

**DEEPHAVEN CITY COUNCIL WORKSHOP MINUTES**  
**6:00 P.M. MONDAY, MARCH 4, 2024**

1. **CALL MEETING TO ORDER:** Mayor Kent Carlson called the meeting to order at approximately 6:00 p.m.

PRESENT: Mayor Kent Carlson and Councilmembers Tony Jewett; Steve Erickson; Emily Scherschligt; and John Studer;

STAFF: City Administrator Dan Madsen and City Planner Pat Smith.

2. **MEETING WITH THE PLANNING & ZONING COMMISSION**

- **Cannabis Regulations** – City Administrator Madsen said City has to allow one license within city limits. He said cities cannot blanket zone out cannabis businesses. Councilmember Jewett suggests the Planning Commission discuss either the City owning the one license or limiting the location of the dispensaries.
- **Maximum Height of Detached Garages** – The previous maximum height for detached garages was 15 feet. In 2022 the Planning Commission recommended a maximum height of 23 feet. The City Council increased the maximum height to 20 feet, which would typically allow a taller garage door with storage space in the loft or a typical seven-foot garage door with living/office space in the loft area.
- Councilmember Jewett said a neighbor designed an attached garage with a garage door over 10 feet tall. City Council thought the Planning Commission should relook at the maximum height of detached garages.
- **Look into the walkability of the community** – Mayor Carlson asked if this was a Planning Commission or Park Commission issue. Commissioner Carlson suggested a committee made up of people from the Planning Commission, Park Commission and City Council. Councilmember Erickson suggested having planning, parks and public works meet quarterly. Smith suggested two members from the Planning Commission and two members from the Park Commission and staff for support. The Council agreed.
- **Limit the maximum amount of hardcover** – In 2021 the Planning Commission and City Council spent six months revising the City’s stormwater regulations, reducing the hardcover limit to 25% but placing regulations to exceed the hardcover limit through a CUP process. There is no maximum limit. Any stormwater mitigation needs to be sized to compensate for any hardcover over the 25% limit. The City Council did not think a maximum hardcover limit was necessary.
- **Revise the Sign Ordinance** – In 2015, the US Supreme Court decided a case that changed how courts review the validity of sign ordinances. The sign ordinance should be amended to be in compliance with the 2015 Supreme Court findings. The City Council would like the Planning Commission to review and recommend changes to the Sign Ordinance.

- **Non-Conforming Structures** – staff recommends clarifying the expansion of non-conforming structures in the zoning ordinance. Smith said the ordinance was not clear on when a project reduces hardcover but is still required to install stormwater mitigation measures. The City Council thought the Planning Commission should review the non-conforming section of the zoning ordinance and recommend any necessary changes.
- **Maximum Building Footprint** – currently the maximum building footprint for a house is based on the zoning district (R1 – 8,000 SF, R2 – 6,000 SF, R3 – 4,500 SF). Does it make sense to have a sliding scale for the maximum footprint based on the lot size along with the zoning district? The City Council does not see this as an issue.

### **3. MET COUNCIL COMPREHENSIVE PLAN / GREENWOOD REQUEST**

City Administrator / Special Counsel Madsen spoke regarding the Met Council's requirement for cities located in the seven-county metro-area to submit a Comprehensive Plan for their cities and update the same every ten years.

4. **ADJOURNMENT:** Councilmember Erickson motioned to adjourn the Council Workshop Meeting at approximately 6:57 p.m. Studer seconded the motion. Ayes: Carlson, Erickson, Jewett, Scherschligt and Studer. Motion carried.

**DEEPHAVEN CITY COUNCIL MEETING MINUTES**  
**7:00 P.M. MONDAY, MARCH 5, 2024**

1. **CALL MEETING TO ORDER:** Mayor Kent Carlson called the meeting to order at approximately 7:00 p.m.

PRESENT: Mayor Kent Carlson and Councilmembers Tony Jewett; Steve Erickson; Emily Scherschligt; and, John Studer

STAFF: City Administrator Dan Madsen; Police Chief Johnson; Planner Pat Smith; and City Engineer Stremel

2. **PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

3. **APPROVE CONSENT AGENDA**

Motion by Councilmember Erickson, and seconded by Councilmember Jewett, to approve the Consent Agenda consisting of the following items:

- A. **Approve February 5, 2024 Council Workshop and Council Meeting Minutes**
- B. **Approve Verified Claims**
- C. **Approve Matt Morris removal from Probationary Status**
- D. **Approve Taylor Schultz removal from Probationary Status**
- E. **Approve Rescheduling April 1 Council Meeting to April 8, 2024.**
- F. **Approve Street Sweeping and Street Striping Quotes**
- G. **Approve Soil Boring Quotes for Montgomerie / Calvary Church Project**

Motion carried, voting in favor was Carlson, Erickson, Jewett, Scherschligt and Studer.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **PLANNING & ZONING REQUESTS**

- A. **Conditional Use Permit and Variance to Exceed the Sign Limit for Two Commercial Building Signs at 18305 Minnetonka Boulevard**

Smith presented the staff report. In 2019, the City Council approved a Conditional Use Permit for a 90-square-foot monument sign for Hugh Dental. They have since leased space to Revolution and Blunttech, each has wall signs. Now the building owner is leasing a fourth space to Deephaven Rejuvenation, which is requesting a wall sign and a blade sign.

