

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, MAY 16, 2011
MINUTES**

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

PRESENT: Mayor Paul Skrede, Councilmembers Darel Gustafson, John Wheaton, Keith Kask and Josh Hackney

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 2, 2011 Minutes
- B. Approve SafeAssure Contract
- C. Approve \$1,200.00 Fireworks Donation to South Lake Excelsior Chamber of Commerce

Seconded by Councilmember Gustafson. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

Pat Paul, (19100 Highland Avenue) was present to complain about dogs wandering at large at Deephaven Beach. Mrs. Paul stated that she swims almost every day at Deephaven Beach and is sick of cleaning up after the dogs. She stated that she went to the Park Committee to discuss this issue but was disappointed when the Committee only recommended installing larger signs. She stated that the posted signs requiring dogs to stay on the pathway are not working and suggested that the only solution may be to ban the dogs from the beach area altogether and provide more police enforcement. She stated that a notice that dogs are no longer permitted at Deephaven Beach could be sent out in the City Newsletter.

Councilmember Kask stated that he knows our Public Works crew cleans the milfoil and dog droppings at Deephaven Beach but doesn't know how whether this is something that they do every day.

Pat Paul stated that the crew cleans the beach every morning but they only do it once per day.

Councilmember Wheaton agreed that the beach has be to more strongly enforced but noted that people like to walk their dog along the pathway at the beach. He stated that he would prefer to target the offenders rather than prohibit all dogs from the pathway. He suggested that clearer signs could be posted and if that doesn't work, the Council could then consider prohibiting dogs.

Mayor Skrede asked if we have the right kind of signage at the beach.

Police Chief Johnson stated that the sign states that no dogs are allowed off of the pathway.

Mayor Skrede stated that years ago dogs were prohibited in the beach area.

Police Chief Johnson stated that he believes the problem is that people are letting their dogs off of their leash.

Councilmember Kask asked if there had been any instances of dog bites at the beach. He stated that he didn't think it was a particularly good environment for pets at the beach with so many kids playing and splashing around.

Mayor Skrede stated that he believes that people should be more privileged to use the beach than dogs. He stated that he would recommend posting no dogs allowed signs, which might help to correct the behavior of those who are breaking the rules.

Councilmember Wheaton noted that one of the main values of our community is to use the walking paths.

Councilmember Gustafson stated that the pathway at the beach is a natural loop in the City's path system. He doesn't agree with prohibiting dogs to use the pathway.

Councilmember Hackney stated that no matter what the signs say, those individuals that don't abide by the rules are not going to abide by the restriction of dogs at the beach.

Police Chief Johnson stated that he would have his officers patrol this area more frequently.

Councilmember Kask stated that the use of the pathway could be restricted from May – October, during that time when the beach was in use.

Police Chief Johnson stated that the grass area next to the beach is also very crowded and not an appropriate area for dogs. He stated that he wouldn't object to prohibiting dogs during that period of time that the beach is open.

Mayor Skrede requested that this item be placed on the agenda for the June 6th meeting for further discussion.

5. UNFINISHED BUSINESS

A. Adopt Ordinance No. 05-37, An Ord. Amending Section 535 Public Nuisances

Mayor Skrede stated that this ordinance was presented at the last Council meeting and the City Council requested the following additions to the proposed ordinance:

“Vehicles, watercraft, recreational vehicles, trailers, all-terrain vehicles, snowmobiles, and other articles stored over sixty (60) days outside on residential property must be owned by a person who owns or resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.”

Councilmember Hackney stated that he had expressed some objections to the ordinance at the last meeting but believes the ordinance would be a benefit as it is currently written.

Councilmember Gustafson asked what is meant by the phrase “other articles”.

Administrator Young stated that it is a catch all statement for any item that is not specifically described in the ordinance but which would still be considered as a prohibited item because it meets the spirit and intent of the ordinance.

Councilmember Wheaton stated that he believes the ordinance is well stated and that a 60 day period seems reasonable.

Councilmember Kask stated that the proposed ordinance would not present an onerous or undue burden for property owners.

