DEEPHAVEN CITY COUNCIL WORKSHOP
COUNCIL CHAMBERS, CITY HALL
20225 COTTAGEWOOD ROAD
5:00 P.M. Monday, January 5th, 2026

AGENDA

5:00 P.M. WORKSHOP

1. Flock Cameras
2. Fireworks Fundraising Options
3. Maximum Building Footprint
4. Commercial Signage
5. Retaining Wall Regulation
6. Other

WS ITEM 1 &
ITEM 3G

Deephaven Police Department

CORY JOHNSON
CHIEF OF POLICE

20225 Cottagewood Road
Deephaven, MN 55331

Email – coryj@deephavenpolice.com

January 5, 2026

To: Honorable Mayor Kent Carlson
Deephaven City Council

Cc: Dan Madsen, City Administrator, Special Counsel

From: Cory Johnson, Chief of Police

Re: Flock Safety Cameras

This discussion is to provide the Council with information about Flock camera systems and summarize the uses, safeguards and protocols in place to protect privacy, ensure transparency, and maintain community trust.

Flock cameras are automated license plate recognition (ALPR) systems used by law enforcement agencies around the country to aid in criminal investigations. The system captures images of license plates and vehicle characteristics, not individuals, and alerts officers when a vehicle associated with a crime or public safety concern is detected.

The City of Deephaven will use these cameras for one primary purpose: public safety. These cameras help identify vehicles involved in serious crimes such as stolen vehicles, missing persons, hit and runs, and violent offenses. They do not use facial recognition and they do not track individuals or store personal information such as driver identity. Flock cameras are investigative tools to assist the police department in solving crimes, not for general surveillance. Beyond immediate alerts, stored footage offers valuable evidence by pacing vehicles near crime scenes and help establish timelines. The sharing of data amongst our neighboring agencies helps build a regional network that supports broader and more coordinated investigations.

Customers of Flock Safety own 100% of the data collected by their ALPR's and determine who can access it. Flock does not sell to third parties, every search is logged, and the data is permanently deleted after 60 days. We would reduce this to 30 days.

In recent months there has been some scrutiny around the nation regarding the use of Flock Safety's ALPR's. Critics rightly warn about risks of mass surveillance. Algorithmic

bias, privacy erosion, and misuse of data- especially when broad queries are run without meaningful oversight. We are mindful of those concerns and have State laws and Policies in place that clearly state how ALPR's are to be used. Our department views this technology as a tool- not a solution in itself- and only for investigative purposes. Our objective is not to surveil everyone, but to deter unlawful behavior and solve crime. ALPR technology is an example of a resource often referred to as a force multiplier for police departments since it can make a police department more efficient and effective.

The police department is not new to using ALPR's. We have them in all of our patrol vehicles. The downfall with our current system is the cameras are inside the vehicle and do not work well in the dark. These Flock cameras would be stand-alone poles with a camera and solar panel. The Maplewood's Association in Woodland has a Flock camera that we have access to. We are familiar with the system and have used it several times for investigative purposes. We have been successful in locating a hit and run recently. We have stopped several vehicles that have had hits for warrants and no driver's licenses.

We believe that four cameras placed around town would be beneficial for Deephaven. I have included numerous materials for your review. I look forward to the discussion on Monday evening.

Recommendation:
Approve the 36-month agreement with Flock Camera systems for a total of $12,000.00 per year. We do not own the cameras and they provide installation and all maintenance. For 2026 they are offering free install of poles and cameras, a savings of $2,600.00. There is a four to six-month backlog for installation.

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Starter Bundle



Product	Quantity	Total Price
LPR (4)(3k per unit, per year)	4	INCLUDED
One Time Installation Fee ($2,600) *Waived if moving forward Jan 2026*	4	INCLUDED
FlockOS		INCLUDED
	First Year Flock Cost	$12,000
	Recurring Flock Cost	$12,000

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Privacy Commitment

Let's defeat crime together.

Our commitment to **protecting the whole community**

Flock Safety helps thousands of cities prevent and eliminate crime with technology that captures objective evidence and delivers it into the hands that serve and protect. In our pursuit of a safer society, we place our commitment to protecting individual privacy and mitigating bias at the core of every policy and product we develop.

WE FOCUS ON PROTECTING PRIVACY AND ENABLING ACCOUNTABILITY

- Flock devices only capture objective evidence, whether vehicular, audio, or video. Flock does not enable predictive policing.
- Flock devices do not connect to databases to identify name, identifiers, addresses, or other information about people.
- The system always requires a documented search reason or case number every time a user accesses Flock data, creating a permanent audit trail for every user.
- Customers own 100% of all data captured on our devices. We never share or sell data with third parties.
- All images and metadata are encrypted in the cloud for maximum security compliance.
- Flock has created the first LPR Transparency Portal, provided to customers optionally for free, to document LPR usage, policies, and ROI for their community.



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Flock Safety

Security Claims & Facts

CLAIM

Flock has inadequate security standards.

FACT

Flock is relentlessly focused on data integrity and security, and secures data in accordance with the highest industry requirements. This includes strict encryption standards that use a 256-bit key to convert plain text into cipher – virtually impenetrable to brute-force attacks. Flock adheres to the following security frameworks and certifications, amongst others:

- ISO 27001 compliance certification (an international framework for IT security)
- SOC 2 Type II, assessed by an audit that assesses an organization's controls over its data and system
- NIST 800-53, an information security standard defined by the National Institute of Standards and Technology (NIST)
- Secure By Design principles program authored by the Cybersecurity and Infrastructure Security Agency (CISA)

CLAIM

Flock has been hacked.

FACT

Flock's platform has never been hacked. A recent YouTube video claims "80,000 cameras" have been hacked. This is false. The YouTuber in question gained limited access to one older generation camera that had never been connected to our system and had never received a security update, which we push out frequently. Flock cameras are not connected to each other; access to one does not provide access to any others. No access to Flock's cloud environment is possible via a camera. All customer data collected by Flock devices is encrypted at rest, in transit, and while stored in the cloud. Flock's cloud storage has never been compromised.



Flock Safety

CLAIM

It is possible to hack into Flock's cloud database from a Flock camera.

FACT

It is not possible to hack into Flock's cloud database from a Flock camera. Alleged vulnerabilities circulating on the internet have no effect on our cloud platform, where evidence and metadata is stored. Images sent to the cloud are fully encrypted in transit.

CLAIM

Flock does not update our hardware or mitigate identified vulnerabilities in our hardware system.

FACT

Flock publicly discloses identified vulnerabilities on a regular basis to the public vulnerability database maintained by MITRE, most recently in May 2025. Vulnerability identification and remediation is an ongoing process.

CLAIM

Flock does not require Multi-Factor Authentication for customers.

FACT

In November 2024, Flock made Multi-Factor Authentication (MFA) the default for all users, supported through common providers including Okta and Google Authenticator. For Single Sign-On (SSO), Flock supports multiple authentication methods including SAML, OIDC, and Azure-specific SSO. Following the decision to make MFA default, Flock proactively conducted outreach to thousands of law enforcement agencies to help them enable MFA, and the vast majority of Flock's law enforcement customers now use either MFA or SSO.

CLAIM

Foreign adversaries have access to the Flock system.

FACT

There is zero evidence that foreign actors have or have had any access whatsoever to Flock's system or cloud platform.



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Frequently Asked Legal Questions

What is the intent of this document?
To provide supplemental information and context for your review of our terms and conditions. Not only is our platform unique, but so is our collaborative approach. Please let us know if you think questions are missing, and we will make sure to answer them as best we can.

1

WHAT DOES FLOCK DO?

Flock is a public safety operating system that helps communities and law enforcement in 3,000+ cities work together to eliminate crime, protect privacy, and mitigate bias. We build devices (defined as Flock Hardware in the terms and conditions) that capture objective evidence and use machine learning to decode and deliver unbiased investigative leads to law enforcement. Our flagship proprietary devices are solar powered, utilize cloud-based software, are infrastructure free and assist in reducing crime. Flock provides the public safety operating system on a software-as-a-service model.

2

WHAT TECHNOLOGY DOES FLOCK PROVIDE AND WHAT IS FLOCK'S SERVICE MODEL?

Flock provides (hardware + software) under a service subscription model. As part of the fee, Flock will provide the required hardware and software in order to support our subscription, including ongoing maintenance and support. Customers will access Flock's software platform via web browser.

Additionally, if a device suffers from a manufacturer defect, Flock will replace the device at no additional fee. However, if a device is lost, stolen, vandalized, or damaged, the customer will be responsible for replacement. More details on our reinstall process is location in our Reinstall Fee Schedule (found in the terms and conditions).

3

WHAT IS FLOCK'S BILLING SCHEDULE AND WHEN DOES THE TERM START?

Flock invoices an annual fee that includes the hardware, maintenance, ALPR software, software updates, unlimited authorized users within an organization, standard 30 day unlimited data storage, LTE connectivity, solar panels, poles, mounting equipment, and device health monitoring.

The first invoice is issued within 24 hours after signature; however, the start of the term does not begin until the cameras are installed and validated. The second annual invoice will be according to the term start date, making sure the customer has a full year of use.

4

WHAT HAPPENS AFTER THE CONTRACT IS SIGNED?



5

HOW DO WE DECIDE WHERE THE DEVICES ARE INSTALLED?

Flock will work with customers to create a deployment plan for installation of hardware, taking into consideration factors such as sunlight, efficiency, impact, LTE coverage. Due to permitting and regulatory requirements, Flock maintains final discretion over the designated locations. Additionally, Flock will work with the customer to obtain any permits or additional licenses needed to install the devices.

6

WHO OWNS THE DEVICES?

Flock owns the devices. Flock does not convey ownership or title of the devices to our customers - the devices are not leased. Customers are not allowed to move, remove or relocate the devices. Flock is a software and hardware as a service company. Customers are paying for access to the Flock system and the data that the devices capture.

7

WHO OWNS THE DATA CAPTURED BY FLOCK'S DEVICES?

Customers own their own data captured by Flock devices. Customers can choose who to share their data with and allow local law enforcement to receive hotlist alerts from the device.

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8

WHAT IS THE CUSTOMER IMPLEMENTATION GUIDE?

Flock's Customer Implementation Guide details our device implementation process. This document is non-customizable and can be provided for reference during negotiations and will be included in the DocuSign package for signature once an agreement has been finalized.

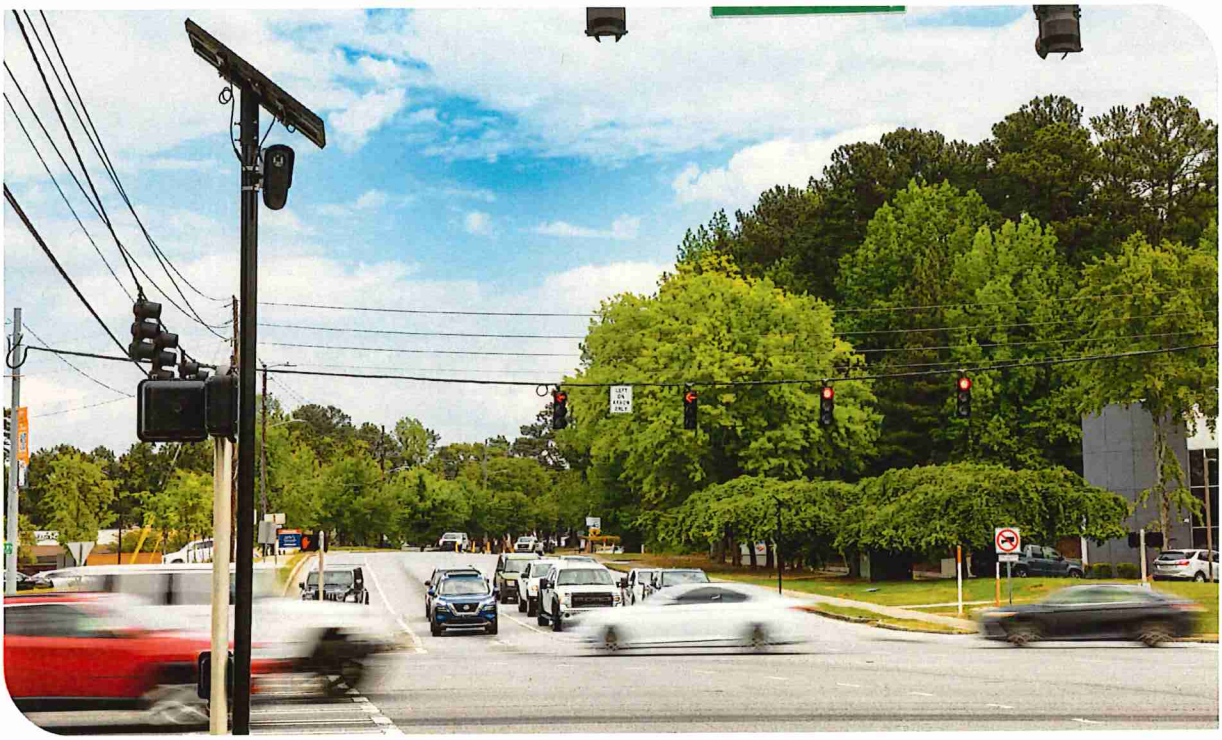
9

HOW DOES FLOCK PROTECT PRIVACY?

Flock understands the concerns with technology capturing private information, and has built technology to equitably protect privacy and promote public safety. Here's how:

- We focus on objective evidence: vehicles and license plates. Our devices capture vehicular features (i.e, make, color, license plate, state of the plate, timestamp) and do not capture biometric data, names, addresses, or phone numbers. However, Flock is able to support customer integration requests with a third party which does capture such information, subject to our API Terms (https://www.flocksafety.com/api-terms-service).
- Agencies completely own their data. Flock Safety does not sell the data to any third parties.
- Criminal Justice Information Service (CJIS) footage is stored, secured, and encrypted in AWS Government Cloud and automatically deleted according to Flock's retention period. Flock's standard retention period is thirty (30).
- Flock Safety LPR camera(s) takes photos of vehicles and their corresponding license plates.
- Please visit our privacy policy at: https://www.flocksafety.com/privacy-policy/

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10

CLARIFICATION FOR SELECT DEFINITIONS

- An example of a **"Flock Network End User"** would be any authorized end user from another Flock Customer (i.e., of the Flock's services) who has access to Flock's user interface/software (i.e, authorized users such as an officer from a different PD which is a customer of Flock).

- **"Anonymized Data"** is the small fraction (<1%) of anonymously compiled data from Flock devices that have been striped of any metadata, which is used for product enhancements to teach our machine learning software how to find specific types of vehicles, objects, descriptions (i.e., for 'machine learning') and never sold to third parties.

- **"Hotlist"** National Crime Information Center ("NCIC"), Amber Alerts and other lists of stolen vehicles, and vehicles wanted in connection with a crime. Only law enforcement officers get access to Hotlist alerts.

- **"Special Terms"** is a legal term of art which allows both parties to mutually alter and override the terms and conditions through a clause on the order form. Adding "Special Terms" is an option available to the parties during negotiations and can only be added with mutual consent. To the extent that any terms of the agreement are inconsistent or conflict with the Special Terms, the Special Terms shall control.

Already have a login with Flock Safety?
View your Deployments in Planning Portal for additional features.

Login to Flock

Coverage Proposal

MN - Deephaven PD

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Link Expires at 01/09/26, 3:52 PM

Search

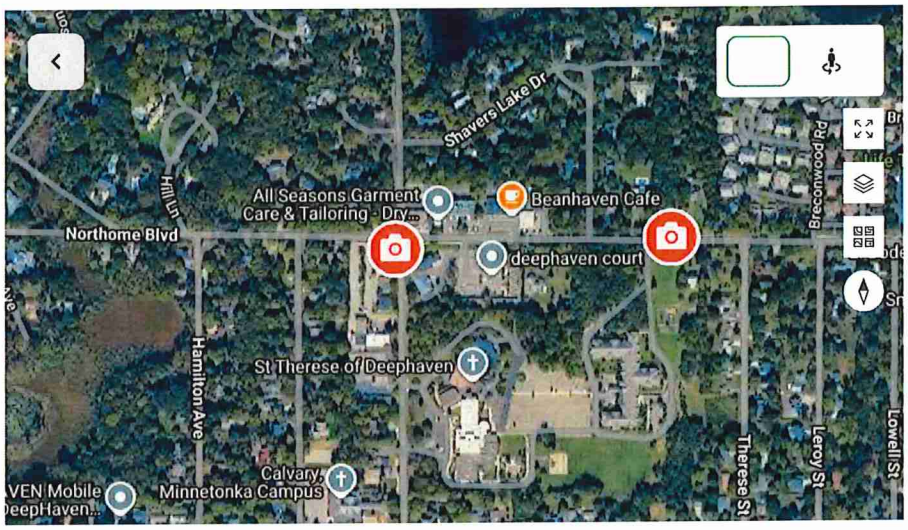
Polygons Filter

6 Locations

MN - Deephaven PD (6)
Deephaven PD

F#001 LPR @ Camera
DirectionOfTravel

F#002 LPR @



Show Streetview

200 m

Powered by Esri

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Login to Flock

Coverage Proposal

MN - Deephaven PD

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Search

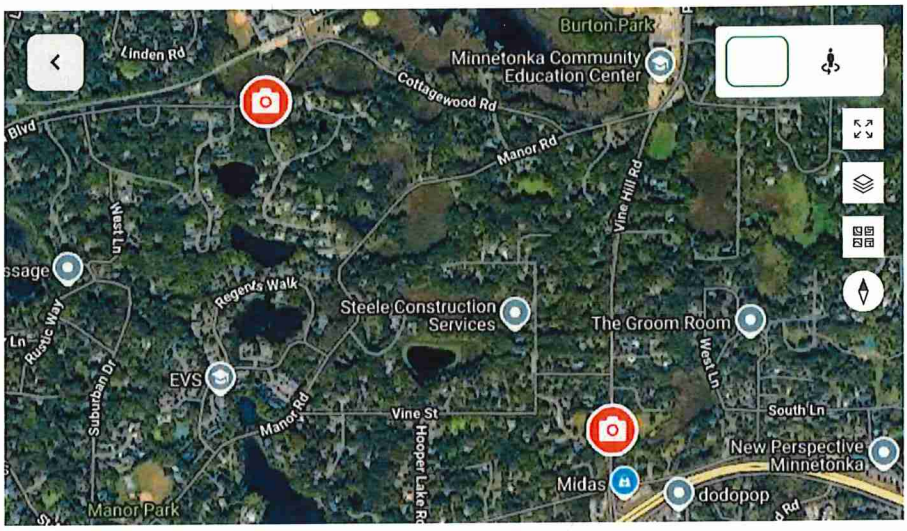
Polygons Filter

6 Locations

MN - Deephaven PD (6)
Deephaven PD

F#001 LPR @ Camera DirectionOfTravel

F#002 LPR @



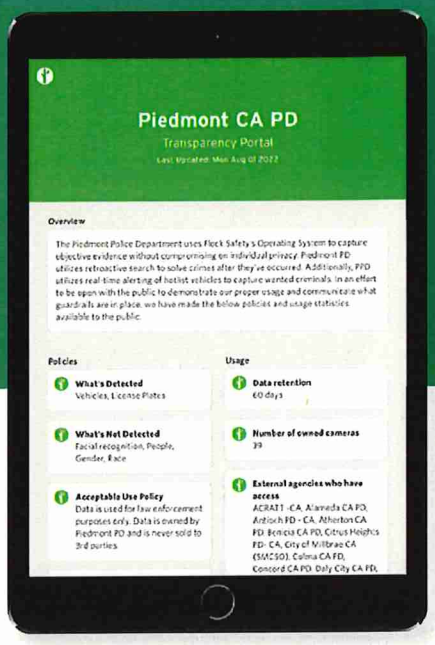
Show Streetview

500 m

Powered by Esri

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Transparency Portal

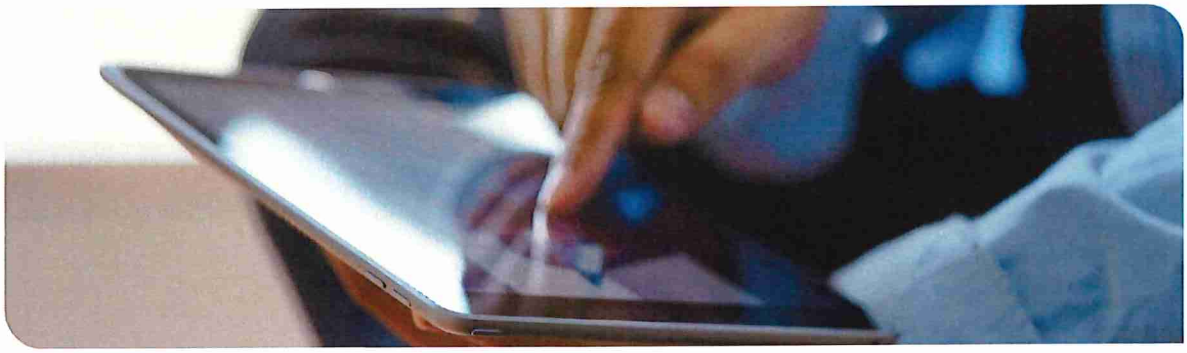


A New Way to Promote the Ethical Use of Technology in Public Safety

Flock Safety's Transparency Portal is the first public-facing dashboard for law enforcement agencies, city leaders, and local government officials to share policies, usage, and public safety outcomes related to automatic license plate recognition (ALPR) technology. Promote transparency and accountability in the use of policing technology to build community trust while creating a safer, more equitable society.

Make Your ALPR Policies and Usage Publicly Available with a Shareable Link.

Build trust and engage the public in a dialogue about ALPR's ability to capture objective evidence used by law enforcement to eliminate crime without invading citizens' privacy.



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Build Community Trust While Creating a Safer, More Equitable Society

Display your Flock Safety metrics automatically

Tout the ROI of ALPR to stakeholders in your community with real-time usage stats for Hot List alerts, vehicle detection, crimes solved, and more in fully customizable modules.

Provide easy access to search audit reports

Demonstrate your commitment to accountability and integrity by proactively providing access to downloadable search audit reports* detailing the user, date, number of cameras, and reason for each search conducted with Flock Safety.



"This technology provides officers the investigative leads necessary to go after suspects immediately, which is great for morale."

SGT. ADAM SENF
Vacaville, CA

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(866) 901-1781 | support@flocksafety.com

Flagstaff AZ PD

Transparency Portal

Last Updated: Wed Dec 10 2025

Overview

Flagstaff AZ PD uses Flock Safety technology to capture objective evidence without compromising on individual privacy. Flagstaff AZ PD utilizes retroactive search to solve crimes after they've occurred. Additionally, Flagstaff AZ PD utilizes real time alerting of hotlist vehicles to capture wanted criminals. In an effort to ensure proper usage and guardrails are in place, they have made the below policies and usage statistics available to the public.

Policies

Full ALPR Policy
Flagstaff PD's full ALPR policy can be found at the following link:
https://www.flagstaff.az.gov/DocumentCenter/View/92542/Updated_Policy-317-Automatic-License-Plate-Readers-

What's Detected
License Plates, Vehicles

What's Not Detected
Facial recognition, People, Gender, Race

Acceptable Use Policy
Data is used for law enforcement purposes only. Data is owned by Flagstaff AZ PD and is never sold to 3rd parties.

Prohibited Uses
Immigration enforcement, traffic enforcement, harassment or intimidation, usage based solely on a protected class (i.e. race, sex, religion), Personal use.

Access Policy
All system access requires a valid reason, and these reasons are stored indefinitely in an audit log.

Hotlist Policy
Hotlist hits are required to be human verified prior to action. Per FPD policy, officers must receive supervisor approval for hotlist entries.

Usage

Data retention (in days)
14 days

Number of LPR and other cameras
36

Organizations granted access to Flagstaff AZ PD data
Coconino AZ SO, Northern Arizona University Campus AZ PD

Hotlists Alerted On
NCIC, NCMEC Amber Alert

Unique vehicles detected in the last 30 days
223,820

Hotlist hits in the last 30 days
2,033

Searches in the last 30 days
565

Provided by Flock Safety

Website example

Moorhead Police Department Implements Flock Safety Technology

Post Date: 07/14/2025 1:00 pm

The Moorhead Police Department has implemented the use of Flock Safety technology to enhance public safety and crime-solving capabilities. Flock cameras are motion-activated cameras that can identify details of vehicles that pass by. The cameras capture the make, vehicle type, color, license plate (full, partial, or missing), state of the plate, and unique features, including damage and after-market alterations.

This advanced technology enables us to capture objective evidence while safeguarding individual privacy. The Moorhead Police Department, in accordance with Minnesota law, has established policies to ensure the responsible use of Flock technology. This valuable tool will aid in criminal investigations, and we are committed to adhering to all state statutes to prevent any misuse of the system.

Key Features and Policies:

- **Objective Evidence Collection**: Flock Safety technology detects license plates and vehicles, but does not capture facial recognition, people, gender, or race.
- **Retroactive Search**: This feature helps solve crimes after they have occurred by providing valuable investigative data.
- **Real-Time Alerts**: The system alerts us to hotlist vehicles, aiding in active investigations.

Commitment to Privacy and Proper Usage:

- **Acceptable Use Policy**: Data is used strictly for law enforcement purposes and is never sold to third parties.
- **Prohibited Uses**: In Minnesota, this technology is not used for immigration enforcement, traffic enforcement, harassment, or any use based solely on a protected class (e.g., race, sex, religion). Personal use is also prohibited.
- **Access Policy**: The system can only be accessed by authorized law enforcement personnel. All system access requires a valid reason and is logged indefinitely.

Moorhead Usage Statistics and Transparency:

- **Data Retention**: Data is retained for 30 days.
- **Unique Vehicles Detected**: In the last 30 days, 190,030 unique vehicles were detected.
- **Searches Conducted**: 56 searches have been conducted in the last 30 days.

Additional Information:

- Flock Safety technology is a valuable tool for investigating crimes within the city.
- The Moorhead Police Department adheres to Minnesota statutory requirements regarding the use of automatic license plate readers to ensure community privacy and protection.
- Data collected is limited to license plate numbers, date, time, and location of vehicles, including pictures of the plates and vehicles.
- Flock cameras are not used to monitor or track individuals unless authorized by a search warrant based on probable cause or vital circumstances.
- All data collected is deleted after 30 days unless associated with a specific criminal case.
- A public log of Automated License Plate Recognition (ALPR) use is maintained, including times of data collection, the number of vehicle plates collected, and the location of the ALPR cameras. Specific identifying information is not provided in the public log.

- Internal access to ALPR data is strictly controlled and logged according to department policy, based only on reasonable suspicion related to an active criminal investigation.
- These cameras do not have video capability and cannot be used for red-light violations or similar enforcement.

Flock Safety Technology was recently used in Moorhead for the recovery of a stolen rental vehicle. The vehicle was located within minutes of getting a hit for a stolen vehicle and recovered without incident.

The Moorhead Police Department is committed to transparency and ensuring the proper use of Flock Safety technology to enhance public safety while respecting individual privacy.

For more information, please contact the Moorhead Police Department or see the links below.

Flock Safety Moorhead, MN Transparency Portal: https://transparency.flocksafety.com/moorhead-mn-pd

Minnesota Statutes on ALPR: https://www.revisor.mn.gov/statutes/cite/13.824

More >>

DEEPHAVEN POLICE DEPARTMENT

POLICY: AUTOMATED LICENSE PLATE RECOGITION

POLICY #- L-1

EFFECTIVE DATE: 02/03/23

REVIEW DATE: 08/01/2025

APPROVED BY: Chief

Title: Automated License Plate Recognition (ALPR) System

Distribution: Sworn Officers

It shall be the policy of this department to allow the use of Automated License Plate Recognition (ALPR) systems in accordance with Minnesota Statutes and as outlined in this policy.

A. Definition

1. "Automated license plate reader" means an electronic device mounted on a law enforcement vehicle or positioned in a stationary location that is capable of recording data on, or taking a photograph of, a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement databases for investigative purposes. Automated license plate reader does not include a traffic safety camera system.

B. Overview

1. The ALPR system is a computer-based technology that captures license plate numbers and compares them with data in the Minnesota license plate data file.

