

**DEEPHAVEN CITY COUNCIL MEETING  
MONDAY, AUGUST 15, 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, Josh Hackney, John Wheaton and Keith Kask

STAFF: 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. Approve Minutes of August 1, 2011
- B. Adopt Resolution No. 22-11, Requesting Winter Use of LRT Trail
- C. Authorize Final Payment to Midwest Trenchless Technologies in the amount of \$4,424.66 for the 2011 Sewer Rehabilitation Project

Seconded by Councilmember Gustafson. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **UNFINISHED BUSINESS**

- A. **Discuss Vine Hill Bridge**

Administrator Young stated that the Public Works Committee met on August 3<sup>rd</sup> with City Engineer David Martini to begin preliminary discussions regarding the inspection report prepared by Hennepin County on the condition of the Vine Hill Bridge. He stated that the Public Works Committee asked the City Engineer to prepare a letter to the City Council that provided a brief summary of the issues pertaining to the bridge, funding sources, coordination with the Hennepin County Railroad Authority, and questions regarding potential design elements. He stated that City Engineer David Martini is here this evening to answer any questions regarding his letter or the Vine Hill Bridge.

Mayor Skrede asked who determines whether the bridge qualifies for rehabilitation or reconstruction.

David Martini stated that he would recommend that the City consider contracting with a qualified bridge engineer independent from Hennepin County to review the bridge. He stated that the bridge could possibly be rehabbed but didn't know if this would be in the long term interest of the City. He

stated that the Council may want modifications or amenities to the bridge that would enable the bridge to serve other functions or resolve other traffic-related issues.

Mayor Skrede stated that Bolton & Menk may need to bring in a bridge consultant to assist the City through this process. He noted that if the City Council were to request a single span for the bridge that particular design might be of interest to the Hennepin County Railroad Authority because it would provide a substantially cleaner look surrounding the LRT Trail.

David Martini stated that his firm would present several options for Council review, including options on rehabbing the bridge and on reconstruction.

Councilmember Kask stated that he would prefer to have the bridge reconstructed over the summer to alleviate potential traffic issues at Deephaven Elementary School. He stated that he would also be interested in knowing whether the Hennepin County Railroad Authority would have an interest in the undercarriage of the bridge, construction timeframes, and how the impact of adding additional amenities to the bridge would impact the length of construction.

David Martini agreed that these are all issues to be considered – the stakeholders involved, balancing amenities vs. how fast the bridge can be constructed vs. how much money the City is willing to spend. He stated that the Council needs to consider the impact the bridge will have well into the future in order to determine whether it would be appropriate to add an amenity such as a pedestrian walkway.

Councilmember Hackney asked if the sufficiency rating impacts the ability to receive funding more quickly.

David Martini stated that it does not have an effect on funding. He stated that federal and state funding is about 3-5 years out. He stated that the City could finance the bridge in anticipation of receiving federal and state at a later date. He stated that it is important to realize that the Vine Hill Bridge is not a safety concern at this time but doing nothing with the bridge is not an option.

Councilmember Hackney asked if no additional features or amenities were added to the bridge, what would be the approximate cost of replacing the bridge.

Mayor Skrede stated that if the bridge cost \$1.5 million, the City's share might be around 20% or \$300,000 for the bridge approach work and the project engineering. He noted that even with the expectation of receiving federal and state funding, these funds are still paid by taxpayers. He stated that the condition of the bridge might warrant load limits to be put in place. He stated that he would recommend holding a work session to start some of the preliminary discussions on whether to rehab or reconstruct the bridge and to develop working timelines.

Councilmember Gustafson noted that repair work had been done on the Vine Hill Bridge in 2007 and if it is common for bridges to wear out more rapidly once they begin to decline. He stated that it would be nice to know the useful life of the bridge.

David Martini stated that it is common for bridges to begin to deteriorate rapidly once they reach a certain point. He stated that the purpose of the information to be presented to the Council is intended to think through all these issues. He stated that he will work through the Public Works Committee and would bring in a bridge expert to help answer these questions.

