

DEEPHAVEN CITY COUNCIL WORKSHOP MINUTES**5:00 p.m., Monday, January 5th, 2026**

1. **CALL MEETING TO ORDER:** Mayor Kent Carlson, called the Workshop to order at approximately 5:00 p.m.

PRESENT: Mayor Kent Carlson and Councilmembers Emily Scherschligt, Tom Erdmann, Tony Jewett and John Studer.

STAFF: City Administrator / Special Counsel, Dan Madsen

WORKSHOP:**A. Flock Camera Discussion**

Members of the Council and Staff discussed the use of Flock Cameras in neighboring cities and considered the perceived benefits and detriments of installing Flock cameras in the City of Deephaven. Members of the Council expressed concern over third-party access and the potential for bad actors to access surveilling technology and records for our residents and community. The Council also discussed the benefits of having our Police Department receive notification of stolen vehicles or other vehicles connected to serious emergency status entered our jurisdiction. The conversation was continued to a future Workshop for additional research and exploration related to the protection of this data and what accessibility, if any, third parties may have to this information. No formal action was taken as this matter was set on for discussion purposes only.

B. Fireworks Fundraising Options

Members of the City Council and Staff discussed the current state of Fireworks and reviewed the options the City had in partnering with nonprofit entities or other groups to help fundraise to offset the expense of the event. The Council also discussed and reviewed a preliminary proposal from the Minnetonka Yacht Club to partner with the City of Deephaven on the event. The proposed agreement with the Yacht Club did not clearly articulate the benefits and responsibilities of the parties, so the matter was continued for future discussion.

C. Maximum Building Footprint Discussion

City Planner, Pat Smith, reviewed the current Zoning Code that regulated a building's size by hardcover percentage and factored stormwater mitigation in that formula. The Council briefly reviewed the merits of tying a building footprint to a percentage or other metric that correlated to the size of the subject property. No formal action was taken as this matter was set on for discussion purposes only.

D. Commercial Signage

City Planner, Pat Smith, let the Council through a discussion regarding lighting in the City's Chown's Corner commercial area. Members of the Council discussed the City's signage regulations and considered limiting business signage to one or more types of sign illumination; these included back-lit, center channel and internally illuminated signs. No formal action was taken as this matter was set on for discussion purposes only.

E. Retaining Wall Regulations

City Planner, Pat Smith, reviewed the current Zoning Code that regulated retaining wall height after members of the Council and community took notice of a large retaining wall that was constructed in a highly visible area. Staff explained that under the current regulations, the retaining wall did not require any conditional use or variance approvals and was administratively approved for cause. Members of the Staff and Council discussed other options for regulating the height of retaining walls, noting that not every wall should be reviewed, but ones like the wall giving rise to this discussion should require additional scrutiny. No formal action was taken as this matter was set on for discussion purposes only.

Motion was then made by Studer, and seconded by Erdmann, to adjourn the meeting at approximately 6:57 p.m. Motion carried, voting in favor were Carlson, Jewett, Studer, Scherschligt and Erdmann, and the workshop was adjourned.

Typed and submitted Thursday, January 29th, 2026

Dan Madsen

City Administrator / Special Counsel

Deephaven, Minnesota

DEEPHAVEN CITY COUNCIL MEETING MINUTES

7:00 P.M. Monday January 5th, 2026

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

PRESENT: Mayor Kent Carlson, Councilmembers Emily Scherschligt, Tony Jewett, John Studer and Tom Erdmann

STAFF PRESENT: City Administrator Dan Madsen, Pat Smith City Planner, Kimberly Lenarz-Greenwladt and City Engineer Steve Hegland with Stantec,

GUEST: Steve Tallen, Otto Simmering

2. PLEDGE OF ALLEGIANCE:

The Council recited the Pledge of Allegiance

3. APPROVE THE CONSENT AGENDA:

Motion was made by Jewett and seconded by Studer, to approve the Consent Agenda removing F and G as listed on the agenda and to approve the following items;