2. Per MN Statute 13.824 Subd. 2(c), data collected by an automated license plate reader may only be matched with data in the Minnesota license plate data file, provided that a law enforcement agency may use additional sources of data for matching if the additional data relate to an active criminal investigation.

3. Data collected shall be limited to:
    a) License plate numbers
    b) Date, time, and location data on vehicles
    c) Pictures of license plates, vehicles, and areas surrounding the vehicles

4. Collection of any data not authorized by MN Statute 13.824 Subd. 2(a) is prohibited.

5. Data collected by an automated license plate reader are private data on individuals or nonpublic data unless the data are public under section 13.82, subdivision 2, 3, or 6, or are active criminal investigative data under section 13.82, subdivision 7.

6. Automated license plate readers must not be used to monitor or track an individual who is the subject of an active criminal investigation unless authorized by a warrant, issued upon probable cause, or exigent circumstances justify the use without obtaining a warrant.

7. A person must not use a traffic safety camera system for purposes of this section (Subd. 2a).

C. Operator Responsibilities

1. Only department personnel trained in the proper use of the ALPR system may operate the system(s).

2. The ALPR system shall only be used for official and legitimate law enforcement business.

3. Operators receiving a "hit" on the ALPR system shall obtain independent verification of the information associated with the "hit" prior to taking any enforcement action. Verification shall be made by running the information through the state real-time data system using either the MDC or Dispatch, or through confirmation received from the source that generated the data resulting in the "hit".

4. Any problem with the ALPR systems should be reported promptly to the Chief of Police.

D. Data Storage and Retention

1. Notwithstanding section 138.17, and except as otherwise provided in MN Statute 13.824 Subd. 3:

    a) Data collected by an automated license plate reader that are not related to an active criminal investigation must be destroyed no later than 60 days from the

date of collection.

b) Upon written request from an individual who is the subject of a pending criminal charge or complaint, along with the case or complaint number and a statement that the data may be used as exculpatory evidence, data otherwise subject to destruction must be preserved by the law enforcement agency until the criminal charge or complaint is resolved or dismissed.

c) Upon written request from a program participant under chapter 5B, automated license plate reader data related to the program participant must be destroyed at the time of collection or upon receipt of the request, whichever occurs later, unless the data are active criminal investigative data. The existence of a request submitted under this paragraph is private data on individuals.

d) Data that are inactive criminal investigative data are subject to destruction according to the retention schedule for the data established under section 138.17.

E. Release and Sharing of Data

1. ALPR information gathered and retained by the department may be used and shared with prosecutors and other law enforcement agencies for legitimate law enforcement purposes or as otherwise permitted by law and in accordance with applicable department policies and in compliance with Minnesota Statute 13.824 Subds. 4 and 7.

2. Automated license plate reader data that are not related to an active criminal investigation may only be shared with, or disseminated to, another law enforcement agency upon meeting the standards for requesting access to data as provided in MN Statute 13.824 Subd. 7.

3. If data collected by an automated license plate reader are shared with another law enforcement agency under this subdivision, the agency that receives the data must comply with all data classification, destruction, and security requirements of this section.

F. Access to ALPR Data

1. The ability of authorized individuals to enter, update, or access automated license plate reader data will be limited through the use of role-based access that corresponds to the official duties or training level of the individual and the statutory authorization that grants access for that purpose.

2. All queries and responses, and all actions in which data are entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit trail are public, to the extent that the data are not otherwise classified by law.

3. Only those approved by the Chief of Police may access the data collected by the ALPR system. The data accessed must be pertinent to an active criminal investigation. A record of all data queries shall be generated indicating the factual basis for the access and any associated case number, complaint or basis for the access.

G. Logging and Public Records

1. The Department will maintain a public log of its use, including but not limited to:

    a) Specific times of day that the reader actively collected data;

    b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal databases with which the data were compared, unless the existence of the database itself is not public;

    c) For each period of active use, the number of vehicles or license plates in each of the following categories where the data identify a vehicle or license plate that has been stolen, a warrant for the arrest of the owner of the vehicle or an owner with a suspended or revoked driver's license or similar category, or are active investigative data;

H. Records Review and Audit

1. The Police Chief or their designee will maintain a record for the purpose of audit. The record shall show the date and time ALPR data was collected and the applicable classification of the data.

2. The data shall be reviewed on a biennial basis, by a person independent of the police department to verify whether the data is classified, how the data was used, whether the data was destroyed in compliance with this policy and to verify the data was accessed in compliance with this policy and MN Statute 13.824 Subd. 6.

3. The results of the audit are public. The commissioner of administration shall review the results of the audit. If the commissioner determines that there is a pattern of substantial noncompliance with this section by the law enforcement agency, the agency must immediately suspend operation of all automated license plate reader devices until the commissioner has authorized the agency to reinstate their use.

4. A report summarizing the results of each audit must be provided to the commissioner of administration, to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy no later than 30 days following completion of the audit.

THE AXTELL GROUP

August 07, 2025

Chief Cory Johnson
Deephaven Police Department
20225 Cottagewood Road
Deephaven, Minnesota 55331

RE: Biennial Audit of Automated License Plate Reader (ALPR) Program

Chief Johnson,

Pursuant to the professional services agreement between The Axtell Group and the Deephaven Police Department, The Axtell Group has completed an independent biennial audit of the department's Automated License Plate Reader (ALPR) program, as required under Minnesota Statutes, section 13.824, subdivision 6. The Axtell Group found the Deephaven ALPR program operates in compliance as prescribed in state law.

The scope of this audit focused on whether the Deephaven Police Department (DPD) has implemented the appropriate policies, procedures, systems, and operational practices to collect, classify, retain, secure, and manage ALPR data in compliance with Minnesota Statutes §§13.824 and 626.8472. Our assessment reviewed the use of ALPR data, whether retention and destruction protocols meet the statutory 60-day requirement under subdivision 3, and whether the program meets the specific obligations set forth under subdivisions 4 (sharing among agencies), 5 (log of use), 7 (authorization to access), and 8 (notification to the BCA) of section 13.824.

Scope of Audit

The audit conducted by The Axtell Group included a detailed review of the following elements:

- Department policies and procedures governing ALPR use
- Access logs and audit trails
- ALPR-related training and user authorization records
- Current ALPR vendor contract
- Inventory of ALPR equipment

- Interviews with personnel responsible for managing ALPR data access, retention, release, and destruction

Legal and Operational Standards Assessed

The following statutory requirements and audit elements formed the basis of the review:

- Data collection, classification, and permissible uses
- Data destruction and retention protocols
- Inter-agency sharing restrictions and compliance
- Authorization to access data
- Biennial audit requirement
- Notification to the Bureau of Criminal Apprehension (BCA)

Background

The Deephaven Police Department, located in Hennepin County, Minnesota, serves the community with a staff of dedicated law enforcement professionals. The department implemented its ALPR program and went live on May 23, 2023, utilizing Motorola Solutions ALPR systems to support investigative and public safety objectives.

As of the date of this audit, the Deephaven Police Department operates no (zero) fixed ALPR cameras and 4 (four) mobile or flex units, with data managed through the Motorola Solutions web-based platform. Authorized personnel may access ALPR data via department workstations, and data is retained only in accordance with state law and department policy for legitimate law enforcement purposes.

We appreciate the cooperation of the Deephaven police chief throughout this process and commend the department's efforts to maintain transparency and accountability in its use of ALPR technology. Should you have any questions about the findings or wish to discuss the results further, please do not hesitate to contact me directly.

Todd Axtell
President and CEO
The Axtell Group

AUDIT REPORT

SECTION 1: Data Collection, Retention & Destruction

Item	Description	Statute	Testing Procedure	Result
1.1	Data collected by an ALPR are limited to (1) license plate numbers; (2) date, time, and location data on vehicles; and (3) pictures of license plates, vehicles, and areas surrounding the vehicles.	§13.824, subd. 2(a)	Reviewed department policy L-1, section B. 3. Interviewed the department ALPR program administrator.	No exceptions found
1.2	Data is classified as private/nonpublic except when classified as public or as active criminal investigative data under §13.82.	§13.824, subd. 2(b)	Reviewed department policy L-1, section B. 5. Confirmed by the ALPR program administrator.	No exceptions found
1.3	ALPR data is only matched to data in the Minnesota license plate data file, unless additional data relates to an active criminal investigation.	§13.824, subd. 2(c)	Reviewed department policy L-1, section B. 2. Confirmed by the program administrator.	No exceptions found

1.4	Readers are not used to monitor or track an individual unless authorized by a warrant, issued upon probable cause, or exigent circumstances.	§13.824, subd. 2(d)	Reviewed department policy L-1, section B. 7. Confirmed by the program administrator.	No exceptions found
1.5	ALPR data is collected only by authorized equipment (traffic safety camera systems may not be used).	§13.824, subd. 2a	Reviewed department policy L-1, section B. 7. Confirmed by the program administrator.	No exceptions found
1.6	ALPR data not related to active investigations is deleted within 60 days.	§13.824, subd. 3(a)	Reviewed department policy L-1, section D. 1. Confirmed existing practice in audit queries report.	No exceptions found
1.7	Upon a written request from an individual that is the subject of pending criminal charge or complaint, ALPR data is preserved until the charge or complaint is resolved or dismissed.	§13.824, subd. 3(b)	Reviewed department policy L-1, section D.1. (b). Confirmed by the program administrator that there were no requests made during this audit period.	No exceptions found
1.8	Upon written request from a program participant under Chapter 5B, ALPR data must be destroyed, unless the data are active criminal	§13.824, subd. 3(c)	Reviewed department policy L-1, section D.1. (c). Confirmed by the program administrator that there were no requests made	No exceptions found

	investigative data. The request is private data.		during this audit period.	
1.9	Inactive criminal investigative data is subject to destruction according to the retention schedule under §138.17.	§13.824, subd. 3(d)	Reviewed department policy L-1, section D.1. (d). This practice was confirmed by the program administrator.	No exceptions found

SECTION 2: Access Controls & User Authorization

Item	Description	Statute	Testing Procedure	Notes
2.1	Only authorized personnel have access to ALPR data.	§13.824, subd. 7(b)	Reviewed department policy L-1, section F. 3. Confirmed practice by the program coordinator.	No exceptions found
2.2	Access is limited to legitimate law enforcement purposes.	§13.824, subd. 7(b)	Reviewed department policy L-1, section F. 1. Confirmed practice by the program coordinator.	No exceptions found
2.3	Access to data is logged and includes every access event with	§13.824, subd. 7(c)	Reviewed several Motorola audit queries list reports	No exceptions found

	date/time, user ID, query plate, and purpose.		and confirmed audit parameters exist.	

SECTION 3: Audit Trail & Logs

Item	Description	Statute	Testing Procedure	Notes
3.1	A public log captures the specific times of day that a reader actively collects data.	§13.824, subd. 5(a)(1)	Reviewed department policy L-1, section G. Reviewed Motorola System hit report.	No exceptions found
3.2	A public log captures the number of vehicles or license plates on which data were collected and the databases to which the data were compared (unless the existence of the database is not public).	§13.824, subd. 5(a)(2)	Reviewed department policy L-1, section G. Reviewed Motorola System hit report.	No exceptions found
3.3	A public log captures the number of vehicles or license plates where the data identify a stolen vehicle, a warrant for arrest of the owner, an owner with a suspended or revoked driver's license (or similar), or other active investigative data.	§13.824, subd. 5(a)(3)	Reviewed department policy L-1, section G. Reviewed Motorola System hit report.	No exceptions found

3.4	A public log captures the location of fixed readers.	§13.824, subd. 5(a)(4)	Not applicable to the Deephaven program.	
3.5	The agency maintains a list of current and previous locations of fixed ALPRs or other surveillance devices with ALPR capabilities.	§13.824, subd. 5(b)	Not applicable to the Deephaven program.	
3.6	System logs capture the date and time ALPR data were collected and the applicable classification.	§13.824, subd. 6(a)	Reviewed Motorola audit queries report and confirmed system functionality.	No exceptions found
3.7	The agency uses appropriate safeguards to ensure only authorized persons access ALPR data for authorized purposes.	§13.824, subd. 7(a) and (b) and §13.05, subd. 5(2)	Reviewed department policy L-1, sections F. 1. through 3. Confirmed practice via an interview with the program administrator.	No exceptions found
3.8	Logs are reviewed for inappropriate or unauthorized access.	§13.824, subd. 7	Reviewed department policy L-1, section 1. E. Interviewed the department ALPR program administrator.	No exceptions found

SECTION 4: Data Security & System Safeguards

Item	Description	Statute	Testing Procedure	Result
4.1	ALPR system is secured with administrative and technical safeguards (e.g., passwords, encryption).	§13.824, subd. 7(a) and (b) and §13.05, subd. 5(2)	Confirmed this is a standard practice/safeguard built into the Motorola Solutions platform.	No exceptions found
4.2	Physical access to ALPR hardware and terminals is controlled.	§13.824, subd. 7(a) and (b) and §13.05, subd. 5(2)	Confirmed by ALPR administrator via interview. Mobile systems secured in department patrol vehicles and restricted to department personnel.	No exceptions found

SECTION 5: Policy

Item	Description	Statute	Testing Procedure	Result
5.1	Department has a written ALPR policy governing use, access, and retention.	§626.8472	Reviewed the Department's policy, which is published online.	No exceptions found
5.2	The policy incorporates the employee disciplinary standards for unauthorized access to data contained in §13.09	§626.8472	Reviewed department policy P-7, Professional Conduct of Officers. Discipline as a remedy for unauthorized use.	No exceptions found

SECTION 6: Interagency Data Sharing & Disclosure

Item	Description	Statute	Testing Procedure	Result
6.1	ALPR data shared only with authorized entities and for lawful purposes under sub. 7.	§13.824, subd. 4(a) and (b)	Reviewed department policy L-1, section E. 1. through 3. Interviewed the program administrator to confirm practice.	No exceptions found

SECTION 7: Audit Report & Public Access

Item	Description	Statute	Testing Procedure	Result
7.1	Biennial audits. The agency arranges for a biennial audit.	§13.824, subd. 6	The Department first began use of ALPRs in 2023. This is the agency's first audit. The Department has arranged for this independent audit and expressed its intent to continue to comply with the statutory audit requirement.	No exceptions found

7.2	Audit reports are retained by the agency and provided to the Commissioner, legislative chairs and ranking members, and the Legislative Commission on Data Practices	§13.824, subd. 6	First audit and report created in 2025 and submitted to the required bodies in August 2025.	No exceptions found
7.3	Audit reports are available to the public.	§13.824, subd. 6		No exceptions found

SECTION 8: Notification to BCA

Item	Description	Statute	Testing Procedure	Result
8.1	Notification to the BCA within 10 days of installation or use.	§13.824, subd. 8	Reviewed MN DPS public notice website: https://dps.mn.gov/agencies-use-lprs-lpr Reviewed email documents that confirmed notice of ALPR notification to the MN BCA in February 2023.	Exception found – Corrected. See audit note below.

Audit Note: Auditors found the Deephaven Police Department was not listed on the MN DPS public notice webpage as a department employing ALPR technology. The Deephaven Police Department was able to produce email records and a completed DPS ALPR submission form dated in February of 2023 during the audit. Communication occurred with the DPS and the public notice page was corrected.

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM

20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, January 5, 2026
5:00 p.m. Council Workshop
Fireworks Fundraising Options

The City Council approved a contract with Res Pyro for the provision of fireworks for the 250th Semiquincentennial Anniversary of the United States. The contract is for an approximate 30 minute show starting around 10 p.m. on July 4th at the cost of $50,000. Initially, the City was planning to partner with the Cottagewood Foundation on fundraising efforts. Due to a capital campaign and other practical difficulties, the Cottagewood Foundation is no longer able to serve as the point entity for fundraising efforts.

The Minnetonka Yacht Club has stepped forward as an entity that may be interested in taking the lead on the 2026 Fireworks Fundraising Campaign. Attached for the Council's discussion and review is a proposal they have pulled together that outlines their vision of roles and responsibilities if the City were to bring them on as a partner for the event.

Members of staff and the Council can discuss the Yacht Club proposal at Workshop on Monday evening and review any other options or alternatives the City may want to explore in finalizing the partnerships and / or fundraising plan for the Semiquincentennial Event. As always, please feel free to reach out with any questions, comments, or requests for additional information prior to the meeting.

Sincerely,

Dan Madsen
City Administrator, Special Counsel
Deephaven, Minnesota

Memorandum of Understanding (MOU)

1. Purpose

The Parties desire to collaborate on a July 4 fireworks event currently referred to as **"MYC–Deephaven Stars"** (the "Event"). The City will continue to own and execute the fireworks display, while MYC and the Foundation will support fundraising and provide limited, private viewing at MYC facilities.

The Parties acknowledge that the public-facing name of the Event may evolve and is not required to include the City's name, provided the City is acknowledged as a partner where appropriate.

---

2. Event Overview

- **Event Date:** July 4, 2026
- **Rain Date:** None
- **Fireworks Vendor:** Contracted and managed by the City
- **Viewing:**
    - Public viewing from public areas
    - Limited, invitation-only viewing at MYC facilities

---

3. Roles and Responsibilities

City of Deephaven

- Contracting and permitting for the fireworks display
- Police detail, marine patrol, and emergency services
- Public safety coordination
- Marketing and community outreach support
- Financial contribution of **$10,000**

Minnetonka Yacht Club and Sailing School

- Hosting limited, private viewing at MYC facilities

- Managing access, capacity, and on-site operations
- Alcohol service limited to the MYC bar
- Shared parking coordination with the City

MYC Foundation

- Conducting fundraising activities
- Accepting charitable donations
- Administering donor-related access benefits

---

4. Access and Capacity

- The fireworks display remains publicly viewable from public areas.
- Access to MYC facilities is limited, private, and controlled by MYC.
- Donation-related access does not constitute ticket sales.
- MYC is not obligated to provide public access to its facilities.

---

5. Safety and Operations

- **Parking:** Shared
- **Police:** City
- **Marine Patrol:** City
- **Emergency Services:** City
- **Road Closures:** None

---

6. Insurance and Liability

Each Party shall maintain its own customary insurance coverage. The City shall maintain insurance related to the fireworks vendor and will use reasonable efforts to ensure MYC and the Foundation are named as additional insureds where available.

Each Party is responsible for its own acts and omissions to the extent permitted by law.

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7. Term

This MOU shall terminate automatically following completion of the Event or earlier cancellation due to safety or weather concerns.

---

8. General Provisions

- This MOU does not create a partnership, joint venture, or agency relationship.
- This MOU is governed by Minnesota law.
- Except for insurance and governing law provisions, this MOU reflects non-binding good-faith intentions.

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9. Signatures

Minnetonka Yacht Club and Sailing School
By: _____
Name / Title / Date

City of Deephaven
By: _____
Name / Title / Date

MYC Foundation
By: _____
Name / Title / Date

STAFF REPORT
Pat Smith, Planning Director

Deephaven Planning Commission
October 21, 2025

BACKGROUND

At the City Council/Planning Commission joint work session, one of the items that the City Council wanted the Planning Commission to discuss was updating the City's residential building coverage regulations.

Deephaven currently has building coverage limits based on the zoning district, but not based on the size of the lot.

R-1 zoning district – 8,000 SF
R-2 zoning district – 6,000 SF
R-3 zoning district – 4,500 SF

The maximum building size in the R-3 district is the same for a 6,000 SF lot as a 20,000 SF lot – 4,500 SF.

Similar to hardcover, cities typically have a sliding scale for maximum building coverage.

	Building Coverage (principal Building and all accessory buildings)
Wayzata R-1A	10%
Wayzata R-1	15%
Wayzata R-2A	20%
Excelsior	Up to 10,000 SF – 25% Between 10,000-14,000 – 2100 SF + 5% Over 14,000 – 20%
Downers Grove	32%
Woodland	10% for lots greater than 16,500 SF

Minnetonka (25%), Tonka Bay (30%) and Greenwood use Floor Area Ratio to regulate the massing of single-family homes.

Staff researched the new houses that have been built in each zoning district over the past eight years. The charts are attached.

Staff recommends the following building coverage limits.

	R-1	R-2	R-3
Building Coverage, more than one story	15% or 8,000 SF - whichever is less	15% or 6,000 SF - whichever is less	15% + 1,000 SF or 4,500 SF - whichever is less
Building Coverage, one story	20% or 8,000 SF - whichever is less	20% or 6,000 SF - whichever is less	20% + 1,000 SF or 4,500 SF - whichever is less

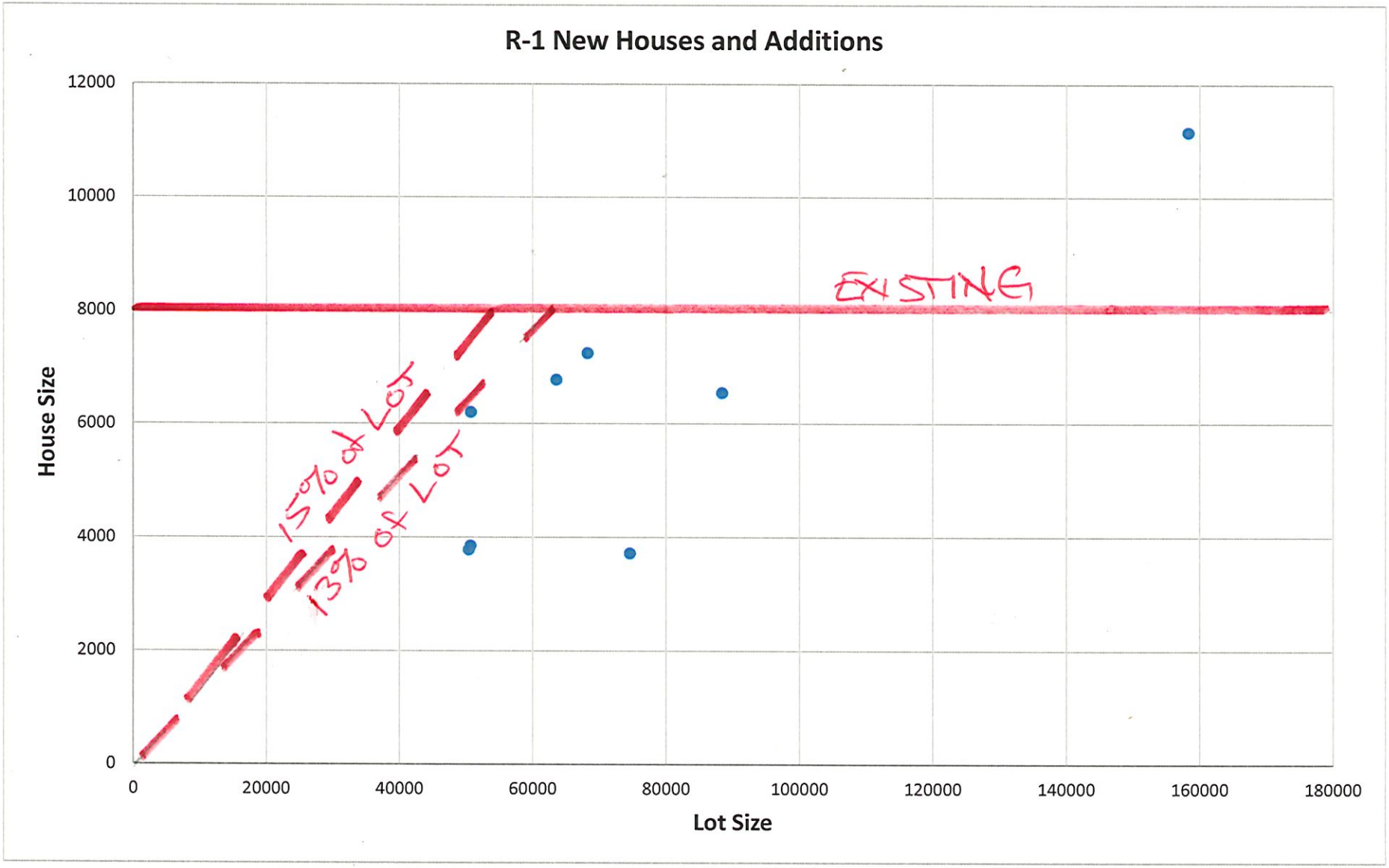
- R-1 – 15% or 8,000 SF, whichever is less (7 of 8 new homes would still meet this limit)
- R-2 – 15% or 6,000 SF, whichever is less (28 of 31 new homes would still meet this limit)
- R-3 – 15% + 1000 SF or 4,500 SF, whichever is less (52 of 57 new homes would still meet this limit)

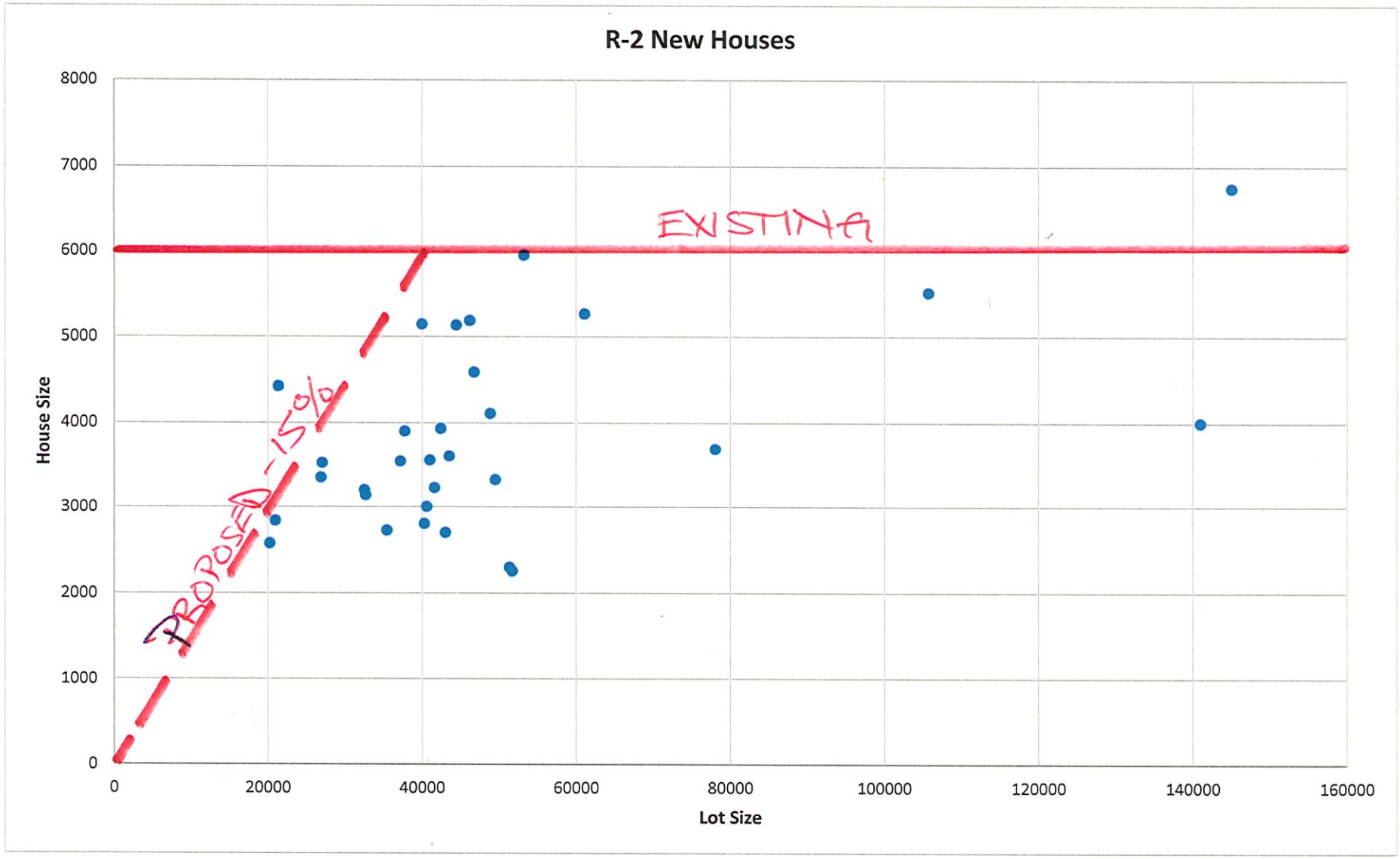
PLANNING COMMISSION ACTION REQUESTED

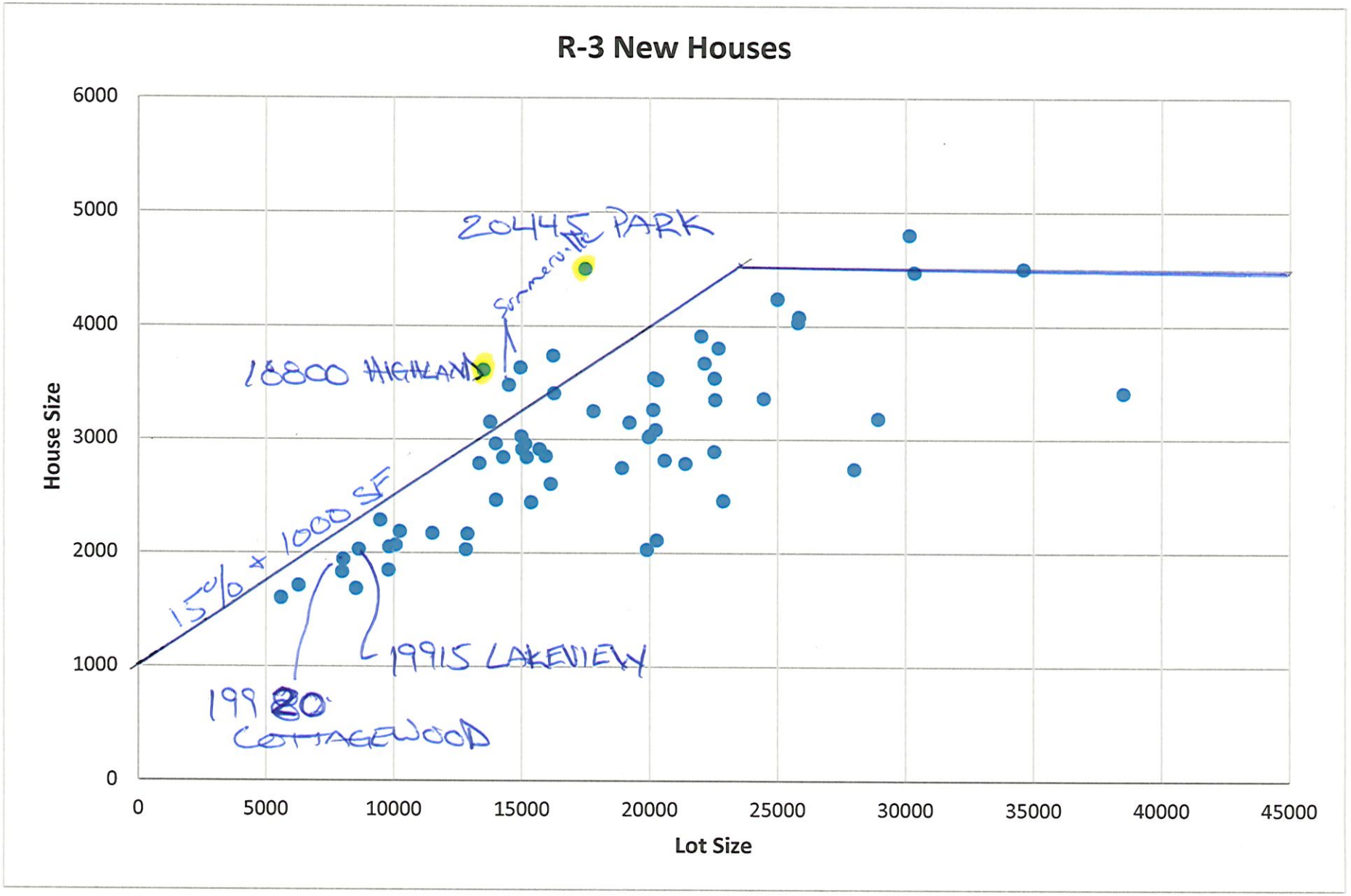
The Planning Commission should discuss the recommended building coverage limits and schedule a public hearing for the October 21, 2025 Planning Commission meeting.

