed the maximum permitted impervious surface area and a Special Use request to alter the grade by more than one foot for the construction of a new driveway along the north side of the Deephaven Elementary School at 4452 Vine Hill Road.

Zoning Coordinator Karpas presented the request and outlined the findings for his recommendation for denial of the variance request. He didn't make a recommendation on the special use request due to the recommendation for denial on the variance.

Councilmember Hackney said the Planning Commission recommended approval on a 4-2 based on the assertion by the School District that they had been working with the city's Public Safety Committee on this issue for over a year. He said he has heard from at least one Commissioner who stated directly they would have voted against the request had they known this was not true. He also believes if the Commission had staff's recommendation that they would have recommended denial of the request.

Mayor Skrede commended the School District for approaching the Public Safety Committee to address the issue of traffic on Vinehill Road.

Paul Bourgeois, Executive Director of Finance and Operations with Minnetonka Public Schools, addressed the Council. He discussed the charge for bus service and said it is used as a measure to make sure there aren't more buses in service than what are needed. He said the fee charged for the bus service is less than a parent would pay dropping off and picking up their child. He said there are a number of parents who bring their kids to school by choice and the number of vehicles is not due to open enrollment. He said it has been noted that the number of cars increase during colder weather. He said open enrollment is important otherwise there would be a decline in the overall enrollment of the district, forcing the potential for closing schools and creating larger class sizes. He said open enrollment also brings in additional revenue that allows the District to offer more programs to Deephaven students.

Mayor Skrede asked if it was safe to assume that the majority of the people outside the two mile radius, who are not charged for bus service, are riding the bus. Mr. Bourgeois said yes.

Councilmember Kask asked if there were any historical information available to show the number of students driven to school now versus fifteen years ago, when there didn't seem to be a problem. He said he's astounded at the number of parents driving their kids to school today.

Mike Condon, Director of Building and Grounds for Minnetonka Public Schools, said he doesn't have comparable numbers. He said the school currently has an enrollment of 558. Of those students, 429 ride the bus and 129 are dropped off by parents, which is about 23% of the total students. Of the 558 students, only 62 are open enrollment, which is the lowest compared to other schools in the district. He addressed the bus fees, stating it was represented that they were much higher than they are.

Councilmember Wheaton asked if the 77% percent of bus users reflect the actual number of riders or just those that are registered. Mr. Condon said those that are registered. Wheaton asked if Mr. Condon could define what determines the capacity of a given school. Mr. Condon said capacity loads are determined by the School Board. Wheaton asked if they use the number of desks, square footage of the structure or something else. Mr. Bourgeois said those are some of the issues taken into account

when the Board establishes a range. Wheaton asked if mode of transportation is figured into capacity. Mr. Bourgeois said he was not sure.

Councilmember Hackney said he's aware of the maximum capacity but asked what the ideal capacity of Deephaven Elementary would be. Mr. Bourgeois said somewhere in the 550 to 600 student range.

Allan Haag, 4305 Chimo East, said he was not notified of the request since he was greater than 350 feet away from the subject property. He said that even though he lives more than a thousand feet from the property, it would still have a visual impact on his property. He feels the notification radius should be expanded. Mayor Skrede said that normal planning issues deal with neighbor to neighbor requests. He said the notification radius has typically been 350, but the Council has amended the ordinance in some instances, like cell towers, to increase the radius to notify more residents. Zoning Coordinator Karpas commented that all public hearing notices are published in the Lakeshore Weekly and agenda are available on the city's website. Mr. Haag said he understands the need to cap the radius but thinks there should be exceptions, like in this case where the impact is community wide since the proposed retaining wall would be visible to anyone driving along Minnetonka Boulevard.

Linda Haugen, 4205 Chimo East, discussed the cost of the project relative to the potential benefit. She said she has driven the area and hasn't noticed any issue with the traffic and feels there needs to be a more compelling reason for the Council to approve the request.

Tom Trout, 4230 Chimo East, asked if the Council has looked at any traffic studies showing the proposal would solve the issue. Mayor Skrede said it has not, though the Public Safety Committee had seen this plan. It did not endorse the plan since there were a number of changes suggested at the time it was presented. He said there have only been field studies, no official traffic studies. Mr. Trout believes the district has created its own problem by limiting the flow of traffic. He's worried that the solution has not been well thought out.

