

**DEEPHAVEN CITY COUNCIL MEETING  
MONDAY, AUGUST 3, 2009  
MINUTES**

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

PRESENT: Mayor Paul Skrede, Councilmembers Kim Crockett, Steve Adams, Keith Kask and John Wheaton (enters at 7:05 p.m.)

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 Crockett to approve the Consent Agenda, consisting of the following items:

- A. July 20, 2009 Minutes
- B. Approve August Verifieds
- C. Adopt Resolution No. 24-09, Approving the 2010 Woodland Contract
- D. Approve Pay Estimate No. 1 to Midwest Trenchless Technologies for 2009 Sewer Project (\$4,037.50)

Seconded by Councilmember Adams. Motion carried 4-0.

**4. MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

**5. UNFINISHED BUSINESS**

**A. Discuss the Use of the Breakwater Dock as a Fishing**

Councilmember Wheaton enters at 7:05 p.m.

Administrator Young gave a brief summary of the discussion at the July 20<sup>th</sup> Council meeting concerning the request from several residents for the City Council to reconsider the use of the Breakwater Dock as a fishing pier. He stated that the Council had a mixed response to the request and while some were supportive of the request and were willing to give it a season or two to see if it would work, others voiced concern over the request due to the adverse impact fishing could have on the swimming beach.

Mayor Skrede also noted that City Staff has verified that the LMCD is not concerned if the City Council decides to use the Breakwater Dock as a fishing pier. He stated that the only concern of the LMCD would be if the Breakwater Dock were used for boat storage.

Mayor Skrede stated that he had discussed the request with Police Chief Johnson to see if there had been any prior fishing incidents at Deephaven Beach and was told that there hasn't been any problems in the past. He added that both the Chief and several other Police Officers have told him that they were supportive of using the dock for fishing.

Police Chief Johnson stated that the kids using the dock seem to be behaving properly and that he has never received any complaints from the lifeguards on problems with kids fishing from the dock.

Councilmember Crockett stated that she was prepared to remove the No Fishing sign and give everyone the opportunity to fish from the dock for a couple of seasons to see how well it works. She stated that kids don't have an opportunity to fish in Deephaven and would like to see them have that opportunity. She added that she felt the benefits would outweigh the potential problems.

Councilmember Wheaton stated that he grew up on St. Louis Bay and enjoyed fishing there as a boy. He stated that it is a very tight area between the dock and the swimming area and the Council might want to consider certain limitations and hours of use. He stated that the problems with the proximity to the swimming area at this point are just perceived problems and not actual problems. He stated that he would like to see how well it works and noted that people fish off our beach docks all the time when the lifeguards aren't present.

Councilmember Kask stated that he continues to have reservations about allowing fishing in such close proximity to the beach. He stated that he went down to the dock to test out his fishing rod and was easily able to reach the swimming area. He stated that he could certainly understand the desire to fish and maybe the Council could reach a compromise with some sort of limitations.

Councilmember Adams stated that he believes fishing is something we should offer. He stated that he has fond memories of fishing as a kid and noted that while it is a tight area, the swimming area is well-delineated. He stated that he would like to see it used for fishing to see what happens and whether any safety or behavior issues emerge.

Councilmember Crockett stated that she would also like the Boat Committee to consider other locations for a fishing pier as well. She stated that the advantage to allowing fishing on the dock is that parents can monitor their children while they are either swimming or fishing. She stated that she would be interested in adding space further south in the Shore Space area for adults or older kids to use.

Mayor Skrede stated that it appears that the general consensus of the Council is to take down the No Fishing sign. He asked if the Council had any interest in establishing limitations on fishing.

Police Chief Johnson stated that he didn't feel that there would be any need to place limits on fishing. He stated that he had enough faith in the lifeguards to call if they saw any problems.

Councilmember Crockett stated that she would prefer not to place controls on fishing but would like to wait to see what happens. She stated that if there are any problems, fishing might not be permitted in the future. She stated that it is ultimately up to the residents to protect the privilege of fishing and that the conduct of the kids and parents would dictate what we do in the future.

Councilmember Wheaton stated that he also won't favor any restrictions at this time.

Mayor Skrede noted that the primary use of this area is swimming and if there are any future problems due to fishing, it's going to be fishing that's prohibited not swimming.

Mayor Skrede directed staff to remove the No Fishing sign.

## **6. NEW BUSINESS**

### **A. Adopt Resolution No. 23-09, Supporting Grant for Municipal Fiber System**

Shorewood City Councilmember and LMCC Representative Dick Woodward was present to discuss the LMCC's interest in submitting a grant application to assist in the construction of a Municipal Fiber System throughout the lake communities.

Dick Woodward stated that the LMCC began discussions on the possibility of installing a wireless system to its 18 member cities about five years ago. He stated that the LMCC ultimately came to the conclusion that wireless was not the correct technology to support and the LMCC started to discuss the possibility of installing a fiber to the home network.