Attachments:

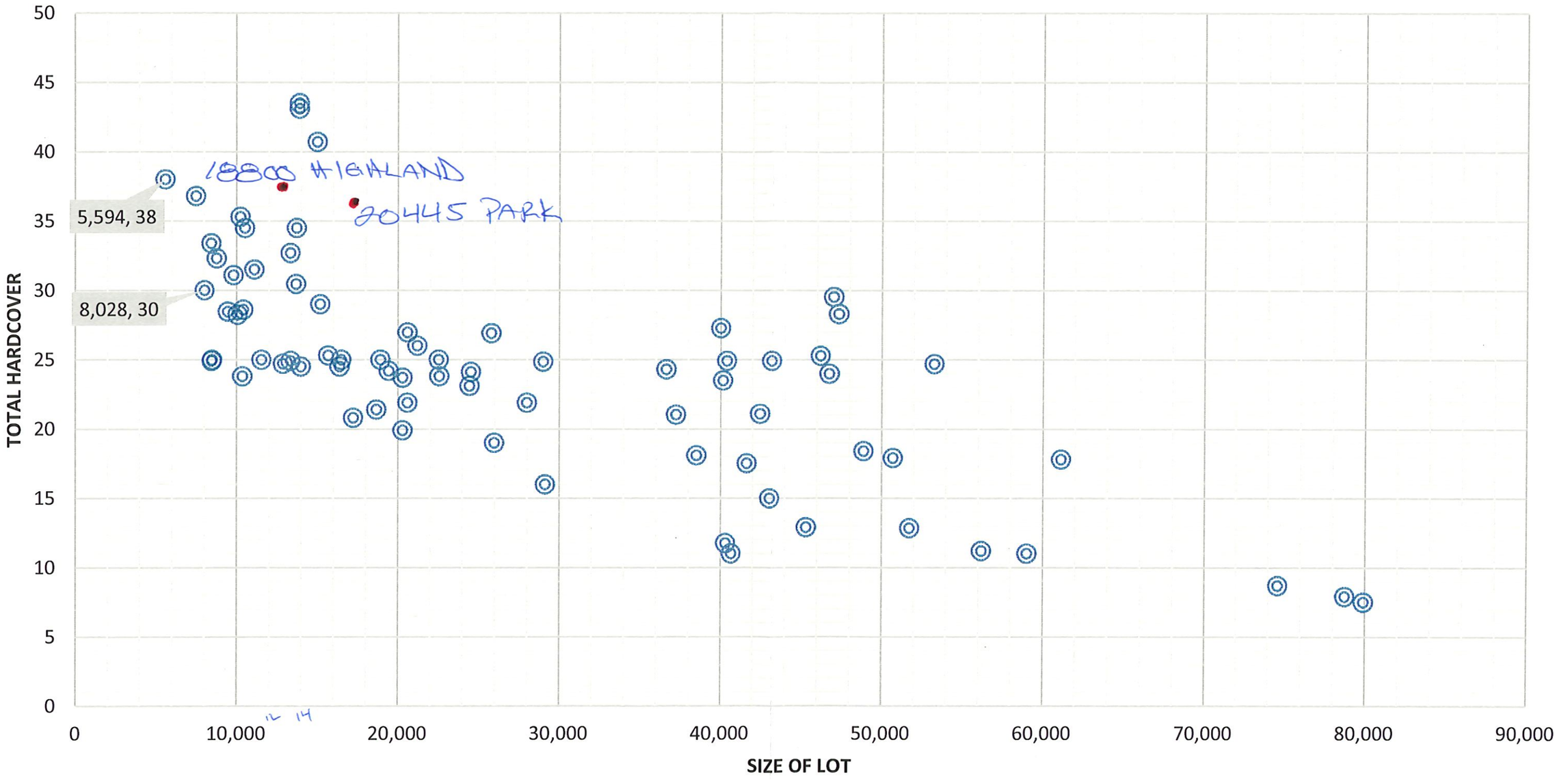
1) Chart of New Homes Built in the R-1 Zoning District
2) Chart of New Homes Built in the R-2 Zoning District
3) Chart of New Homes Built in the R-3 Zoning District


R-1 New Houses and Additions
House Size
Lot Size
12000
10000
8000
6000
4000
2000
0
0
20000
40000
60000
80000
100000
120000
140000
160000
180000
EXISTING
15% of LOT
13% of LOT


R-2 New Houses
House Size
Lot Size
8000
7000
6000
5000
4000
3000
2000
1000
0
0
20000
40000
60000
80000
100000
120000
140000
160000
EXISTING
PROPOSED - 15%


R-3 New Houses
House Size
Lot Size
6000
5000
4000
3000
2000
1000
0
0
5000
10000
15000
20000
25000
30000
35000
40000
45000
20445 PARK
18800 HIGHLAND
15% x 1000 SF
19915 LAKEVIEW
1980
COTTAGEWOOD

Total Hardcover



LEGAL DESCRIPTION (20560 SUMMERVILLE):
Parcel A: Tract B, Registered Land Survey No. 1702, Hennepin County; Minnesota.

Parcel B: That part of Lot 7 in Austin's Rearrangement of part of Summerville, described as follows: Beginning at a point in the Southeasterly line of said Lot 7, where a Northeasterly extension of the Southerly boundary line of Lot 18, Summerville, Lake Minnetonka would intersect the said Southwesterly line of said Lot 7; thence Northwesterly along said Southwesterly line of said Lot 7, 190 feet thence Northeasterly at right angles 75 feet; thence Southeasterly to a point 50 feet Northeasterly from the to the place of beginning on a line drawn at right angles to the said Southwesterly line of said Lot 7; thence Southwesterly to the place of beginning, together with all lands and all shore and lake rights and privileges Northwesterly of the tract so bounded and described and between a line drawn from the most Northerly corner thereof to the shore line of Lake Minnetonka at low water (said line being parallel with said Southwesterly line of said Lot 7) and said Southwesterly line of said Lot 7 extended to the shore line of Lake Minnetonka at low water.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
6. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
7. Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.

Approved by
Bob Bean, P.E.
3/17/21

PROPOSED ELEVATIONS
FIRST FLOOR (SUB-FLOOR) = 942.50
BASEMENT FLOOR = 932.50
GARAGE FLOOR = 938.00

AS-BUILT ELEVATIONS
FIRST FLOOR (SUB-FLOOR) = 942.7
GARAGE FLOOR = 938.0



AS-BUILT HARDCOVER

House	3,274 Sq. Ft.
Front Porch/Steps	252 Sq. Ft.
Rear Porch/Chimney	337 Sq. Ft.
Bituminous Driveway	1,056 Sq. Ft.
Shed	103 Sq. Ft.
Retaining Walls	56 Sq. Ft.
Side Conc. Steps	68 Sq. Ft.
TOTAL AS-BUILT HARDCOVER	5,146 Sq. Ft.
AREA OF LOT TO OHW	14,944 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	34.4%

PROPOSED HARDCOVER

House	3,238 Sq. Ft.
Front Porch/Steps	224 Sq. Ft.
Paver Patio/Steps	351 Sq. Ft.
Paver Driveway	990 Sq. Ft.
Bituminous Driveway	290 Sq. Ft.
Retaining Walls	82 Sq. Ft.
Rear Stoops/Steps	89 Sq. Ft.
TOTAL PROPOSED HARDCOVER	5,264 Sq. Ft.
AREA OF LOT TO OHW	14,944 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	35.2%

DATE	REVISION DESCRIPTION

DWG ORIENTATION / SCALE: 0 10' 20'

CLIENT/JOB ADDRESS
VINE HILL PARTNERS
20560 SUMMERVILLE ROAD
DEEPHAVEN, MN

Advance
Surveying & Engineering, Co.
17917 Highway No. 7
Minnetonka, Minnesota 55345
Phone (952) 474-7864
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Wayne W. Prescha
#43503
LICENSE NO.
JANUARY 13, 2021
DATE

DATE SURVEYED: JANUARY 11, 2021
DATE DRAFTED: JANUARY 13, 2021

SHEET TITLE: *AS-BUILT SURVEY*
SHEET SIZE: 17 X 22
DRAWING NUMBER: *210002 WP*

SHEET NO. S1
SHEET 1 OF 1

18500 Maple Ridge
746 SF over

3725 Westview Drive
1219 SF over

18875 Azure
301 SF over

20080 Minnetonka Blvd
89 SF over

20560 Summerville
387 SF over

20580 Summerville
301 SF over

20420 Carson
297 SF over

CERTIFICATE OF SURVEY

FOR: MEASURED INC.
ADDRESS: 20445 PARK PLACE, DEEPHAVEN, MN

20445 Park Place - CUP

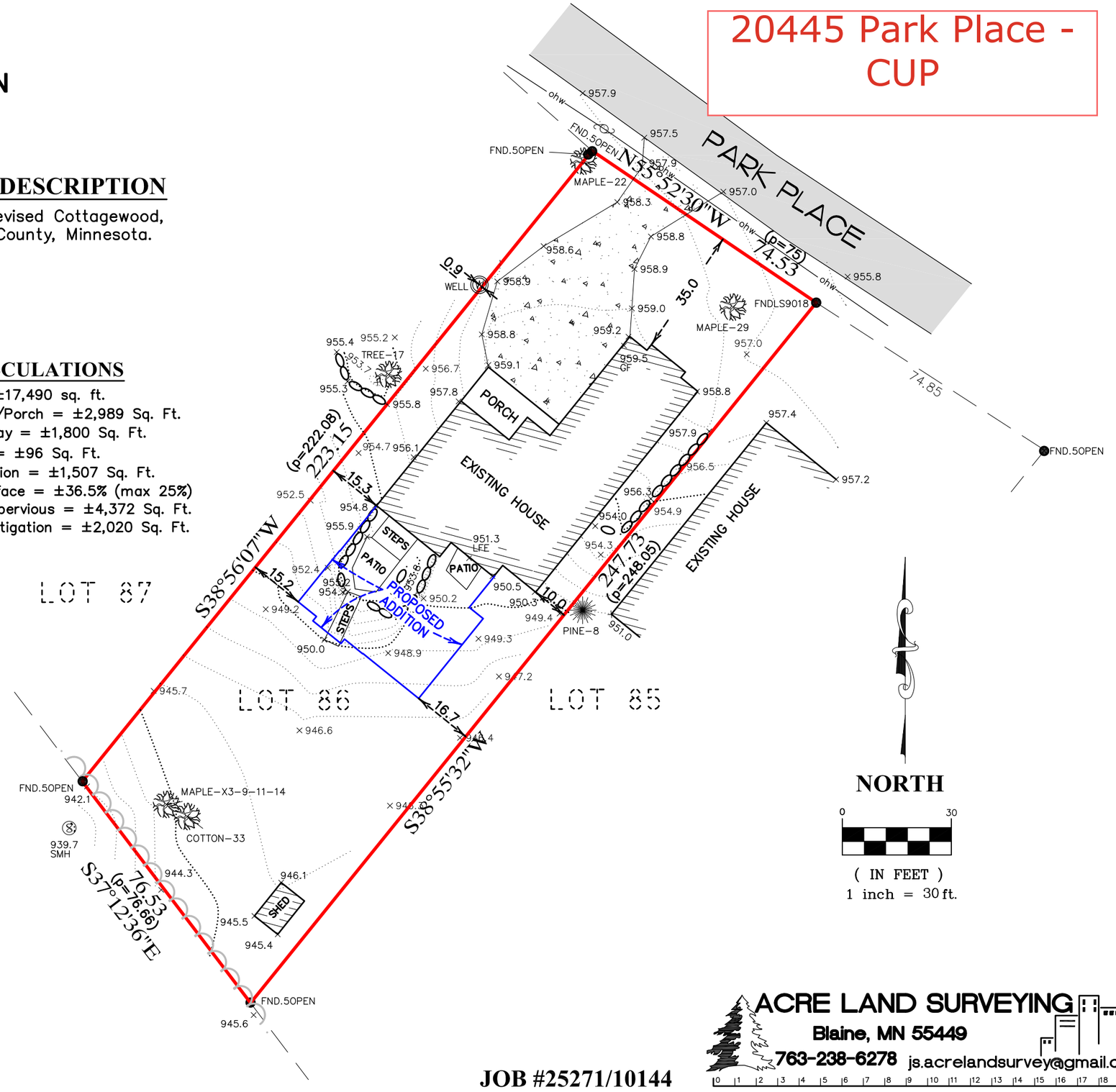
DENOTES EXISTING TREE
DENOTES WELL
DENOTES UTILITY POLE
DENOTES IRON MONUMENT FOUND
DENOTES EXISTING FENCE
DENOTES RETAINING WALL
DENOTES OVERHEAD WIRE
DENOTES TREE LINE
892.3 DENOTES PROPOSED ELEVATION.
DENOTES CATCH BASIN
1023 DENOTES PROPOSED ELEVATION.
×1011.2 DENOTES EXISTING ELEVATION.
DENOTES DIRECTION OF DRAINAGE.
DENOTES WOOD HUB/METAL SPIKE
DENOTES PROPOSED SILT FENCE

LEGAL DESCRIPTION

Lot 86, Revised Cottagewood, Hennepin County, Minnesota.

AREA CALCULATIONS

TOTAL LOT = ±17,490 sq. ft.
Existing House/Porch = ±2,989 Sq. Ft.
Existing Driveway = ±1,800 Sq. Ft.
Existing Shed = ±96 Sq. Ft.
Proposed Addition = ±1,507 Sq. Ft.
Impervious Surface = ±36.5% (max 25%)
Maximum Impervious = ±4,372 Sq. Ft.
Necessary Mitigation = ±2,020 Sq. Ft.



NOTES

- *Elevations based on NAVD88 datum.*
- Contractor to verify house dimensions, and sewer and basement depths.
- Finished grade elevations are to finished surface with turf establishment.
- Driveways are shown for graphic purposes only. Final driveway design and location to be determined by contractor
- All lot lines "As Monumented"
- Bearings based on Hennepin County Coordinates.
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

NORTH

0 30

(IN FEET)
1 inch = 30 ft.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the lows of the State of Minnesota.

JOSHUA P. SCHNEIDER Date: 12-8-25 Reg. No. 44655

JOB #25271/10144

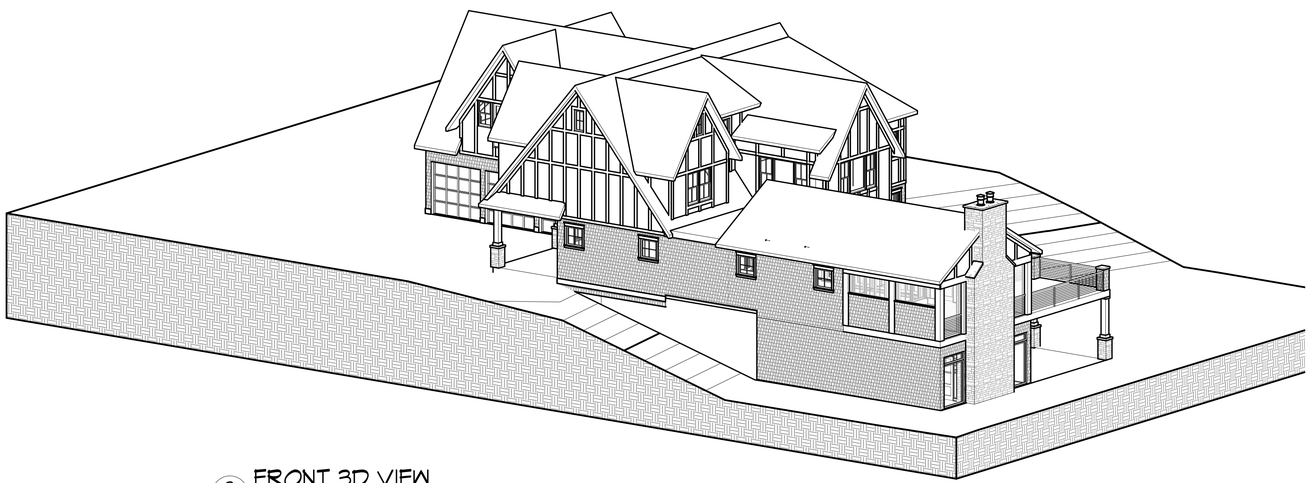
ACRE LAND SURVEYING
Blaine, MN 55449
763-238-6278 js.acrelandsurvey@gmail.com



1 A2 REAR ELEVATION
1/4" = 1'-0"



2 A2 Perspective View 1



3 A2 FRONT 3D VIEW



4 A2 Perspective View 2

PRELIMINARY
NOT FOR CONSTRUCTION
(FOR BIDDING PURPOSES ONLY)

BEHR DESIGN INC
Creating Timeless Designs
OFFICE (952) 746-7702 |CELL: (952) 994-6682
E-MAIL: mikeb@behr-design.com

BEHR DESIGN, INC HAS TO EMPLOYEES MEANS ANY RESPONSIBILITY FOR VARIOUS CONSTRUCTION TECHNIQUES AND/OR QUALITY OF MATERIALS AND WORKMANSHIP. RESIDENTIAL DESIGNERS OR DRAFTSPERSONS ARE NOT ENGINEERS. BEHR DESIGN, INC RECOMMENDS THAT A QUALIFIED ENGINEER BE EMPLOYED TO DESIGN AND/OR REVIEW ALL ENGINEERING ASPECTS OF THE PROJECT. ALL DIMENSIONS SHOWN ON THESE PLANS ARE FOR BID PURPOSES ONLY AND SHOULD BE VERIFIED BY THE CONTRACTOR, BUILDING STAFF AND/OR ENGINEER. SIZES OF MATERIALS AND PRODUCTS SPECIFIED ON THESE PLANS REFLECT ASSUMED INDUSTRY STANDARDS AND IS NOT NECESSARILY WHAT IS AVAILABLE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THAT ALL MATERIALS, FRAMING SYSTEMS AND APPLIED FINISHES ARE SPECIFIED AND/OR OTHERWISE AND IT IS ASSUMED THAT THE SUPPLIER WILL BID AND USE THE CLOSEST SIZE AVAILABLE.

THE GENERAL CONTRACTOR AND/OR HOMEOWNER SHALL ASSUME FULL RESPONSIBILITY FOR THE CHECKING AND VERIFICATION OF DIMENSIONS, DETAILS AND CONDITIONS SHOWN ON THESE PLANS PRIOR TO CONSTRUCTION. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL CODES AND ORDINANCES. HOMES PURCHASED TO BE CONSTRUCTED AT A MEDIA THAT ARE SUBJECT TO DIFFERENT CODES AND ORDINANCES THAN THOSE IN THE AREA WHERE THE PLANS WERE ORIGINALLY PURCHASED SHALL BE THE RESPONSIBILITY OF THE BUILDER TO MAKE ANY NECESSARY CHANGES TO THE PLANS TO CONFORM TO THE LOCAL CODES AND ORDINANCES. BEHR DESIGN, INC SHALL NOT BE HELD RESPONSIBLE FOR ANY CHANGES MADE TO THE PLANS WITHOUT OUR KNOWLEDGE AND CONSENT. THESE PLANS SHALL REMAIN THE PROPERTY OF BEHR DESIGN, INC AND SHALL NOT BE FAMILIAR WITH THE PARTICULAR CONDITIONS OF THAT REGION. THESE PLANS SHALL REMAIN THE PROPERTY OF BEHR DESIGN, INC AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF BEHR DESIGN, INC OR THE CLIENT FOR WHICH THEY WERE PREPARED FOR.

Baratz Residence
20445 Park Place
Deephaven, MN

DATE: 11/21/2025
DRAWN BY: M. BEHR
PROJECT FILE: 25-00

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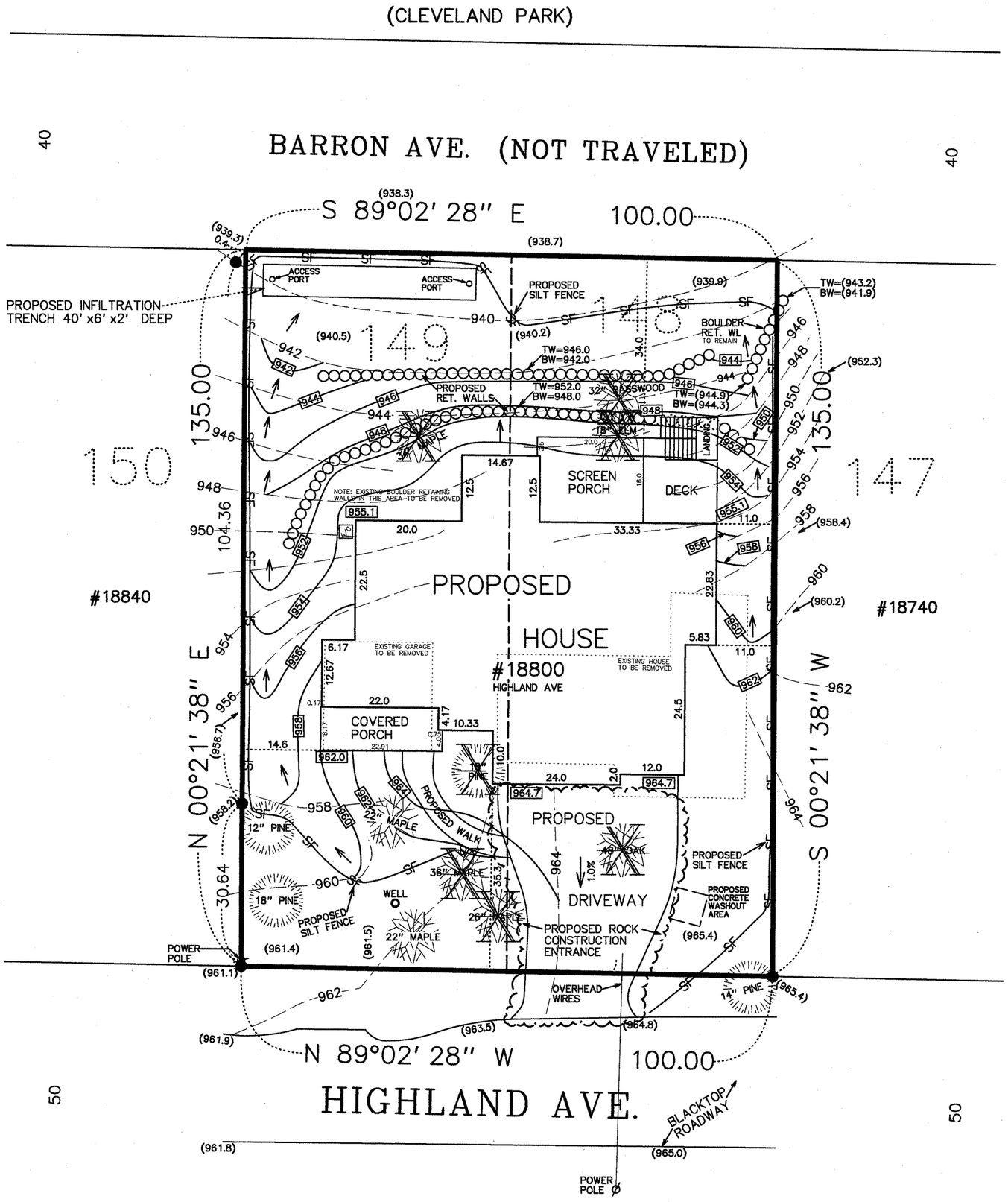
SHEET NO.
A2
Ext Elevations

CERTIFICATE OF SURVEY FOR

ZEHNDER HOMES

OF LOTS 148 & 149, DEEPHAVEN PARK
HENNEPIN COUNTY, MINNESOTA

18800 HIGHLAND AVE - CUP



EXISTING HARDCOVER CALCULATIONS :

Lot area = 13,500 Sq. ft.

Existing house = 1277 sf
Garage = 412 sf
Driveway & apron = 608 sf
Front walk/stoop = 129 sf
Pavers next to front walk = 47 sf
Steppers (8) = 18 sf
Deck & steps between house & garage = 178 sf
Deck behind house = 193 sf
Paver patio = 181 sf
Concrete kennel = 56 sf
Stone steps & landings between retaining walls = 112 sf
Wood timber steps = 11 sf

Total hardcover = 3222 Sq. ft.

