

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, MAY 18, 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 Steve Adams, John Wheaton, Keith Kask and Kim Crockett

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

- A. May 4, 2009 Minutes
- B. Approve SafeAssure Contract
- C. Approve Storm Water Record Retention Policy
- D. Approve Probationary Period of Officer David Kliszcz
- E. Appoint Warren Nelson to Boat Committee

Seconded by Councilmember Crockett. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **PLANNING & ZONING REQUESTS**

A. VARIANCE REQUEST – Minnetonka Public Schools, Deephaven Education Center, 4584 Vine Hill Road, (R-2, 40,000) Variance requests to design parking stalls below the minimum required dimensions and create parking stalls below the minimum required square footage. Section 1310.04 requires minimum dimensions for parking stalls of nine (9) feet in width by twenty (20) feet in length. The applicant proposes a parking stall width of nine (9) feet and length of eighteen (18) feet, requiring a variance of two (2) feet of the required length. Section 1310.04 requires a minimum parking stall area of two hundred (200) square feet. The applicant proposes a parking stall area of one hundred sixty two (162) square feet, requiring a variance of thirty-eight (38) square feet of the minimum required parking stall area

Mike Condon, Supervisor of Building Operations with the Minnetonka Public School District, was present to discuss the District's request for a variance to reduce the width of parking stalls to 9' x 18'. He stated that he met on site with Police Chief Johnson and Councilmember Wheaton to review the overall parking and traffic control plan. He stated that the overall intention of the District's request is

to increase the number of parking spaces from 41, which was the total number of spaces listed in their original application, to 53 parking spaces.

Mike Condon presented the overall parking plan and traffic control plan for Council review, which showed the location of the school zone, flashers and the crosswalk.

Mayor Skrede expressed his concern with allowing additional spaces in the south lot due to potential problems with traffic congestion on Vine Hill Road trying to access the parking lot. He stated that he would prefer that the District consider converting the temporary parking spaces further north because it provides much better sightlines for traffic entering or exiting the lot.

Councilmember Wheaton stated that while he has concerns about traffic control, he felt comfortable that the Police Chief likes the plan. He stated that he is comfortable with the location of the flashers and crosswalks but still thinks that the DEC needs to educate its clients on parking and potential traffic concerns. He stated that we would be squeezing a lot of parking into this space.

Councilmember Crockett stated that she would prefer to load the parking onto the DEC property rather than to push parking onto nearby residential streets.

Mike Condon noted that the parking on DEC's property will be for customers and the parking lot across Vine Hill Road is intended for staff parking.

Dirk Bak, 19080 Eastwood Drive, was present to state that he was here this evening to check whether the Council was considering allowing the District access onto Eastwood Drive from their parking lot across Vine Hill Road. He stated that he supported the expansion at the DEC and the proposed school zone improvements but was not favorable to permitting more traffic onto Eastwood Drive.

Councilmember Wheaton agreed that he would prefer that the District use Cottagewood Road rather than Eastwood Drive for overflow parking.

Councilmember Adams stated that he has heard from many residents who have expressed concern about having to cross Vine Hill Road to get to the DEC. He stated that he would prefer to maximize parking on the DEC lot and also likes the idea of staff parking across the street. He noted that the proposed size of the parking spaces within the DEC lot is the same size as other parking spaces used throughout the District.

Mayor Skrede stated that he is somewhat frustrated that the District came in with a parking plan that was approved as part of their earlier variance request and then returns with a request for a different parking plan. He stated that the revised parking request should have been brought up the first time. He stated that he is concerned that the District will return sometime in the future requesting that the temporary parking spaces be made permanent.

Mike Condon stated that he had originally designed the parking lot to include 53 spaces but it never got before the Council during their original variance application. He stated that the District was able to obtain a number of additional spaces both from the redesign of the size of the parking spaces and the installation of a retaining wall.

Mayor Skrede noted that the City has denied variance applications in the past from several commercial businesses at Chowen's Corner due to the lack of parking spaces and felt that the District should be held to those same standards.

Councilmember Kask stated that he could certainly understand why Mayor Skrede was conflicted by the fact that several businesses were turned down in their request and yet we are considering a decrease in the parking standards for the District. He stated that he considers this request to be of an institutional nature rather than a commercial request. He stated that there is a safety factor involved with keeping their clients on the DEC lot. He added that he shares the Mayor's observation that the Council would prefer not to revisit these same parking issues over and over. He suggested that the Council could include the ten spaces at the top of the hill with this variance request.

