

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, JUNE 19, 2017
MINUTES**

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

PRESENT: Mayor Paul Skrede, Councilmember's Kent Carlson, Tony Jewett, and Darel Gustafson

ABSENT: Councilmember Steve Erickson

STAFF: City Administrator Dana Young

2. **PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

3. **APPROVE CONSENT AGENDA**

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

- A. June 5, 2017 City Council Minutes
- B. Approve May 2017 Treasurer's Report

Seconded by Councilmember Carlson. Motion carried 4-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **NEW BUSINESS**

- A. **Review Appeals from June 1st Deadline Requirements**

Administrator Young stated that Section 900.07, Subd. 2 (b) of the Watercraft Space Ordinance requires all watercraft to be moored at their assigned space prior to June 1st. If the permit holder is not at their assigned space, the City may revoke the permit and issue a permit for that watercraft space to the next person on the waiting list. The permit holder has the option to appeal the revocation of their 2017 Boating Permit to the City Council within 10 days after the City's notice of revocation is mailed.

He stated that after considering the appeal, the Council will affirm or reverse staff's decision to revoke the permit. If the Council decides to reinstate the permit, the condition of reinstatement

shall be a penalty payable to the City of Deephaven in an amount equal to 50% of the normal permit fee.

He stated the following list of permit holders were not at their assigned space prior to June 1st:

Name	Address	Mooring Space
Mark & Kim Allen	18306 Shavers Lake Drive	Dock Slip #38, St. Louis Bay
Michael Hoehn & Katrien Leys	18985 Lake Avenue	Slide #21, St. Louis Bay
Darren & Sunny Dahlin	20355 Linwood Road	Canoe Rack #3, Carson's Bay
Dean & Jennifer Briesemeister	4655 Old Kent Road	Canoe Rack #11, Carson's Bay
Craig Shaver	20390 Carson Road	Canoe Rack #5, Carson's Bay

He stated that letters of appeal have been received from Mark & Kim Allen, Dean & Jennifer Briesmeister, and Craig Shaver.

Councilmember Jewett asked if a notice is sent reminding permit holders of the June 1st Deadline requirement.

Administrator Young stated that notice is sent along with permit materials.

Motion by Councilmember Carlson to authorize the reinstatement of the 2017 Boating Permits to Mark & Kim Allen, Dean & Jennifer Briesmeister, and Craig Shaver for submitting letters of appeal, subject to payment of an amount equal to 50% of their normal 2017 permit fee. Seconded by Councilmember Jewett. Motion carried 4-0.

Councilmember Gustafson asked if the Council would allow repeat offenders a second chance.

Mayor Skrede stated that it would make their appeal more difficult for a second offense.

B. Adopt Resolution No. 31-17, Accepting a Donation from Jessica & Joseph Loftus

Administrator Young stated that Joseph & Jessica Loftus, 18520 Lake Avenue, have graciously agreed to donate \$10,000 to the City of Deephaven for the purpose of providing funding for the landscaping of the entranceway into Thorpe Park. The parking island entranceway currently contains five pine trees that are in varying stages of death. Along with the donation, the Loftus's have also provided a landscaping plan as an illustration on the type of low-maintenance landscaping that could significantly elevate the aesthetics of the entranceway, while also providing the Loftus's with some needed screening.

He stated that Mayor Skrede and staff met with representatives of the Cottagewood Garden Club to discuss the annual maintenance of this new garden area. Mayor Skrede suggested elevating the new garden area a foot or two above the existing grade in order to bring in better soil. He stated that Garden Club representatives strongly suggested a boulder wall surrounding the garden. The representatives were also pleased to see the number of perennials and other low-maintenance plantings proposed in the landscaping plan, but were less than enamored with having to maintain such a substantial garden. The representatives indicated that they would be

willing to maintain a garden of about 1/3 the size of the parking island. Along with beautifying the entranceway, the Loftus's would also prefer to have as much of the parking island landscaped as possible to provide their property with a better buffer.