3222 / 13,500 x 100 = 23.87%

PROPOSED HARDCOVER CALCULATIONS :

Lot area = 13,500 Sq. ft.

Proposed house = 3110 sf
Front covered porch = 184 sf
Rear screen porch = 314 sf
Deck & steps = 264 sf
Driveway = 1035 sf
Walk = 122 sf
A/C pad = 6 sf

Total hardcover = 5035 Sq. ft.

5035 / 13,500 x 100 = 37.30%

LEGAL DESCRIPTION : (per Certificate of Title No. 1461298)

Lots 148 and 149, "Deephaven Park"

● : denotes iron marker found

(908.3) : denotes existing spot elevation, mean sea level datum

[910.8] : denotes proposed spot elevation

—917— : denotes existing contour line, mean sea level datum

—[904]— : denotes proposed contour line

: denotes existing tree to be removed

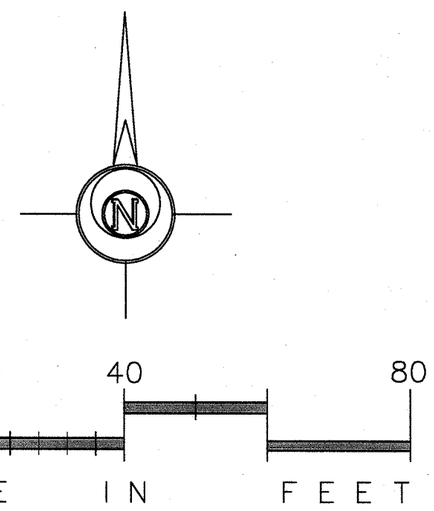
Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of an existing house and garage, to be removed, spot elevations, topography, major trees, visible utilities and all visible "hardcover", and the proposed location of a proposed house, driveway and grades thereon. It does not purport to show any other improvements or encroachments.

NOTE: Lake Louise is approximately 200' north of this property and is not listed as impaired.

PROPOSED ELEVATIONS : (verify)

1) Garage = [964.7]
2) Top of foundation = [965.5], [964.1]
3) Basement = [955.6]
4) First floor subfloor = [965.9]



25196REVISED3.SCJ

DATE	DESCRIPTION
8-10-25	PROPOSED HOUSE, DRIVEWAY AND GRADES SHOWN
9-9-25	EROSION CONTROL
9-25-25	INFILTRATION TRENCH ADDED
10-15-25	REVISED

GRONBERG AND ASSOCIATES, INC.
CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS
445 NORTH WILLOW DRIVE
LONG LAKE, MN. 55356
952-473-4141

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg

Mark S. Gronberg Minnesota License Number 12755

SCALE 1"=20'

DATE 8-30-24

JOB NO. 25-196

25-196

WS Item 4

STAFF REPORT
Pat Smith, Planning Director

Deephaven City Council
January 5, 2026

BACKGROUND

At the City Council/Planning Commission joint work session, one of the items that the City Council wanted the Planning Commission to discuss was updating the City's sign ordinance. The Planning Commission reviewed the sign ordinance over the past five months. The goal was to allow new signs to be approved administratively but to ensure the sign regulations resulted in unobtrusive permanent signs.

KEY ISSUES

The draft sign ordinance was presented at the October 6, 2025 City Council meeting. Two items generated the most discussion – illumination of signs in the C-1 zoning district (Chowen's Corner) and where sandwich board signs may be placed in relation to the business.

Illumination

The majority of the signs in Chowen's Corner are externally-illuminated. Staff and the Planning Commission recommend requiring all new signs in Chowen's Corner to be externally-illuminated. The Wayzata Pet Hospital originally proposed an internally-illuminated wall sign. The Planning Commission and the City Council approved required the wall sign be externally-illuminated.

Attached are examples of the three most common ways of illuminating wall signs – externally, internally and backlit.

Location of Sandwich Board Signs

Originally, staff and the Planning Commission recommended that sandwich board signs located 15 feet from the entrance of the business would be permitted year-round as long as the signs were removed at night. Sandwich board signs farther than 15 feet from the business entrance would be allowed as temporary signs with a maximum display period of 42 days in a calendar year. Bean Haven keeps their sandwich board sign up year-round. The City could allow sandwich board signs 75 feet from business entrances year-round.

CITY COUNCIL ACTION REQUESTED

Discuss the two main items raised at the October 6, 2025 City Council meeting.

Attachment:

1) Draft Ordinance in Ordinance Form
2) Examples of Illuminated Signs

City of Deephaven
Hennepin County, Minnesota

ORDINANCE NO. 13-XX

REVISING CHAPTER 11 – SIGN ORDINANCE AND 1335 ADMINISTRATION

THE CITY COUNCIL OF THE CITY OF DEEPHAVEN HEREBY ORDAINS:

SECTION ONE: Delete and Replace. That Section 1115 deleted in its entirety and replaced with the following:

SECTION 1313 SIGNS

1313.01 General

Subd. 1. Findings. The City Council hereby finds as follows:

(a) Exterior signs have a substantial impact on the character and quality of the environment.
(b) Signs provide an important medium through which individuals and organizations may convey a variety of messages.
(c) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
(d) The city's ordinances have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

Subd. 2 Purpose and Intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any sign which cannot be viewed outside a building. The purpose and intent of this article is to:

(a) to preserve, protect and promote public health, safety and welfare;
(b) to ensure that signs are compatible with surrounding land uses;
(c) to enhance the physical appearance of the City;
(d) discourage signs that are excessive in area or number, unsightly, or inappropriate; and
(e) to protect motorized and non-motorized travelers by reducing distraction that may increase the number and severity of traffic accidents.

1313.02 Signs Allowed without a Sign Permit

The following signs do not require a sign permit and are subject to the following regulations:

(a) Governmental signs, public signs and other signs incidental to those signs for identification, information or directional purposes erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.

(b) Street Address Signs. Street address signs up to four (4) square feet in area.

(c) One temporary sign per property in residential districts that does not exceed five square feet in size.

(d) All noncommercial speech signs of any size posted in any number from 46 days before the state primary in a state general election year until 10 days following general election, and 13 weeks prior to any special election until 10 days following the epical election. Sign installation shall comply with Fair Campaign Practices Act contained in Minn. Stats. Chapter 211B.

(e) “No trespassing” or similar signs regulating the use of property, provided such signs are no more than 2 square feet in area.

(f) Noncommercial flags. With a maximum size of 50 square feet.

(g) Construction Signs. Signs denoting the architect, engineer, or contractor, when placed upon work under construction, provided that the total sign surface area of all such signs does not exceed 32 square feet in a district zoned for commercial uses or 6 square feet in a district zoned for residential uses, and provided that the sign is removed upon completion of construction or prior to a date six months after the sign is first placed on the property, whichever is earlier.

(h) Temporary Special Event Signs. Temporary signs (other than political signs) pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided permission of the Council must be obtained to erect such signs upon or over streets or other public property, and provided further that such signs must not be erected or posted for a period of more than 14 days prior to the date of the event and must be removed within 3 days after the event. Sign area shall be no more than 32 square feet.

(i) “Help wanted” signs up to 2 square feet in area. The “help wanted” sign text must be the predominant text on the sign. Help wanted signs may only be located on a window or door.

(j) Garage Sale Signs. Freestanding signs for garage sales or similar events occurring within the corporate limits of the City, not exceeding four (4) square feet in sign surface area, erected on private property with permission of the landowner, or erected in that portion of a public right-of-way outside of the traveled portion of the right-of-way, and displayed for not more than three (3) days.

(k) Real Estate Signs. Real estate signs, provided the total sign surface area for real estate signs on a property is not greater than six (6) square feet and the sign is located on the property to be leased or sold. Real estate signs must be removed within three (3) days after closing of the sale or leasing of the property on which they are located.

(l) Open House Signs. Open house signs may be placed in the public right-of-way on days that the open house will take place. Such open house signs maybe posted only between the hours of 7:00 am to 10:00 pm, provided that:
   1. the open house sign may not exceed four (4) square feet in area;
   2. the open house sign must be freestanding, not attached to any utility pole, traffic control sign or other similar structured and must be placed at least 3 feet from the curb or edge of the pavement;
   3. only one open house sign is permitted within 150 feet of another sign that relates to the same address. There may be only one open house sign relating to the same address placed in on a single lot; and,
   4. no attention-getting or attracting devices may be attached to any open house sign.

(m) Vehicle Signs. Vehicle signs are allowed when the vehicle to which the sign is attached is license, insured, and operational. The vehicle must be used for the operation of the business and may not remain stationary for an extended period of time for the purpose of attracting attention to a business.

1313.03 Temporary Business Signs

The following signs are permitted in all commercial districts and shall require a temporary sign permit along with the temporary sign permit fee established in Chapter 4.

Subd. 1 Banners, banner flags, and sandwich board signs are permitted according to the following:
   (a) Not more than two such signs shall be allowed for an activity at any given time.
   (b) No individual property or business may obtain more than three (3) temporary sign permits in a calendar year. Each temporary sign permit shall be valid for a period of 14 consecutive days.
   (c) Banners and banner flags shall not exceed 30 square feet in area and portable signs shall not exceed five feet in height or greater than six square feet in area
   (d) Under no circumstances shall a temporary business sign be placed on public property or within the public right-of-way.

1313.04 Sign Regulations for the Downtown Commercial District

The regulations of this section apply in the C-1 zoning district.

Subd. 1 Maximum Total Sign Area
The maximum allowable sign area may not exceed 0.50 square feet per linear foot of street frontage or 75 square feet, whichever is less, plus any signs expressly excluded from maximum sign area calculations.

Subd. 2 Maximum Total Number of Signs
Businesses shall not display more than two permanent signs, whether such signs be projecting, wall, freestanding, window or awning, including signs for rear entrances. Window lettering signs of less than six square feet shall be excluded from this regulation.

Subd. 3 Multi-Occupant Buildings
Each business located in a multi-occupant building is permitted two permanent signs (wall, projecting, under-canopy or awning/canopy signs) as regulated in this section, but do not count toward the maximum total sign area for the property.

Subd. 4 Monument and Shingle Signs
Unless otherwise expressly stated, each lot is allowed either one monument sign or one shingle sign, subject to the following regulations.

(a) Monument Signs
Monument signs are limited to a maximum of two sign faces and are subject to the height and area limitations is the following table. Address numbers are excluded when calculating the area of the monument sign.

	Lot Size		
	Less than 75 ft. lot width	75-199 ft. lot width	200 ft. or greater lot width
Maximum Height (feet)	5	6	8
Maximum Area (SF)	20	30	45

(b) Shingle Signs
Shingle signs may not exceed 12 square feet in area per side or a height of 8 feet.

(c) Sign Setbacks
All freestanding signs shall meet the building setback requirements of the underlying zoning district, except along the sides of a lot with street frontage, where monument and shingle signs shall be setback at least ten (10) feet from the street right-of-way.

Subd. 5 Wall Signs
(a) The maximum allowable sign area for a single-tenant building is 50 square feet.
(b) The maximum allowable sign area for each tenant in a multi-occupant building shall be 20 square feet.

Subd. 6 Menu Boards
(a) Menu boards for restaurants are allowed on the exterior wall of the business.
(b) Such signs may not exceed four (4) square feet in area.
(c) The menu board area is not counted in calculating maximum allowable sign area.
(d) The menu board sign may include menus or notice of special events including community events.
(e) All menu board signs must be enclosed in a tempered glass or Plexiglas frame.

Subd. 7 Projecting Signs
(a) Projecting signs shall not exceed six (6) square feet of sign space;
(b) Shall not extend more than three (3) feet from the vertical place of the façade to which it is attached;
(c) Must be place to allow at least eight (8) feet of vertical clearance above the ground directly beneath the sign.

Subd. 8 Awning Signs
Awning or canopy signs are allowed, subject to the following conditions:
(a) Awnings and canopies may not extend above the first floor of the building to which it is attached and must be constructed and erected so that the lowest portion of the awning or canopy is at least 8 feet above the ground directly beneath it.
(b) Shall not exceed seven square feet in size or eight inches in height.

(c) Shall be located in the lowest section of the awning/canopy and parallel to the building.

Subd. 9 Under-Canopy Signs
(a) Under-canopy signs must be attached to the underside of the soffit or ceiling of a canopy.
(b) The face of any such sign may not exceed 12 inches in height or 4 feet in length.
(c) Such signs must be placed to allow at least 8 feet of vertical clearance above the ground directly beneath the sign.

Subd. 10 Window Signs
(a) Window signs covering a maximum of 25% of each window are allowed without a sign permit.
(b) The window sign area is in addition to the total maximum allowable sign area.
(c) Illumination is permitted only in accordance with Section 9D (Illumination).

Subd. 11 Sandwich Board Signs
Businesses are allowed up to one sandwich board sign in the C-1 zoning district. They are not counted in calculating the maximum sign area allowed on a lot, and are subject to the following conditions:
(a) Sandwich Board Signs located within 15 feet of the entryway to the subject business do not need a temporary sign permit nor are they limited to the temporary sign permit annual display limits.
(b) Sandwich Board Signs located farther than 15 feet of the entryway to the subject business require a temporary sign permit and are limited to the display period regulated as a temporary sign.
(c) Sandwich board signs maybe displayed only during business hours and must be removed each day at the end of business.
(d) Such signs shall not be located in the public right-of-way.
(e) Such signs shall not exceed five (5) feet in height or greater than six (6) square feet in area.
(f) Sandwich board signs must be constructed of wood, metal or durable plastic.

Subd. 12 Illumination
Except for window signs, no internal or back lighting of signs in the Downtown Commercial district is allowed. Externally illuminated signs are permitted only in accordance with Section 9D (Illumination).

1313.05 Sign Regulations for the General Commercial and Highway Commercial Districts

The regulations of this section apply in the C-2 and C-3 zoning districts.

Subd. 1 Maximum Total Sign Area
The maximum allowable sign area may not exceed 0.50 square feet per linear foot of street frontage or 125 square feet, whichever is less, plus any signs expressly excluded from maximum sign area calculations.

Subd. 2 Maximum Total Number of Signs
Businesses shall not display more than two permanent signs, whether such signs be projecting, wall, freestanding, window or awning, including signs for rear entrances. Window lettering signs of less than six square feet shall be excluded from this regulation.

Subd. 3 Multi-Occupant Buildings
Each business located in a multi-occupant building is permitted two permanent signs (wall, projecting, under-canopy or awning/canopy signs) as regulated in this section, but do not count toward the maximum total sign area for the property.

Subd. 4 Monument Signs
Unless otherwise expressly stated, each lot is allowed one monument sign, subject to the following regulations.
(a) Monument signs are limited to a maximum of two sign faces. Address numbers are excluded when calculating the area of the monument sign.
(b) Shall not exceed 50 square feet in area or a height of 8 feet.
(c) Sign Setbacks: all freestanding signs shall meet the building setback requirements of the underlying zoning district, except along the sides of a lot with street frontage, where monument and shingle signs shall be setback at least ten (10) feet from the street right-of-way.

Subd. 5 Wall Signs
(a) The maximum allowable sign area for a single-tenant building is 75 square feet.
(b) The maximum allowable sign area for each tenant in a multi-occupant building shall be 30 square feet.

Subd. 6 Menu Boards
(a) Menu boards for restaurants are allowed on the exterior wall of the business.
(b) Such signs may not exceed four (4) square feet in area.
(c) The menu board area is not counted in calculating maximum allowable sign area.
(d) The menu board sign may include menus or notice of special events including community events.
(e) All menu board signs must be enclosed in a tempered glass or Plexiglas frame.

Subd. 7 Projecting Signs
(a) Projecting signs shall not exceed six (6) square feet of sign space;
(b) Shall not extend more than three (3) feet from the vertical place of the façade to which it is attached;
(c) Must be place to allow at least eight (8) feet of vertical clearance above the ground directly beneath the sign.

Subd. 8 Awning Signs
Awning or canopy signs are allowed, subject to the following conditions:
(a) Awnings and canopies may not extend above the first floor of the building to which it is attached and must be constructed and erected so that the lowest portion of the awning or canopy is at least 8 feet above the ground directly beneath it.
(b) Shall not exceed seven square feet in size or eight inches in height
(c) Shall be located in the lowest section of the awning/canopy and parallel to the building.

Subd. 9 Under-Canopy Signs
(a) Under-canopy signs must be attached to the underside of the soffit or ceiling of a canopy.
(b) The face of any such sign may not exceed 12 inches in height or 4 feet in length.
(c) Such signs must be placed to allow at least eight (8) feet of vertical clearance above the ground directly beneath the sign.

Subd. 10 Window Signs

(a) Window signs covering a maximum of 25% of each window are allowed without a sign permit.
(b) The window sign area is in addition to the total maximum allowable sign area.
(c) Illumination is permitted only in accordance with Section 9D (Illumination).

Subd. 11 Illumination

Internally and externally illuminated signs are permitted only in accordance with Section 9D (Illumination).

1313.06 Residential Sign Regulations

Within all residential zoning districts, the following permanent signs are permitted subject to the following conditions:

Subd. 1 Residential entrance ground signs

For each neighborhood or other residential developments including townhome, condominium, and apartments, entrance signs are permitted subject to the following requirements:

(a) One (1) freestanding sign per each entrance;
(b) 20 square feet maximum display area;
(c) Seven (7) feet maximum height for monument signs and eight (8) feet maximum height for shingle signs;
(d) Externally illuminated signs are permitted only in accordance with Section 9D (Illumination);
(e) Maybe located in the City's right-of-way but shall not be located inside the visibility triangle; and
(f) A neighborhood or homeowner's association shall be responsible for perpetual maintenance of the sign.

Subd. 2 **Educational, Religious and Public Institution Signs**

For each educational, religious, public or private institution, nursing home property or similar property, signs are permitted subject to the following requirements:

(a) Monument signs:
    1. One (1) sign not to exceed 20 square feet in display area;
    2. Five (5) feet maximum height;

(b) Wall mounted signs:
    1. One (1) wall sign, except when more than one building facade has street frontage. In this instance, an activity may have one wall sign for each facade with street frontage.
    2. The sign area shall not exceed 40 square feet.

(c) Illumination
    Externally illuminated signs are permitted only in accordance with Section 9D (Illumination).

1313.07 Prohibited Signs in All Zoning Districts.

The following are expressly prohibited under this ordinance:

(a) Abandoned Signs as defined by Section _____.

(b) Attention getting devices.

(c) Animated signs.

(d) Balcony signs and signs mounted or supported on a balcony.

(e) Changeable copy or portable signs, except sandwich board signs that are allowed in the C-1 zoning district.

(f) Electronic message signs.

(g) Flashing signs or searchlights.

(h) Inflatable devices.

(i) Signs which emit sound, odor or visible matter.

(j) Signs attached to a vehicle where the apparent purpose is to advertise a project or direct people to an activity located on the same or nearby property. Signs affixed to vehicles where the sign is incidental to the use of the vehicle are not prohibited.

(k) Off-premise commercial signs whether located in a commercially or residentially zoned property.

(l) Content classified as “obscene” as defined by Minn. Statute 617.241.

(m) Pylon signs.

(n) Any sign projecting above the roofline of the structure to which it is affixed.

(o) Signs which project beyond the property line of the property upon which the sign is located.

(p) Signs which have a structural member or other portion closer than 10 feet to a side lot line.

(q) Signs intended to be for the purpose of business advertising in any residentially zoned areas, including window signs.

(r) Sign attached to or placed on a vehicle that is prominently visible from the public right-of-way where the primary purpose of the vehicle is to advertise a business, product, or service rather than to be actively used or available for the daily function of the business to which the sign relates.

(s) Window signs which obstruct the window to the point where the interior of the building cannot be observed by police or other security personnel.

(t) Signs placed or maintained on rocks, fences, or trees, or signs that interfere with any electric lights, or electrical or telephone wires or their supports.

(u) Translucent awnings or canopies.

(v) Any sign placed or attached to a telecommunications tower, pole or antenna.

(w) Any other sign not expressly permitted in this article.

1313.08 General Construction and Design Standards

The following general regulations and standards shall apply to all allowed signs in all zoning districts:

Subd. 1 All signs shall meet the construction and design standards of this Chapter and the Uniform Sign Code.

Subd. 2 Location. All signs shall comply with the following standards.

(a) Public Property. Signs may only be placed on public property by a government agency, as authorized by this Chapter, or the Zoning Administrator. Any sign placed on public property without authorization may be removed without notice.

(b) Private Property. Signs may only be placed on private property with prior consent of the property owner and, if applicable, an approved sign permit issued by the City.

(c) Building Exterior. A sign mounted on the exterior of a building shall not obstruct or prevent free ingress and egress from any window, door, fire escape or stairway of any building or structure.

Subd. 3. Visibility Obstruction.

(a) A sign shall not obstruct free and clear vision at any street, intersection, driveway, or parking lot entrance or exit.

(b) In any residential district, no sign shall be placed in a manner that will create a visibility obstruction for motorists, bicyclists, or pedestrians. No sign shall exceed three feet in height within 25 feet of two or more intersecting streets measured along the curb line, or edge of pavement if no curbs are present.

Subd. 4. Sign Maintenance. All signs, together with all supports, braces, guys and anchors, must be kept neatly painted and posted. Every sign must be maintained by the owner of the property on which it is located in a clean and inoffensive condition. The owner of the property on which any ground sign is located must keep all grass, weeds or other growth cut around the sign, and will keep all rubbish, paper and debris cleaned up around the sign and removed from the property on which the sign is located.

Subd. 5 Illumination. Except as otherwise stated, internally or externally illuminated signs are allowed, provided they comply with the following standards:

(a) Electrical Components. The installation of electrical signs shall be subject to the state's electrical code. Electrical service to such sign shall be underground.

(b) Direct Light and Glare. Signs may be illuminated only by steady, stationary light sources directed solely at the sign or internal to it so that the light intensity or brightness does not create a nuisance to adjacent property or a traffic hazard. Externally-illuminating devices shall be either mounted above the sign and face downward or below the sign with lighting directed up toward the sign.

(c) Light Fixtures. Light fixtures shall be of a design such that the light sources (i.e. light bulb) is fully enclosed by opaque material and does not project beyond them, and such that light may be transmitted in only one direction.
(d) Hours of Operation. Signs may only be illuminated during business hours or between the hours of 6 AM and 9:30 PM, whichever is more restrictive.

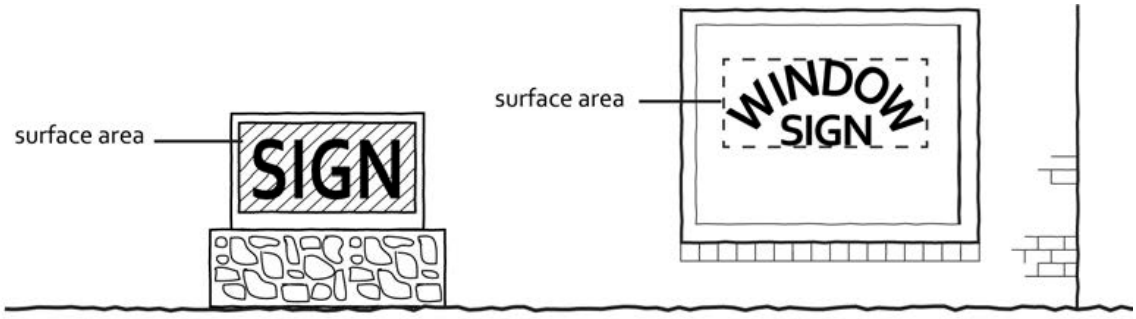
Subd. 6 Message substitution. Subject to the property owner's consent, a noncommercial message of any type may be substituted, in whole or in part, for any commercial message or any other noncommercial message on a currently existing sign, including a legal nonconforming sign, without consideration of message content, provided that the sign structure is legal. Such substitution of message may be made without any additional approval or permitting. This provision does not create a right to increase the total amount of signage on a lot, nor does it alter or waive the requirement that a sign have a building permit and a certificate of appropriateness.

1313.09 Sign Measurement Standards
The following standards shall control the measurement of sign area and sign height.

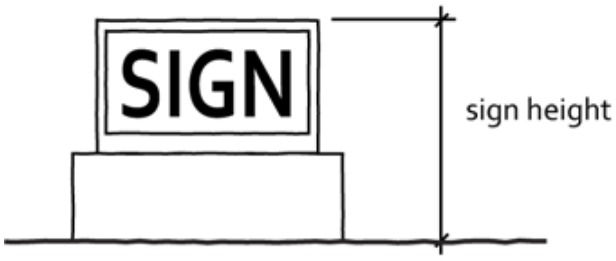
Subd. 1 Area to Be Included
The supporting structure or bracing of a sign shall be omitted in measuring the area of a sign unless such structure or bracing is made part of the message or face of the sign. When a sign has more than one display face, the area of the sign shall be measured as the area of one face, unless the distance between the sign faces of a two-faced sign exceeds 12 inches, then all faces shall be included in determining the area of the sign.

Subd. 2 Area of Sign on a Background
For signs on a background, the entire area of the background shall be included in the calculation of the sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed.

Subd. 3 Area of Sign without a Background
For signs consisting of freestanding letters, graphics, logos, images or symbols, the sign area is calculated by means of the smallest rectangle that will encompass the outer limits of the freestanding letters, graphics, logos, images or symbols.



Subd. 4 Measurement of Sign Height
The height of a sign shall be measured from the adjacent natural grade to the highest point of the sign.



1313.10 Administration and Permits
Except as otherwise expressly stated, all signs require a permit.

(a) Application. Any person or activity proposing to erect or display a sign must file a complete application on a form provided by the City.

(b) Fees. Every application shall be accompanied by the required filing fee as established in Section 4 of the City Code.

(c) Review. The Zoning Administrator must approve or deny a sign permit application within 15 business days after a complete application is submitted. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

1313.11 Nonconforming Signs
Any sign that existed lawfully on the effective date of the sign regulations of this article that remains or becomes nonconforming by reason of adoption of these sign regulations or because of subsequent amendments to these sign regulations, are considered legal non-conforming signs. Legal non-conforming signs may continue to exist without a permit and without constituting a violation of this Section until one of the following occurs:

(a) The sign is structurally altered (except for normal maintenance) in a way which makes the sign less in compliance with this Section than it was before the alteration.

(b) The sign is relocated to a position making it less in compliance with this Section than it was before the relocation.

(c) The sign is replaced.

(d) Any new primary sign is erected or placed in connection with the enterprise using the legal non-conforming sign.

1313.12 Enforcement
Subd. 1 If a sign is in violation of this Section, or is rotted or in danger of falling, or is otherwise unsafe or unsightly, the City Building Inspector may give to the owner of the property on which the sign is located written notice specifying the violation, and requiring either the removal of the sign or remedial work in the time and manner specified in the notice. In the event of failure to comply with the notice within 30 days, the City may remove the sign or cause such remedial work to be done, and the cost of the work will be paid to the City by the owner of the property on which the sign is located. If payment is not made within 30 days after a statement for such costs is sent to the owner, the costs may be assessed against the property by certifying the

costs to the County Treasurer for collection in the same manner as the real estate taxes. If a sign which has been removed is not reclaimed and costs paid within 30 days after its removal, the sign may be sold or otherwise disposed of by the City. If a sign is found to be an immediate danger to the public because of its unsafe condition, it may be removed without notice, and written notice of removal and reasons for such will be given to the owner of the property on which it is located as soon as possible.

Subd. 2 Violation of this Section is a petty misdemeanor. Each day that the violation is permitted to exist will constitute a separate offense.

1313.13 Definitions

Subd. 1"Abandoned Sign" means any sign and/or supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

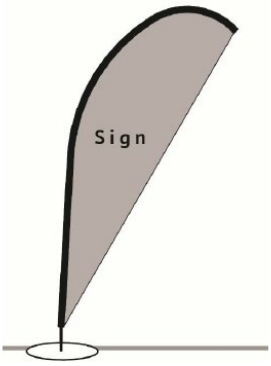
Subd. 2 "Activity" means any business or institutional, professional, or religious entity that provides products or services.

Subd. 3 "Awning or Canopy Sign" means a sign that is affixed to a roof-like cover over a door, entrance, window or outdoor service area. For the purpose of these sign regulations, an awning or canopy sign shall not be considered a projecting sign.