Mayor Skrede agreed that we could approve the 12 additional spaces in the south lot, the school zone plan, and the ten additional parking spaces at the top of the hill with the restriction that the District would be required to go back to the original parking space dimensions if a traffic problem results.

Mike Condon stated that he liked the Mayor's suggestion as it would provide an incentive for the District to do a thorough job with managing traffic.

Motion by Councilmember Adams to approve the variance request submitted by the District to allow parking space dimensions of 9' x 18' and parking space area of 162 S.F., the school zone plan, and the conversion of the ten temporary parking spaces into permanent parking spaces subject to the condition that the City will revisit the terms of the variance if safety issues emerge at some later date. Seconded by Councilmember Kask. Motion carried 5-0.

6. UNFINISHED BUSINESS

A. Discuss Japanese Beetle Applications

Administrator Young stated that at the April 20, 2009 Council meeting, the City Council requested that City Staff obtain information on the costs of treating municipal parks for Japanese Beetles. He stated that staff contacted TruGreen, its current contractor for applying fertilizer and weed killer at Thorpe Park, and obtaining cost estimates on the management of Japanese Beetles in the following city parks:

- Thorpe Park	=	\$1,500.00
- Village Hall Park	=	\$ 110.00
- Children's Park	=	\$ 110.00
- Shuck Park	=	\$ 165.00
- Hill Park	=	<u>\$ 110.00</u>
Total		\$1,995.00

Councilmember Kask recommended that the responsibilities of the Deephaven Tree Inspector be expanded to include the management of Japanese Beetles and that the Tree Inspector should have the responsibility of monitoring the number of Japanese Beetles at our city parks.

Councilmember Wheaton stated that he has discussed this issue with several neighbors and didn't get the impression that there was a lot of urgency about Japanese Beetles at this point.

Councilmember Adams noted that any applications at city parks would be pointless at this point unless Japanese Beetles could be controlled everywhere.

The Council generally agreed with Councilmember Adams and took no action on this issue.

B. Review Thorpe Park Playground Concept Plan

Park Committee Chair Lucy Hicks and Vice-Chair Darel Gustafson were present to present the Deephaven Park Committee's plan for the replacement of the playground equipment at Thorpe Park. Lucy Hicks stated that this effort has been in response to the fact that several of the playground structures at Thorpe Park are out of date and not in compliance with current safety code standards. In particular, she noted that the wooden playground structure has nails sticking out, several loose pieces of equipment and problems with splinters.

She stated that the proposed playground design is only a first draft with the intention of keeping the Council informed with the direction that the Park Committee is pursuing. She stated that the initial playground design has an estimated cost of \$145,000 and she provided cost comparisons with other playground structures purchased by Groveland Elementary School, Three River's Park District and Deephaven Elementary School. She added that the estimated cost of \$145,000 includes the use of a sand surface instead of the rubberized surface.

Mayor Skrede asked if the Park Committee has considered a phased approach to the replacement of the playground structures?

Lucy Hicks stated that a phased approach has been discussed.

Darel Gustafson stated that the Committee has also discussed the possibility of public contributions or fundraising efforts.

Lucy Hicks stated that the Committee has requested that the vendor take out all the customized features in the playground design to obtain a more basic cost option.

Councilmember Crockett stated that she would like to see pricing and options on playground structures and felt that some of the existing playground structures should be repaired or replaced immediately.

Lucy Hicks suggested that some of the better playground equipment that is replaced at Thorpe Park could be relocated to Shuck Park.

Councilmember Wheaton agreed that the slide and wooden playground at Thorpe Park should be replaced.

Mayor Skrede stated that the City Council has approved a budget of \$30,000 within the 2009 Capital Improvement Fund for the replacement of the wooden playground structure this year and another \$20,000 in 2010 for both the replacement of additional playground equipment at Thorpe Park and Shuck Park. This amount could be allocated next year and recommended that the Committee consider fundraising efforts.

Councilmember Kask stated that \$145,000 is a lot of money and recommended that the Committee consider a more phased approach that would include \$30,000 per year towards playground equipment.

Mayor Skrede stated that it might be a real difficulty raising 4145,000 in a year and a half and recommended that the Committee consider establishing a Park Foundation.

Lucy Hicks thanked the Council for their comments and stated that the Committee would work to firm up the proposed plan.

