

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, DECEMBER 4, 2017
MINUTES**

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

PRESENT: Mayor Paul Skrede, Councilmember's Darel Gustafson, Kent Carlson, Steve Erickson, and Tony Jewett

STAFF: Police Chief Cory Johnson, Zoning Coordinator Dale Cooney, and City Administrator Dana Young

2. **PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

3. **APPROVE CONSENT AGENDA**

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

- A. Approve November 20, 2017 Council minutes
- B. Approve December Verifieds
- C. Adopt Resolution No. 51-17, Authorizing 2018 Group Health Plans
- D. Adopt Resolution No. 52-17, Approving 2017 Transfers
- E. Adopt 2018 Investment Policy
- F. Adopt 2018 Internal Control Policy
- G. Approve Tort Liability Limits
- H. Authorize Purchase of 2018 Equipment & Vehicles
- I. Authorize Plans & Specifications on 2018 Improvement Projects
- J. Approve October 2017 Treasurer's Report
- K. Approve Special Event Permit for Ice Boat Racing on January 6-7, 2018
- L. Approve April 16, 2018 as Date for Board of Appeals Meeting

Seconded by Councilmember Erickson. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

Julie Swanke, 4640 Old Kent Road, was present to discuss her concerns regarding the recent resurgence of the coyote population. She stated that the number of pets killed in Deephaven has gone up considerably and hazing coyotes doesn't seem to be working. She stated that there is a distinction between wild vs. urban coyotes in that wild coyotes stay away, while urban coyotes

go after pets. She stated that there have been 48 documented coyote attacks on humans over the past 50 years.

She stated that a University of Nebraska study shows that there are effective ways to reduce coyote populations and the City of Los Angeles has adopted many effective strategies. She stated that there has been a continuing pattern of more active coyote behavior that starts with an increase in observing coyotes, to an increase in coyotes approaching dogs & humans, to coyotes taking pets in daylight, and eventually, coyotes taking pets on leashes and becoming more brazen to humans.

She asked the City Council to take a look at what can be done to remove the more brazen coyotes. She stated that she is tired of people saying that nothing can be done about coyotes.

Councilmember Gustafson asked what solutions were offered by the University of Nebraska study.

Julie Swanke stated that they suggested studying the coyotes then using traps. She stated that this approach works best as a collaborative effort between the Police, Dept of Natural Resources, and the community.

Mayor Skrede stated that the City has gotten little or no response from the Dept of Natural Resources and have chosen to work with the USDA to hunt deer and coyotes. He stated that coyotes are very smart and don't know if they can be effectively trapped. He stated that there will be a further discussion of this issue at the next Public Safety Committee meeting.

Julie Swanke stated that she would be happy to help or to work with the DNR.

Mayor Skrede stated that he would welcome anyone who is concerned about coyotes to volunteer to have a trap installed on their property. He stated that the trap would be placed and inspected by the USDA.

Michelle Clipper, 18808 Old Excelsior Blvd, stated that she is actually a Minnetonka resident who recently had her dog killed by a coyote. She stated that Deephaven seems so much more proactive regarding coyotes and asked how she can get the City of Minnetonka on board with coyote control efforts.

Mayor Skrede suggested having a group of residents attend an upcoming Council meeting and further noted that the Public Safety departments work together all the time and could perhaps share information.

5. PUBLIC HEARING

A. Truth in Taxation

City Administrator Young presented the proposed 2018 General Fund Budget revenues and expenditures. He said that the city is proposing a 2.7% levy increase in 2018 to support General

Fund activities and the Capital Improvement Fund. A PowerPoint presentation detailed 2018 General Fund revenues, expenses, a review of each General Fund Department budget, the Capital Improvement Fund, the impact of the proposed sales tax exemption, the proposed tax levy of \$2,182,875 and the property tax impact of the 2018 Budget.

As there was no one from the public in attendance, Mayor Skrede closed the public hearing at 8:15 p.m.