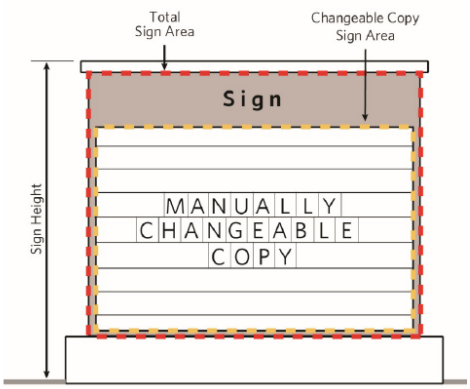
Subd. 4 "Attention Getting Devices" means a sign that directs attention to a business, product, or service using streamers, spinners, propellers, paddle wheels, or other ornamentation to move in the wind.

Subd. 5 "Balloon Sign" means a sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air which is greater than twenty-four (24) inches in diameter.

Subd. 6 "Banner Flag Sign" means a sign typically made of lightweight fabric or other flexible material that is mounted to a pole and designed to move in the wind.



Subd. 6 “Changeable Copy Sign” means sign or portion thereof that has a readerboard for the display of text information, which may be changed or rearranged manually or mechanically without altering the face of the surface of the sign.



Subd. 7 “Commercial Sign” means any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, project, service or other commercial activity.

Subd. 8 “Construction Sign” means a sign that identifies the contractor, builder, developer, architect, engineer, or similar professional responsible for completing work on the property on which the sign is placed.

Subd. 9 “Electronic Message Signs” means a sign that displays changeable message with text, or simple images using an electronic display.

Subd. 10 “Flashing Sign” means a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling or sparkling.

Subd. 11 “Freestanding Sign” means a monument or shingle signs affixed to the ground and not attached to any part of a building.

Subd. 12 “Governmental Signs” means a public sign designed for the control of traffic and other regulated purposes including street signs, warning signs, railroad-crossing signs, and signs of public service companies. For the purposes of these regulations, a governmental sign also includes any sign that is located off-premise and is specifically designed to provide directions to a public or semi-public building such as City Hall, the Courthouse, libraries, hospitals, and schools.

Subd. 13 “Illumination, Backlit” means a method of illumination by which the sign is illuminated from within and the light is projected back onto the support surface to cerate a halo effect around the sign copy. Such signs are fabricated from opaque materials which do not allow light to filter through the face or sides of the sign.

Subd. 14 “Illumination, External” means a sign that is affected by an artificial light source that is not contained within the sign itself.

Subd. 15 “Illumination, Internal” means illumination of a sign from a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

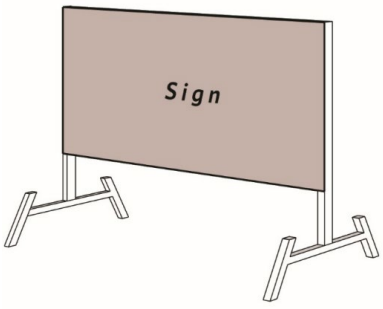
Subd. 16 “Inflatable Device” means an advertising display that consist of large balloons or similar material that can be filled with air or gas that may or may not be tethered to a specific location, and may move using a fan.

Subd. 17 “Occupant” means the owner, tenant, business or other user of all or a portion of a building.

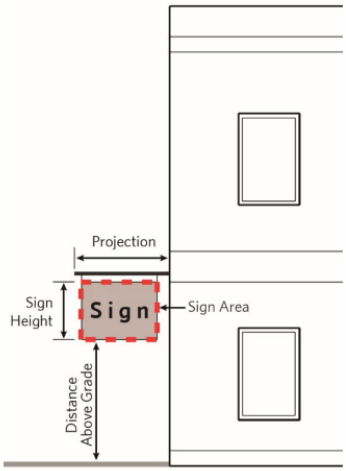
Subd. 18 “Off-premise Sign” means a sign which directs attention to a business, activity conducted, service, or product sold other than one conducted, sold, or offered upon the premises where such sign is located, or within the building to which sign is affixed. Billboard signs are one, but not the only, type of off-premise sign.

Subd. 19 “Political Sign” means any sign which includes the name or picture of an individual seeking election or appointment to public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies, which is erected on private property by a bonafide candidate for political office or by a person or group supporting such a candidate and which contains the name of the person or group responsible for the erection and removal of the sign.

Subd. 20 “Portable Sign” means a sign so designed as to be movable from one location to another and which is not permanently attached to the ground. Portable signs include, but not limited to signs mounted upon a trailer or other non-motorized mobile structure, which may or may not possess wheels. “Portable Signs” do not include sandwich board signs.



Subd. 21 “Projecting Sign” means a sign which is affixed to a building and which is oriented perpendicular to the building façade. For the purposes of these sign regulations, an awning or canopy sign shall not be considered a projecting sign.



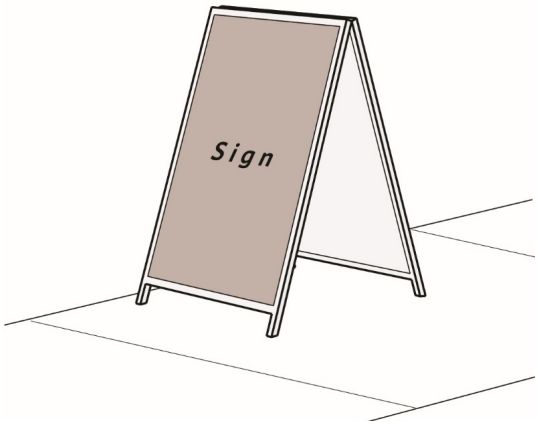
Side View

Subd. 22 “Pylon Sign” means a sign supported by a column-type structure that is set firmly in or below ground surface and finished in a material consistent with the sign.

Subd. 23 “Real Estate Sign” means a sign pertaining to the sale, lease, or rental of the real estate upon which it is located.

Subd. 24 “Roof Sign” means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Subd. 25 “Sandwich board” means two boards with messages, hinged at the top and used on sidewalks or yards for advertising.



Subd. 26 “Shingle Sign” means a sign that is suspended from a horizontal arm of a freestanding pole.



Subd. 27 “Sign” means any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Subd. 28 “Special Event Sign” means a temporary sign that is used to advertise or promote an event of special significance in the City of Deephaven. Such special events include events of civic, philanthropic, educational, or religious organizations.

Subd. 29 “Street Address Sign” means a sign that displays the name or address of the occupant.

Subd. 30 “Street Frontage” means the proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two or more frontages. For calculating the maximum sign display area, only one street frontage may be counted for corner lots.

Subd. 31 “Temporary Sign” means a non-permanent sign erected, affixed, or maintained on-premise for a limited period of time.

Subd. 32 “Wall Sign” means a sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the face of the wall, and which does not project more than 12 inches from such building or structure.

Subd. 33 “Window Sign” means a sign attached to, placed upon, or painted on the interior of a window or door of a building that is intended for viewing from the exterior of such building.

SECTION TWO: Amendment. That Section 1335 be amended as follows:

1335.05 Separability. It is hereby declared to be the intention of the city that the several provisions of this Ordinance are separable in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

SECTION THREE: The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Deephaven City Code and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

SECTION FOUR: Effective Date. This Ordinance shall be effective as of its date of publication.

Adopted by the Deephaven City Council on October 20, 2025, and published in the paper of Sun Sailor on October 30, 2025.

_____
Kent M. Carlson, Mayor

ATTEST:

_____
Dan Madsen, Clerk Administrator

Internally-Illuminated Signs		
		
Externally-Illuminated Signs		
		
Back-Lit Signs		
		

WS Item 5

memo

To: City Council

From: Patrick Smith

Date: November 19, 2025

Re: 18870 Lake Avenue Retaining Wall

Mayor and Councilmembers,

I approved the retaining wall below administratively because it met the primary building setbacks and any fill between the retaining wall and the pool is immaterial. If there is any fill between the retaining wall and the pool, it does not affect the stormwater drainage and does not affect the height of the house – two main reasons the City regulates the change of grade.



Zoning Ordinance

- I was told that retaining walls over 3.5 feet in height are considered structures and must meet the principal building setbacks based on the definition of a Structure
- 1345.71 – "Structure" - means anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, except for retaining walls

not having or requiring a railing and not exceeding 3.5 feet in height and fences not exceeding 6 feet in height excluding fences used for athletic purposes as described in Section 1310.08, Subdivision (b).

- There is nothing in the Zoning Ordinance that limits the height of retaining walls.
- 1310.08 – limits the height of fences and walls (full ordinance is attached) to six feet, but I do not consider the "walls" in this section the same as "retaining walls" for the following reasons:
  - There is no definition of a "wall" in the zoning ordinance.
  - It states that walls over 3.5 feet shall be setback from the lot line a distance equal to two-thirds the height, unless the neighboring property owner agrees to a lesser setback. This contradicts what I've been told that retaining walls over 3.5 feet are structures and must meet the principal building setback.
  - This section states fences and walls "shall not be constructed in the lakeshore setbacks described in this section". This would prohibit any retaining wall of any height being within 100 feet of the lakeshore without a variance. I have never seen this provision interpreted this way.
  - Other cities, like Excelsior, include "wall" in the definition of a fence, and then treat the standards for a fence and retaining wall differently (see attached excerpt of the Excelsior Zoning Ordinance).

If the City Council wants to limit the height of all retaining walls to six feet, then staff would recommend the Planning Commission study the issue and recommend amending the zoning ordinance.

DEEPHAVEN CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL
20225 COTTAGEWOOD ROAD
7:00 p.m. Monday, January 5th, 2026

AGENDA

1. **CALL MEETING TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVE CONSENT AGENDA**

   A. Approve December 8th, 2025 Workshop and 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 Administrative Fee
   F. Approve Resolution 04-26 Setting Local Board of Equalization and Appeal
   G. Approve purchase of Flock Cameras and Program
   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

4. **MATTERS FROM THE FLOOR**
   Residents may address the Council on matters not on the agenda and are required to register with the City Administrator and/or the provided sign-up sheet prior to the start of the meeting. Those wishing to speak are limited to three (3) minutes and must state their name and address for the record.

5. **STEVE TALLEN PROSECUTION UPDATE**

6. **PLANNING & ZONING MATTERS**

   A. Side Yard Setback Variance for a Pool at 5120 Hooper Lake Road
   B. Grading Limits and Building Height Definition
   C. Variance Review Process
   D. Lot Line Adjustment – 20505 Lakeview Ave and 4200 North Lane

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**
   A. IT Contract
   B. Prosecution RFP
   C. 2026 Street Project Plans and Specifications, Authorization to Bid
   D. Resolution of Appreciation

9. **COUNCIL REPORTS:**
   A. Mayor Report: Public Safety / Public Works, Planning, Weeds, Personnel & Finance
   B. Scherschligt: Park, Personnel & Finance, Events
   C. Jewett: Fire Board
   D. Studer: Public Safety / Public Works
   E. Erdmann: Planning, LMCC Board

10. DEPARTMENT REPORTS

A. Police Department:
B. Excelsior Fire District
C. Public Works
D. Administration
E. Engineering Update

11. ADJOURNMENT

CITY OF DEEPHAVEN

*Check Detail Register©

Batch: 122225PAY,Excelsior Paint,PAY250324,PAY251219,PAY251230

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
10100 CASH					
41863	12/03/25	**EXCELSIOR PAINT & DESIGN**			
E 101-41900-219		OPERATIONAL SUPPLIE	$58.85	2-004337	Paint for doors
		Total	$58.85		
41864	12/19/25	**AMAZON CAPITAL SERVICES**			
E 101-41400-201		OFFICE SUPPLIES	$44.51	114-1080500	tape, paper plates
E 101-41400-201		OFFICE SUPPLIES	$53.63	114-1152683	Printer paper
E 101-41400-201		OFFICE SUPPLIES	$42.34	114-7515487	Printer paper
		Total	$140.48		
41865	12/19/25	**Alma Homes LLC**			
R 101-34960		REFUNDS	$5,000.00	D24461 Escr	Refund escrow for 3725 Westview Drive
		Total	$5,000.00		
41866	12/19/25	**Arena Warehouse LLC**			
E 101-45100-590		CAPITAL OUTLAY	$11,371.20	3064 - Final	Final payment for City Hall Park hockey rink boards
		Total	$11,371.20		
41867	12/19/25	**BANYON DATA SYSTEMS**			
E 101-41400-309		PROFESSIONAL SERVIC	$4,520.00	00167057	Banyon support fees
		Total	$4,520.00		
41868	12/19/25	**BLUE CROSS BLUE SHIELD OF MINNESOTA**			
G 101-21718		BLUE CROSS BLUE SHI	$117.62	2.51201E+11	11/2025 Vision insurance
		Total	$117.62		
41869	12/19/25	**BOGO PEST CONTROL**			
E 101-41400-309		PROFESSIONAL SERVIC	$313.64	74034	City hall pest control
		Total	$313.64		
41870	12/19/25	**CATALYST GRAPHICS INC**			
E 101-41400-322		POSTAGE	$435.18	Mar-25	Postage for newsletter mailing
		Total	$435.18		
41871	12/19/25	**Central United Cooperative**			
E 101-43900-212		FUEL	$49.99	2102	Diesel fuel
		Total	$49.99		
41872	12/19/25	**CINTAS CORP**			
E 101-43900-211		UNIFORMS	$105.00	1905962285	Uniform service
E 101-43900-211		UNIFORMS	$27.94	4251448735	Uniform service
E 101-43900-211		UNIFORMS	$17.94	4252317307	Uniform services
E 101-43900-211		UNIFORMS	$188.73	4253079502	Uniform service
		Total	$339.61		
41873	12/19/25	**DAKOTA COUNTY TECHNICAL COLLEGE**			
E 101-42100-371		REGISTRATION	$300.00	1328239	PD Pursuit Refresher course - Janisch
		Total	$300.00		
41874	12/19/25	**DEAKYNES TRUE VALUE HARDWARE**			
E 101-45100-229		R&M SUPPLIES	$181.22	839003	Paint supplies parks

CITY OF DEEPHAVEN

*Check Detail Register©

Batch: 122225PAY,Excelsior Paint,PAY250324,PAY251219,PAY251230

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 101-45100-229		R&M SUPPLIES	$181.96	B441820	salt, shovels
E 101-43100-224		MAINTENANCE	$49.99	B441820	Mailbox
		Total	$413.17		
41875	12/19/25	**DEM-CON LANDFILL INC**			
E 101-43100-409		R&M CONTRACTURAL-O	$82.18	26338	Disposal fees
		Total	$82.18		
41876	12/19/25	**ECM PUBLISHERS INC**			
E 101-41400-351		LEGAL NOTICES	$43.40	1075692	12/1/2025 Truth in Taxation PH
		Total	$43.40		
41877	12/19/25	**Electric Pump**			
E 602-43200-319		EQUIP MAINTENANCE	$807.25	034002	Ls 2 repair
		Total	$807.25		
41878	12/19/25	**EXCELSIOR FIRE DISTRICT**			
E 101-42200-309		PROFESSIONAL SERVIC	$174,544.10	I-517	Q1 2026 Fire Services
		Total	$174,544.10		
41879	12/19/25	**Goliath Hydro-Vac Inc.**			
E 604-43150-409		R&M CONTRACTURAL-O	$3,168.75	42669	Storm sewer cleaning
		Total	$3,168.75		
41880	12/19/25	**GOPHER STATE ONE CALL**			
E 602-43200-439		MISCELLANEOUS	$90.45	5110338	Utility locates
		Total	$90.45		
41881	12/19/25	**GRAINGER**			
E 101-41900-229		R&M SUPPLIES	$361.56	9726863369	Paper products, Cleaning supplies
		Total	$361.56		
41882	12/19/25	**Great Lakes Salt Company**			
E 101-43100-224		MAINTENANCE	$2,952.02	INV148860	Road salt
		Total	$2,952.02		
41883	12/19/25	**GREGERSON, ROSOW, JOHNSON & NILAN**			
E 101-42100-304		LEGAL EXPENSES	$4,570.82	54432	11/2025 Prosecution Services
		Total	$4,570.82		
41884	12/19/25	**HENNEPIN COUNTY ACCOUNTS RECEIVABLE**			
E 101-43900-323		RADIO	$139.16	1000257332	pw radio
		Total	$139.16		
41885	12/19/25	**JEFF KASK**			
E 101-41900-307		JANITORIAL SERVICES	$300.00	11/26/2025	Clean Deephaven City Hall/Police Dept/Public Works Dept
E 101-41900-307		JANITORIAL SERVICES	$300.00	12/10/2025	Clean Deephaven City Hall/Police Dept/Public Works Dept
		Total	$600.00		
41886	12/19/25	**Joseph Haugsland**			
R 605-36201		BOAT USER FEES	$2,000.00	Dock Refund	2026 dock space refund

CITY OF DEEPHAVEN

*Check Detail Register©

Batch: 122225PAY,Excelsior Paint,PAY250324,PAY251219,PAY251230

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
		Total	$2,000.00		
41887	12/19/25	**L.E.L.S #45 POLICE UNION**			
G 101-21721		POLICE UNION DUES	$438.00	Dec-25	12/2025 PD Union dues
		Total	$438.00		
41888	12/19/25	**LANO EQUIPMENT INC**			
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$375.78	011203802	Bobcat wire harness, filters
		Total	$375.78		
41889	12/19/25	**Lifeloc Technologies Inc**			
E 101-42100-219		OPERATIONAL SUPPLIE	$154.93	422959	PD PBT Mouthpieces
		Total	$154.93		
41890	12/19/25	**LMCIT Insurance Trust**			
E 101-41100-369		CITY INSURANCE	$4,731.88	40002956 12/	Work Comp Insurance Premium
E 601-49400-369		CITY INSURANCE	$1.27	40002956 12/	Work Comp Insurance Premium
E 602-43200-369		CITY INSURANCE	$396.96	40002956 12/	Work Comp Insurance Premium
E 604-43150-369		CITY INSURANCE	$3.52	40002956 12/	Work Comp Insurance Premium
E 605-45100-369		CITY INSURANCE	$51.37	40002956 12/	Work Comp Insurance Premium
		Total	$5,185.00		
41891	12/19/25	**LUBE-TECH RELIABLE PLUS, INC.**			
E 101-41900-409		R&M CONTRACTURAL-O	$151.50	3996799	Hoist inspection
		Total	$151.50		
41892	12/19/25	**MEDIACOM**			
E 101-41400-321		COMMUNICATIONS-TEL	$359.97	8384 97 500	12/2025 Internet - CH
E 101-42100-321		COMMUNICATIONS-TEL	$359.98	8384 97 500	12/2025 Internet - PD
		Total	$719.95		
41893	12/19/25	**METRO WEST INSPECTION SERVICES**			
E 101-42400-309		PROFESSIONAL SERVIC	$14,301.29	4829	11/2025 permit finalizations
		Total	$14,301.29		
41894	12/19/25	**METROPOLITAN COUNCIL**			
E 602-43200-309		PROFESSIONAL SERVIC	$63,672.05	0001197798	1/2026 wastewater services
		Total	$63,672.05		
41895	12/19/25	**MINNESOTA TEAMSTERS #320**			
G 101-21722		PUBLIC WORKS UNION	$289.00	Dec-25	12/2025 PW Union dues
		Total	$289.00		
41896	12/19/25	**MN PEIP**			
G 101-21718		BLUE CROSS BLUE SHI	$27,215.40	1582322	1/1/2026 - 1/31/2026 Health insurance
		Total	$27,215.40		
41897	12/19/25	**MORRIS ELECTRONICS INC**			
E 101-41400-309		PROFESSIONAL SERVIC	$40.00	17488	1148 12/12/25
E 101-42100-309		PROFESSIONAL SERVIC	$40.00	17488	1148 12/12/25
		Total	$80.00		
41898	12/19/25	**MTI DISTRIBUTING INC**			

CITY OF DEEPHAVEN

*Check Detail Register©

Batch: 122225PAY,Excelsior Paint,PAY250324,PAY251219,PAY251230

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$124.51	150225000	Cutting edge, tire toro
		Total	$124.51		
41899	12/19/25	**OCCUPATIONAL HEALTH CENTERS**			
E 101-43900-309		PROFESSIONAL SERVIC	$228.00	104309519	Pre employment screening
		Total	$228.00		
41900	12/19/25	**ON SITE COMPANIES - OSSTC**			
E 605-45100-419		RENTALS	$75.00	0001992390	CarsonsLaunch Restroom Rental
E 101-45100-419		RENTALS	$75.00	0001992391	City Hall Restroom Rental
		Total	$150.00		
41901	12/19/25	**OREILLY AUTOMOTIVE INC**			
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$46.61	3251452411	Light bulb
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$77.88	3251453083	washer fluid
E 101-43900-221		EQUIP/VEHICLE SUPPLI	($40.00)	3251453898	Core return
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$274.69	3251453900	Battery, wiper blades
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$301.62	3251454637	Loader battery
		Total	$660.80		
41902	12/19/25	**POPP Communications**			
E 101-41400-321		COMMUNICATIONS-TEL	$223.35	992901640	Nov/Dec Phone Service - CH
E 101-42100-321		COMMUNICATIONS-TEL	$223.34	992901640	Nov/Dec Phone Service - PD
		Total	$446.69		
41903	12/19/25	**PREMIUM WATERS INC**			
E 101-41400-201		OFFICE SUPPLIES	$44.06	330109-11-2	11/2025 CH water service
		Total	$44.06		
41904	12/19/25	**ProTree**			
E 101-45100-409		R&M CONTRACTURAL-O	$3,047.50	1110007597	hazardous tree removal
		Total	$3,047.50		
41905	12/19/25	**REPUBLIC SERVICES #894**			
E 603-49520-409		R&M CONTRACTURAL-O	$2,000.00	08940073248	Fall Cleanup
E 603-49520-409		R&M CONTRACTURAL-O	$225.00	08940073249	12/2025 Organics Pickup
		Total	$2,225.00		
41906	12/19/25	**SAMARITAN TIRE PROS**			
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$90.00	156396	Toro tire
		Total	$90.00		
41907	12/19/25	**SHRED-N-GO INC**			
E 101-41400-201		OFFICE SUPPLIES	$35.00	191387	11/26/2025 document destruction - Admin
E 101-42100-201		OFFICE SUPPLIES	$35.00	191387	11/26/2025 document destruction - PD
		Total	$70.00		
41908	12/19/25	**STANDARD INSURANCE COMPANY**			
G 101-21715		LIFE INSURANCE-NON T	$427.94	00 772587 00	Life insurance premiums
		Total	$427.94		
41909	12/19/25	**STREICHERS**			
E 101-42100-211		UNIFORMS	$184.99	I1787206	PD uniform boots and shirt - Janisch

CITY OF DEEPHAVEN

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Batch: 122225PAY,Excelsior Paint,PAY250324,PAY251219,PAY251230

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
		Total	$184.99		
41910	12/19/25	**Thompson Reuters - West**			
E 101-41400-433		DUES & SUBSCRIPTION	$416.00	852810523	Westlaw Proflex database access subscription
E 101-41400-433		DUES & SUBSCRIPTION	$416.00	852934415	11/2025 Westlaw Proflex Database access
		Total	$832.00		
41911	12/19/25	**U.S. POSTAL SVC (NEOPOST-POC)**			
E 101-41900-322		POSTAGE	$1,500.00	12/9/2025	Ref #8050779 - Replenish funds for postage machine
		Total	$1,500.00		
41912	12/19/25	**WM MUELLER & SONS INC**			
E 101-43100-229		R&M SUPPLIES	$1,521.25	320099	Sand
		Total	$1,521.25		
41913	12/22/25	**Minnesota Equipment**			
E 101-45100-229		R&M SUPPLIES	$4,360.00	E12225	Power Broom - PW
		Total	$4,360.00		
41914	12/30/25	**CentralSquare Technologies**			
E 101-42100-309		PROFESSIONAL SERVIC	$10,023.08	450472	2026 RMS Maintenance Fee
		Total	$10,023.08		
41915	12/30/25	**CINTAS CORP**			
E 101-43900-211		UNIFORMS	$17.71	4253875981	Uniform service
E 101-43900-211		UNIFORMS	$27.71	4254530769	Uniform service
		Total	$45.42		
41916	12/30/25	**CLS Operating**			
E 101-42100-333		VEHICLE MAINTENANCE	$114.45	16224 11/30/	11/2025 PD Car Washes
		Total	$114.45		
41917	12/30/25	**Corrective Asphalt Materials, LLC**			
E 402-43100-590		CAPITAL OUTLAY	$15,699.97	25024MN	Reclamite street treatment
		Total	$15,699.97		
41918	12/30/25	**DELANO SPORTSMENS CLUB**			
E 101-42100-371		REGISTRATION	$800.00	2026 Dues	2026 shooting range fees - 8 Officers x$100 per officer
		Total	$800.00		
41919	12/30/25	**DELTA DENTAL OF MINNESOTA**			
G 101-21711		DENTAL FAMILY - NON T	$2,084.00	CNS0002029	1/2026 Dental Insurance
		Total	$2,084.00		
41920	12/30/25	**ECM PUBLISHERS INC**			
E 101-41400-351		LEGAL NOTICES	$49.60	1076472	12/16/2025 PH - Variance Ordinance
E 101-41400-351		LEGAL NOTICES	$49.60	1076473	12/16/2025 PH - Building Height Definition & Grading Regulat
E 101-41400-351		LEGAL NOTICES	$55.80	1076474	12/16/2025 PH - 5120 Hooper Lake Road variance
		Total	$155.00		
41921	12/30/25	**Embedded Systems, Inc.**			

CITY OF DEEPHAVEN

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Batch: 122225PAY,Excelsior Paint,PAY250324,PAY251219,PAY251230

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 101-42100-309		PROFESSIONAL SERVIC	$599.64	344943	1/1/2026 - 6/30/2026 Siren Maintenance Contract
		Total	$599.64		
41922	12/30/25	**Excel Lawn & Landscape**			
E 101-45100-409		R&M CONTRACTURAL-O	$400.00	31053	irrigation winterization
		Total	$400.00		
41923	12/30/25	**Excelsior Paint and Design**			
E 101-45100-229		R&M SUPPLIES	$109.40	2-009165	Paint
		Total	$109.40		
41924	12/30/25	**Greystone Construction**			
E 401-45100-590		CAPITAL OUTLAY	$1,306.25	Pay Request	Correction for ice rink Pay Request 1. Original payment Ck 4
		Total	$1,306.25		
41925	12/30/25	**HENNEPIN COUNTY ACCOUNTS RECEIVABLE**			
E 101-42100-302		JAIL HOUSE FEES	$75.00	1000257196	10/01/2025-10/31/2025 jail booking fees
E 101-42100-323		RADIO	$1,431.18	1000257380	11/2025 PD Radio & MDC fees
E 101-42100-302		JAIL HOUSE FEES	$75.00	1000258604	11/01/2025-11/30/2025 Jail booking fees
		Total	$1,581.18		
41926	12/30/25	**INTERNAL REVENUE SERVICE**			
E 101-41400-329		OTHER	$90.19	CP160	Q3 2024 taxes due
		Total	$90.19		
41927	12/30/25	**JEFF KASK**			
E 101-41900-307		JANITORIAL SERVICES	$300.00	12/24/2025	Clean Deephaven City Hall/Police Dept/Public Works Dept
		Total	$300.00		
41928	12/30/25	**METRO WEST INSPECTION SERVICES**			
E 101-42400-309		PROFESSIONAL SERVIC	$17,886.10	4846	12/2025 permit finalizations
		Total	$17,886.10		
41929	12/30/25	**Minnesota Secretary of State**			
E 101-41400-433		DUES & SUBSCRIPTION	$120.00	Pat Smith No	Notary registration fee - Pat Smith
		Total	$120.00		
41930	12/30/25	**Motorola Solutions, Inc**			
E 101-42100-309		PROFESSIONAL SERVIC	$2,064.00	1411221049	LPR Cameras Annual Dues 2/1/26 - 1/31/27
		Total	$2,064.00		
41931	12/30/25	**Omodt & Associates**			
E 101-42100-309		PROFESSIONAL SERVIC	$1,512.50	12/22/2025	PR consultant for Fire District
		Total	$1,512.50		
41932	12/30/25	**OREILLY AUTOMOTIVE INC**			
E 101-42100-221		EQUIP/VEHICLE SUPPLI	$7.93	3251446461	Rocker Switch - PD
E 101-42100-333		VEHICLE MAINTENANCE	$35.98	3251446794	PD Vehicle Antifreeze
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$278.87	3251455031	transmission fluid, wrench, antifreeze
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$16.20	3251455425	filters
E 101-43900-221		EQUIP/VEHICLE SUPPLI	$167.94	3251455980	ATF