7. NEW BUSINESS

A. Discuss 2009 Canadian Goose Control Program

Administrator Young stated that the City of Deephaven has contracted with Canada Goose Management Inc. from 1992 – 2002, and in 2006 to provide for the removal of geese on publicly owned property within the City. He stated that although the City Council decided to not authorize goose control services in 2004, 2005 and 2007, the City has contracted with Canada Goose Management Inc. over the last five years to conduct an annual survey of the goose population at Carson’s Bay, St. Louis Bay, Thorpe Park and Robinson’s Bay.

He stated that the survey keeps track of the numbers of geese in Deephaven and helps to determine whether a full blown goose management program is warranted. The survey results are as follows:

Year	# of Geese
2004	17
2005	47
2006	52
2007	42
2008	48

Mayor Skrede noted that the City currently has \$2,800 in the 2009 Wildlife Management Budget to conduct an annual survey and to contract for goose control services.

Motion by Councilmember Crockett to authorize the Canada Goose Management Inc. to conduct a survey of the goose population at Carson’s Bay, St. Louis Bay, Thorpe Park and Robinson’s Bay. Seconded by Councilmember Adams. Motion carried 5-0.

B. Request from Lake Minnetonka Sailing School for Temporary Parking Permits

Lisa Carear, Director of the Lake Minnetonka Sailing School, was present to represent the Lake Minnetonka Sailing School in their request for 40 temporary parking permits. The temporary permits would be to allow 40 individuals to park either at the end of Park Avenue and/or at Deephaven Main Beach from 4:00 p.m. – 8:00 p.m. on May 31st for a parents orientation meeting on the Yacht Club island.

Administrator Young explained that Section 450.03 of the City Code only allows the Chief of Police to issue up to 10 temporary parking permits for a gathering or function, “which would necessitate additional parking in an area where parking permits are required under this Section. Section 450.03 is attached for your review.

It was the consensus of the Council that there would be far too much traffic congestion to issue 40 temporary parking permits on Park Avenue and Deephaven Main Beach. It was further recommended that the Lake Minnetonka Sailing School require parents to park at City Hall and they could be shuttled from Carson's Bay.

Motion by Councilmember Kask to authorize Police Chief Johnson to issue 20 temporary parking permits, with 10 permits for parking on Park Avenue and 10 permits for parking at Deephaven Main Beach, and the remaining parking available at City Hall. Seconded by Councilmember Wheaton. Motion carried 5-0.

C. Other

Discussion was held on a request from the Excelsior Fire District to conduct a training burn in Deephaven at 4285 Circle Drive.

The Council voiced support of the training burn and recommended that letters of notification should be sent to all residents within 350' of the proposed burn site and allow the residents to voice their concerns, if any, at the June 1st Council meeting.

8. REPORTS FROM STANDING COMMITTEES

A. Public Works Committee

Administrator Young presented a review of the Public Works Committee meeting held on May 6, 2009 on the following items:

- Traffic & speeding concerns on Highland Avenue
- Removal of the Orchard sign at Hummingbird & Minnetonka Blvd
- Chowen's Corner Lighting System proposal from Xcel Energy
- Recommended approval of installing a storm water pipe on Virginia Avenue as part of the Street Overlay Project
- Reviewed Highcrest Drive Storm Sewer Project
- Reviewed two requests from Hugh Jaeger on locating property pins that had been inadvertently removed or paved over by the City

B. Park Committee

Administrator Young presented a review of the Park Committee meeting held on May 6, 2009 on the following items:

- Thorpe Park Playground Improvements
- Deephaven Days – Saturday, August 8th
- Adopt a Park Program

B. Boat Committee

Administrator Young presented a review of the Public Works Committee meeting held on May 13, 2009 on the following items:

- Interviewed Warren Nelson for membership on the Boat Committee
- Discussed Piling Caps, Rub Rails & Other Dock Protection Material
- Reviewed Maximum Boat Storage Units
- Review & Prioritize list of 2009 Goals

- Discussed a meeting with LMCD Staff on Carson's Bay Improvements

Police Chief Johnson provided a brief update on the search for a candidate to replace Officer Matt Carns.

Excelsior Fire District Liaison Crockett provided an update on the 2010 EFD Budget.

7. ADJOURNMENT

Motion to adjourn by Councilmember Kask, seconded by Councilmember Crockett. Motion carried 5-0. The meeting adjourned at 8:48 p.m.

Respectfully submitted,

Dana H. Young
City Administrator