Councilmember Wheaton said Deephaven Elementary School and the Deephaven Education Center are community assets and have been a good neighbor, which is appreciated. He said it's hard to say no to good neighbors, but believes we may have come to the point where the city has to say no. He said incremental changes have created the issue and there needs to be a solution, but he doesn't feel the proposal before the Council is the solution. He discussed the Minnesota Supreme Court's decision on the granting of variances, stating it has taken a lot of latitude away from cities when granting variances, requiring them to stick to the strict interpretation of hardship. He said he didn't remember this being an issue ten years ago when the school had a higher enrollment. He believes the hardship has been created by the applicant and that the proposal would alter the essential character of the locality with the addition of fill, the proposed retaining wall and the removal of trees. He doesn't feel the city can grant the variance. He feels there are design alternatives available to the applicant to address the issue. He said the number of people driving their kids should be factored in when determining the capacity of a school. He said he has reluctantly come to a point where he has to say that's enough when it comes to continued requests.

Councilmember Kask agreed with the comments of the residents on how great Deephaven is, but said that Deephaven Elementary School is part of that character. He agrees it's hard to say no, but it's the Council's job to work with all residents and property owners. He said the District is allowed to bring the request before the Council for its review. He said open enrollment and school boundaries have been redrawn creating the issue. He said the property can be put to a reasonable use without the variance and the proposal would alter the essential character of the area. He said an existing wall,

similar to the one proposed, is already located on the property, but it's not visible, unlike the proposal. He feels the proposed wall creates a visual impediment on the entire community and the amount of fill would greatly alter the terrain. He discussed the lighting and said he doesn't want to see the north side of the property become like the south side which is brightly lit. He encouraged the District to continue to work with the city and to work on addressing the current culture of parents driving their children to school.

Councilmember Hackney said he had the opportunity to meet with school officials. He said he's not a fan of the design. He's concerned about declining school enrollment which is the driving force behind open enrollment. He doesn't want to see the school go away, but they need to find a viable way to make it work for the school and community.

Councilmember Wheaton clarified his previous comments, saying the city and school need a way to solve the problem, and is in no way saying the city should not work with the school. He said there's a finite space that can hold a finite number of students. He would like to see a proposal that does not require a variance.

Councilmember Gustafson had nothing to add.

Molly Anderson, 19725 Cottagewood Road, said she finds it hard to believe that parents have changed that dramatically in the last ten years. She said the school modified its parking lot three years ago, placing a median in the lot impacting traffic flow within the parking lot. She said it's frustrating that other plans have been dismissed without any discussion. She doesn't believe mixing cars and buses is a safety issue. She said the current bus capacity is 770 and there are only 429 riders. She said if the buses were used to their capacity, only five buses would be necessary to serve the school. She believes the school should be forced to work with what they have. She said data should be submitted indicating the need for any alteration. She still believes opening the south entrance and allowing cars to stretch along the building would solve the problem.

Motion by Councilmember Kask to deny the Variance request of Minnetonka Public Schools to exceed the maximum permitted impervious surface area and the Special Use request to alter the grade by more than one foot for the construction of a new driveway along the north side of the Deephaven Elementary School at 4452 Vinehill Road, based on the findings of fact provided by Staff and that there are design alternatives available to the applicant. Seconded by Councilmember Wheaton. Motion carried 5-0.

D. Ordinance Amendment - Consider amendment of Section 1345 of the Deephaven Code, defining Slopes Prone to Severe Erosion and prohibiting development within them.

Zoning Coordinator Karpas explained that the current prohibition on development within steep slopes is included in the Comprehensive Plan and also in the Subdivision Ordinance. He feels this provision needs to be included in the Zoning Ordinance.

Councilmember Hackney noted that the regulation was contained in the definition and questioned if it were enforceable. Zoning Coordinator Karpas said it was, noting that the limitation on grade alteration previously discussed is contained only in the definitions and nowhere else in the ordinance.

Motion by Councilmember Wheaton to adopt Ordinance 13-56, defining Slopes Prone to Severe Erosion and prohibiting development within them. Seconded by Councilmember Hackney. Motion carried 5-0.

Motion by Councilmember Wheaton to waive the second reading of the ordinance. Seconded by Councilmember Kask. Motion carried 5-0.

6. **PUBLIC HEARINGS**

A. **Public Hearing to receive public comment regarding the City of Deephaven's Storm Water Pollution Prevention Program. Comments will be included in the City's annual report to the Minnesota Pollution Control Agency.**

Zoning Coordinator Karpas stated that the purpose of this evening's public hearing is to fulfill the requirement of the city's NPDES Phase II permit submitted to the Minnesota Pollution Control Agency. He said it is intended to allow public comment on the existing permit and to document any concerns or proposed changes.

Mayor Skrede opened the public hearing at 8:50 p.m. Hearing no public comment, the hearing was closed at 8:50 p.m.

7. **UNFINISHED BUSINESS**

A. **Open & Available Buoy Mooring Spaces**

Administrator Young stated that the attached memorandum provides an overview of the discussion that has been held the last couple of years regarding the number of buoys that have not been leased despite asking all residents on the Buoy Waiting list. He stated that the Deephaven Boat Committee responded to this issue last year by recommending an amendment to the Watercraft Space Ordinance that would allow anyone access to an open and available boating space after June 1st for a one year period. He stated that this amendment would open up watercraft spaces to non-residents and the City Council expressed little interest at that time in permitting city watercraft spaces to be leased to non-residents.