B. Adopt Resolution No. 53-17, Adopting the Final 2018 Tax Levy

Motion by Councilmember Erickson to adopt Resolution No.53-17, A Resolution Adopting the Final 2017 Levy, Collectible in 2018 in the amount of \$2,182,875. Seconded by Councilmember Gustafson. Motion carried 5-0.

C. Adopt Resolution No. 54-17, Adopting the 2018 Budget

Motion by Councilmember Erickson to adopt Resolution No. 54-17, A Resolution Adopting the 2018 Budget in the amount of \$4,939,117 for expenditures and \$4,740,214 for revenues. Seconded by Councilmember Gustafson. Motion carried 5-0.

6. UNFINISHED BUSINESS

A. Review Grading Changes at 20400 Lakeview Avenue

Zoning Coordinator Cooney presented the staff report. He said that in January of this year, the property at 20400 Lakeview was granted a variance to exceed the 3 foot grading limitation. Cooney said that since that approval, certain aspects of the project were modified; further impacting grading that was beyond the scope of the original variance request. Cooney noted that an area on the lakeside was converted from a lookout to a walkout, lowering the proposed grade in this area.

Cooney said that the builder and landscaper are requesting that these new areas be included in the variance approval. Cooney noted that as far as city process is concerned, the City Council could A) deny the request and require that the grading be consistent with the approved variances; B) approve the request to include the changes on the submitted plans, the approval which would be memorialized in the meeting minutes; or C) deem the changes significant enough that they require the property owner to submit an additional variance request.

Cooney concluded his staff report.

Councilmember Carlson said that this is a large site and that the original proposal was a restoration of the natural grading of the property. He said that this was a minor modification.

Councilmember Gustafson said that the work had already been done, and it was presumptuous to assume the city would approve this.

Councilmember Erickson said that he walked the site and that this was a minor change that would not be visible from any of the neighboring site lines. He said that, while it was presumptuous that the work went ahead, he does not have an issue with the change.

Jim Sweeny of Mom's Design/Build, landscaper for the project, said that the foreman for the project was out sick for several weeks and the changes occurred during that interim.

Councilmember Jewett asked if the new grade would impact the building height.

Councilmember Erickson said that it would not since the corner of the house was already at the proposed new grade for this area.

Motion by Councilmember Carlson to approve the amended plans for the variance request. Motion was seconded by Councilmember Erickson. Motion carried 5-0.

B. Adopt Ordinance No. 07-10, Establishing a Right-of-Way Ordinance

Mayor Skrede noted that this proposed ordinance was reviewed by the City Council at their last meeting and asked if anyone had any additional questions. Hearing none, the Mayor asked for a motion to adopt Ordinance No. 07-10, Establishing a Right-of-Way Management Ordinance.

Motion by Councilmember Erickson to adopt Ordinance No. 07-10, Establishing a Right-of-Way Management Ordinance and approving the publication of a summary of the ordinance. Seconded by Councilmember Jewett. Motion carried 5-0.

C. Authorize Final Payment to Pride Construction for 2017 Manhole Rehab Project

Administrator Young stated that the City Council awarded the bid for the 2017 Manhole Rehabilitation Project to Pride Construction in the amount of \$47,500.00 on July 17th. He stated that the City Engineer is recommending Final Payment to Pride Construction in the amount of \$50,200.00. He stated that the cost came in \$2,700.00 higher than the bid due to the need to replace rings on four manholes that were not anticipated.

Motion by Councilmember Erickson to approve Final Payment to Pride Construction in the amount of \$50,200.00 for the 2017 Manhole Rehabilitation Project. Seconded by Councilmember Gustafson. Motion carried 5-0.

D. Other

Administrator Young presented an invoice from Sports Technology Inc. requesting payment in the amount of \$18,000 for the installation of the overhead lights at the Thorpe Park Hockey Rink.