Councilmember Wheaton agreed that the City Council will need to be proactive on this issue. He asked if it would be the City's responsibility to establish the cost for reconstructing the bridge, and whether the cost would be for a basic bridge or a bridge with additional features.

David Martini stated that his firm would establish those cost options.

Mayor Skrede stated that the bridge's rating qualifies the bridge for reconstruction and asked the City Engineer to provide some examples of bridges that have been replaced recently.

Councilmember Wheaton asked about the timing of receiving federal and state funding.

David Martini stated that we would have the opportunity to submit an application for next year's grant cycle and funding would be received about 3 years out.

Councilmember Wheaton stated if the City Engineer had a ballpark estimate on the cost for engineering.

David Martini stated that it would cost approximately \$10,000 - \$15,000 to get the project underway and to establish timelines and outline the necessary tasks.

Mayor Skrede stated that he would like to hold a work session to have the opportunity to understand the application process and the necessary mileposts.

David Martini stated that he would begin this discussion at the September Public Works Committee meeting.

**B. Approve 2012 EFD Capital Equipment Plan / 2012 EFD Operating Budget**

EFD Liaison Darel Gustafson stated that the two principal changes in the 2012 EFD Operating Budget resulting from the meeting with the cities on August 10<sup>th</sup> was that the EFD Board approved an additional expenditure of \$2,500 for the replacement of furniture at Station #1 and \$1,000 for cabinets for boat and water supplies at Station #1 and Station #2. He stated that both expenses were proposed to be funded by the surplus in unspent construction funds.

Councilmember Gustafson stated that he opposed these two additional expenses but the Board's rationale was that funding might not be available in future years so the available funds should be spent now. He stated that it was his opinion that this was the time to save rather than spend additional funds. He added that aside from these two expenditures, it was still a responsible budget.

Mayor Skrede questioned the purchase of laptops in the amount of \$5,000 at the Fire Chief's discretion.

Administrator Young stated that these items aren't typical laptops but are actually Mobile Data Computers that are installed in fire vehicles.

Councilmember Gustafson stated that the \$5,000 for Mobile Data Computers were originally included in the first draft of the 2012 EFD Budget but were removed when the Fire Chief was challenged by the EFD Board to reduce the budget. He stated that EFD Board later requested that this item be included back in the budget.

Mayor Skrede stated that he agreed with Councilmember Gustafson's assessment that now is the time to save rather than spend. He asked if the Board has any plans regarding the use of the remaining unspent construction funds.

Councilmember Gustafson stated that a final decision hasn't been made as of yet but preliminary discussions have been held on the repair of the ice dam problem at Station #1.

Councilmember Gustafson stated that one of his primary concerns with some of the budget discussions have concerned requests that the city's consider contributing additional contributions to the District in the event future mandatory Fire Relief Contributions are needed in order to moderate the swings in these contributions. He stated that he would recommend that if cities are inclined to make these payments, the funds should be held in each city's own reserve.

Mayor Skrede noted that this discussion came up last year and the EFD Board supported the idea that each City should keep individual surplus accounts.

Councilmember Hackney asked if it were necessary for Deephaven to establish its own fire reserve account.

Mayor Skrede stated that this would only be necessary if we felt there was a need to do so. He added that we would also have the ability to utilize cash reserves.

Mayor Skrede questioned the type of equipment that was intended to be purchased from the 2012 Capital Equipment Fund in the amount of \$16,000.

Councilmember Gustafson stated that he couldn't remember the specific equipment but would find out what it was from the Fire Chief and notify the Council.

Motion by Councilmember Gustafson to approve the 2012 EFD Operating Budget and 2012 Capital Equipment Budget as presented. Seconded by Councilmember Wheaton. Motion carried 5-0.

