

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, NOVEMBER 20, 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 Tony Jewett, Steve Erickson, Darel Gustafson and Kent Carlson

STAFF: 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 6, 2017 Council Minutes
- B. Approve 2018 Off-Sale Liquor License Renewal for Great Bottle of Wine, LLC

Seconded by Councilmember Erickson. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **NEW BUSINESS**

- A. **Approve Three-Year City Prosecution Agreement with Steve Tallen**

City Prosecutor Steve Tallen was present to discuss a three-year agreement for City Prosecution Services. He stated that, in the past, he has typically asked for cost of living increases, if he asked for any increase at all. He stated that this time he is proposing to ask for the same percentage increase that the City employees receive. He stated that the problem with using cost of living estimates is that they can vary according to location and date. He noted that he hasn't asked for a contract increase since January 2015.

Mayor Skrede asked if anyone had an issue with this conceptually.

Councilmember Carlson stated that he thought it seemed reasonable.

Mayor Skrede asked about Mr. Tallen's fees dealing with forfeitures.

Steve Tallen stated that this issue came to the City Council several years ago and it was decided at that time that the Council would prefer to pay him hourly for forfeitures rather than paying him 30% of the forfeiture proceeds as permitted by State Statutes. He noted that a lot of the vehicles that come up for forfeiture are only valued around \$1,500 or less.

Mayor Skrede noted that there had been a forfeiture several years back that had a value of around \$60,000.

Steve Tallen noted that he remembers that vehicle since it involved a disagreement with the City of Shorewood regarding the ownership of the vehicle. He stated that most of his clients pay hourly on forfeitures. He noted that paying hourly vs. 30% of the proceeds was probably going to even out over time.

Mayor Skrede asked if Police Chief Johnson has commented on this proposal.

Administrator Young stated that he had a conversation with the Police Chief this afternoon and the Chief informed him that he was very happy with the services provided by Steve Tallen. He stated that he was told that Mr. Tallen was very responsive to the Department and pursued those cases that the Department wanted to see actively prosecuted.

Councilmember Jewett stated that he had called Steve Tallen earlier today to try to get some background information on case load.

Steve Tallen stated that he has court every Thursday and Friday and estimates that he handles 15 or so Deephaven cases per week. He stated that, in most instances, people just decide to pay the ticket but he also deals with quite a few DUI's due to the City's proximity to Hwy 7. He provided some information to the Council regarding 2016 and 2017 fine revenue and how it compares with his fees.

Mayor Skrede stated that it certainly appears that we are above water in terms of receiving more fine revenue than we are paying in contract fees for prosecution services.

Steve Tallen stated that one factor that may reduce fine revenue is that the sentence to serve program is becoming a much more popular alternative to paying fines. He stated that the program is probably a positive thing but it could impact fine revenues.

Motion by Councilmember Erickson to approve a three-year Prosecution Agreement with Steve Tallen that establishes his annual contract increase at the same rate of increase as City employees and an hourly fee of \$137.50 per hour for attorney time and \$77.25 for legal assistant time for forfeiture cases. Seconded by Councilmember Carlson. Motion carried 5-0.

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

Administrator Young presented a proposed Right-of-Way Ordinance for Council review.

Mayor Skrede had several questions regarding the definition of “abandoned facility” and “applicant”.

Councilmember Gustafson stated that small wireless facilities are a mesh technology that is typically deployed in areas where the cell signal is weak or doesn’t exist.

Councilmember Erickson stated that this technology is also deployed at hotels. He stated that in cities, it can be deployed in pockets where cell service is poor. He added that Deephaven may be the perfect candidate for small cell technology.

Councilmember Carlson asked if there could be multiple carriers entering Deephaven proposing to use this small cell technology. He noted that poles are limited under the proposed ordinance to 30’ in height. He stated while the improvement in service could really benefit our residents, he expressed concern regarding the aesthetic impact.

Further discussion was held on pole height and on the potential revenues that could be generated from these new small cell facilities.

Administrator Young stated that the ordinance has been presented for Council review this evening and encouraged the Council to review the ordinance carefully prior to its adoption next month.

C. Other

There was no other New Business this evening.

6. UNFINISHED BUSINESS

A. Review 2018 Water, Sewer & Storm Sewer Budgets

Administrator Young presented the 2018 Water, Sewer & Storm Sewer Budgets for Council review.

B. Review Five-Year Utility Projections

Administrator Young presented Five-Year Utility Projections for Council review.