Motion by Councilmember Jewett to approve Final Payment to Sports Technology Inc. in the amount of \$18,000.00 for the installation of the Musco LED Light Structures at the Thorpe Park Hockey Rink. Seconded by Councilmember Erickson. Motion carried 5-0.

Councilmember Gustafson asked if there has been any progress with establishing a reciprocity agreement with the City of Minnetonka to enable Deephaven residents to use the Williston Recreation Center.

Administrator Young stated that there has not been any progress but will hopefully have something for the Council to review in January.

7. NEW BUSINESS

A. Discuss Appeals from 90-Day Rule

Administrator Young stated that Section 900.07, Subd. 2 of the Deephaven City Code requires all permit holders to use their watercraft space for a minimum of 90 days. Failure to meet this requirement results in the non-renewal of their boating permit for the upcoming season unless they request an appeal in writing before the City Council on or before Thursday, November 30th.

He stated that one permit holder failed to comply with Section 900.07, Subd. 2 during the 2017 Boating Season but did not submit the required letter of appeal so no action is required by the Council since there was no appeal to the revocation of the 2018 Boating Permit of William Hanson, 3805 Fairhomes Road, for Slide #13 in St. Louis Bay.

B. Discuss Alternate Dates for 2018 Council Meetings

Administrator Young stated that there are four regularly scheduled Council meetings in 2018 that conflict with a major holiday and one meeting that conflicts with preparations for the Municipal election. He stated that staff would recommend that these dates be rescheduled as follows:

Date	Event	Alternate Date
Monday, January 1, 2018	New Year's Day	Tuesday, January 2, 2018
Monday, January 16, 2018	Martin Luther King Day	Cancel
Monday, February 19, 2018	President's Day	Cancel
Monday, September 3, 2018	Labor Day	Tuesday, September 4, 2018
Monday, November 5, 2018	Election Eve	Thursday, November 8, 2018

Councilmember Jewett asked if any of the Council might have an issue with the July 2, 2018 Council meeting. None of the Council mentioned having an issue with attending that meeting.

Motion by Councilmember Erickson to approve the alternate dates for the rescheduled 2018 Council meetings. Seconded by Councilmember Gustafson. Motion carried 5-0.

C. Discuss Cancellation of December 18, 2017 Council Meeting

Administrator Young stated that he is recommending cancelling the December 18, 2017 Council meeting due to a lack of agenda items. He noted that there are few, if any, outstanding agenda items that need to be addressed before the end of the year. He stated that if any agenda items

come up over the next week or so can easily be scheduled for the first Council meeting of the year on Tuesday, January 2, 2018.

Motion by Councilmember Carlson to cancel the December 18, 2017 Council meeting. Seconded by Councilmember Erickson. Motion carried 5-0.

D. Other

There was no other New Business this evening.

8. DEPARTMENT REPORTS

A. Police Department

A summary of the November Police Incident Report was presented for Council review. Chief Johnson stated that the Toys for Tots donation will end on December 14th. Further discussion was held on an upcoming meeting of the Hennepin County Board to discuss the merging of the Hennepin County Sheriff's Office crime lab with the City of Minneapolis.

B. Excelsior Fire District

Councilmember Erickson stated that the November 15th meeting of the Excelsior Fire District Board was very short and only included the following items:

- Approval of the 2018 Budget
- He noted that call volume is approximately 40 calls above the number of calls at this same time last year
- The Board approved hiring a professional firm to conduct a performance evaluation of Chief Gerber. He stated that performance evaluations are conducted every two years.
- He noted that the Excelsior Fire Relief Association is 117.3% funded following the payout of a retirement to a long-time member.

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:

- Required reports and publications
- January Newsletter
- The annual Holiday party will be held on Thursday, December 21st
- A Pay Equity Report will be due on January 31, 2018

9. ADJOURNMENT

Motion to adjourn by Councilmember Erickson, seconded by Councilmember Carlson. Motion carried 5-0. The meeting adjourned at 8:50 p.m.

Respectfully submitted,
Dana H. Young, City Administrator