

DEEPHAVEN CITY COUNCIL WORKSHOP MINUTES

6:00 p.m., Monday, March 2, 2026

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

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

ABSENT: None

STAFF: City Administrator / Special Counsel, Dan Madsen

WORKSHOP:

A. Bond Agent Discussion

Administrator / Special Counsel Madsen discussed that the City had received two proposals for companies wishing to serve as Bond Agent for the 2026 Street Project. Ehlers and David Drown and Associates both submitted proposals and letters of engagement for consideration by the Council. The Council discussed that this matter would be continued to the next Council Agenda. No formal action was taken as this matter was set on for discussion purposes only.

B. 2026 Street Project Alternate Bids

Members of the Staff and Council discussed the 2026 Street Project base bid and Alternate bids, reviewing the anticipated bond issuance and budgetary impacts. No formal action was taken as this matter was set on for discussion purposes only.

C. Warming House Design

Members of the Council and Staff began a discussion regarding what elements of the Village Hall Park Pavillion project were essential, and which were desired. Members of the Council asked for additional consideration and feedback from the Park Board. No formal action was taken as this matter was set on for discussion purposes only.

D. Semiquincentennial 4th of July Fireworks

Administrator / Special Counsel Madsen explained that the Minnetonka Yacht Club had voted to take over the 4th of July Fireworks contract from the City. The Yacht Club would still receive a contribution from the City in the amount of \$10,000, and the City would have a say in the final location of the fireworks barge. 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, Scherschligt, Studer, and Erdmann, and the workshop was adjourned.

Typed and submitted Wednesday, March 11, 2026

Dan Madsen

City Administrator / Special Counsel

Deephaven, Minnesota

DEEPHAVEN CITY COUNCIL MEETING MINUTES

7:00 P.M. Monday March 2nd, 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 Tony Jewett, John Studer and Tom Erdmann & Emily Scherschligt

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

GUEST: Mark Williams, Betty Bright, Margi & John Hedren, Greg & Leslie Nicholson, Nancy Lauritsen,

2. PLEDGE OF ALLEGIANCE:

The Council recited the Pledge of Allegiance

3. APPROVE THE CONSENT AGENDA:

Motion was made by Jewett and seconded by Scherschligt to approve the Consent Agenda and to approve the following items;

- A. Approve February 2nd, 2026 Workshop and Council Meeting Minutes
- B. Approve Payment of Claims
- C. Approve 2026 Street Striping Project
- D. Approve 2026 Beach Yoga Special Event
- E. Approve Termination of 4th of July Res Pyro Fireworks Contract, Transfer to Minnetonka Yacht Club
- F. Approve Special Event Permit, Grad Party June 6, 2026
- G. Motion carried, Voting in favor was Mayor Carlson and Councilmembers Jewett, Studer and Erdmann. Scherschligt was absent. 4/0 Vote.

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

4. MATTERS FROM THE FLOOR:

NONE

5. PLANNING & ZONING MATTERS:

A. Public Hearing – Showcase Event Permit for 20465 Linwood Road

Smith presented the staff report. Mark D. Williams Custom Homes is requesting a Showcase Event Permit to include the newly constructed residence at 20465 Linwood Road in the upcoming Artisan Home Tour over three weekends in June. The applicant has arranged for a shuttle to bring visitors from the City Hall parking lot to the site.

Mayor Carlson opened the public hearing. No one spoke. Mayor Carlson closed the public hearing. Councilmember Studer asked if the City normally approves showcase events for three weekends. Smith stated typically it less than three weekends. The ordinance allows up to three weekends.

Councilmember Scherschligt asked if parking in the City Hall lot on Friday afternoons would create issues with staff parking. Smith stated no, City Hall is closed Friday afternoons during the summer.