CITY OF DEEPHAVEN

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Batch: 122225PAY,Excelsior Paint,PAY250324,PAY251219,PAY251230

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
		Total	$506.92		
41933	12/30/25	**Schneider Excavation & Grading, Inc**			
E 601-49400-409		R&M CONTRACTURAL-O	$2,519.76	SE3549	Hydrant repair
		Total	$2,519.76		
41934	12/30/25	**SHRED-N-GO INC**			
E 101-41400-201		OFFICE SUPPLIES	$35.00	192554	12/24/2025 document destruction - Admin
E 101-42100-201		OFFICE SUPPLIES	$35.00	192554	12/24/2025 document destruction - PD
		Total	$70.00		
41935	12/30/25	**Stantec Consulting Services Inc**			
E 101-42400-303		ENGINEERING FEES	$578.00	2493919	10/2025 Building Permit Site Inspections & CUP Plan Review
E 101-43100-303		ENGINEERING FEES	$480.00	2493920	10/2025 General Engineering services
E 604-43150-303		ENGINEERING FEES	$989.00	2493920	10/2025 Stormwater Engineering services
E 401-45100-303		ENGINEERING FEES	$7,753.25	2493921	Village Hall Park Hockey Rink engineering services
E 402-43100-303		ENGINEERING FEES	$43,382.25	2493922	10/2025 2026 Street Improvement Project engineering fees
E 101-42400-303		ENGINEERING FEES	$250.25	2504652	11/2025 Building Permit Site Inspections
E 101-43100-303		ENGINEERING FEES	$192.00	2504653	11/2025 Streets Engineering Services
E 604-43150-303		ENGINEERING FEES	$425.25	2504653	11/2025 Stormwater Engineering Services
E 602-43200-303		ENGINEERING FEES	$672.00	2504653	11/2025 Sewer Engineering Services
E 101-43100-303		ENGINEERING FEES	$864.00	2504653	11/2025 General Engineering services
E 401-45100-303		ENGINEERING FEES	$1,924.05	2504658	11/2025 Village Hall Park Hockey Rink engineering services
E 402-43100-303		ENGINEERING FEES	$52,444.05	2504661	11/2025 2026 Street Improvement Project engineering fees
E 604-43150-303		ENGINEERING FEES	$425.50	2504661	Montgomerie Avenue Drainage Improvements engineering fees
		Total	$110,379.60		
41936	12/30/25	**Tri County Law Enforcement Assn**			
E 101-42100-433		DUES & SUBSCRIPTION	$90.00	00195	2026 Membership Dues
		Total	$90.00		
41937	12/30/25	**U.S. BANK EQUIPMENT FINANCE**			
E 101-42100-309		PROFESSIONAL SERVIC	$282.42	571241595	12/10/2025-01/10/2026 PD copier contract
E 101-42100-201		OFFICE SUPPLIES	$148.61	571241595	09/10/2025-12/10/2025 PD printing
		Total	$431.03		
41938	12/30/25	**VERIZON WIRELESS**			
E 101-42100-321		COMMUNICATIONS-TEL	$313.82	6130872189	PD Cells & Hot Spots
E 101-43900-321		COMMUNICATIONS-TEL	$80.04	6130872189	PW iPads wireless service
		Total	$393.86		
41939	12/30/25	**WEX BANK CIRCLE K**			
E 602-43200-212		FUEL	$158.73	109253259	sewer fuel
E 101-43900-212		FUEL	$1,690.48	109253259	Public works fuel
		Total	$1,849.21		
41940	12/30/25	**WM CORPORATE SERVICES INC**			
E 603-49520-409		R&M CONTRACTURAL-O	$234.00	0001166-465	Brush disposal

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Check #	Check Date	Vendor Name		Amount	Invoice	Comment
			Total	$234.00		
41941	12/30/25	**ZIEGLER INC**				
E 101-43900-221		EQUIP/VEHICLE SUPPLI		$60.00	IN002208231	loader hose
E 101-43900-221		EQUIP/VEHICLE SUPPLI		$134.04	IN002209040	Loader hoses
			Total	$194.04		
			10100	$512,474.67		

Fund Summary

10100 CASH	
101 GENERAL FUND	$312,048.99
401 PARK IMPROVEMENT FUND	$10,983.55
402 CAPITAL IMPROVEMENT FUND	$111,526.27
601 WATER FUND	$2,521.03
602 SEWER FUND	$65,797.44
603 RECYCLING FUND	$2,459.00
604 STORM WATER MGMT FUND	$5,012.02
605 MARINA FUND	$2,126.37
	$512,474.67

DEEPHAVEN CITY COUNCIL MEETING MINUTES
7:00 P.M. Monday December 1st, 2025

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, Andrew Keller Finance Director and City Engineer Steve Hegland with Stantec,

GUEST: None

2. PLEDGE OF ALLEGIANCE:

The Council recited the Pledge of Allegiance

3. APPROVE THE CONSENT AGENDA:

Motion Made by Jewett and seconded by Scherschligt, to approve the Consent Agenda and to approve the following item;

A. Approve November 17th, 2025 Workshop and Regular City Council Meeting Minutes
B. Approve Payment of Claims
C. Approve cancelation of second Council meetings for December, January and February and closing City Hall on December 24, 2025
D. Approve Resolution Establishing Woodland Administrative & Police service fee
E. Approve Resolution Establishing Greenwood Public Works service Fee

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. TRUTH IN TAXIATION:

A. TNT Presentation

City Administrator Dan Madsen presented an overview of the proposed 2026 Budget and Property Tax Levy. The presentation provided a clear breakdown of revenues, expenditures, and levy impacts, with an emphasis on explaining the budget in a straightforward and understandable manner for both the City Council and the public. Mr.

Madsen reviewed key budget assumptions, major cost drivers, and the overall levy implications, and responded to council questions to ensure clarity and transparency.

Mayor Carlson opened the Public Hearing at 6:14pm and asked if anyone in audience if they had any comments, hearing none. Mayor Carlson asked for acceptance to close the public hearing. Motion was made by Erdmann and seconded by Studer to close the Public hearing.

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

B. Resolution Approving Final 2026 Budget and Property Tax Levy

City Administrator Madsen reviewed Resolution No. 34-25, which approves the 2026 General Fund, Capital Improvement Fund, and Enterprise Fund budgets and sets the final 2025 Property Tax Levy payable in 2026. Madsen summarized changes from the prior year, noting that the proposed 2026 General Fund budget totals $5,493,397, with an operating levy of $3,489,666, representing a 7.2% increase primarily due to higher employee compensation and insurance costs.

The proposed Capital Improvement Fund levy is $1,000,000, an increase of $100,000 from 2025, to support the 2026 Street Improvement Project, construction of a warming house at Village Hall Park, and purchase of a front-end loader for the Public Works Department. The City's 2019A Series Bond payment for 2026 was reviewed, totaling $190,785, a slight decrease from 2025. Based on these figures, the total recommended 2026 Property Tax Levy is $4,680,451, an increase of 9.95% from 2025.

Motion was made by Erdmann and seconded by Studer to approve Resolution #34-25 Approving the 2025 General Fund, Capital Improvement Fund, and Enterprise Fund Bugets and setting the Final 2025 Property Tax Levy payable in 2026.

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

6. PLANNING & ZONING MATTERS:

A. Lake Yard Setback Variance for a Gate at 19680 Lakeview Avenue

Smith presented the staff report. Smith presented the staff report. The subject property is located at the northern end of Lakeview Avenue, with Lake Minnetonka shoreline on the east and west sides of the property and Grandview Point to the north. Grandview Point is a private open space that is accessible to 12 property owners that make up the Grandview Point Neighborhood Association. An access easement exists on the east side of the subject property giving Grandview Point Neighborhood Association members access to Grandview Point and the mooring slips located at the point.

The property is only 125 feet wide. The 100-foot lake yard setback on both sides of the property means a variance is required for any addition or accessory structure over 120 square feet in area.

The applicant is requesting a lake-yard setback variance to install a 5'-9" high x 9'-6" long gate at the end of the existing fence that would prevent traffic from using the private driveway for a turnaround. The driveway is 13.5 feet wide, leaving over five feet of open space to allow pedestrian access to Grandview Point.

Lakeview Avenue is a private road. Unlike other properties located on Lakeview Avenue the only way for an automobile to turn around at the end of Lakeview Avenue is to completely drive into 19680 Lakeview Avenue (the subject property) and use the entire driveway to turn around. The gate will be automated and never locked. Pressing one button will open the gate.

Councilmember Scherschligt stated any possible objection would be against having a privacy gate in general, but privacy gates are allowed use in Deephaven. Councilmember Erdmann mentioned that there is no difference between a privacy gate and a security gate. He stated that the homeowners association did not object to the security gate. Greg Martin, representing the homeowner, said the gate will not have a code so emergency vehicles can easily access the property.

Motion by Councilmember Studer, seconded by Councilmember Scherschligt, to accept the recommendation and findings of staff and the Planning Commission and approve a variance to encroach into the 100-foot for a privacy gate at 19680 Lakeview Avenue. Motion carried 5/0.

B. Variance for a Retaining Wall to Encroach into the Rear Setback at 3725 Westview Avenue

Smith presented the staff report. Ethan Kindseth, Alma Homes, is requesting a variance for a retaining wall over four-feet in height to encroach into the rear yard setback. The applicant constructed the house located at 3725 Westview and submitted an as-built survey showing the five-foot retaining wall within the rear setback.

Councilmember Erdmann said there were very few concerns at the Planning Commission. Councilmember Jewett asked about drainage. City Engineer Hegland stated that the retaining wall will not have a negative effect on stormwater drainage.

Motion by Councilmember Studer, seconded by Councilmember Erdmann, to accept the recommendation and findings of staff and the Planning Commission and approve a variance to encroach 6 feet into the rear yard setback for a 5.09-foot high retaining wall at 3725 Westview Drive as proposed. Motion carried 5/0.

C. Variance to Encroach into the Side Yard Setback for a Second Story Addition at 4295 Northern Road

Smith presented the staff report. According to Hennepin County Property Information, the existing house was constructed in 1920. The house was constructed with a 4.5-foot side yard setback to the south. On March 7, 1988, the City Council approved a variance to encroach 12 feet into the required 15-foot side yard setback to construct an attached garage.

The existing house has three bedrooms on the second floor. The property owners would like to add living space above the attached garage, which would create a master bedroom for the house. The existing garage is 21 feet in height. The proposed second-story addition would raise the roof of the garage 7.5 feet. At 28.5 feet, the second story addition would be the same height as the main portion of the house.

Councilmember Erdmann stated that the Planning Commission had no issues with the requested variance. Councilmember Scherschligt asked if there were any comments from neighbors. Smith stated no comments have been received either in support or opposition to the variance request.

Motion by Councilmember Erdmann, seconded by Councilmember Jewett, to accept the recommendation and findings of staff and the Planning Commission and approve a variance to encroach 6.3 feet into the minimum required side yard setback in conjunction with the construction of a second-story addition to the house at 4295 Northern Road, as proposed. Motion carried 5/0.

D. Variance to Encroach into Front Yard, Side Yard and Lake Yard Setbacks for a Second Story Addition at 19820 Lakeview Avenue

Smith presented the staff report. According to Hennepin County Property Information, the existing house was constructed in 1956. The house is a non-conforming structure with a 27-foot front yard setback, a 64.1-foot lake yard setback, a 11.5-foot south side yard setback and an 8.7 north side yard setback.

On November 7, 2011, the City Council approved a variance to encroach 11 feet, ten inches into the required 35-foot front yard setback, a variance to encroach five feet, eleven inches into a the required 15-foot north side yard setback; a variance to encroach three feet, five inches into the required 15-foot south side yard setback; a variance to encroach 35 feet, 11 inches into the required 100-foot lake yard setback and a variance to exceed the maximum permitted hardcover by 9% for a second-story addition for the subject property.

The existing house has two bedrooms in the basement and the master bedroom in the main floor. The new property owners would like to add living space above the attached garage. The proposed addition would add two bedrooms and a bathroom on the second floor. The applicant has submitted a site plan and floor plans that highlights which areas of the second-story addition encroach into the setbacks. The areas in green comply with the required

setbacks. The areas in red encroach into either the lake yard, side yard or front yard setbacks.

Councilmember Erdmann stated the property owner to the west supported the variance request at the Planning Commission meeting. He believes the project will be an improvement for the neighborhood. Councilmember Jewett asked if the Planning Commission discussed the increased hardcover that has occurred since 2011. Councilmember Erdmann stated no.

Motion by Councilmember Scherschligt, seconded by Councilmember Studer, to accept the recommendation and findings of staff and the Planning Commission and approve a variance to encroach 12 feet into the minimum required lake yard setback, a variance to encroach 3.5 feet into the minimum required side yard setback, and a variance to encroach 11.2 feet into the minimum required front yard setback in conjunction with the construction of a second-story addition to the house at 19820 Lakeview Avenue, as proposed. Motion carried 5/0.

A. Conditional Use Permit to Exceed Hardcover Limit for a New House at 18540 Azure Road

Smith presented the staff report. According to Hennepin County Property Information, the existing house was constructed in 1958. The existing hardcover is 25.39%. The applicant is proposing to raze the existing house and construct a new house that would increase the hardcover to 30.5%. The proposed new house would eliminate the non-conforming detached garage that is setback 8.2 feet from the east property line (10 feet is required).

Councilmember Erdmann stated that the Planning Commission was pleased that the proposed house will remove two non-conforming setbacks and will improve the drainage to the property to the east. Councilmember Jewett asked about the size of the proposed raingarden. City Engineer Hegland stated the proposed size is appropriate for the amount of hardcover that is over the limit.

Motion by Councilmember Studer, seconded by Councilmember Scherschligt, to accept the recommendation and findings of staff and the Planning Commission and approve a Conditional Use Permit to exceed the hardcover limit by 5.5% in conjunction with building a new house at 18540 Azure Road as proposed. Motion carried 5/0.

B. Master Trail Plan

Smith presented the staff report. The goal was to create a pedestrian trail plan that identifies missing links in the City's trail and sidewalk system and how those missing links may be completed. When roadway projects are designed, the Council and staff could refer to the Master Trail Plan and determine if the roadway project should include pedestrian trail improvements as recommended by the Master Trail Plan. Having an approved Master Trail Plan also helps the City be more competitive when applying for

grants, specifically Safe Routes to School grants from Minnesota Department of Transportation (MnDOT).

Once the Master Trail Plan is adopted, the next step is to amend the Comprehensive Plan to include the proposed improvements. Next spring the Planning Commission will discuss (on an annual basis) which grants to apply for to help implement the Master Trail Plan.

Councilmember Studer asked if the recommendations in the Master Trail Plan would be required with future road projects. Smith stated that a implementation timeline was purposely omitted from the Master Trail Plan to give future Councils the flexibility to implement parts of the plan as they deem necessary. Mayor Carlson said that the Master Trail Plan will be important when the City is applying for grants for pedestrian improvements.

Councilmember Jewett asked if roadway projects would be delayed if the Planning Commission is reviewing the Capital Improvement Plan (CIP). Smith stated no. The Planning Commission is legally obligated to review the CIP before the City Council adopts the CIP. So the Planning Commission would just review the CIP and make sure it is consistent with the Comprehensive Plan the month before the City Council is supposed to adopt the CIP.

Councilmember Studer asked if the Master Trail Plan has to be part of the Comprehensive Plan. Smith stated it is common for communities to include a trail plan in the Comprehensive Plan because the Comprehensive Plan is the document that outlines the vision for the community, and would be more competitive with grants if the Trail Plan is adopted as part of the Comprehensive Plan. Smith stated that the Comprehensive Plan is more condensed than the Master Trail Plan. Mayor Carlson said that when the city contemplates future road projects, it would be the future Councils' discretion to look at options for pedestrian improvements. Smith stated that the recommendations in the Master Trail Plan are not set in stone and future Councils may deviate from the recommendations as they see fit.

Councilmember Erdmann, moved to adopt the Master Trail Plan without amendments, seconded by Councilmember Scherschligt. Motion carried 5/0.

7. UNFINISHED BUSINESS:

NONE

8. NEW BUSINESS:

NONE

9. COUNCIL REPORTS:

A. Mayor Carlson: Nothing new to report in Public Works/Safety since their last meeting that was updated in Novmeber. Finance was discussed in the earlier in the Budget approval.

B. Scherschligt: Looking ahead to 2026 projects, council would like to review the plans for the warming house for City Hall park. Erdmann confirmed that the vision for this warming house will be more than a warming house for the Ice Rink. Making it more of a year round place for multi use for the public.

C. Jewett: November 19th meeting moved to closed session for performance review that last quite a while and the closed session they publicly approved an independent investigation on some matters that were brought to the boards attention. After that there was an update on the chiller system, and a presentation from the relief association which the numbers all looked good.

D. Studer: Nothing new report

E. Erdmann: Meeting in December. Sale of the LMMC building buyer has asked for an extension but both Jewett and Erdmann had to leave that meeting to come to the Council Meeting. Hopefully they can make things work with he existing buyer.

10. DEPARTMENT REPORT:

A. **Police Department**: November was very busy compared to what the report says due to sending the report before the Holiday.
B. **Excelsior Fire:**
C. **Public Works:** Have been busy plowing snow and working on the Ice Rink. Hegland will give a more in depth report in his report.
D. **Administration: Nothing**
E. **Engineering:** Boards are up and lights will be going up on Thursday. Street project is full design mode and moving to get bids which we should have in January.

11. ADJOURNMENT:

Motion made by Studer and seconded by Jewett to adjourn he regular City Council Meeting at 8:22pm.

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

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM

20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, January 5, 2026
New Business:
Resolution Establishing the Official 2026 Deephaven Calendar

The Council typically reviews and approves the official Deephaven Meeting Calendar on an annual basis. It is essential that we establish an Official City Calendar that outlines important dates, events and meetings. The proposed calendar has been carefully crafted to ensure that all council meetings, special dates and observed holidays are accurately reflected.

The attached draft resolution includes the following: City Council meeting dates, preliminary & final budget dates and TNT date, zoning deadlines, dates needed for public hearings, packet delivery dates and observed holidays (which the City office will be closed).

We recommend that the Council review and approve the proposed calendar to ensure that all information is correct. Approval of the calendar will enable the city to effectively plan and coordinate meetings throughout the year.

If approved, a clean copy of the Resolution will be prepared and provided for signatures.

Thank you, and as always, please feel free to email or call with any questions, comments or concerns or requests for additional information you may have prior to the meeting.

Kimberly Lenarz-Greenwaldt
City Clerk
Deephaven, Minnesota

CITY OF DEEPHAVEN, MINNESOTA

A Regular meeting of the City Council of the City of Deephaven, Minnesota was called to order by Mayor Carlson on Monday, January 5, 2026 at 7:00 p.m. in the Council Chambers of City Hall, 20225 Cottagewood Road, Deephaven, Minnesota, 55331. The following council members were present: Carlson, Jewett, Erdmann, Scherschligt and Studer. The following members were absent: Jewett. A motion to adopt the following resolution was made by Jewett seconded by Studer.

RESOLUTION # 01-26

RESOLUTION ESTABLISHING THE 2026 OFFICAL DEEPHAVEN CALENDAR

WHEREAS, The Deephaven City Council meets on the first & third Monday of each month at 7 p.m.; and

WHEREAS, notice of public hearings must be published 10 days in advance; and

WHEREAS, the meetings of the Deephaven City Council are held in the Council Chambers of Deephaven City Hall at 20225 Cottagewood Road, Deephaven, MN 55331; and

WHEREAS, the City Council meetings may be changed due to lack of quorum or other conflict with timing, scheduling or holidays.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Deephaven, Minnesota, hereby approves the following 2026 Calendar, including dates for Council meetings, deadlines for zoning applications, and delivery of packet materials:

CITY OF DEEPHAVEN
2026 MEETING SCHEDULE

Council Meetings at 7pm 1st & 3rd Mondays	Planning Commission 7pm, 3rd Tuesday	Public Notice Due	Packet Delivery	Notes
January 5	January 20	December 24	December 31	
February 2	February 17	January 22	January 29	
March 2		February 19	February 26	
March 16	March 17	March 5	March 12	
April 6	April 21	March 26	April 2	Board of Appeals
April 20		April 9	April 16	
May 4		April 23	April 30	
May 18	May 19	May 7	May 14	
June 1		May 21	May 28	
June 15	June 16	June 4	June 11	
July 6		June 25	July 2	
July 20	July 21	July 9	July 9	
August 3		July 23	July 30	
August 17	August 18	August 6	August 13	
September 8	September 15	August 27	September 3	Preliminary Budget approval
September 21		September 10	September 17	
October 5		September 24	October 1	
October 19	October 20	October 8	October 15	
November 2		October 22	October 29	
November 16	November 17	November 5	November 12	
December 7	December 15	November 26	December 3	Final Budget: TNT Public Hearing
December 21		December 10	December 17	

Meeting dates may be changed due to lack of quorums, other conflicts or Holidays

BE IT ALSO RESOLVED, that the Park Committee shall meet on the 1st Tuesday of each month, and the Events Committee shall meet on the 3rd Wednesday of each month.

BE IT FURTHER RESOLVED, that the City of Deephaven, Minnesota, shall observe the following holidays in 2026:

HOLIDAY	2025 DATES
New Year's Day	Thursday, January 1st
Martin Luther King Jr. Day	Monday, January 19th
Presidents' Day	Monday, February 16th
Good Friday	Friday, April 3rd
Memorial Day	Monday, May 25th
Juneteenth	Friday, June 19th
Independence Day	Friday, July 3rd
Labor Day	Monday, September 7th
Veteran's Day	Wednesday, November 11th
Thanksgiving Day	Thursday, November 26th
Day after Thanksgiving	Friday, November 27th
Christmas Day	Friday, December 25th

Adopted by the Council of the City of Deephaven, Minnesota on Monday, January 5th, 2026.The following council members voted in favor: Carlson, Jewett, Erdmann, Scherschligt and Studer. The following members voted against or abstained: None. Where upon the motion and Resolution were declared passed and executed.

CITY OF DEEPHAVEN

_____

Mayor, Kent Carlson

ATTEST:

_____

City Clerk, Kimberly Lenarz-Greenwaldt

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM

20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, January 5, 2026
Workshop and Consent Agenda:
Council Committee Appointments

The City Council approves Staff and Council Appointments to the City's various Commissions, Committees and Boards each year. The attached Resolution shows the proposed Appointments for 2026. We can review these in Workshop and make any changes on assignments during our review.

Thank you, and please send any questions, comments or requests for additional information you may have.

Sincerely,

Dan Madsen
City Administrator / Special Counsel
Deephaven, Minnesota

CITY OF DEEPHAVEN, MINNESOTA

A Regular meeting of the City Council of the City of Deephaven, Minnesota was called to order by Mayor Carlson on Monday, January 5, 2026 at 7:00 p.m. in the Council Chambers of City Hall, 20225 Cottagewood Road, Deephaven, Minnesota, 55331. The following Council Members were present: Carlson, Jewett, Erdmann, Studer and Scherschligt. The following members were absent: none. A motion to adopt the following resolution was made by xxxx, seconded by xxxx.

RESOLUTION #02-26

A RESOLUTION DESIGNATING APPOINTMENTS AND ASSIGNMENTS FOR 2026

BE IT RESOLVED: by the Council of the City of Deephaven, Minnesota, that the following Commission, Committee and Board appointments are approved for the year 2026:

Kent Carlson	Personnel & Finance Committee Public Safety & Public Works Committee Weed Inspector Planning Commission Alternate Fire Board Alternate
Tom Erdmann	Planning Commission LMCC Board
Tony Jewett	Fire Board
Emily Scherschligt	Park Committee Personnel and Finance Committee Events Committee Mayor *Pro Tem*
John Studer	Public Safety & Public Works Committee Planning Commission Alternate
Dan Madsen	City Administrator Special Counsel Public Safety & Public Works Committee Personnel & Finance Committee Public Works Director Park Board Fire Board

Jeff Kask	Public Works Supervisor Public Safety & Public Works Committee Assistant Weed Inspector
Open	LMCD Representative
Dorsey & Whitney (Jay Lindgren)	City Attorney
Campbell Knutson (Alina Schwartz)	Prosecuting Attorney
Stantec, Steve Hegland	City Engineer
Cory Johnson	Police Chief Public Safety & Public Works Committee
Hennepin County	Health Officer
Sun Sailor	Official Newspaper
Official Depositories	Alerus Bank Bridgewater Bank Multi-Bank Securities, Inc. RBC Wealth Management 4M Fund

Adopted by the City Council of the City of Deephaven, Minnesota on Monday, January 5, 2026. The following council members voted in favor: Carlson, Erdmann, Jewett, Studer and Scherschligt. The following members voted against or abstained: None. Where upon the motion and Resolution were declared passed and executed.

CITY OF DEEPHAVEN

_____
Mayor, Kent Carlson

ATTEST:

_____
City Clerk, Kimberly Lenarz-Greenwaldt

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM

20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, January 5, 2026
New Business:
Resolution Approving 2026 Administrative Fee Schedule

The Council typically reviews and approves administrative fees on an annual basis to ensure the city is covering our costs and expenses for the administrative services we provide. Attached for your consideration and review is the proposed 2026 Administrative Fee Schedule, along with some recommendations for equitable changes and updates.

For 2026, we are recommending adding an Inflow and Infiltration Inspection Fee, a Permit Administration Fee for Building Permits, a Marina Boat Sticker fee and a Marina Slip Violation Fine; the later two are yet to be determined. The Inflow and Infiltration Inspection Fee is intended to cover the City's cost in having the City Engineer review lateral service video to support the issuance of Certificates of Inflow and Infiltration. The Administrative Permit Fee is intended to cover the City's cost in issuing plumbing and other internal permits which requires Staff time in scheduling, tracking and issuing these permits. in addition to those listed for this year. Finally, Staff have included a placeholder for the fee for additional Marina Boat Stickers. This amount and process has not yet been determined, but Staff thought we would include that as a placeholder for this and future years as we move forward with amending the Marina Policy.

Attached for your review is a Draft Resolution highlighting the proposed changes in the fees and Resolution language. If approved, a clean copy would be prepared and provided for signature.

Thank you, and as always, please send any questions, comments, concerns or requests for additional information you may have prior to the meeting.

Dan Madsen
City Administrator / Special Counsel
Deephaven, Minnesota

CITY OF DEEPHAVEN, MINNESOTA

A Regular meeting of the City Council of the City of Deephaven, Minnesota was called to order by Mayor Carlson on Monday January 5, 2026, at 7:00 p.m. in the Council Chambers of City Hall, 20225 Cottagewood Road, Deephaven, Minnesota, 55331. The following council members were present: Carlson, Erdmann, Jewett, Studer and Scherschligt. The following members were absent: None. A motion to adopt the following resolution was made by xxxx, seconded by xxxx.