C. Authorize Final Payment to Musco (\$37,181.00) for Thorpe Park Rink Lighting

Administrator Young stated that the Deephaven City Council approved the bid submitted by Musco Sports Lighting, LLC. in the amount of \$55,181.00 for overhead lights for the 2017 Thorpe Park Hockey Rink Light Project on September 18th. He stated that Musco’s bid consisted of the bases, poles and total light control system in the amount of \$37,181.00 and the installation of the lighting system in the amount of \$18,000.00 will eventually be owed to Sports Technology Inc. The lights were delivered on October 31st and Sports Technology Inc. has substantially installed the lights.

He stated that Musco Sports Lighting, LLC is requesting payment for the delivery of the bases, poles and total light control system in the amount of \$37,181.00.

Further discussion was held on the provision of training on the light control system by Musco and on the need to repair one fixture before the system is completely operational.

Motion by Councilmember Jewett to approve Final Payment to Musco Sports Lighting, LLC in the amount of \$37,181.00 for delivery of the bases, poles and total light control system as part of the 2017 Thorpe Park Hockey Light Project. Seconded by Councilmember Carlson. Motion carried 5-0.

D. Authorize Final Pay Request for the 2017 Sewer Main Cleaning & TV Project

Administrator Young stated that the City Council awarded the bid for the 2017 Sewer Main Cleaning & Televising Project to Pipe Services in the amount of \$36,250.25 on May 15th. He stated that City Council had previously approved Pay Estimate No. 1 in the amount of \$33,264.73. He stated that with this final payment request, the total project cost for this project was \$35,015.15, or \$1,234.74 under bid.

Motion by Councilmember Gustafson to approve Final Payment to Pipe Services in the amount of \$1,750.78 for 2017 Sewer Main Cleaning & Televising Project. Seconded by Councilmember Erickson. Motion carried 5-0.

E. Other

Administrator Young stated that the City is moving forward with group health enrollment in the Public Employees Insurance Program (PEIP) for 2018 -2019. He stated that PEIP requires a two-year commitment from the City and provides employees with the opportunity to enroll in three separate plans under either Blue Cross Blue Shield, HealthPartners, or Preferred One, depending on which carrier offers their preferred network. He stated that PEIP is quite a bit less expensive than the 2017 rates provided by our current group health provider, and will be significantly cheaper than our current provider next year, who is proposing a 49% rate increase in 2018.

He added that the other thing he likes about PEIP apart from the lower premium rates is the fact that PEIP has shown a history of maintaining increases in premium rates to under 5% per year over the past five years.

Motion by Councilmember Carlson to authorize membership in the Public Employees Insurance Program for employee group health insurance in 2018-2019. Seconded by Councilmember Gustafson. Motion carried 5-0.

7. REPORTS FROM STANDING COMMITTEES

A. Boat Committee

Administrator Young presented a review of the Boat Committee meeting held on October 19, 2017 on the following items:

- Reviewed the 2017 Boating Season
- Recommended discontinuing the Boat Committee as a Standing Committee due to the lack of work assignments and establish it as an Advisory Committee.

B. Public Works Committee

Administrator Young presented a review of the Park Committee meeting held on November 14, 2017 on the following items:

- Reviewed public comments on the relocation of stop signs from Linwood & Cottagewood Road to Carson & Cottagewood Road and recommended reinstalling the stop signs at Linwood & Cottagewood Road based on public comments.
- Discussed visibility issues at Minnetonka Blvd & Vine Hill Bridge intersection. No action was taken.
- Discussed traffic issues on the private portion of Northome Road. The Committee recommended that any action be taken by the Northome Homeowners Association.
- Discussed public notification of the Thorpe Park fertilizer treatments. The Committee recommended placing advanced notice of the treatments on the City webpage.
- Discussed potential speeding issues on Cottonwood Lane. The Committee recommended installing new signs, including a Dead End sign, No Turnaround sign, and repairing an existing Keep Watch for Children sign.
- Reviewed proposed 2018 Sewer & Storm Water Projects.
- Discussed erosion control at 18995 Minnetonka Blvd.
- Discussed potential storm water improvements at 3520 Montgomerie Avenue.
- Recommended the mill & overlay of city streets in 2018 vs. reclamation.
- Recommended crack sealing on Vine Hill Road in 2018.

8. ADJOURNMENT

Motion to adjourn by Councilmember Erickson, seconded by Councilmember Gustafson. Motion carried 5-0. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Dana H. Young
City Administrator