Councilmember Jewett stated he's concern that the neighborhood will be congested with parking for high school graduation parties during that same period. Mark Williams, applicant, addressed the City Council. He said the state requires Artisan Tour to be held three weekends. The signs will say "No Parade Parking" to prevent visitors to the house from parking on the street, but will allow homeowners and their guests to still park on the street. He would be happy to work with neighbors if they are having graduation parties any of those three weekends.

Councilmember Erdmann motioned, Councilmember Studer seconded, to approved the Showcase Event Permit for Mark D. Williams Custom Homes, for the property located at 20465 Linwood Road to participate in the Artisan Home Tour. Motion carried 5-0.

B. Conditional Use Permit to Exceed the Hardcover Limit for an Addition at 19970 Cottagewood Avenue

Smith presented the staff report. According to Hennepin County property information, the house was constructed in 2012. The existing hardcover is 33.1%. The applicant is proposing to remove the patio in the rear of the house and construct a three-season porch of 190 square feet. The resulting hardcover would decrease to 30.9%, but the addition would exceed the 25% hardcover limit by 5.9%. The City Engineer has reviewed the location and size of the proposed infiltration trench, and is recommending the rain garden move at least five feet from the rear property line.

Councilmember Scherschligt asked if there were any other comments besides the hand-written note in the Council packet. Smith stated that was the only public comment submitted, but the son to the neighbor to the north attended the Planning Commission meeting where he expressed his concern with the rain garden being too close to the north property line. Smith stated that the applicant revised the plans to move the rain garden farther from the north property line.

Councilmember Studer has no issues with the proposed plans as the hardcover is going down, and they are mitigating the extra hardcover where there is no mitigation now. Councilmember Erdmann stated that he has no concerns with the project.

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 to increase the hardcover to 30.9% for an addition to the house located at 19970 Cottagewood Avenue, subject to the project complying to the conditions list in the City Engineering letter dated March 2, 2026. Motion carried 5/0.

C. Maximum Building Footprint – second reading

Mayor Carlson mentioned the only new information is that a number of neighbors wrote in support of the proposed ordinance changes. Smith did not make any changes since the first reading of the proposed ordinance change. Councilmember Studer stated that the maximum size of the house should be tied to the size of the lot.

Councilmember Scherschligt motioned, Councilmember Jewett seconded, to approve the ordinance amendment changing the maximum building coverage in the three residential zoning districts. Motion carried 5/0.

D. Grading Limits and Building Height Definition

Smith presented the staff report and highlighted the major changes being proposed.

Councilmember Studer asked why staff is recommending a finished grade of not exceeding 33%. City Engineer Hegland said anything over 33% is challenging to maintain. Mayor Carlson said he does not know if a maximum height of 28 feet for a flat roof is the right number as large homes with flat roofs will normally want a winterized flat roof which may need to exceed the proposed 28-foot maximum height limit. Councilmember Erdmann stated if that is the case, then they should look at a variance from the height limit. Mayor Carlson said the city could adopt the proposed ordinance and see how it impacts houses with flat roofs and if there would be an influx of variance requests or not.

Councilmember Erdmann asked about chimneys. Smith stated the proposed ordinance definition of a building height would exempt chimneys from the height limit up to five feet in residential districts, with no limit in commercial districts. Councilmember Scherschligt pointed out that the proposed ordinance does not differentiate between residential and commercial zoning districts.

Mayor Carlson said the ordinance should take into consideration solar panels.

Councilmember Jewett asked how the process would be if a project was proposing to haul in an exorbitant amount of fill. Smith said anything over 300 cubic yards/acre would require a Conditional Use Permit, which would need to be approved by the City Council. The zoning ordinance has standard conditions that must be met in order for the City Council to approve the CUP. So the City Council would have the ability to deny the CUP request based on any negative impacts to the neighborhood or the roads.

Councilmember Studer asked why the proposed ordinance does not regulate the amount of export of soil. Smith stated that the most common concern was the raising of grade not the lowering of grade so only the import of soil was being regulated. Councilmember Studer said both large amounts of export and import will have the same negative effect on local roads. He recommended regulating export along with import. Other Councilmembers agreed.