Motion by Councilmember Kask to adopt Ordinance No. 05-37, An Ord. Amending Section 535 Public Nuisances. Seconded by Councilmember Wheaton. Motion carried 5-0.

B. Approve Six-Month Probationary Period of Jeff Kask

Administrator Young stated that Jeff Kask was hired on November 13, 2011 to the position of Public Works Maintenance Worker following the resignation of Doug Lawver. He stated that according to Public Works Supervisor Jerry Hudlow, Jeff Kask has done a very good job in the performance of his duties, he is a hard worker, always gets his work assignments done in a timely, has a thorough and meticulous manner, and gets along well with the entire crew. He stated that Jerry Hudlow recommended approval of the six month probationary period of Jeff Kask.

Motion by Councilmember Hackney to approve the six-month probationary period of Jeff Kask. Seconded by Councilmember Wheaton. Motion carried 4-0. Councilmember Kask abstained.

C. Other

There was no other Unfinished Business this evening.

6. NEW BUSINESS

A. Review 2012 LMCD Budget

Administrator Young presented a brief review of the 2012 LMCD Budget, including the following budget highlights:

1. The 2012 LMCD Budget is proposed to decrease 2.6% from \$330,649 in 2011 to \$322,208 due to a transfer of \$20,000 from the Administration Reserve Fund to reduce the levy to member cities and a second transfer of \$25,000 to the Eurasian Watermilfoil Equipment Fund to be used towards the depreciation of the mechanical harvesting equipment.
2. \$54,000 has been budgeted for Court Fines and \$47,000 for Prosecution Services.
3. License revenue is budgeted to remain at \$115,000.
4. A \$32,800 grant from the MN Dept of Natural Resources has been budgeted to partially fund the Eurasian Watermilfoil Harvesting Program.
5. \$93,633 has been budgeted for the Eurasian Watermilfoil Harvesting Program, similar to the funding the program received in 2011.
6. \$30,000 has been budgeted for AIS Prevention and Management Programs.

Administrator Young added that the LMCD will hold a meeting on the proposed 2012 Budget on June 2nd.

Councilmember Kask indicated that he would be interested in attending the June 2nd LMCD Budget meeting. He stated that the LMCD has been very sensitive regarding containing budget costs over the last few years. He stated that the one area that could be considered a wild card is the amount budgeted for court fines. He added that the LMCD also has significant costs for the Milfoil Harvesting Program and that has lead to an ongoing debate on how much of the lake to harvest versus using herbicide treatments.

Councilmember Kask added that there has also been some debate recently regarding the role of the LMCD and whether it is necessity to have such an organization. He stated that due to the fact that Lake Minnetonka extends beyond one county, it is significant to recognize that the duties of the LMCD would have fallen to a state agency like the Department of Natural Resources to provide the necessary oversight.

B. Discuss Sewer Backup at 4235 Northern Road

Mayor Skrede stated that discussion on this item will be postponed until the June 6th meeting when cost information will be made available.

C. Adopt Resolution No. 14-11, Approving Bid & Awarding a Contract (Thorpe Tennis Court)

Administrator Young stated that the City of Deephaven received two quotes for the resurfacing of the two tennis courts at Thorpe Park:

<u>Contractor</u>	<u>Bid Price</u>
Tennis West	\$25,930.00
Upper Midwest Athletic Construction	\$21,870.00

Administrator Young stated that the City of Deephaven is very familiar with Tennis West and has contracted with them numerous times in the past for crack sealing & color coating the courts at Shuck Park, Village Hall and Thorpe Park. He stated that Tennis West repaired the Village Hall tennis courts last year, which included the installation of the Armor Crack Sealing System. Tennis West has over 35 years of experience in tennis court repairs and has used the Armor Crack Repair System for the past four years.

He stated that Upper Midwest Athletic Construction has been in the tennis court repair business since 1985 and repaired 119 tennis courts last year. Like Tennis West, Upper Midwest has four years of increasing experience working with the Armor Crack Repair System and have installed between 20,000 - 30,000 L.F. of Armor Crack Sealing. Last year, they installed the Armor System for the cities of Des Moines, White Bear Lake and Prior Lake. Upper Midwest has an excellent reputation and is considered, along with Tennis West, as one of the premier tennis court repair companies in the state of Minnesota.