Administrator Young stated that the Boat Committee then recommended that the City Council allow all permit holders to be able to obtain a second permit on an annual basis. He stated that in order to allow permit holders the opportunity to lease a second permit, Section 900.06 Subd. 2 (b) would have to be amended to allow current permit holders to obtain more than one permit for the boating season. He stated that the ordinance amendment would allow the City to offer watercraft spaces that are available for leasing as of June 1st to all residents, including those with a current boating permit, for one boating season.

Administrator Young stated that the City Council reviewed this proposed ordinance amendment on August 2, 2010 and had a number of questions and concerns regarding the implementation of the ordinance, including:

- Open buoys were viewed as just a temporary problem and there was a reluctance on part of at least one council member to "mess with the system and safeguards that are currently in place".
- The ordinance might just be a temporary reaction to a temporary problem.
- Concerns about the implementation of the ordinance and developing yet another waiting list for open watercraft spaces.

- Everyone should have equal access to the open mooring spaces and that the members of the Boat Committee shouldn't get the first opportunity simply because they knew about the openings earlier than anyone else.
- Provide everyone equal access and equal notice that these watercraft spaces are available.

Administrator Young stated that the problem of unleased buoys has not gone away as there are currently 10 out of a total of 53 buoys that have not been leased for the 2011 season. He stated that this leaves a couple of options for the Council to consider. First, do nothing and simply wait for the demand for buoys increases in the future. Or second, open up the market for the available buoy spaces by:

1. Adopting Ordinance No. 09-24, which would enable all current permit holders – Class A and Class B – to obtain a second permit for an open watercraft space such as the currently available buoy spaces. The two conditions contained in the ordinance are that the watercraft space must be open and available for leasing as of May 1st and all residents on the waiting list for that particular watercraft space must have declined the opportunity to lease the space.
2. Publish notice of the open and available buoy spaces in the April Newsletter, thereby giving all residents an equal opportunity to lease a buoy space. The residents must inform the City of their interest in leasing an open watercraft space on or before May 1st.
3. On May 2nd, all open and available buoy spaces will be awarded in the following order of priority (1) to those interested residents that do not have a current boating permit (2) to those interested residents that have a current boating permit. If the number of interested residents in either category exceeds the number of available watercraft spaces, the City will conduct a raffle to determine who is awarded the available spaces. If the number of interested residents doesn't exceed the number of available watercraft spaces, all of the interested residents will have the opportunity to lease a buoy.

Administrator Young stated that while it is unlikely that this ordinance amendment will result in all ten of the open and available buoys to be leased, it might result in 3 or 4 of the buoy spaces to be leased for the 2011 Boating Season. He added that while residents without a current boating permit would have first priority to acquire a buoy, he thought it would be far more likely that the main interest would come from current permit holders.

Councilmember Kask stated that this problem is not unique to Deephaven as the Wayzata and Shorewood Yacht Clubs have also seen in a decline in the use of sailboats versus the demand for motorboats. He stated that both organizations intend to approach the Lake Minnetonka Conservation District with requests to adjust their mix of Boat Storage Units to accommodate more motorboats at the expense of sailboats. He stated that there is apparently a decline in demand for sailboats around the entire lake and it is hard to say if this will continue into the future.

Councilmember Hackney asked Councilmember Kask if he felt that the requests by the Wayzata and Shorewood Yacht Club would be granted.

Mayor Skrede stated that he didn't think that the Yacht Clubs were requesting permission from the LMCD to moor powerboats on buoys.

Councilmember Kask stated that the LMCD will not allow powerboats on buoys and have not since the mid-1990's. He stated that these requests were to adjust the mix of sailboats on slide spaces and other mooring spaces in order to accommodate more powerboats.

Councilmember Kask added that he would support an amendment to the ordinance to allow permit holders the opportunity for a second permit in the attempt to address the number of unleased buoys.

Motion by Councilmember Wheaton to adopt Ordinance No. 09-24, An Ordinance Amending Section 900.06 Subd. 2 (c) of the Deephaven City Code and to waive the second reading. Seconded by Councilmember Gustafson. Motion carried 5-0.

B. Other

There was no other Unfinished Business this evening.

8. NEW BUSINESS

A. Approve City Assessor Contract

Administrator Young stated that Dan Distel has served as Deephaven's City Assessor since 1989. Since that time, the Deephaven City Council has typically entered into a series of two-year contracts with Dan, with annual contract fee increases tied to whatever percentage increase had been approved that particular year for employee salaries. He stated that last year, with employee salaries beyond 2010 uncertain due to pending union contract negotiations, the City Council approved a one-year agreement with City Assessor Dan Distel with no contract fee increase. The current contract for assessing services is set to expire on May 31, 2011.