E. Maximum Height for Retaining Walls – first reading

At the February 2, 2026, the City Council directed staff to amend the ordinance prohibiting retaining walls over 3.5 feet. Councilmember Erdmann asked staff came up with the three-foot separation between retaining walls. Smith state that provision came from Excelsior and he knows that three feet is a sufficient space to plant a garden or shrubs that would screen the retaining wall. City Administrator asked what the normal process is for amending the zoning ordinance. Smith stated that the zoning ordinance requires zoning ordinance amendments be reviewed by the Planning Commission. Mayor Carlson stated that the Planning Commission should review the proposed retaining wall ordinance amendment at their March 17th meeting and bring the ordinance back to the City Council to the April 6th meeting.

6. UNFINISHED BUSINESS:

A. Update on Federal Grant Funding

City Engineer Steven Hegland provided information regarding the \$250,000 Congressionally Directed Spending (CDS) grant for the Village Park warming house project and the federal requirements that could increase costs and delay construction. Councilmember Scherschligt asked if the funding could be used for other improvements within the park instead of only the

warming house so the City would not lose the grant funds. Engineer Hegland will review the grant language to determine if this would be possible.

Council directed that the item be brought back for future discussion.

7. NEW BUSINESS:

- A. Approve 2026 Street Project DDA Bond Issuance, Resolution Calling for Public Hearing.

Removed from the agenda. Bring back on March 16th, 2026.

- B. Montgomerie Ave. / Calvary Church Easement Agreement, Construction and Maintenance Contract.

City Administrator Dan Madsen presented the Stormwater Construction and Maintenance Agreement and Stormwater BMP Easement Agreement related to the Calvary Church / Montgomerie Avenue Stormwater BMP Project. The project includes installation of a stormwater retention pond on a portion of the Calvary Church lower parking lot to address drainage issues in the area.

Motion by Erdmann, seconded by Jewett, to approve the Calvary Church Stormwater Construction and Maintenance Agreement and Stormwater BMP Easement Agreement, subject to ministerial or non-material edits or changes, with edits made to clarify the language for future reference.

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

- C. 2026 Street Project Presentation of Bids and Project Areas

City Engineer Steve Hegland reviewed the bids received for the 2026 Street Improvement Project, which includes street improvements in the Thorpe Park / Heathcote area, work west of Thorpe Park, repairs to Minnetonka Boulevard, and the stormwater BMP project at Calvary Church on Montgomerie Avenue.

Motion by Studer, seconded by Jewett, to approve the Base Bid and Bid Alternates 2 and 3 to Astech at a total project cost of \$3,237,030.68.

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

8. COUNCIL REPORTS

A. Mayor Carlson: Spoke about personnel and that we have new Permit Clerk and she is doing great. City Audit is done and will hopefully be on the first meeting in April.

B. Scherschligt: Park Board meets on March 3rd. Full agenda and will be looking at the pavilion options and see if there anything the board would like to add. Erdmann shared that at the Feb meeting, Deeplaven was not awarded the buckthorn removal grant.

C. Jewett: There is a closed session meeting next and then regular board meeting at the end of the meeting.

D. Studer: Nothing new.

E. Erdmann: Pat Smith covered everything during the meeting.

9. DEPARTMENT REPORTS:

A. Police: Nothing new

B. Fire District: already covered

C. Public Works: Nothing new

D. Administration: Everything that was covered tonight the street project has been busy.

E. Engineering Update: Covered everything during the meeting. Mayor Carlson requested a phase update.

10. ADJOURNMENT:

Motion was made by Studer and seconded by Erdmann to adjourn the regular City Council meeting at 8:30pm.

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

Typed Respectfully on March 11, 2026

By: Kimberly Lenarz-Greenwaldt

Deeplaven City Clerk