He stated that discussions began to accelerate with the adoption of the stimulus bill and the availability of funding for broadband systems. The LMCC retained a consultant to begin gathering information for a potential grant application and to determine whether this would be a feasible option. He stated that their consultant verified that constructing and operating a fiber network would be feasible with or without the availability of grant funds.

He stated that the fiber optic network would provide video, data, television and phone service. He stated that Mediacom currently does not serve every customer and the LMCC's fiber network would be extended past every home. He stated that fiber optics has become a necessity that would be operated for the public benefit.

Dick Woodward stated that fiber networks have developed a track record in that a number of communities are becoming involved in the installation of fiber networks and finding it to be very feasible. He stated that the LMCC would fund the fiber network through grant money and the issuance of revenue bonds and that future costs would be paid through rates.

Dick Woodward provided a brief review of the grant application process. He stated that the application rules were released on July 1<sup>st</sup> and that there will be three rounds of funding. The first round is due in November 2009, the second in early 2010 and the third in late 2010. He stated that the grants will only fund construction costs and the LMCC is hoping to obtain \$43 million in grant funds and to issue \$13 million in revenue bonds. He stated that the LMCC would have to raise \$81 million if they wanted to fund the entire project themselves.

He stated that because of the complexity of the grant application and that they defined areas are so narrowly defined, the LMCC Executive Committee has decided to delay the grant application until the second or third round. He stated that the feeling is that the application rules might change in the later rounds. He added that the fiber network has to be completely designed prior to submitting the application. In addition, he stated that the grant application has to be approved by all member cities.

Mayor Skrede asked if the Council had any questions for Mr. Woodward.

Councilmember Adams asked if the City would have to provide their right-of-way for the fiber network?

Dick Woodward stated that the network would be installed 100% underground, which would include trenching in the right-of-way, complete site restoration and the minimal reconstruction of streets.

Councilmember Adams asked if any other cities were having issues with their installation of fiber optic projects?

Dick Woodward stated that he isn't aware of any outstanding issues or concerns.

Councilmember Crockett asked who pays for hookups to each individual home?

Dick Woodward stated that residents would have to subscribe to the service in order to obtain hookup to their home. He added that the LMCC would attempt to market the product at the same time as the construction in order to obtain as many subscribers as possible. He stated that pricing for the service would be very competitive but it would not be priced below the private market. He stated that the fiber network is designed to be an open access system so that anyone could use the network to provide service, including other cable companies.

Councilmember Wheaton asked what would happen to the grant application if one of the 17 member cities decided not to participate?

Dick Woodward stated that the rules seem to require each member city to support the grant application.

Councilmember Crockett stated that she finds the whole concept of federal stimulus money to be fiscally irresponsible but acknowledged that this community pays a high level of taxes and doesn't get much in return. She stated that it would be petulant and silly to reject this grant application simply on principal.

Councilmember Kask stated that it will be an uphill effort to obtain the federal stimulus grant. He noted that it is very unlikely that Qwest or Mediacom will be upgrading their aging infrastructure anytime soon and the fiber network is an opportunity to lead all of our cities into the future. He stated that he would like to see our Council support the resolution and the LMCC's efforts.

Motion by Councilmember Kask to adopt Resolution No. 23-09, A Resolution Supporting the LMCC's Grant for a Municipal Fiber system. Seconded by Councilmember Adams. Motion carried 5-0.

## **7. DEPARTMENT REPORTS**

### **A. Police Department**

Police Chief Johnson stated that the Tour de Tonka went very well last weekend and that there were 1,986 participants in the event.

He stated that it continues to be a very busy summer and noted that there had been some vandalism last weekend with 17 mailboxes knocked over.

He stated that tomorrow evening the Police Department will be sponsoring Night to Unite and asked the Council to contact him if they wanted any information on where the local block parties will be held.

**B. Excelsior Fire District**

Councilmember Crockett stated that the 2010 mandatory contribution to the Excelsior Fire Relief Association has been set at approximately \$97,000, which was \$23,000 less than had been anticipated in the 2010 EFD Budget. She stated that the Fire Board will be meeting at the end of September to decide what to do with the budgeted surplus.

Mayor Skrede stated that he would favor using this budgeted surplus to replenish reserves since there is a very good chance that there will be many more years of mandatory contributions to the Relief Association.

**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:

- Pay Equity Compliance
- Verizon Tower
- Mandatory Contribution to the Excelsior Fire Relief Association
- Boat Measurements on Slide Spaces
- Building Permit Update

**8. ADJOURNMENT**

Motion to adjourn by Councilmember Wheaton, seconded by Councilmember Adams. Motion carried 5-0. The meeting adjourned at 8:18 p.m.

Respectfully submitted,

Dana H. Young  
City Administrator