### **C. Discuss Carson's Bay Dock Plan**

Administrator Young stated that staff at the Lake Minnetonka Conservation District expressed a considerable concern regarding the current proposed dock plan, including:

1. The fact that the proposed dock plan proposes to increase the number and total square footage of BSU's (Boat Storage Units) outside the 100' LMCD setback area. He stated that according to LMCD staff, this would be in violation of LMCD Codes and they expressed strong concerns whether this increase would be approved by the LMCD Board.
2. The fact that the proposed dock plan extends beyond the existing eastern dock. He stated that according to LMCD staff, this would also be in violation of LMCD Codes and they again expressed strong concerns whether this extension would be approved by the LMCD Board.
3. The proposed dock plan would direct the majority of boat traffic to the west. He stated that boat traffic issues were a concern during the approval of the St. Louis Dock application and the

proposed dock plan would direct a total of 54 boats on slips and slides to the west, which would increase the overall boat traffic in this area by 29 boats.

He stated that an additional concern is that the LMCD Board is seriously considering changing how Amenity Points are awarded to applicants that are requesting a Special Density License. He stated that the LMCD Board had previously granted the City 88 Amenity Points as part of the application for new docks on St. Louis Bay. He stated that under the Amenity Point System that is currently under consideration, the City is unlikely to obtain anywhere near the Amenity Points needed to reconstruct Carson's Bay dock.

He stated, however, that he was assured by LMCD staff that this issue is still under discussion by the LMCD Board and staff felt that it would be highly unlikely that the City would not be able to reconstruct Carson's Bay dock with the same number of dock slips. However, there is a distinct likelihood that any additional dock slips over and above the current 38 slips in Carson's Bay couldn't be guaranteed.

He stated that as an alternative to the proposed dock plan, which he felt was unlikely to be approved by the LMCD Board, he would recommend that the Council approve the modified dock plan for Carson's Bay that is based on our current dock configuration but with more standard slip lengths and widths. He stated that the benefits of this plan are that there are less dock slips outside the 100' setback area than with our current docks, the modified plan doesn't extend beyond our existing eastern dock, the boat traffic remains unchanged, and it provides two additional slips in exchange for eliminating two slide spaces.

He added that the other significant benefit is that the modified dock plan does not change the overall number BSU's that have been approved for the City of Deephaven. With the number of BSU's unchanged, the City would not have to apply for a Special Density License and submit a list of Amenity Points to justify an increase in the number of BSU's.

Mayor Skrede noted that there certainly appears to be a better chance of obtaining the approval of the LMCD with the modified dock plan.

Councilmember Kask stated that the proposed dock plan was a significant departure from our original design. He stated that he is very supportive of the modified dock plan but would like to maintain 4' walkways. He stated that he would also like to maintain the current number of slides to encourage the use of smaller boats, unless it was felt that this would be a deal breaker with the LMCD to add two additional BSU's.

Administrator Young stated that the two slide spaces that are proposed to be eliminated are substantially undersized and haven't been leased for several years due to a lack of interest. He added that he did think it would also be problematic to approach the LMCD with two additional BSU's.

Motion by Councilmember Kask to approve the modified dock plan presented this evening, subject to the addition of dolphin poles and expanding the walkways to 4'. Seconded by Councilmember Wheaton. Motion carried 5-0.

Mayor Skrede stated that he would like to convey his appreciation to the Boat Committee for their work on the Carson's Bay dock plan. He stated that the Council certainly appreciated the four

additional dock slips in the proposed dock plans but it appears that these additional slips would have caused problems in obtaining LMCD approval.

**D. Other**

There was no other Unfinished Business this evening.

**6. NEW BUSINESS**

**A. LMCC's Fiber to the Premise (FTP) Business Plan**

Councilmember Kask stated that there will be a meeting tomorrow night at the Lake Minnetonka Communications Commission (LMCC) on whether to move forward with the Tonkaconnect Initiative. He stated that the LMCC conducted a survey earlier this year, which indicated some public support for this project. He stated that the Commission members will be asked to vote on whether to contract for a comprehensive business plan, which would include some design elements, cost and project scope. He noted that there are many residents of the 17 member cities that comprise the LMCC that don't even have cable service. He stated that he is concerned that a number of cities are hopeful that the Fiber to the Premise project would be much more inclusive than cable service has been. He added that there are several communities, including Independence and Minnetrista that are so spread out demographically that it has been very difficult to extend cable service to everyone. He stated that he is not defending Mediacom but is simply stating a fact.