RESOLUTION #03-26
A RESOLUTION ESTABLISHING A SCHEDULE OF ADMINISTRATIVE FEES

Whereas: Section 405.06 of the Deephaven City Code provides authority for the City to establish a schedule of fees for miscellaneous items and administrative services; and

Whereas: These fees should be regularly discussed and reviewed to ensure they are equitable and in best interest of the Community; and

Whereas: After consideration of the fees charged for similar services in similarly situated jurisdictions, and after comparison with the cost of the City in providing these services, the following fee schedule should be approved for application effective upon passage of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Deephaven, Minnesota that the following schedule of Administrative Fees be in effect upon the date of passage of this Resolution and shall remain in effect until otherwise amended or changed by Resolution:

a.	B/W Copies	-	$0.25 per page + Staff Time
b.	B/W Copies (11" x 17")	-	$0.50 per page + Staff Time
c.	Color Copies	-	$1.00 per page + Staff Time
d.	Color Copies (11" x 17")	-	$1.50 per page + Staff Time
e.	Maps (Large)	-	Cost + 10%
f.	Computer labels	-	$2.00 per page
g.	Comprehensive Plan	-	$15.00
h.	City Code	-	Labor, Printing Cost + Shipping
i.	Zoning Code	-	Labor, Printing Cost + Shipping
j.	Subdivision Code	-	Labor, Printing Cost + Shipping
k.	Fax	-	$1.00 per page
l.	Photos	-	$2.00 per photo or $15.00 minimum
m.	Police Video	-	$25.00
n.	Police Officer	-	$125.00 per hour, 3 hour minimum
o.	Mileage Reimbursement	-	$0.725 per mile
p.	Impound Fee	-	$50.00 plus $5.00 per day
q.	Variance Extension Fee	-	$50.00 per extension
r.	Professional Witness Fee	-	$150.00 (1st 3 hours) + $50.00/hour thereafter
s.	Forfeiture Bond Release Fee	-	$500.00

t.	Attorney / Civil Legal Fee	-	$250 per hour / $440 or contract rate
u.	Inflow & Infiltration Inspection	-	$250
v.	Permit Admin Fee	-	$20 per permit
w.	Residents Extra Parking Permit	-	$10 per sticker
x.	Special Event Application	-	$50 per application
y.	Marina Boat Sticker	-	$TBD

Adopted by the City Council of the City of Deephaven, Minnesota on Monday, January 5, 2026. The following council members voted in favor: Carlson, Erdmann, Jewett, Studer and Scherschligt. The following members voted against or abstained: None. Where upon the motion was declared passed and executed.

CITY OF DEEPHAVEN

_____

Mayor, Kent Carlson

ATTEST:

_____

City Clerk, Kimberly Lenarz-Greenwaldt

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM

20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, January 5, 2026
New Business:
Resolution Setting Date of Local Board of Appeal and Equalization

Each spring, the Hennepin County Assessor's Office mails a Valuation Notice informing property owners of the value and classification of their property. Property owners have the right to appeal the valuation of their property if they feel that the estimated market value and/or property classification established by the County is incorrect. Appeals to valuation are made to the Board of Appeal and Equalization.

Some cities and townships, like Deephaven, have their City Councils serve as the Local Board of Appeal and Equalization. MINN. STAT. §274.014. Each year, Deephaven holds a Public Hearing where property owners can make these appeals in valuation or classification directly to the City Council. The City's Assessor, Michael Smerdon from Hennepin County, will be present to explain the valuation and classification of property and answer any questions the Council or public may have. Property owners must appear and appeal their valuation or classification at the Local Board level before they can appeal at the County level or file suit in Tax Court.

Some cities and townships have opted to hold an "Open Book Meeting," as opposed to serve as their own Local Board of Appeal and Equalization; in which the property owner appeals directly to the County Assessor. Deephaven has traditionally determined that it is best to retain authority and independence and serve as its own Board.

Historically, Deephaven has held the Local Board of Appeal and Equalization at the first meeting in April. For 2026, the Deephaven Board of Appeal and Equalization meeting will be held Monday, April 6, 2026 at 6 p.m. The attached Resolution satisfies statutory requirements and formally approves this meeting date and time.

Please let me know if you have any questions or requests for additional information or documentation prior to our meeting.

Dan Madsen
City Administrator / Special Counsel
Deephaven, Minnesota

CITY OF DEEPHAVEN, MINNESOTA

A Regular meeting of the City Council of the City of Deephaven, Minnesota was called to order by Mayor Carlson on Monday, January 5, 2026 at 7:00 p.m. in the Council Chambers of City Hall, 20225 Cottagewood Road, Deephaven, Minnesota, 55331. The following council members were present: Carlson, Erdmann, Studer and Scherschligt. The following members were absent: None. A motion to adopt the following resolution was made by XXXX, seconded by XXXX.

RESOLUTION #04-26
ESTABLISHING DATE FOR THE 2026 LOCAL BOARD OF APPEAL AND EQUALIZATION MEETING AND PUBIC HEARING

WHEREAS, Minnesota State Statutes §274.01 requires cities to hold an annual Local Board of Appeal and Equalization to allow residents input on the assessed valuation of their property; and

WHEREAS, the City of Deephaven contracts with Hennepin County and Michael Smerdon to prepare the assessed valuation on all city property; and

WHEREAS, the City of Deephaven has at least one board member that completed the Board of Appeal and Equalization training in the past four years:

Mayor Kent Carlson, certification expiring July 1, 2027
Councilman Tony Jewett, certification expiring July 1, 2028; and

WHEREAS, Hennepin County has agreed upon a time and date for the City of Deephaven's Board of Appeal and Equalization for 2025, being 6 p.m., April 6, 2026 in Council Chambers of Deephaven City Hall.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the city of Deephaven, Minnesota that the 2026 Local Board of Appeal and Equalization for the City of Deephaven will be held Monday, April 6, 2026 at 6 p.m. in the Council Chambers of City Hall, 20225 Cottagewood Road, Deephaven, Minnesota 55331.

Adopted by the City Council of the City of Deephaven, Minnesota on Monday, January 5, 2026. The following council members voted in favor: Carlson, Erdmann, Studer and Scherschligt. The following members voted against or abstained: None. Where upon the motion, and Resolution, were declared passed and executed.

CITY OF DEEPHAVEN

_____
Mayor, Kent Carlson

ATTEST:

_____
City Clerk, Kimberly Lenarz-Greenwaldt

WS ITEM 1 &
ITEM 3G

Deephaven Police Department

CORY JOHNSON
CHIEF OF POLICE

20225 Cottagewood Road
Deephaven, MN 55331

Email – coryj@deephavenpolice.com

January 5, 2026

To: Honorable Mayor Kent Carlson
Deephaven City Council

Cc: Dan Madsen, City Administrator, Special Counsel

From: Cory Johnson, Chief of Police

Re: Flock Safety Cameras

This discussion is to provide the Council with information about Flock camera systems and summarize the uses, safeguards and protocols in place to protect privacy, ensure transparency, and maintain community trust.

Flock cameras are automated license plate recognition (ALPR) systems used by law enforcement agencies around the country to aid in criminal investigations. The system captures images of license plates and vehicle characteristics, not individuals, and alerts officers when a vehicle associated with a crime or public safety concern is detected.

The City of Deephaven will use these cameras for one primary purpose: public safety. These cameras help identify vehicles involved in serious crimes such as stolen vehicles, missing persons, hit and runs, and violent offenses. They do not use facial recognition and they do not track individuals or store personal information such as driver identity. Flock cameras are investigative tools to assist the police department in solving crimes, not for general surveillance. Beyond immediate alerts, stored footage offers valuable evidence by pacing vehicles near crime scenes and help establish timelines. The sharing of data amongst our neighboring agencies helps build a regional network that supports broader and more coordinated investigations.

Customers of Flock Safety own 100% of the data collected by their ALPR's and determine who can access it. Flock does not sell to third parties, every search is logged, and the data is permanently deleted after 60 days. We would reduce this to 30 days.

In recent months there has been some scrutiny around the nation regarding the use of Flock Safety's ALPR's. Critics rightly warn about risks of mass surveillance. Algorithmic

bias, privacy erosion, and misuse of data- especially when broad queries are run without meaningful oversight. We are mindful of those concerns and have State laws and Policies in place that clearly state how ALPR's are to be used. Our department views this technology as a tool- not a solution in itself- and only for investigative purposes. Our objective is not to surveil everyone, but to deter unlawful behavior and solve crime. ALPR technology is an example of a resource often referred to as a force multiplier for police departments since it can make a police department more efficient and effective.

The police department is not new to using ALPR's. We have them in all of our patrol vehicles. The downfall with our current system is the cameras are inside the vehicle and do not work well in the dark. These Flock cameras would be stand-alone poles with a camera and solar panel. The Maplewood's Association in Woodland has a Flock camera that we have access to. We are familiar with the system and have used it several times for investigative purposes. We have been successful in locating a hit and run recently. We have stopped several vehicles that have had hits for warrants and no driver's licenses.

We believe that four cameras placed around town would be beneficial for Deephaven. I have included numerous materials for your review. I look forward to the discussion on Monday evening.

Recommendation:
Approve the 36-month agreement with Flock Camera systems for a total of $12,000.00 per year. We do not own the cameras and they provide installation and all maintenance. For 2026 they are offering free install of poles and cameras, a savings of $2,600.00. There is a four to six-month backlog for installation.

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Starter Bundle



Product	Quantity	Total Price
LPR (4)(3k per unit, per year)	4	INCLUDED
One Time Installation Fee ($2,600) *Waived if moving forward Jan 2026*	4	INCLUDED
FlockOS		INCLUDED
	First Year Flock Cost	$12,000
	Recurring Flock Cost	$12,000

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Privacy Commitment

Let's defeat crime together.

Our commitment to **protecting the whole community**

Flock Safety helps thousands of cities prevent and eliminate crime with technology that captures objective evidence and delivers it into the hands that serve and protect. In our pursuit of a safer society, we place our commitment to protecting individual privacy and mitigating bias at the core of every policy and product we develop.

WE FOCUS ON PROTECTING PRIVACY AND ENABLING ACCOUNTABILITY

- Flock devices only capture objective evidence, whether vehicular, audio, or video. Flock does not enable predictive policing.
- Flock devices do not connect to databases to identify name, identifiers, addresses, or other information about people.
- The system always requires a documented search reason or case number every time a user accesses Flock data, creating a permanent audit trail for every user.
- Customers own 100% of all data captured on our devices. We never share or sell data with third parties.
- All images and metadata are encrypted in the cloud for maximum security compliance.
- Flock has created the first LPR Transparency Portal, provided to customers optionally for free, to document LPR usage, policies, and ROI for their community.



flock safety

flocksafety.com
(866) 901-1781 | support@flocksafety.com

Flock Safety

Security Claims & Facts

CLAIM

Flock has inadequate security standards.

FACT

Flock is relentlessly focused on data integrity and security, and secures data in accordance with the highest industry requirements. This includes strict encryption standards that use a 256-bit key to convert plain text into cipher – virtually impenetrable to brute-force attacks. Flock adheres to the following security frameworks and certifications, amongst others:

- ISO 27001 compliance certification (an international framework for IT security)
- SOC 2 Type II, assessed by an audit that assesses an organization's controls over its data and system
- NIST 800-53, an information security standard defined by the National Institute of Standards and Technology (NIST)
- Secure By Design principles program authored by the Cybersecurity and Infrastructure Security Agency (CISA)

CLAIM

Flock has been hacked.

FACT

Flock's platform has never been hacked. A recent YouTube video claims "80,000 cameras" have been hacked. This is false. The YouTuber in question gained limited access to one older generation camera that had never been connected to our system and had never received a security update, which we push out frequently. Flock cameras are not connected to each other; access to one does not provide access to any others. No access to Flock's cloud environment is possible via a camera. All customer data collected by Flock devices is encrypted at rest, in transit, and while stored in the cloud. Flock's cloud storage has never been compromised.



Flock Safety

CLAIM

It is possible to hack into Flock's cloud database from a Flock camera.

FACT

It is not possible to hack into Flock's cloud database from a Flock camera. Alleged vulnerabilities circulating on the internet have no effect on our cloud platform, where evidence and metadata is stored. Images sent to the cloud are fully encrypted in transit.

CLAIM

Flock does not update our hardware or mitigate identified vulnerabilities in our hardware system.

FACT

Flock publicly discloses identified vulnerabilities on a regular basis to the public vulnerability database maintained by MITRE, most recently in May 2025. Vulnerability identification and remediation is an ongoing process.

CLAIM

Flock does not require Multi-Factor Authentication for customers.

FACT

In November 2024, Flock made Multi-Factor Authentication (MFA) the default for all users, supported through common providers including Okta and Google Authenticator. For Single Sign-On (SSO), Flock supports multiple authentication methods including SAML, OIDC, and Azure-specific SSO. Following the decision to make MFA default, Flock proactively conducted outreach to thousands of law enforcement agencies to help them enable MFA, and the vast majority of Flock's law enforcement customers now use either MFA or SSO.

CLAIM

Foreign adversaries have access to the Flock system.

FACT

There is zero evidence that foreign actors have or have had any access whatsoever to Flock's system or cloud platform.



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Frequently Asked Legal Questions

What is the intent of this document?
To provide supplemental information and context for your review of our terms and conditions. Not only is our platform unique, but so is our collaborative approach. Please let us know if you think questions are missing, and we will make sure to answer them as best we can.

1

WHAT DOES FLOCK DO?

Flock is a public safety operating system that helps communities and law enforcement in 3,000+ cities work together to eliminate crime, protect privacy, and mitigate bias. We build devices (defined as Flock Hardware in the terms and conditions) that capture objective evidence and use machine learning to decode and deliver unbiased investigative leads to law enforcement. Our flagship proprietary devices are solar powered, utilize cloud-based software, are infrastructure free and assist in reducing crime. Flock provides the public safety operating system on a software-as-a-service model.

2

WHAT TECHNOLOGY DOES FLOCK PROVIDE AND WHAT IS FLOCK'S SERVICE MODEL?

Flock provides (hardware + software) under a service subscription model. As part of the fee, Flock will provide the required hardware and software in order to support our subscription, including ongoing maintenance and support. Customers will access Flock's software platform via web browser.

Additionally, if a device suffers from a manufacturer defect, Flock will replace the device at no additional fee. However, if a device is lost, stolen, vandalized, or damaged, the customer will be responsible for replacement. More details on our reinstall process is location in our Reinstall Fee Schedule (found in the terms and conditions).

3

WHAT IS FLOCK'S BILLING SCHEDULE AND WHEN DOES THE TERM START?

Flock invoices an annual fee that includes the hardware, maintenance, ALPR software, software updates, unlimited authorized users within an organization, standard 30 day unlimited data storage, LTE connectivity, solar panels, poles, mounting equipment, and device health monitoring.

The first invoice is issued within 24 hours after signature; however, the start of the term does not begin until the cameras are installed and validated. The second annual invoice will be according to the term start date, making sure the customer has a full year of use.

4

WHAT HAPPENS AFTER THE CONTRACT IS SIGNED?



5

HOW DO WE DECIDE WHERE THE DEVICES ARE INSTALLED?

Flock will work with customers to create a deployment plan for installation of hardware, taking into consideration factors such as sunlight, efficiency, impact, LTE coverage. Due to permitting and regulatory requirements, Flock maintains final discretion over the designated locations. Additionally, Flock will work with the customer to obtain any permits or additional licenses needed to install the devices.

6

WHO OWNS THE DEVICES?

Flock owns the devices. Flock does not convey ownership or title of the devices to our customers - the devices are not leased. Customers are not allowed to move, remove or relocate the devices. Flock is a software and hardware as a service company. Customers are paying for access to the Flock system and the data that the devices capture.

7

WHO OWNS THE DATA CAPTURED BY FLOCK'S DEVICES?

Customers own their own data captured by Flock devices. Customers can choose who to share their data with and allow local law enforcement to receive hotlist alerts from the device.

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8

WHAT IS THE CUSTOMER IMPLEMENTATION GUIDE?

Flock's Customer Implementation Guide details our device implementation process. This document is non-customizable and can be provided for reference during negotiations and will be included in the DocuSign package for signature once an agreement has been finalized.

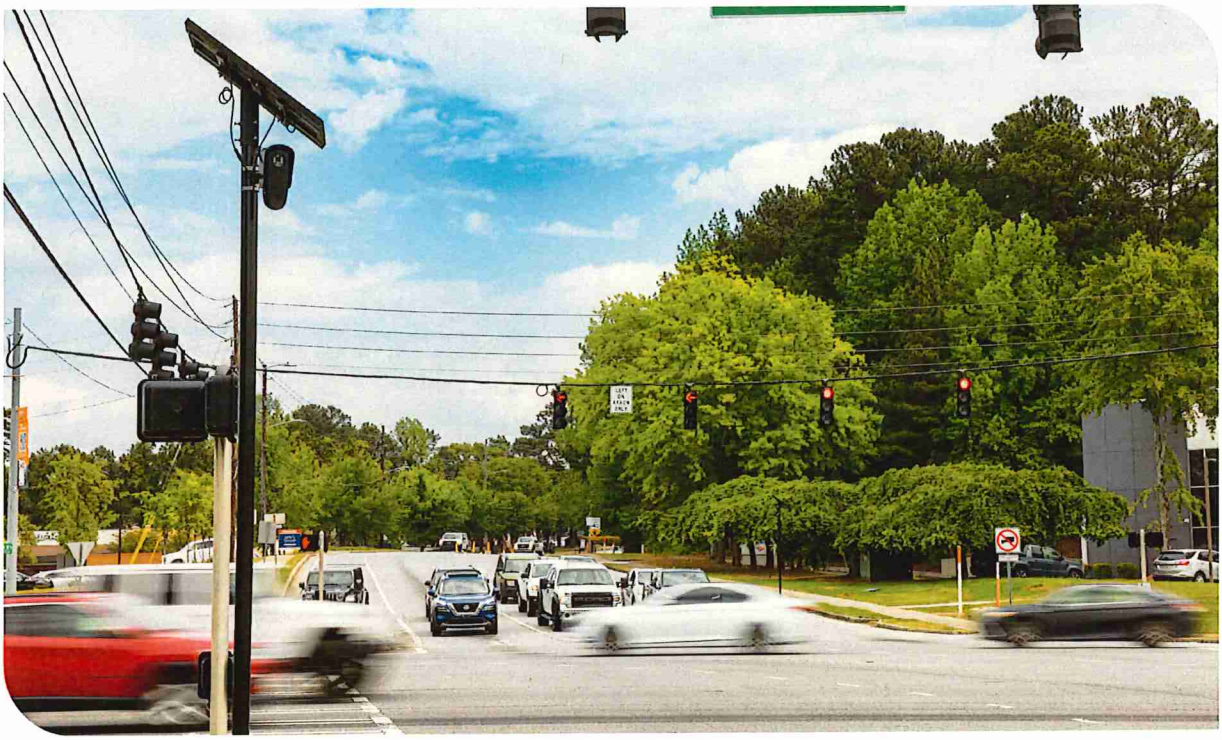
9

HOW DOES FLOCK PROTECT PRIVACY?

Flock understands the concerns with technology capturing private information, and has built technology to equitably protect privacy and promote public safety. Here's how:

- We focus on objective evidence: vehicles and license plates. Our devices capture vehicular features (i.e, make, color, license plate, state of the plate, timestamp) and do not capture biometric data, names, addresses, or phone numbers. However, Flock is able to support customer integration requests with a third party which does capture such information, subject to our API Terms (https://www.flocksafety.com/api-terms-service).
- Agencies completely own their data. Flock Safety does not sell the data to any third parties.
- Criminal Justice Information Service (CJIS) footage is stored, secured, and encrypted in AWS Government Cloud and automatically deleted according to Flock's retention period. Flock's standard retention period is thirty (30).
- Flock Safety LPR camera(s) takes photos of vehicles and their corresponding license plates.
- Please visit our privacy policy at: https://www.flocksafety.com/privacy-policy/

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10

CLARIFICATION FOR SELECT DEFINITIONS

- An example of a **"Flock Network End User"** would be any authorized end user from another Flock Customer (i.e., of the Flock's services) who has access to Flock's user interface/software (i.e, authorized users such as an officer from a different PD which is a customer of Flock).

- **"Anonymized Data"** is the small fraction (<1%) of anonymously compiled data from Flock devices that have been striped of any metadata, which is used for product enhancements to teach our machine learning software how to find specific types of vehicles, objects, descriptions (i.e., for 'machine learning') and never sold to third parties.

- **"Hotlist"** National Crime Information Center ("NCIC"), Amber Alerts and other lists of stolen vehicles, and vehicles wanted in connection with a crime. Only law enforcement officers get access to Hotlist alerts.

- **"Special Terms"** is a legal term of art which allows both parties to mutually alter and override the terms and conditions through a clause on the order form. Adding "Special Terms" is an option available to the parties during negotiations and can only be added with mutual consent. To the extent that any terms of the agreement are inconsistent or conflict with the Special Terms, the Special Terms shall control.

Already have a login with Flock Safety?
View your Deployments in Planning Portal for additional features.

Login to Flock

Coverage Proposal

MN - Deephaven PD

flock safety

Link Expires at 01/09/26, 3:52 PM

Search

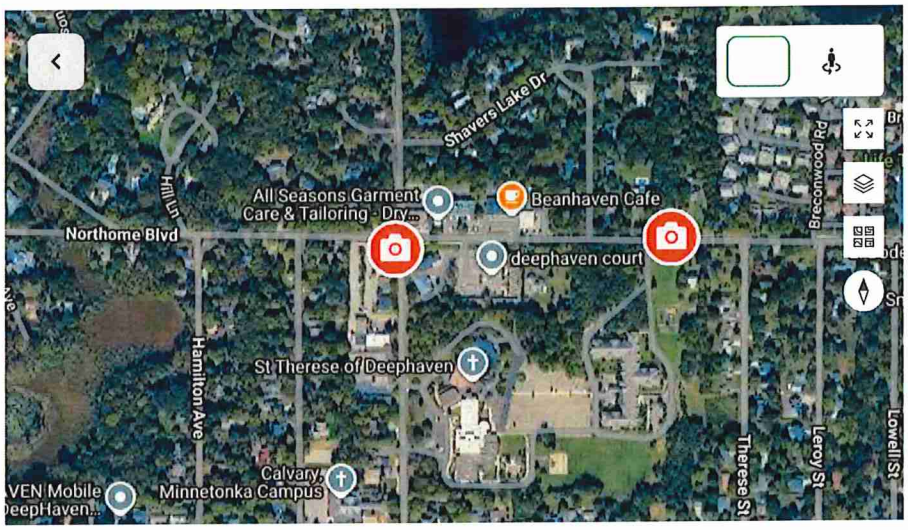
Polygons Filter

6 Locations

MN - Deephaven PD (6)
Deephaven PD

F#001 LPR @ Camera
DirectionOfTravel

F#002 LPR @



Show Streetview

200 m

Powered by Esri

Already have a login with Flock Safety?
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Login to Flock

Coverage Proposal

MN - Deephaven PD

flock safety

Link Expires at 01/09/26, 3:52 PM

Search

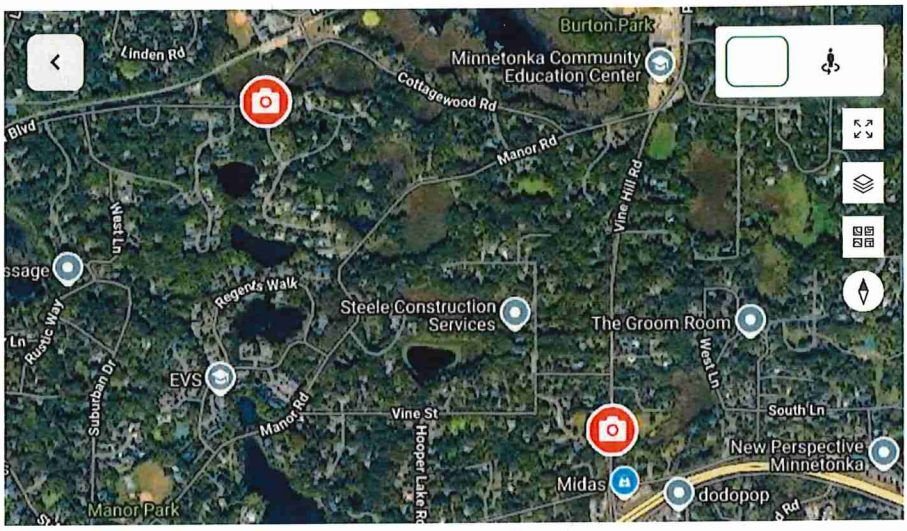
Polygons Filter

6 Locations

MN - Deephaven PD (6)
Deephaven PD

F#001 LPR @ Camera DirectionOfTravel

F#002 LPR @



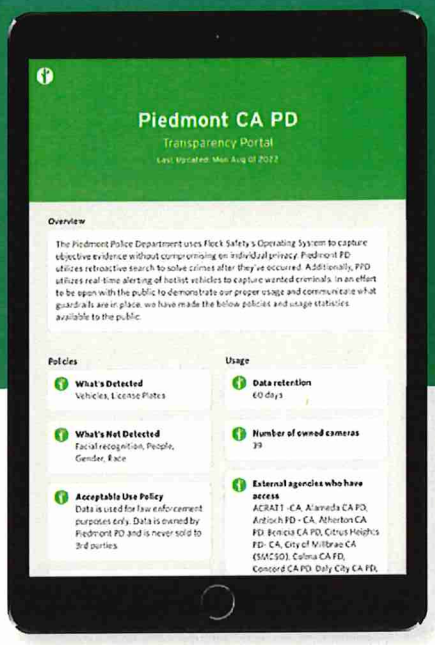
Show Streetview

500 m

Powered by Esri

flock safety

Transparency Portal

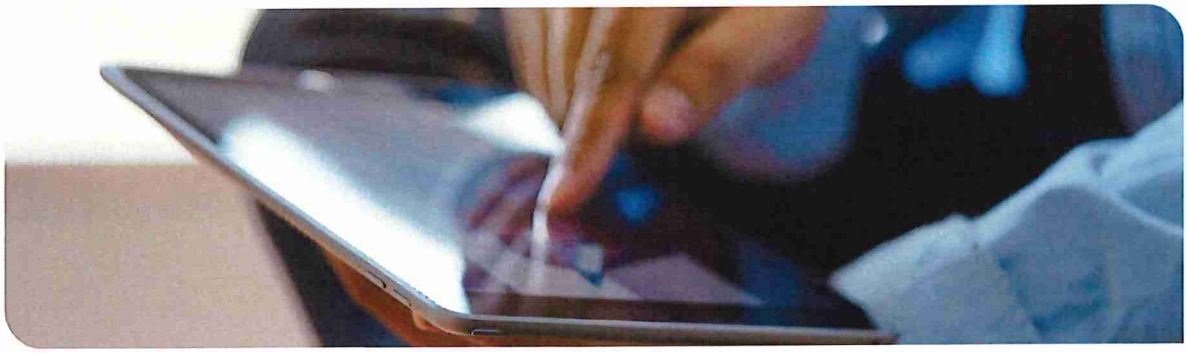


A New Way to Promote the Ethical Use of Technology in Public Safety

Flock Safety's Transparency Portal is the first public-facing dashboard for law enforcement agencies, city leaders, and local government officials to share policies, usage, and public safety outcomes related to automatic license plate recognition (ALPR) technology. Promote transparency and accountability in the use of policing technology to build community trust while creating a safer, more equitable society.

Make Your ALPR Policies and Usage Publicly Available with a Shareable Link.

Build trust and engage the public in a dialogue about ALPR's ability to capture objective evidence used by law enforcement to eliminate crime without invading citizens' privacy.



flocksafety.com
(866) 901-1781 | support@flocksafety.com



Build Community Trust While Creating a Safer, More Equitable Society

Display your Flock Safety metrics automatically

Tout the ROI of ALPR to stakeholders in your community with real-time usage stats for Hot List alerts, vehicle detection, crimes solved, and more in fully customizable modules.

Provide easy access to search audit reports

Demonstrate your commitment to accountability and integrity by proactively providing access to downloadable search audit reports* detailing the user, date, number of cameras, and reason for each search conducted with Flock Safety.



"This technology provides officers the investigative leads necessary to go after suspects immediately, which is great for morale."

SGT. ADAM SENF
Vacaville, CA

flock safety

flocksafety.com
(866) 901-1781 | support@flocksafety.com

Flagstaff AZ PD

Transparency Portal

Last Updated: Wed Dec 10 2025

Overview

Flagstaff AZ PD uses Flock Safety technology to capture objective evidence without compromising on individual privacy. Flagstaff AZ PD utilizes retroactive search to solve crimes after they've occurred. Additionally, Flagstaff AZ PD utilizes real time alerting of hotlist vehicles to capture wanted criminals. In an effort to ensure proper usage and guardrails are in place, they have made the below policies and usage statistics available to the public.