He stated that it is extremely likely that an elevated garden, even one that is only 1/3 the size of the parking island, will cost substantially more to install than the \$10,000 donation. Once the overall size of the proposed garden and the plantings has been finalized, staff will obtain quotes on the new garden for a fall planting.

Mayor Skrede stated that while the Garden Club would only want to maintain a smaller section of the parking island, that doesn't mean we can't cover more of the area with trees. He stated that he suggested an elevated garden in order to bring in new and better soil. He noted that perhaps new soil isn't needed and there just might be a problem with the PH factor of the soil in this area.

Jessica Loftus stated that their landscaping plan is purely conceptual and wants the landscaping to meet the needs of the City. She stated that she also believes there's something wrong with the soil on the parking island and agreed that an elevated garden area would be more expensive. She noted that one tree to the north is doing fine and perhaps the other trees would have to be a hardier species. She stated that she is comfortable with the donation and with the City deciding the extent of the landscaping that is needed in this area.

Mayor Skrede stated that perhaps an alternative solution would be a mound for the garden area with trees on the perimeter. He stated that a wall would not be needed with this type of design.

Jessica Loftus stated that if the City had the ability to haul rock, she could find rocks free of charge in Western Minnesota that may help with the cost.

Mayor Skrede stated that we could start with larger diameter trees to provide better and more immediate screening. He asked if any of the Council had an objection to the donation.

Councilmember Jewett stated that he had no objection and would like to come up with a workable plan that both Jessica and the Garden Club would be happy with.

Mayor Skrede stated that he would like to see the 50% of the parking island landscaped and 50% with no maintenance needed.

Jessica Loftus stated that she feels no desire to micromanage this project.

Councilmember Carlson thanked Jessica for the donation and stated that the landscaping should be incorporated into the master plan for the warming house drainage and landscaping plans.

Motion by Councilmember Gustafson to adopt Resolution No. 31-17, A Resolution Accepting a Donation from Jessica & Joseph Loftus for landscaping improvements at Thorpe Park. Seconded by Councilmember Carlson. Motion carried 4-0.

C. Adopt Ordinance No. 05-49, Amending Dog Regulation Penalties

Mayor Skrede stated that language was incorporated under Section 515.08, Subdivision 3, 4, and 5 pertaining to dog regulation penalties that incorrectly included gross misdemeanors. He stated that this ordinance proposes to change the language in the City Code from gross misdemeanor to a misdemeanor.

Motion by Councilmember Jewett to adopt Ordinance No. 05-49, Amending Chapter 5, Section 515.08 on Dog Control Violations. Seconded by Councilmember Gustafson. Motion carried 4-0.

D. Discuss New Ordinance Notification Requirements

Discussion was held on recent law change that requires the City to provide a 10-day notice on almost all city ordinances. Administrator Young stated that the City of Deephaven would have to post notice of a proposed ordinance ten days before the Council schedules a final vote on the ordinance or the Council would have to have a first reading of each ordinance, post the ordinance, and then adopt the ordinance at the second reading.

E. Other

There was no other New Business this evening.

6. UNFINISHED BUSINESS

A. Discuss Hamilton Avenue Tree Clearing Project

Administrator Young stated that the Public Works Committee first reviewed a request on May 9th from residents on Hamilton Avenue for the City to remove several trees bordering Hamilton Avenue and Lake Louise. It was suggested that the tree removal would improve the overall appearance of this area, restore the area to its former appearance, and provide for better visibility of the wetland. He stated that some neighbors supported the tree removal proposal and others stated their preference to keep the area in its natural state.

In addition, staff asked Heidi Quinn, a representative from the Minnehaha Creek Water shed District, to provide information on State and District rules pertaining to the removal of trees and vegetation within a wetland area. He stated that there are no restrictions on removing trees and vegetation from a wetland. The District is much more concerned by the addition or removal of fill material or grade alterations within a wetland. None of this would occur with the tree removal request.