Councilmember Kask stated that four member cities have already voted to not pursue the Tonkaconnect project. He noted that Deephaven has a very high saturation rate with cable. He stated that the LMCC is solely responsible for oversight of the cable service and is not authorized to oversee either internet or phone service. He stated that the interest in Tonkaconnect is primarily due to the increased interest in internet and phone service.

He stated that tomorrow's vote at the LMCC meeting will decide whether Tonkaconnect moves forward or not. He stated that while some evidence suggests that some municipal build outs of a fiber optic line have worked, he felt it would be enormously challenging to bring 17 cities together on this issue. He stated that initial estimates have indicated a cost of \$70 million for this project and he doesn't have any idea how much each member city would be required to contribute. He stated there has been a lot of support and opposition for this project.

Mayor Skrede asked if all member cities have two representatives on the LMCC. He asked if there was a possibility that Deephaven's vote could be split.

Councilmember Kask stated that while he couldn't speak for Bob Anderson, he would like to think that he would also vote the wishes of the City Council.

Councilmember Gustafson stated that he would agree with the frustrations of participating in a joint powers relationship but felt that Fiber to the Premise would not be a bad proposition for any city, particularly a white collar city such as Deephaven. He added that \$70 million is a substantial sum of money that he could not support.

Councilmember Wheaton agreed.

Councilmember Hackney stated that he would like Fiber to the Premise but doesn't know if Tonkacnects is the best route.

Councilmember Skrede stated that he thought the project would have great subscribership but didn't believe that a member city organization is the best way to deliver this product. He stated that it appears that the Council agrees that we all would like the product but would prefer it to come through another vendor.

**B. 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 August 3, 2011 on the following items:

- Request to conduct an open burn in a small portion of Cleveland Park to eradicate the growth of weeds. The Committee has recommended working with the EFD to provide an open burn training session in this area.
- Reviewed a request to fund the replacement of the stone wall along Walden Trail.
- Reviewed the Vine Hill Bridge Inspection Report from Hennepin County Transportation Department.
- Reviewed the proposed 2011 Mill & Overlay project schedule.

**B. Park Committee**

Administrator Young presented a review of the Park Committee meeting held on August 3, 2011 on the following items:

- Discussed the proposed Eagle Scout Project at Shuck Park.
- Recommended a location at the Parkway for a memorial bench for Bette Bridge.
- Discussed alternate style benches.

Mayor Skrede stated that he had received a complaint from a Deephaven resident on the slow progress of the Liquor Control Ordinance and asked if Planning Commission Liaison Hackney could provide an update on the progress of the ordinance.

Councilmember Hackney stated that the Planning Commission has already recommended approval of the Liquor Control ordinance and is currently working on the zoning changes that are needed to accommodate the ordinance. He stated that the Planning Commission is a group of volunteers who meet once per month and their review of the zoning changes is very detailed and it takes time. He stated that despite one complaint, their review is moving forward.

Mayor Skrede stated that he didn't want people to think that the City Council is trying to slow this process down.

Further discussion was held regarding Bette Bridge Day and on the control of Emerald Ash Borer on public property.

**8. ADJOURNMENT**

Motion by Councilmember Kask to adjourn the Regular Council meeting. Seconded by Councilmember Hackney. Motion carried 5-0. The meeting adjourned at 8:55 p.m.

**9. SPECIAL COUNCIL BUDGET WORK SESSION**

Mayor Skrede called the Special Council Budget Work Session to order at 9:04 p.m.

The Council continued their review of the 2012 City Budget.

**10. ADJOURNMENT**

Mayor Skrede adjourned the Special Council Budget Work Session at 9:23 p.m.

Respectfully submitted,

Dana H. Young  
City Administrator