

**DEEPHAVEN CITY COUNCIL MEETING  
MONDAY, SEPTEMBER 21, 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, and Keith Kask

ABSENT: Councilmembers Steve Adams and John Wheaton and City Administrator Dana Young

STAFF: Police Sergeant Chris Whiteside and Zoning Coordinator Gus Karpas

2. **PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

3. **APPROVE CONSENT AGENDA**

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

- A. September 8, 2009 Minutes
- B. Adopt Resolution No. 29-09, Appointing LMCD Interim Representative
- C. Approve Final Payment to GMH Asphalt for Cottagewood Drainage Project (\$13,685.65)
- D. Authorize KDV to Conduct Audit of 2009 Financial Statements
- E. Appoint James Elvestrom to Park Committee

Seconded by Councilmember Crockett. Motion carried 3-0.

Mayor Skrede commented in the matter of the annual audit, the City Administrator was instructed to contact the Auditor and suggest that their fee for services remain at the same amount as last year. They agreed and there is no increase in the cost of the annual audit this year.

Councilmember Crockett noted the appointment of James Elvestrom to the Park Committee, commenting that she appreciated his willingness to serve.

4. **MATTERS FROM THE FLOOR**

LMCD Representative David Gross, 20245 Lakeview Avenue, was present to provide an update on recent LMCD activities.

David Gross introduced himself and Greg Nybeck, Executive Director of the Lake Minnetonka Conservation District (LMCD). He said he has a number of issues to present to the Council.

The first was the Evasive Species prevention programs being undertaken by the LMCD. He said the inspection program was stepped up this summer at the various boat landings. Mayor Skrede asked what the results of the program were. Mr. Gross said the program was educational in nature and the inspectors were not empowered to issue citations. He said the program was well received by the general public. Councilmember Crockett asked how much the program cost to administer. Mr. Nybeck said he didn't have the actual numbers with him, but he would send them to the city.

Mr. Gross talked about the electronic monitoring program, stating they may be a deterrent but provided no educational benefit. He said there was no money in the budget to have someone review the tapes to document violations, therefore the program was of little value and may not be continued next year. He said, initially, there was going to be artificial intelligence able to recognize milfoil, but that never materialized.

Mr. Gross discussed the annual milfoil harvest. He said the program lasted about ten weeks from June to August and netted three hundred and thirty seven harvester loads of milfoil, compared to one hundred and ninety-two last year. He said recent DNR rule changes may increase the amount of milfoil in the future, due to the limited private harvesting that will be allowed. He said the public response was overwhelmingly supportive of the harvesting. He said Carson's and St. Louis Bays are on the tentatively on the schedule again next year. He would like to see an effort to get the boats off the buoys next year to increase the harvest. Mayor Skrede said the city could notify the public once the dates are selected.

Mr. Gross discussed the five year chemical treatment program, jointly sponsored by the Lake Minnetonka Association (LMA) and the DNR. He said there are currently three test bays being treated and the program is in its second year. He said only two bays were treated this year and the results are still not clear after two years. He said the results for this year were better than last, though there's no evidence of a residual effect from year to year. He said the use of a stronger herbicide this year may be responsible for the more positive result, though it has been noted it is damaging to native plants and there appears to be another aquatic weed, pondweed, replacing the milfoil. Mayor Skrede stated this program is going on in multiple states and the DNR should have known the potential pitfalls of the program. Mr. Nybeck said the treatment methods vary and used the example of Michigan where they use a chemical not supported by the DNR.

Mr. Gross said that Carson's Bay and St. Louis Bay could try to be included next year, though he's doubtful the DNR would modify its five year plan until the effectiveness of the program is known. He said if the bays were to be included, the private residents would have to fund fifty percent of the cost. His question is whether the City Council would like to participate and if so, it would need to lobby the DNR. Mayor Skrede said the Council would need some time to discuss the issue. Councilmember Kask clarified the cost for each test bay was sixty thousand dollars this past year. Mr. Nybeck confirmed that was the approximate cost. Kask noted that Carson's Bay and St. Louis Bay, combined, are smaller than the individual bays currently being treated, so the cost should be less. Mayor Skrede said the DNR informed the city that the grandfather clause currently in place would sunset in five years and it would not do so until a lake management plan was in place. He said it would be unlikely the bays would be permitted to participate in the program and a number of residents are already aware of the issues with the current test bays. Mr. Nybeck said he's under the impression that the

residents prefer the harvesting over chemical treatment. Kask noted that is due to the immediate results.

The last issue raised by Mr. Gross was the LMCD Code Enforcement Program. He said there were a total of two hundred and sixty-nine violations, with one hundred and ninety-five of them voluntarily solved. There are currently twenty-seven unresolved violations. Mayor Skrede asked how many were in Deephaven. Mr. Gross said there were initially five or six, but that all of them have been resolved. Councilmember Crockett asked about the expense associated with the enforcement program. Mr. Nybeck said the LMCD budgeted fourteen thousand and the actual cost was between ten and eleven thousand.

Mr. Nybeck commented that if the city wanted to participate in the herbicide program it could, though he reminded them it was an experimental project with a lot of unknowns. Mayor Skrede said he doubted he could find resident support for the costs.

Mayor Skrede thanked Mr. Gross for his report and thanked him for his candor, even when presenting news that isn't necessarily good.

## **5. UNFINISHED BUSINESS**

### **A. Review Public Comments on House Burn Training on 19250 Walden Trail**

Mayor Skrede stated that at the September 8, 2009 Council meeting, Excelsior Fire District requested the opportunity to conduct live burn training at 19250 Walden Trail on Saturday, September 26<sup>th</sup> from 7:30 a.m. – 1:30 p.m. Training would include search and rescue, “hot drill burning”, fire suppression, equipment operations, and water supply training. The District further stated that, if the live burn training were approved by the Council, they would notify all residents within 350 feet of the structure and give all residents the opportunity to voice any concerns.