Section 1115.09 (a) states, "The size of a sign may not exceed 15% of the wall of the front façade of the structure in which it is located and in no case exceed 100 square feet for all other

types of signs.” For comparison, the City Council approved a Conditional Use Permit for Deephaven Court that allows wall signs up to 20 square feet for all of the tenants without going through the Conditional Use Permit process.

Motion by Councilmember Scherschligt, seconded by Councilmember Studer, to accept the recommendation and findings of staff and the Planning Commission and approve a conditional use permit and a variance to exceed the 100-square-foot sign limit for a wall sign and a blade sign with a combined area of 8.75 square feet at 18305 Minnetonka Boulevard, as presented. Motion carried 5/0.

#### **B. Lot Line Adjustment for 20570 and 20590 Park Place**

Smith presented the staff report. The applicants own both properties and would like to move the common lot line in order to move the existing mature trees from 20570 Park Place to 20590 Park Place, where they plan to build a new house.

Commissioner Jewett asked about a future fence. Lauren Campoli, applicant, addressed the City Council and said the existing vegetation naturally buffers the two lots so most likely a fence will not be needed. Ms. Campoli said the play set would need to move slightly to be on the new lot at 20590 Park Place.

Councilmember Studer moved the City Council accept the recommendation and findings of staff and approve the lot line adjustment moving the common lot line between 20570 and 20590 Park Place, as presented. Councilmember Erickson seconded. Motion carried 5/0.

### **6. UNFINISHED BUSINESS**

#### **A. Electric Permit Fees Ordinance Amendment, Electric Permitting and Inspections Agreement and Resolution appointing Minnetonka as the Designated Authority for Electrical Inspection and Permitting Services**

City Administrator / Special Council Madsen addressed the Council regarding appointing the City of Minnetonka as the designated authority for Deephaven’s electrical inspection and permitting services, rather than the State of Minnesota as previously approved. Minnetonka would provide Deephaven with thirty-five percent of the plan review and permitting fees, minus inspection fees, state surcharge and administration fees. The agreement would be on a one-year trial basis. Staff recommends approving the contract with Minnetonka. Mayor Carlson agrees with Staff’s recommendation.

Councilmember Erickson moved to approve the agreement for the electric permitting and inspections services as presented, also approving the Resolution 15-24 Rescinding the Appointment of the State of Minnesota Department of Labor and Industry and Appointing the City of Minnetonka as the Designated Authority for Electrical Permitting and Inspections and approving Ordinance 04-86, amending Section 405.05 pertaining to the establishment of electrical inspection fees. Jewett seconded the motion. Ayes: Carlson, Erickson, Jewett, Scherschligt and Studer. Motion carried.

## **B. Pavement Management and Street Improvement Work Plan**

City Engineer Stremel addressed the Council regarding the proposal to provide professional engineering services to the City of Deephaven for the 2024 Pavement Management and Street Rating Plan. The proposal enclosed includes professional services for the inspection and evaluation of every existing bituminous roadway within the City limits of Deephaven, approximately 27 miles. City Administrator / Special Council Madsen said it is important the City moves forward and does something regarding the viability of our roads and define a way we move forward on future projects. City Engineer Stremel said engineering fees are estimated at \$17,368. Councilmember Jewett asked how often the plans need to be updated in a period of years. City Engineer responded roughly every five years, although the software can be continually updated in there are road improvement that have been implemented. City Administrator / Special Council Madsen said this is a starting point to evaluate present conditions of the streets that can be built upon overtime and would not necessarily need to be re-done every five years. Councilmember Studer said he would like to bring it back to Jeff in Public Works to see how they can best use the data and possibly utilize GIS at the same time. Mayor Carlson agreed that they should take it back to Jeff in Public Works because there are additional options that may or may not be needed and then we would know what the total cost would be with a revised proposal.

## **7. NEW BUSINESS**

### **A. Resolution 2024 Street Project Bid Opening and Award**

City Engineer Stremel addressed the Council regarding the recently received bids for the 2024 Street & Drainage Improvements Project as shown in the memorandum in the packet. He said GMH Asphalt Corporation came in with the lowest bid at \$438,268.38. Mayor Carlson expressed his concern for the timing of the project as it relates to the I&I and the lateral televising to make sure there is no overlap. City Administrator / Special Council Madsen said the concern we are trying to protect against is trenching into a road that has been repaved or reclaimed. He said if all of the laterals are fine or just need to be lined, the projects can be done independent of each other and do not need to be done hand in hand. He said one of his major concerns is communication with the affected residents.

Mayor Carlson had to step away from the rest of the City Council meeting. Councilmember Jewett took over as Mayor Pro Tempore.