Administrator Young stated that Dan's current agreement includes compensation of \$47,674 from June 1, 2010 to May 31, 2011. Staff is again proposing a 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 2% contract increase from June 1, 2011 to May 31, 2012 and a 1% increase from June 1, 2012 to May 31, 2013. He added that Dan's proposed salary would also be less than the cost of contracting with Hennepin County for these same services.

Motion by Councilmember Wheaton to approve a two-year contract extension with Dan Distel for assessing services that includes a 2% wage increase for 2011-12 to \$48,627 and 1% for 2012-13 to \$49,114. Seconded by Councilmember Hackney. Motion carried 5-0.

B. Adopt Resolution No. 08-11, Approving Joint Powers Agreement with the State of MN

Police Chief Johnson stated that the purpose of the resolution and Joint Powers Agreement is to enable the Deephaven Police Department to utilize the benefits of E-Charging. He stated that the benefits of E-Charging are twofold. First, E-Charging is the future of law enforcement and is of significant benefit to Police Departments because it automatically sends the proper forms to the proper agencies, creating less paperwork and redundancy. Second, he stated that this will save the City in labor costs, and in postage and copying costs.

Police Chief Johnson stated that in order to participate in the E-Charging system, we are required to adopt the enclosed Resolution and enter into a Master Joint Powers Agreement with the State of

Minnesota. He stated that entering into a Joint Powers Agreement is not a new requirement since the Department has been operating under an expired Joint Powers Agreement with State of Minnesota for a number of years.

He stated that there are no additional costs to participate in the E-Charging system over and above a quarterly fee of \$510 that the Department is already paying to the State for a secure internet connection.

Further discussion was held on potential savings in labor costs, postage and copying costs resulting from the use of the E-Charging system.

Motion by Councilmember Kask to adopt Resolution No. 08-11, A Resolution Approving a Joint Powers Agreement with the State of Minnesota. Seconded by Councilmember Wheaton. Motion carried 5-0.

C. 2011 Street Sweeping Bid

Councilmember Kask asked if there were any conditions included in the street sweeping bid form that required the contractor to complete the sweeping in a timely manner.

Administrator Young stated that both the bid form and sweeping contract required a completion date of April 18th. He stated that there were a multitude of problems with the sweeping contractor last year, including mechanical problems with the sweepers and the fact that the contractor delayed the start of the sweeping in Deephaven until they could complete a recently awarded contract with the City of Plymouth. He stated that expectations are significantly higher this year with the new contractor.

Mayor Skrede added that the City is also intending once again to sample the sweepings to determine the amount of phosphorus that is potentially removed each year due to street sweeping. He stated that this is important information to gather due to the mandate on cities to reduce phosphorus loadings into the lake.

Motion by Councilmember Kask to award the 2011 Street Sweeping Bid to Allied Blacktop Company. Seconded by Councilmember Hackney. Motion carried 5-0.

D. Other

There was no other New Business this evening.

9. DEPARTMENT REPORTS

A. Police Department

Police Chief Johnson stated that there wasn't anything pressing to report this evening and noted that the February 2011 Incident Report has been distributed to the Council earlier this evening.

B. Excelsior Fire District

Excelsior Fire District Liaison Darel Gustafson stated that he attended an orientation session for new Fire Board members on February 16th that was very informative. He stated that he advised the Fire

Chief, when informed that he was drafting 2011 objectives for the District, to consider developing measureable standards so that he will know whether these objectives were being met.

Further discussion was held on unspent construction funds that remained from the construction of the fire facilities that were held by the City of Shorewood. It was the consensus of the Council that the proceeds from the unspent construction should be used to proportionally reduce annual debt service payments to the member cities.

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:

- April Newsletter
- Deer Management
- Annual Financial Audit
- Infrastructure Asset Management Workshop
- Certificate of Achievement for Excellence in Financial Reporting
- Clearwire Notice of Termination

Administrator Young presented proposed plans for the installation of a fiber optic line that will be directionally bored within an existing utility easement from Minnetonka Blvd along the public works service road to the T-Mobile Tower.

Discussion was held regarding the New Councilmember Orientation that Councilmember Gustafson and Hackney attended last month. Councilmember Gustafson stated that he particularly enjoyed the sessions on the Open Meeting Law and city financing. Councilmember Hackney stated that he felt that the quality of the presenters far exceeded his expectations.

10. ADJOURNMENT

Motion to adjourn by Councilmember Wheaton, seconded by Councilmember Kask. Motion carried 5-0. The meeting adjourned at 9:50 p.m.

Respectfully submitted,
Dana H. Young, City Administrator