- A. Approve December 8th, 2025 Workshop & Council Meeting Minutes
- B. Approve Payment of Claims
- C. Approve Resolution 01-26 Establishing Deephaven 2026 Calendar
- D. Approve Resolution 02-26 Designating 2026 Committee Assignments
- E. Approve Resolution 03-26 Establishing Schedule of Administration Fee
- F. Removed
- G. Removed
- H. Approve Tree Removal Contract
- I. Approve hiring Maria Borell as Permit Clerk
- J. Approve 2026 Engineering Services Letter of Engagement
- K. Approve 2026 Abdo Audit Letter of Engagement

Motion Carried, voting in favor was Mayor Carlson and Councilmembers Scherschligt, Jewett, Studer and Erdmann. 5/0 vote.

4. MATTERS FROM THE FLOOR:

None

5. STEVE TALLEN PROSECUTION UPDATE:

Steve thanked the Council for his 32 plus years working with Deephaven, as he is retiring.

6. PLANNING & ZONNING

A. Side Yard Setback Variance for a Pool at 5120 Hooper Lake Road

Smith presented the staff report. The applicant constructed a swimming pool that ended up being two feet into the side yard setback and is now requesting a variance.

Councilmember Scherschligt asked about placement of the pool. Smith stated the pool did not change position, but the decking increased in width.

Otto Simmering, property owner, addressed the City Council. They increased the width of the decking based on the recommendation of the pool company for safety reasons.

Councilmember Studer said the variance request is reasonable and was an honest mistake. Councilmember Scherschligt said the extra two feet will not impact the neighbors and is not especially egregious. Councilmember Erdmann said a two-foot walkway is reasonable. He was appreciative of the homeowner for owning the mistake. Councilmember Jewett stated that pool decking and thus the need for the variance was created by the landowner. Mayor Carlson would support the variance of two feet as most of the pool activity would be on the other side of the pool.

Motion by Councilmember Studer, seconded by Councilmember Scherschligt, to accept the findings and recommendation of the Planning Commission and approve the variance to encroach two feet into the side yard setback for a swimming pool at 5120 Hooper Lake Road based on the variance request is: 1) consistent with the Comprehensive Plan and zoning ordinance, 2) is reasonable, 3) does not alter the essential character of the neighborhood. Motion carried 4/1, with Councilmember Erdmann voting nay.

B. Grading Limits and Building Height Definition

Smith presented the staff report.

Councilmember Erdmann stated that most new homes excavate for larger basements, but the amount of fill that is spread over the lot would be insignificant. Mayor Carlson said it is not really practical to require a variance to fill in a window well.

Councilmember Studer asked about rate of discharge from the resulting grade. He is concerned with stormwater runoff from newly created steep grades. Councilmember Jewett said having a safeguard for the rear of the house is important. Councilmember Studer said the back elevation needs to be considered.

The City Council was comfortable with a maximum height of 24 feet for flat roofs for smaller lots in the R-3 zoning district. The Council wanted the grade and building height definition to be brought back to the February work session.

C. Variance Review Process

Smith presented the staff report. The City Attorney is recommending the City amend the variance section of the zoning ordinance to clarify that the City Council has the authority to grant variances for any regulation in the zoning ordinance.

Motion by Councilmember Jewett, seconded by Councilmember Erdmann, to waive the first reading and schedule a second reading for February 2, 2025. Motion carried 5/0.

D. Lot Line Adjustment - 20505 Lakeview Avenue

Mayor Carlson recused himself as he is the applicant. Smith presented the staff report. The applicant is requesting a lot line adjustment between two properties that he owns so the common lot line is at a right angle to the front property line.

Motion by Councilmember Studer, seconded by Councilmember Scherschligt, to approved the proposed Lot Line Adjustment. Motion carried 4/0. Mayor Carlson abstained.

7. UNFINISHED BUSINESS:

Nothing

8. NEW BUSINESS:

A. IT Contract

Staff reported on the RFP for managed IT services for the City and Police Department, noting proposals were reviewed and narrowed to CJIS-compliant vendors. After interviews, Pantheon Computers was recommended due to stronger BCA CJIS experience, a more proactive approach, and lower overall cost compared to other proposals. Staff also noted concerns with the City's current reactionary IT support.