The Council approved the burn training at 19250 Walden Trail on Saturday, September 26<sup>th</sup> from 7:30 a.m. to 1:30 p.m. subject to the Excelsior Fire District contacting all residents within 350 feet of the training site to inform the residents of the opportunity to meet with the City Council on September 21<sup>st</sup> if they had any questions or objections to the burn training.

Zoning Coordinator Karpas said the city did not receive public comments regarding the live burn training at 19250 Walden Trail.

Mayor Skrede directed Councilmember Crockett to contact the Chief with the results.

Councilmember Kask said it may be best not to refer to the request as a house burn since it is misleading as to what actually is happening.

### **B. Authorize Purchase of Pier Caps for St. Louis Bay Docks**

Administrator Young stated that at the July 20<sup>th</sup> Council meeting, the City Council reviewed a recommendation from the Deephaven Boat Committee recommending the purchase of white pier caps for the new St. Louis Bay dock pilings. The Council deferred action on the

recommendation pending further information on the cost of the pier caps and the cost of sealant.

Mayor Skrede presented quotes that had been provided by Dock & Lift on the purchase of white peaked pier caps and white flat pier caps. He was surprised this item was on the agenda since the Boat Committee was informed that the Council did not have enough information at this time.

Councilmember Crockett said she did not see any reference to the costs associated with flat black caps. Mayor Skrede said it was his understanding they were the same cost as the flat white caps.

Councilmember Kask said the damage caused to the dock poles is still unknown, due to the freeze thaw cycles since they are new. He would like to make sure there isn't a need to move or reset any of the dock poles before the caps are placed on top of them. He recommends moving to table the request.

Motion by Councilmember Kask, seconded by Councilmember Crockett to table the issue until spring when the damage due to the freeze/thaw cycle can be assessed. Motion carried 3- 0

## **6. NEW BUSINESS**

### **A. Other**

There was no New Business this evening.

## **7. REPORTS FROM STANDING COMMITTEES**

### **A. Public Works Committee**

Mayor Skrede presented a review of the Public Works Committee meeting held on September 2, 2009.

Mayor Skrede stated that the Public Works Committee reviewed a request from Ron and Ann May, 19800 Manor Road, requesting that the City Council amend City Ordinance 515, Subd. 6 to allow the review of a dog designated as "Potential Dangerous Dog", similar to the review allowed for dogs designated as "Dangerous Dog".

At the Committee meeting, he stated that Police Chief Johnson explained that State law requires each "Potentially Dangerous Dog" to have a microchip installed and the May's were concerned about the installation of the microchip due to the age of their dog. He stated that they are hoping that the Council would amend this section of the City Code to allow a review of "Potentially Dangerous Dogs", which they hope would allow their dog to be removed from the designation of "Potentially Dangerous Dogs" and would no longer be required to have a microchip installed. He added that there is no other city that he is aware of that allows for a review of a "Potentially Dangerous Dog" designation.

In the opinion of the Public Works Committee, the Committee would have to defer to the Police Department in this matter due to their greater familiarity in dealing with dogs in our community.

Mayor Skrede said the traffic on Cottagewood Avenue was monitored and it was determined to increase patrols in the area to move the existing speed limit sign to make it more visible.

Mayor Skrede discussed the creation of a school zone on Vinehill Road and expressed disappointment with the School District in their apparent inability to create the zone in a timely manner. He said the traffic in the area is unbearable during drop off and pick up and feels they should approach the Council and explain why it has taken over a year to complete the project.

Mayor Skrede said the Virginia Avenue project has been successful in managing run-off and that he was happy with the project.

## **B. Park Committee**

Mayor Skrede thanked the Committee for all the hard work they put into Deephaven Days. He said the number of runners was up, but the number participating in the picnic was down. He said Deephaven Days is beginning to be viewed as a fundraiser rather than a community event.

Councilmember Crockett said there is a hardship in enthusiastically holding the event as a fundraiser. She said the Committee puts in a lot of work. She feels the number of participants at the picnic can be directly correlated with the weather, which was hot this year. She suggested changing the time of the picnic to a cooler time of day. Crockett said she doesn't expect the Park Committee work so hard to put on a run for non-residents.

Councilmember Kask said that is the nature of volunteer activities. Sometimes an event appeals to people for which it is not intended.

Mayor Skrede said further discussions will be held on the Park Committees thoughts about the direction of the event. Crockett said they have all been incredibly generous with their time, but wants them to know, it's not an annual expectation from the Council.

## **C. Boat Committee**

Mayor Skrede presented a review of the Boat Committee meeting held on September 9, 2009. He said the Committee reviewed pricing for the proposed pier caps at the St. Louis Bay Docks and also discussed the Mooring Lease Agreement and boat usage violations.

Councilmember Crockett said she was glad the Boat Committee saw the issues related the mooring agreements as a big issue.

Mayor Skrede said the Committee also reviewed recommendations from the DNR on proposed improvements to the Carson's Bay ramp. They discussed the concept of replacing

Carson's Bay ramp if the money were available. Skrede said this would be the time to look at the issue with the water levels so low.

Councilmember Kask discussed a limitation on the size of boat permitted to use the ramp. He believes the city should look at obtaining a permit to expand the ramp, but also need to look at the impacts of larger boats and the damage they cause.

**8. ADJOURNMENT**

Motion to adjourn by Councilmember Crockett, seconded by Councilmember Kask. Motion carried 3-0. The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Gus Karpas  
Zoning Coordinator