He stated that in order to get a better perspective on the number and quality of trees to be removed, the Committee asked those residents in support of tree removal to mark those trees they would like to have removed with a red ribbon and those who would like to keep the area natural were asked to mark those trees they would like to keep with a green ribbon. The Committee proposed to review the marked trees for further discussion at their June 13th meeting.

In addition, the Committee had all of the trees in this area, both marked and unmarked, reviewed by John Emery of Emery Tree Service, who serves as the City Arborist, for his opinion on the quality of the trees proposed for removal. He marked trees in yellow that he thought were:

- Dead
- Inhibiting the growth of vibrant trees that would benefit from their removal.
- Potential risks to power lines if left unattended.

He stated that the Committee met with residents on June 13th to discuss the marked trees, the analysis of the trees marked by the City Arborist, and to issue recommendations regarding the request to remove several trees along Hamilton Avenue. He stated that the Committee issued the following recommendation for Council consideration:

The Public Works Committee recommends that the City Council follow the recommendations of the City tree inspector to remove those trees marked in yellow ribbon and to have staff research the best methods for the removal of buckthorn, garlic mustard, creeping Charlie, and Mulberry trees through the advice and recommendations of the Minnehaha Creek Watershed District.

Mayor Skrede stated that if we had maintained this park like the others, we may not have had to have this discussion. He stated that if we had the advice of the arborist earlier, tree maintenance of this park would have been ongoing. He stated that any further suggestions or recommendations from residents regarding this park should be brought to the Park Committee. He stated that the Park Committee has a strategic plan on parks and beaches. He stated that the reason this issue is before the City Council is due to the fact that the City would have to spend additional money to have the trees removed and the Public Works Committee is only a recommending body. He asked if the Council had any questions.

Councilmember Carlson stated that it looks like we are only trying to catch up on tree maintenance issues.

Councilmember Jewett stated that he looked at the tree markings, noted the deferred maintenance of the trees, and agreed with the recommendations of the tree inspector.

Councilmember Gustafson stated that the Public Works Committee did a nice job with this issue by listening to both sides and bringing in the arborist. He noted that there has been illegal dumping of leaves at the park in the past and wondered if there was any way to monitor this area.

Mayor Skrede stated that public works could keep an eye on the area. He added that he is comfortable with having residents on both sides of this issue bring future requests to the Park Committee.

Councilmember Carlson agreed that the Park Committee would be a good venue for this discussion.

Motion by Councilmember Carlson to remove those trees marked in yellow ribbon by the City arborist and to have staff research the best methods for the removal of buckthorn, garlic mustard,

creeping Charlie, and Mulberry trees through the advice and recommendations of the Minnehaha Creek Watershed District. Seconded by Councilmember Gustafson. Motion carried 4-0.

B Other

There was no other Unfinished Business this evening.

7. REPORTS FROM STANDING COMMITTEES

A. Park Committee

Administrator Young provided a brief review of the Park Committee meeting held on June 6, 2017 regarding the following items:

- Reviewed the request to remove trees along Hamilton Avenue
- Discussed a request for fishing opportunities on municipal docks and recommended that the City Council allow fishing at both the Carson's Bay and St. Louis Bay boat docks
- Discussed the Thorpe Park Project.

B. Public Works Committee

Administrator Young provided a review of the Public Works Committee meeting held on June 13, 2017 on the following items:

- Discussed and issued a recommendation on the request to remove trees along Hamilton Avenue
- Reviewed the City's response to the May 11th storm
- Discussed and issued a recommendation regarding fishing on public property in Deephaven
- Discussed the Thorpe Park Project

Mayor Skrede stated that the City doesn't have an ordinance regarding fishing on public property. He stated that he has asked staff to develop an ordinance describing those areas where fishing is permitted and have the Park Committee recommend additional fishing locations.

8. ADJOURNMENT

Motion to adjourn by Councilmember Gustafson, seconded by Councilmember Carlson. Motion carried 4-0. The meeting adjourned at 7:38 p.m.

Respectfully submitted,
Dana H. Young, City Administrator