Motion was made by Studer and seconded by Erdmann to approve Pantheon Computers for 2026 managed IT services.

Motion carried, Voting in favor was Mayor Carlson and Councilmembers Scherschligt, Jewett, Studer and Erdmann. 5/0 Vote.

B. Prosecution RFP

Staff reported that Deeplaven's Criminal Prosecutor, Steve Talen, will retire in early 2026 after approximately 30 years of service. An RFP for prosecution services was issued in October and two proposals were received, including one from Campbell Knutson. Staff

interviewed Campbell Knutson and noted their experience, ability to provide coverage with multiple criminal law attorneys, and support for officer training and 24/7 availability. Staff recommended retaining Campbell Knutson for 2026 prosecution services with an annual retainer of \$50,000 for Deephaven and \$1,800 for Woodland.

Motion was made by Scherschligt and seconded by Studer to approve Cambell Knutson for the prosecution services.

Motion carried, voting in favor was Mayor Carlson and Councilmembers Scherschligt, Erdmann, Jewett and Studer. 5/0 vote.

C. 2026 Street Project Plans Specifications, Authorize to Bid

Staff reported that Stantec finalized the scope and phasing for the 2026 Street Improvement Project following the December 1 work session and prepared the plans, specifications, and bidding documents. The project includes a base bid of approximately three miles, two alternate improvement areas, and an alternate bid for Montgomerie Avenue stormwater improvements. Work includes roadway rehabilitation, drainage improvements, storm sewer and culvert replacement, and select sanitary lateral repairs in the ROW. Council was asked to approve the plans and specifications and authorize bidding, with bids opened February 10, 2026 and construction planned for May/June through October 16, 2026.

Motion was made by Studer and seconded by Erdmann to approve the plans and specifications for the 2026 Street Improvement Project and to authorize project bidding.

Motion carried, Voting in favor was Mayor Carlson and Councilmembers Studer, Erdmann, Scherschligt and Jewett. 5/0 Vote.

D. Resolution of Appreciation

Staff proposed establishing a new annual tradition through adoption of a Resolution of Appreciation to formally recognize individuals in the community who have been helpful or dedicated time and effort. Staff noted the resolution may not include every deserving individual, but is intended as a meaningful first step and the start of an ongoing annual recognition.

Motion was made by Erdmann and seconded by Scherschligt to approve Resolution 05-26 Resolution of Appreciation.

Motion was carried, Voting in favor was Mayor Carlson and Councilmembers Erdmann, Scherschligt, Studer and Jewett. 5/0 Vote.

9. COUNCIL REPORTS:

A. Mayor Report: Nothing new to report

B. Scherschligt: Park Board meeting 1/6/2026 with a lot on the agenda, so I will bring back report. Warming House is on the agenda for 2026.

C. Jewett: Meeting coming up the end of January. No report currently.

D. Studer: Public works have been busy plowing and keeping up with he rinks. Meeting coming up on the 3rd.

E. Erdmann: Pat gave a report on what the Planning Commission has been working on. Finalizing the building for LMCD, hopefully finishing everything up in January.

10. DEPARTMENT REPORTS:

A. Police: Not to many traffic reports, but a lot of medical calls.

B. Excelsior Fire Dept: already covered

C. Public Works: nothing new to report

D. Administration: Beach Patrol is looking good most of the life guards are coming back, looks like we might me expanding the two beaches. Maria starts next Monday and Diane is doing a great job training.

E. Engineering Update: Steve has been busy working on the 2026 street project and working with Andrew to get the grant money.

11. ADJOURNMENT:

Motion was made by Studer and seconded by Jewett to adjourn the Regular City Council Meeting at 8:40pm.

Motion carried, Voting in favor was Mayor Carlson and Councilmembers Scherschligt, Studer, Jewett and Erdmann. 5/0 Vote.

Typed Respectfully on January 29,2026
By: Kimberly Lenarz-Greenwaldt
Deephaven City Clerk