He stated that both Tennis West and Upper Midwest Athletic Construction propose to begin the project on May 23, 2011 and June 17, 2011 respectively.

He stated that in regards to the warranty, Ray Finley, the owner of Tennis West, states that he is seeing four years with no reflection on the Armor Crack Repair System and Upper Midwest Athletic Construction provides a 3-year warranty on the reappearance of existing cracks, one year standard warranty on workmanship and material.

Councilmember Wheaton stated that he really likes the Armor Crack Repair System. He stated that it extends the life of the court and the courts look much better. He stated that the bid from Upper Midwest Athletic Construction looks like a great deal and cautioned that we must ensure that the contractor is using the Armor Crack Repair System and that it is installed during warm weather.

Mayor Skrede noted that Upper Midwest Athletic Construction appears to have a great deal of experience with the Armor Crack Repair System.

Councilmember Wheaton stated that they are a reputable group. He stated that he really likes Ray Finley, with Tennis West, who repainted Shuck Park last year at no cost to the City, but Upper Midwest Athletic Construction's bid is \$4,000 less than Tennis West's bid.

Motion by Councilmember Wheaton to adopt Resolution No. 14-11, A Resolution Accepting Bids and Awarding a Contract to Upper Midwest Athletic Construction in the amount of \$21,870.00. Seconded by Councilmember Kask. Motion carried 5-0.

D. Discuss 2011 Goose Control Program

Administrator Young stated that there are several options for the Council to consider regarding the control of geese on public lands in Deephaven. He stated that the first option is to contract with Canada Goose Management Inc. He stated that the City 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. Also, beginning in 2004, the City Council has contracted with Canada Goose Management Inc. to conduct an annual survey of the goose population at Carson's Bay, St. Louis Bay, Lake Louis, Thorpe Park and Robinson's Bay in order to monitor the goose population in Deephaven. He stated that Canada Goose Management Inc. has provided a quote in the amount of \$400.00 to conduct a survey of all five sites this year.

Administrator Young stated that depending on the survey results, the Council has then decided whether to pursue a full blown goose removal program through Canada Goose Management Inc. He stated that last year the Council authorized the contractor to concentrate their goose removal efforts solely on Thorpe Park but the contractor was unable to capture and remove any geese from the park.

He stated that a second option to consider is a treatment for geese provided by TruGreen called Flight Control that costs \$400 per acre to apply. He stated that Flight Control is actually a type of goose food that is applied on the grass, which geese are inclined to eat, that services as an irritant and encourages them to move to another location with a less irritating food source. The application is not harmful to people, the environment or any other pets. Two applications are recommended within the 2 acre target area surrounding the pond area for an estimated cost of \$1,600 per year.

He stated that other options suggested by the Park Committee include allowing the grass around the pond to grow long (which discourages the geese from using the pond) or to install fake swans in the pond (which apparently frightens the geese away).

He stated that the City Council has currently budgeted \$2,800 in the 2011 Wildlife Management Budget for goose control.

Mayor Skrede stated that the City Council has typically shown an interest in removing geese through the program offered by Canada Goose Management Inc. when the survey shows 40 or more geese on public property in Deephaven. However, he stated that he might be interested in knowing more about the Trugreen goose treatment.

Councilmember Gustafson stated that for the cost of removing so few geese, he would favor not doing anything.

Councilmember Wheaton stated that he didn't know if this was a huge problem but stated that he was somewhat intrigued by the Trugreen treatment.

Councilmember Hackney stated that he would not be interested in a survey at a cost of \$400.

Councilmember Kask agreed that he would also not be interested in a survey but would like staff to check into the effectiveness and timeliness of the Trugreen treatment.

Councilmember Gustafson asked if the city crew couldn't simply clean up the Thorpe walking path more routinely.

Mayor Skrede asked staff to obtain more information regarding the Trugreen treatment.