Mayor Pro Tem Jewett asked about the alternate one bid in the amount of \$18,450.20 with in regards to work in the City of Shorewood. City Administrator / Special Council Madsen responded there is a portion of road that abuts this project that was not done when Shorewood finished their road project, approximately 150 feet of road that in need of repair. Shorewood has agreed to reimburse Deephaven for the cost of finishing the repairs.

Details of the cost estimate for the project were discussed and clarified. Councilmember Studer requested a full accounting of the professional engineering services fees for WSB's construction services at the commencement of the project, not to exceed the estimate of \$65,854.

Councilmember Studer moved to approve Resolution 16-24 Accepting Bids and Awarding the Contract for the 2024 Street & Drainage Improvements Project to GMH Asphalt Corporation in the amount of \$438,268.38, also approving WSB's estimated engineering fees for \$65,854. Erickson seconded the motion. Ayes: Erickson, Jewett, Scherschligt and Studer. Motion carried.

#### **B. Lateral Televising Quotes, 2024 Street Project**

City Administrator / Special Counsel Madsen explained the memorandum regarding the lateral televising as it relates to the coinciding street project. He said Staff would ask the Council to consider a policy shift that would have the City cover the scheduling and expense of televising the lateral services. It is easier for the City to coordinate and hire for the televising work to be done. That way, the City will be able to control the timeline and have televising completed in a timely manner as not to interfere with the road project. Councilmember Scherschligt asked if the MCES I&I Grant Program could be used to reimburse the City or if it is only for private property owners. City Administrator / Special Counsel Madsen said he did review the grant program and it appears that the funds cannot be retained by the City and needs to be used to assist private property owners.

Councilmember Scherschligt moved to approve the Equix Integrity Estimate as provided in the Council Packet, to be paid by the City out of the Sewer Fund. Erickson seconded the motion. Ayes: Erickson, Jewett, Scherschligt and Studer. Motion carried.

#### **C. Public Works, Police Department and City Hall Repairs**

City Administrator / Special Counsel Madsen briefed the Council on repairs and upgrades necessary in the City Hall facilities. He said the areas of deferred maintenance include the rubber roofing at various locations on City Hall, general conditions in the Police Department and air conditioning in the Public Works small garage. He stated Pudas Construction Roofing, E&S Home Transformations and Waconia Comfort HVAC have all submitted quotes for the repairs for a total amount of \$86,149.38. He said items were budgeted for in the 2023 Budget and additionally, the Police Department was provided with one-time funds from the 1st Responders State Aid legislation that would be directly or indirectly available to help cover some of these expenses, especially as it relates to the Police Department. Councilmember Studer expressed his concern regarding the installation of the rooftop HVAC unit and if the roof can support it without structural engineering. It was discussed and decided to move forward with approving all, including the Waconia Comfort \$21,778.30 quote for the rooftop AC unit, pending the need for structural engineering does not exceed additional cost of \$5000.

Councilmember Erickson moved to approve the Pudas Construction roofing repairs for \$20,018, the E&S Home Transformations remodel for \$28,410, the Waconia Comfort quote number q4550 in the amount of \$15,943 and the Waconia Comfort quote number q4525 in the amount of \$21,778, with the additional approval of up to \$5000 for structural engineering costs. Studer seconded the motion. Ayes: Erickson, Jewett, Scherschligt and Studer. Motion carried.

#### **D. Resolution, Accepting Met Council Private Property I&I Grant Award and Agreement**

City Engineer Stremel briefed the Council on the memorandum regarding the MCES 2024 Private Property I/I Grant Program. He said the recommended action is for the Council to

consider the resolution approving the Metropolitan Council Environmental Services 2024 Private Property Inflow and Infiltration Grant Agreement.

Councilmember Erickson moved to approve accepting the I&I grant from the MET Council in the amount of \$40,000. Scherschligt seconded the motion. Ayes: Erickson, Jewett, Scherschligt and Studer. Motion carried.

## **8. DEPARTMENT REPORTS**

### **A. Police Department**

Police Chief Johnson reported on the monthly police activity and accidents reports for February 2024.

### **B. Excelsior Fire District**

Councilmember Erickson reported on the participation of the Excelsior Fire Department in the recent Burnsville memorial event for the fallen EMS and police officers.

### **C. Public Works**

City Administrator / Special Counsel Madsen reported the Public Works department has been working on setting up for the upcoming PNP Election on March 5, 2024.

### **D. Administration**

City Administrator / Special Counsel Madsen reported that City Hall staff has also been busy preparing the five upcoming elections.

## **9. ADJOURNMENT**

Councilmember Erickson motioned to adjourn the Regular Council Meeting at approximately 8:22 p.m. Jewett seconded the motion. Ayes: Erickson, Jewett, Scherschligt and Studer. Motion carried.

Typed and respectfully submitted Wednesday, March 12<sup>th</sup>, 2024.  
Rachel Myskevitz, City Clerk