E. Eagle Scout Project Donation Request

Administrator Young stated that he had been contacted by Terrence Haines (25775 Birch Bluff Road, Shorewood) about the possibility of the City of Deephaven contributing towards his Eagle Scout Project. The project consists of repairing the bridge and walking path, and installing two benches along the path in the woods next to the Southshore Community Center.

He stated that the project cost is estimated at \$3,147.75 and Terrence is seeking donations from the five member communities of Tonka Bay, Shorewood, Excelsior, Greenwood and Deephaven in the amount of \$629.55 from each city.

He added that it should be noted that while the City of Deephaven has an ownership position in the Southshore Community Center building, this ownership position does not extend into the woods next to the Southshore Community Center. This land is owned by the City of Shorewood.

He stated that the 2011 General Government Budget includes \$3,000 as a contribution towards the Southshore Community Center.

Mayor Skrede provided a brief update on last year's contribution to the Southshore Community Center in the amount of the \$3,000 towards the purchase of a digital sign. He stated that four out of five cities have contributed towards the sign but more funding might be needed to purchase the sign.

Mayor Skrede stated that he was surprised that this would qualify as an Eagle Scout project since maintenance was not typically considered as a qualifying project unless it has already been approved by the scoutmaster.

Councilmember Kask stated that he doesn't see that the proposed project has been approved either by the City of Shorewood or the Southshore Community Center. He noted that the project could be viewed as an amenity for the City of Shorewood due to the proximity of the project to Shorewood's park and ball fields rather than for the Southshore Community Center.

Mayor Skrede stated that he believes it would be more of an amenity for the Center rather than the City of Shorewood due to its proximity to the Center but didn't know whether the project was supported by the Center.

Councilmember Wheaton noted that the project is not part of the Southshore Community Center itself and that he would have more interest if it were a Deephaven troop involved in the project.

Mayor Skrede stated that before a final decision can be made regarding the request, the applicant should submit a letter from the City of Shorewood and from the Southshore Community Center approving the proposed project.

F. Accept the Resignation of Public Works Supervisor Jerry Hudlow

Mayor Skrede read Jerry Hudlow's retirement letter. He stated that Jerry has extensive knowledge of the City and its infrastructure, is very knowledgeable about our entire community and has been a considerable asset to the City.

Councilmember Kask added that he knew that a number of the part-time summer employees felt that Jerry had always treated them with respect and very much appreciated working with Jerry.

Motion by Councilmember Kask to accept the resignation of Public Works Supervisor Jerry Hudlow effective on May 31, 2011. Seconded by Councilmember Wheaton. Motion carried 5-0.

Mayor Skrede stated that further discussions will be held on the makeup of the Public Works Department at a Special Council Work Session on June 6th.

G. Other

There was no other New Business this evening.

7. REPORTS FROM STANDING COMMITTEES

A. Public Works Committee

Administrator Young presented a review of the Public Works Committee meeting held on May 4, 2011 on the following items:

- Reviewed a request from Scott Boynton (18950 Northome Blvd) and Adam Newton (3592 Northome Road) on the installation of speed cushions.
- Discussed street & crosswalk striping and recommended that all striping be conducted earlier in the summer months.
- Reviewed a request to participate in a joint seal coating project with the City of Shorewood.

B. Park Committee

Administrator Young presented a review of the Park Committee meeting held on May 4, 2011 on the following items:

- Held a public meeting on future improvements to Shuck Park.
- Recommended postponing discussions on establishing a new community event until this fall.
- Discussed geese control at Thorpe Park.
- Discussed a request from the City of Shorewood to hold a joint Park Committee meeting with the cities of Deephaven, Tonka Bay, Shorewood & Excelsior.
- Recommended installing a sign at Deephaven Beach requiring dogs to be leashed and limited to the use of the walking path only.

Mayor Skrede noted that County Commissioner Jan Callison will be holding a public forum at the Southshore Community Center on May 19th.

Administrator Young reported that the City has been awarded a \$2,500.00 grant from CenterPoint Energy Community Partnership Program to be used towards the purchase of the speed trailer.

8. ADJOURNMENT

Motion to adjourn by Councilmember Hackney, seconded by Councilmember Wheaton. Motion carried 5-0. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Dana H. Young
City Administrator