Policies

Full ALPR Policy
Flagstaff PD's full ALPR policy can be found at the following link:
https://www.flagstaff.az.gov/DocumentCenter/View/92542/Updated_Policy-317-Automatic-License-Plate-Readers-

What's Detected
License Plates, Vehicles

What's Not Detected
Facial recognition, People, Gender, Race

Acceptable Use Policy
Data is used for law enforcement purposes only. Data is owned by Flagstaff AZ PD and is never sold to 3rd parties.

Prohibited Uses
Immigration enforcement, traffic enforcement, harassment or intimidation, usage based solely on a protected class (i.e. race, sex, religion), Personal use.

Access Policy
All system access requires a valid reason, and these reasons are stored indefinitely in an audit log.

Hotlist Policy
Hotlist hits are required to be human verified prior to action. Per FPD policy, officers must receive supervisor approval for hotlist entries.

Usage

Data retention (in days)
14 days

Number of LPR and other cameras
36

Organizations granted access to Flagstaff AZ PD data
Coconino AZ SO, Northern Arizona University Campus AZ PD

Hotlists Alerted On
NCIC, NCMEC Amber Alert

Unique vehicles detected in the last 30 days
223,820

Hotlist hits in the last 30 days
2,033

Searches in the last 30 days
565

Provided by Flock Safety

Website example

Moorhead Police Department Implements Flock Safety Technology

Post Date: 07/14/2025 1:00 pm

The Moorhead Police Department has implemented the use of Flock Safety technology to enhance public safety and crime-solving capabilities. Flock cameras are motion-activated cameras that can identify details of vehicles that pass by. The cameras capture the make, vehicle type, color, license plate (full, partial, or missing), state of the plate, and unique features, including damage and after-market alterations.

This advanced technology enables us to capture objective evidence while safeguarding individual privacy. The Moorhead Police Department, in accordance with Minnesota law, has established policies to ensure the responsible use of Flock technology. This valuable tool will aid in criminal investigations, and we are committed to adhering to all state statutes to prevent any misuse of the system.

Key Features and Policies:

- **Objective Evidence Collection**: Flock Safety technology detects license plates and vehicles, but does not capture facial recognition, people, gender, or race.
- **Retroactive Search**: This feature helps solve crimes after they have occurred by providing valuable investigative data.
- **Real-Time Alerts**: The system alerts us to hotlist vehicles, aiding in active investigations.

Commitment to Privacy and Proper Usage:

- **Acceptable Use Policy**: Data is used strictly for law enforcement purposes and is never sold to third parties.
- **Prohibited Uses**: In Minnesota, this technology is not used for immigration enforcement, traffic enforcement, harassment, or any use based solely on a protected class (e.g., race, sex, religion). Personal use is also prohibited.
- **Access Policy**: The system can only be accessed by authorized law enforcement personnel. All system access requires a valid reason and is logged indefinitely.

Moorhead Usage Statistics and Transparency:

- **Data Retention**: Data is retained for 30 days.
- **Unique Vehicles Detected**: In the last 30 days, 190,030 unique vehicles were detected.
- **Searches Conducted**: 56 searches have been conducted in the last 30 days.

Additional Information:

- Flock Safety technology is a valuable tool for investigating crimes within the city.
- The Moorhead Police Department adheres to Minnesota statutory requirements regarding the use of automatic license plate readers to ensure community privacy and protection.
- Data collected is limited to license plate numbers, date, time, and location of vehicles, including pictures of the plates and vehicles.
- Flock cameras are not used to monitor or track individuals unless authorized by a search warrant based on probable cause or vital circumstances.
- All data collected is deleted after 30 days unless associated with a specific criminal case.
- A public log of Automated License Plate Recognition (ALPR) use is maintained, including times of data collection, the number of vehicle plates collected, and the location of the ALPR cameras. Specific identifying information is not provided in the public log.

- Internal access to ALPR data is strictly controlled and logged according to department policy, based only on reasonable suspicion related to an active criminal investigation.
- These cameras do not have video capability and cannot be used for red-light violations or similar enforcement.

Flock Safety Technology was recently used in Moorhead for the recovery of a stolen rental vehicle. The vehicle was located within minutes of getting a hit for a stolen vehicle and recovered without incident.

The Moorhead Police Department is committed to transparency and ensuring the proper use of Flock Safety technology to enhance public safety while respecting individual privacy.

For more information, please contact the Moorhead Police Department or see the links below.

Flock Safety Moorhead, MN Transparency Portal: https://transparency.flocksafety.com/moorhead-mn-pd

Minnesota Statutes on ALPR: https://www.revisor.mn.gov/statutes/cite/13.824

More >>

DEEPHAVEN POLICE DEPARTMENT

POLICY: AUTOMATED LICENSE PLATE RECOGITION

POLICY #- L-1

EFFECTIVE DATE: 02/03/23

REVIEW DATE: 08/01/2025

APPROVED BY: Chief

Title: Automated License Plate Recognition (ALPR) System

Distribution: Sworn Officers

It shall be the policy of this department to allow the use of Automated License Plate Recognition (ALPR) systems in accordance with Minnesota Statutes and as outlined in this policy.

A. Definition

1. "Automated license plate reader" means an electronic device mounted on a law enforcement vehicle or positioned in a stationary location that is capable of recording data on, or taking a photograph of, a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement databases for investigative purposes. Automated license plate reader does not include a traffic safety camera system.

B. Overview

1. The ALPR system is a computer-based technology that captures license plate numbers and compares them with data in the Minnesota license plate data file.

2. Per MN Statute 13.824 Subd. 2(c), data collected by an automated license plate reader may only be matched with data in the Minnesota license plate data file, provided that a law enforcement agency may use additional sources of data for matching if the additional data relate to an active criminal investigation.

3. Data collected shall be limited to:
    a) License plate numbers
    b) Date, time, and location data on vehicles
    c) Pictures of license plates, vehicles, and areas surrounding the vehicles

4. Collection of any data not authorized by MN Statute 13.824 Subd. 2(a) is prohibited.

5. Data collected by an automated license plate reader are private data on individuals or nonpublic data unless the data are public under section 13.82, subdivision 2, 3, or 6, or are active criminal investigative data under section 13.82, subdivision 7.

6. Automated license plate readers must not be used to monitor or track an individual who is the subject of an active criminal investigation unless authorized by a warrant, issued upon probable cause, or exigent circumstances justify the use without obtaining a warrant.

7. A person must not use a traffic safety camera system for purposes of this section (Subd. 2a).

C. Operator Responsibilities

1. Only department personnel trained in the proper use of the ALPR system may operate the system(s).

2. The ALPR system shall only be used for official and legitimate law enforcement business.

3. Operators receiving a "hit" on the ALPR system shall obtain independent verification of the information associated with the "hit" prior to taking any enforcement action. Verification shall be made by running the information through the state real-time data system using either the MDC or Dispatch, or through confirmation received from the source that generated the data resulting in the "hit".

4. Any problem with the ALPR systems should be reported promptly to the Chief of Police.

D. Data Storage and Retention

1. Notwithstanding section 138.17, and except as otherwise provided in MN Statute 13.824 Subd. 3:

    a) Data collected by an automated license plate reader that are not related to an active criminal investigation must be destroyed no later than 60 days from the

date of collection.

b) Upon written request from an individual who is the subject of a pending criminal charge or complaint, along with the case or complaint number and a statement that the data may be used as exculpatory evidence, data otherwise subject to destruction must be preserved by the law enforcement agency until the criminal charge or complaint is resolved or dismissed.

c) Upon written request from a program participant under chapter 5B, automated license plate reader data related to the program participant must be destroyed at the time of collection or upon receipt of the request, whichever occurs later, unless the data are active criminal investigative data. The existence of a request submitted under this paragraph is private data on individuals.

d) Data that are inactive criminal investigative data are subject to destruction according to the retention schedule for the data established under section 138.17.

E. Release and Sharing of Data

1. ALPR information gathered and retained by the department may be used and shared with prosecutors and other law enforcement agencies for legitimate law enforcement purposes or as otherwise permitted by law and in accordance with applicable department policies and in compliance with Minnesota Statute 13.824 Subds. 4 and 7.

2. Automated license plate reader data that are not related to an active criminal investigation may only be shared with, or disseminated to, another law enforcement agency upon meeting the standards for requesting access to data as provided in MN Statute 13.824 Subd. 7.

3. If data collected by an automated license plate reader are shared with another law enforcement agency under this subdivision, the agency that receives the data must comply with all data classification, destruction, and security requirements of this section.

F. Access to ALPR Data

1. The ability of authorized individuals to enter, update, or access automated license plate reader data will be limited through the use of role-based access that corresponds to the official duties or training level of the individual and the statutory authorization that grants access for that purpose.

2. All queries and responses, and all actions in which data are entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit trail are public, to the extent that the data are not otherwise classified by law.

3. Only those approved by the Chief of Police may access the data collected by the ALPR system. The data accessed must be pertinent to an active criminal investigation. A record of all data queries shall be generated indicating the factual basis for the access and any associated case number, complaint or basis for the access.

G. Logging and Public Records

1. The Department will maintain a public log of its use, including but not limited to:

    a) Specific times of day that the reader actively collected data;

    b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal databases with which the data were compared, unless the existence of the database itself is not public;

    c) For each period of active use, the number of vehicles or license plates in each of the following categories where the data identify a vehicle or license plate that has been stolen, a warrant for the arrest of the owner of the vehicle or an owner with a suspended or revoked driver's license or similar category, or are active investigative data;

H. Records Review and Audit

1. The Police Chief or their designee will maintain a record for the purpose of audit. The record shall show the date and time ALPR data was collected and the applicable classification of the data.

2. The data shall be reviewed on a biennial basis, by a person independent of the police department to verify whether the data is classified, how the data was used, whether the data was destroyed in compliance with this policy and to verify the data was accessed in compliance with this policy and MN Statute 13.824 Subd. 6.

3. The results of the audit are public. The commissioner of administration shall review the results of the audit. If the commissioner determines that there is a pattern of substantial noncompliance with this section by the law enforcement agency, the agency must immediately suspend operation of all automated license plate reader devices until the commissioner has authorized the agency to reinstate their use.

4. A report summarizing the results of each audit must be provided to the commissioner of administration, to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy no later than 30 days following completion of the audit.

THE AXTELL GROUP

August 07, 2025

Chief Cory Johnson
Deephaven Police Department
20225 Cottagewood Road
Deephaven, Minnesota 55331

RE: Biennial Audit of Automated License Plate Reader (ALPR) Program

Chief Johnson,

Pursuant to the professional services agreement between The Axtell Group and the Deephaven Police Department, The Axtell Group has completed an independent biennial audit of the department's Automated License Plate Reader (ALPR) program, as required under Minnesota Statutes, section 13.824, subdivision 6. The Axtell Group found the Deephaven ALPR program operates in compliance as prescribed in state law.

The scope of this audit focused on whether the Deephaven Police Department (DPD) has implemented the appropriate policies, procedures, systems, and operational practices to collect, classify, retain, secure, and manage ALPR data in compliance with Minnesota Statutes §§13.824 and 626.8472. Our assessment reviewed the use of ALPR data, whether retention and destruction protocols meet the statutory 60-day requirement under subdivision 3, and whether the program meets the specific obligations set forth under subdivisions 4 (sharing among agencies), 5 (log of use), 7 (authorization to access), and 8 (notification to the BCA) of section 13.824.

Scope of Audit

The audit conducted by The Axtell Group included a detailed review of the following elements:

- Department policies and procedures governing ALPR use
- Access logs and audit trails
- ALPR-related training and user authorization records
- Current ALPR vendor contract
- Inventory of ALPR equipment

- Interviews with personnel responsible for managing ALPR data access, retention, release, and destruction

Legal and Operational Standards Assessed

The following statutory requirements and audit elements formed the basis of the review:

- Data collection, classification, and permissible uses
- Data destruction and retention protocols
- Inter-agency sharing restrictions and compliance
- Authorization to access data
- Biennial audit requirement
- Notification to the Bureau of Criminal Apprehension (BCA)

Background

The Deephaven Police Department, located in Hennepin County, Minnesota, serves the community with a staff of dedicated law enforcement professionals. The department implemented its ALPR program and went live on May 23, 2023, utilizing Motorola Solutions ALPR systems to support investigative and public safety objectives.

As of the date of this audit, the Deephaven Police Department operates no (zero) fixed ALPR cameras and 4 (four) mobile or flex units, with data managed through the Motorola Solutions web-based platform. Authorized personnel may access ALPR data via department workstations, and data is retained only in accordance with state law and department policy for legitimate law enforcement purposes.

We appreciate the cooperation of the Deephaven police chief throughout this process and commend the department's efforts to maintain transparency and accountability in its use of ALPR technology. Should you have any questions about the findings or wish to discuss the results further, please do not hesitate to contact me directly.

Todd Axtell
President and CEO
The Axtell Group

AUDIT REPORT

SECTION 1: Data Collection, Retention & Destruction

Item	Description	Statute	Testing Procedure	Result
1.1	Data collected by an ALPR are limited to (1) license plate numbers; (2) date, time, and location data on vehicles; and (3) pictures of license plates, vehicles, and areas surrounding the vehicles.	§13.824, subd. 2(a)	Reviewed department policy L-1, section B. 3. Interviewed the department ALPR program administrator.	No exceptions found
1.2	Data is classified as private/nonpublic except when classified as public or as active criminal investigative data under §13.82.	§13.824, subd. 2(b)	Reviewed department policy L-1, section B. 5. Confirmed by the ALPR program administrator.	No exceptions found
1.3	ALPR data is only matched to data in the Minnesota license plate data file, unless additional data relates to an active criminal investigation.	§13.824, subd. 2(c)	Reviewed department policy L-1, section B. 2. Confirmed by the program administrator.	No exceptions found

1.4	Readers are not used to monitor or track an individual unless authorized by a warrant, issued upon probable cause, or exigent circumstances.	§13.824, subd. 2(d)	Reviewed department policy L-1, section B. 7. Confirmed by the program administrator.	No exceptions found
1.5	ALPR data is collected only by authorized equipment (traffic safety camera systems may not be used).	§13.824, subd. 2a	Reviewed department policy L-1, section B. 7. Confirmed by the program administrator.	No exceptions found
1.6	ALPR data not related to active investigations is deleted within 60 days.	§13.824, subd. 3(a)	Reviewed department policy L-1, section D. 1. Confirmed existing practice in audit queries report.	No exceptions found
1.7	Upon a written request from an individual that is the subject of pending criminal charge or complaint, ALPR data is preserved until the charge or complaint is resolved or dismissed.	§13.824, subd. 3(b)	Reviewed department policy L-1, section D.1. (b). Confirmed by the program administrator that there were no requests made during this audit period.	No exceptions found
1.8	Upon written request from a program participant under Chapter 5B, ALPR data must be destroyed, unless the data are active criminal	§13.824, subd. 3(c)	Reviewed department policy L-1, section D.1. (c). Confirmed by the program administrator that there were no requests made	No exceptions found

	investigative data. The request is private data.		during this audit period.	
1.9	Inactive criminal investigative data is subject to destruction according to the retention schedule under §138.17.	§13.824, subd. 3(d)	Reviewed department policy L-1, section D.1. (d). This practice was confirmed by the program administrator.	No exceptions found

SECTION 2: Access Controls & User Authorization

Item	Description	Statute	Testing Procedure	Notes
2.1	Only authorized personnel have access to ALPR data.	§13.824, subd. 7(b)	Reviewed department policy L-1, section F. 3. Confirmed practice by the program coordinator.	No exceptions found
2.2	Access is limited to legitimate law enforcement purposes.	§13.824, subd. 7(b)	Reviewed department policy L-1, section F. 1. Confirmed practice by the program coordinator.	No exceptions found
2.3	Access to data is logged and includes every access event with	§13.824, subd. 7(c)	Reviewed several Motorola audit queries list reports	No exceptions found

	date/time, user ID, query plate, and purpose.		and confirmed audit parameters exist.	

SECTION 3: Audit Trail & Logs

Item	Description	Statute	Testing Procedure	Notes
3.1	A public log captures the specific times of day that a reader actively collects data.	§13.824, subd. 5(a)(1)	Reviewed department policy L-1, section G. Reviewed Motorola System hit report.	No exceptions found
3.2	A public log captures the number of vehicles or license plates on which data were collected and the databases to which the data were compared (unless the existence of the database is not public).	§13.824, subd. 5(a)(2)	Reviewed department policy L-1, section G. Reviewed Motorola System hit report.	No exceptions found
3.3	A public log captures the number of vehicles or license plates where the data identify a stolen vehicle, a warrant for arrest of the owner, an owner with a suspended or revoked driver's license (or similar), or other active investigative data.	§13.824, subd. 5(a)(3)	Reviewed department policy L-1, section G. Reviewed Motorola System hit report.	No exceptions found

3.4	A public log captures the location of fixed readers.	§13.824, subd. 5(a)(4)	Not applicable to the Deephaven program.	
3.5	The agency maintains a list of current and previous locations of fixed ALPRs or other surveillance devices with ALPR capabilities.	§13.824, subd. 5(b)	Not applicable to the Deephaven program.	
3.6	System logs capture the date and time ALPR data were collected and the applicable classification.	§13.824, subd. 6(a)	Reviewed Motorola audit queries report and confirmed system functionality.	No exceptions found
3.7	The agency uses appropriate safeguards to ensure only authorized persons access ALPR data for authorized purposes.	§13.824, subd. 7(a) and (b) and §13.05, subd. 5(2)	Reviewed department policy L-1, sections F. 1. through 3. Confirmed practice via an interview with the program administrator.	No exceptions found
3.8	Logs are reviewed for inappropriate or unauthorized access.	§13.824, subd. 7	Reviewed department policy L-1, section 1. E. Interviewed the department ALPR program administrator.	No exceptions found

SECTION 4: Data Security & System Safeguards

Item	Description	Statute	Testing Procedure	Result
4.1	ALPR system is secured with administrative and technical safeguards (e.g., passwords, encryption).	§13.824, subd. 7(a) and (b) and §13.05, subd. 5(2)	Confirmed this is a standard practice/safeguard built into the Motorola Solutions platform.	No exceptions found
4.2	Physical access to ALPR hardware and terminals is controlled.	§13.824, subd. 7(a) and (b) and §13.05, subd. 5(2)	Confirmed by ALPR administrator via interview. Mobile systems secured in department patrol vehicles and restricted to department personnel.	No exceptions found

SECTION 5: Policy

Item	Description	Statute	Testing Procedure	Result
5.1	Department has a written ALPR policy governing use, access, and retention.	§626.8472	Reviewed the Department's policy, which is published online.	No exceptions found
5.2	The policy incorporates the employee disciplinary standards for unauthorized access to data contained in §13.09	§626.8472	Reviewed department policy P-7, Professional Conduct of Officers. Discipline as a remedy for unauthorized use.	No exceptions found

SECTION 6: Interagency Data Sharing & Disclosure

Item	Description	Statute	Testing Procedure	Result
6.1	ALPR data shared only with authorized entities and for lawful purposes under sub. 7.	§13.824, subd. 4(a) and (b)	Reviewed department policy L-1, section E. 1. through 3. Interviewed the program administrator to confirm practice.	No exceptions found

SECTION 7: Audit Report & Public Access

Item	Description	Statute	Testing Procedure	Result
7.1	Biennial audits. The agency arranges for a biennial audit.	§13.824, subd. 6	The Department first began use of ALPRs in 2023. This is the agency's first audit. The Department has arranged for this independent audit and expressed its intent to continue to comply with the statutory audit requirement.	No exceptions found

7.2	Audit reports are retained by the agency and provided to the Commissioner, legislative chairs and ranking members, and the Legislative Commission on Data Practices	§13.824, subd. 6	First audit and report created in 2025 and submitted to the required bodies in August 2025.	No exceptions found
7.3	Audit reports are available to the public.	§13.824, subd. 6		No exceptions found

SECTION 8: Notification to BCA

Item	Description	Statute	Testing Procedure	Result
8.1	Notification to the BCA within 10 days of installation or use.	§13.824, subd. 8	Reviewed MN DPS public notice website: https://dps.mn.gov/agencies-use-lprs-lpr Reviewed email documents that confirmed notice of ALPR notification to the MN BCA in February 2023.	Exception found – Corrected. See audit note below.

Audit Note: Auditors found the Deephaven Police Department was not listed on the MN DPS public notice webpage as a department employing ALPR technology. The Deephaven Police Department was able to produce email records and a completed DPS ALPR submission form dated in February of 2023 during the audit. Communication occurred with the DPS and the public notice page was corrected.

ITEM 3H

Deephaven Public Works

20225 Cottagewood Rd, Deephaven MN 55331.

12-18-2025

Dear Honorable Mayor and Councilmembers

Staff have obtained bids for contracted tree removal services for the 2026-2027 term. The city's tree removal contractor manages the removal of all diseased, hazardous, and emergency trees on public property. Three vendors submitted bids for the two-year agreement: Pro Tree, Bratt Tree Company, and The Davey Tree Expert Company.

Pro Tree submitted the lowest bid with a total quote cost of $38,271.75, calculated as the sum of all pricing based on tree removal size. Based in Excelsior, Pro Tree is a local business that served as the city's 2025 contractor. They provided excellent service during that time, coordinating effectively with city staff and residents to schedule removals.

Staff recommend awarding the 2026–2027 tree removal contract to Pro Tree for the total quote cost of $38,271.75.

Sincerely,

Jeff Kask
Public Works Supervisor
City of Deephaven.

City of Deephaven
Deephaven, MN 55331
Phone (952) 474-4755
Fax (952) 474-1274

2026-2027 QUOTE FOR TREE REMOVAL

We are requesting quotes for tree removal services on behalf of the City of Deephaven. Your quote should include the entire cost of cutting and disposing of the tree. Your quote should also consider that the majority of trees that we will be asking you to remove are diseased, hazardous or storm damaged. Your quote will be effective until December 31, 2027. In addition, with the submission of your quote, you also agree to remove diseased, hazardous and storm damaged trees within 20 days of notification by the City.

DBH Diameter (Inches)	Unit Price per Tree
0 – 5.9"	225
6 – 7.9"	225
8 – 9.9"	334
10 – 11.9"	381
12 – 13.9"	394.50
14 – 15.9"	541.50
16 – 17.9"	643.50
18 – 19.9"	643.50
20 – 21.9"	865
22 – 23.9	1048.75
24 – 25.9"	1341.25
26 – 27.9"	2083.75
28 – 29.9"	2937.50
30 – 31.9"	3047.50
32 – 33.9"	3302.50
34 – 35.9"	3302.50
36 – 37.9"	3486.25
38 – 41.9"	3668.75
42 – 47.9"	4400
48 - Over	5400

Total Quote $ 38,271.75

Name of Company or Person submitting Quote Pro Tree (Nic Slowinski)

Address 2940 150th St W Shakopee, MN 55379

Phone Number 952-679-0537 **Fax Number** _____

Authorized Signature Nic Slowinski

Quotes are due no later than 1:00 p.m. on Friday, December 5th, 2025.
Please e-mail quotes to J.kask@cityofdeephaven.org

City of Deephaven
Deephaven, MN 55331
Phone (952) 474-4755
Fax (952) 474-1274

2026-2027 QUOTE FOR TREE REMOVAL

We are requesting quotes for tree removal services on behalf of the City of Deephaven. Your quote should include the entire cost of cutting and disposing of the tree. Your quote should also consider that the majority of trees that we will be asking you to remove are diseased, hazardous or storm damaged. Your quote will be effective until December 31, 2027. In addition, with the submission of your quote, you also agree to remove diseased, hazardous and storm damaged trees within 20 days of notification by the City.

DBH Diameter (Inches)	Unit Price per Tree
0 – 5.9"	$150.00
6 – 7.9"	$250.00
8 – 9.9"	$450.00
10 – 11.9"	$600.00
12 – 13.9"	$900.00
14 – 15.9"	$1,200.00
16 – 17.9"	$1,500.00
18 – 19.9"	$1,500.00
20 – 21.9"	$1,800.00
22 – 23.9	$2,000.00
24 – 25.9"	$2,400.00
26 – 27.9"	$3,000.00
28 – 29.9"	$3,400.00
30 – 31.9"	$3,800.00
32 – 33.9"	$4,000.00
34 – 35.9"	$4,200.00
36 – 37.9"	$4,300.00
38 – 41.9"	$5,000.00
42 – 47.9"	$5,500.00
48 - Over	$6,000.00

Total Quote $51,950.00_____

Name of Company or Person submitting Quote__**The Davey Tree Expert Company**_

Address__**7085 Shady Oak Rd. Eden Prairie, MN 55344**_____

Phone Number 651.230.9595 Fax Number_____**NA**_____

Authorized Signature _____

Quotes are due no later than 1:00 p.m. on Friday, December 5th, 2025.
Please e-mail quotes to J.kask@cityofdeephaven.org

City of Deephaven
Deephaven, MN 55331
Phone (952) 474-4755
Fax (952) 474-1274

2025 QUOTE FOR TREE REMOVAL

We are requesting quotes for tree removal services on behalf of the City of Deephaven. Your quote should include the entire cost of cutting and disposing of the tree. Your quote should also consider that the majority of trees that we will be asking you to remove are diseased, hazardous or storm damaged. Your quote will be effective until December 31, 2021. In addition, with the submission of your quote, you also agree to remove diseased, hazardous and storm damaged trees within 20 days of notification by the City.

DBH Diameter (Inches)	Unit Price per Tree
0 – 5.9"	264.00
6 – 7.9"	330.00
8 – 9.9"	390.00
10 – 11.9"	460.80
12 – 13.9"	554.40
14 – 15.9"	662.40
16 – 17.9"	966.00
18 – 19.9"	1080.00
20 – 21.9"	1560.00
22 – 23.9	1944.00
24 – 25.9"	2484.00
26 – 27.9"	2880.00
28 – 29.9"	3528.00
30 – 31.9"	3660.00
32 – 33.9"	3960.00
34 – 35.9"	3966.00
36 – 37.9"	4200.00
38 – 41.9"	4400.00

42 – 47.9”	5340.00
48 - Over	5760.00

Total Quote $_____$___48,389.60_____

Name of Company or Person submitting Quote_____

Address Bratt Tree Company 5612 Corvallis Ave. N Crystal, MN 55429 / Brent Blanske

Phone Number 6122714052 **Fax Number**_____

Authorized Signature Brent Blanske

Quotes are due no later than 1:00 p.m. on Friday, December 6th, 2024.

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM

20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, January 5, 2026
7:00 p.m. Consent Agenda
Hiring of Maria Borell, Permit Clerk

The City Council approved posting the Permit Clerk position at the November 17, 2025 Council Meeting upon the notice of retirement of the current Permit Clerk, Diane Schwalbe. Staff posted for the position with the League of Minnesota Cities and on the City of Deephaven website with an hourly compensation range between $36 and $42 per hour. The position was open for an initial period of just over three weeks, with first review of applications occurring on Friday, December 12th, 2025. The City received twenty five applicants and conducted five first round interview. Two finalists were invited back for second round interviews, and after discussion and review the hiring committee is pleased to recommend Maria Borell for appointment as the City's Permit Clerk at the starting hourly rate of $38 per hour. Ms. Borell would be credited with four years of employment experience; as such, she would earn the minimum 10 days of vacation her first year, but increase to 15 days of vacation her second year with the city.

Attached for your review is a copy of the Draft Offer Letter for Ms. Borell, along with a copy of her resume. As always, please feel free to reach out with any questions, comments, or requests for additional information prior to the meeting.

Sincerely,

Dan Madsen
City Administrator, Special Counsel
Deephaven, Minnesota

City of Deephaven, Minnesota
20225 Cottagewood Road, Deephaven, MN 55331 | www.cityofdeephaven.org | (952) 474-4755

Wednesday, December 24, 2025

Maria Borell
Address 1

Dear Ms. Borell,

Congratulations! Staff and the City's Personnel Committee were impressed by your interview and experience and would like to offer you the position of Permit Clerk working for the Cities of Deephaven and Woodland, Minnesota. If you decide to accept this position, please respond to this email and we can schedule a time for orientation and to tour City Hall. Pursuant to our conversation, we would target your first official day of employment with us to be Monday, January 12, 2026.

Based upon your experience, our personnel policies and pay scales, you are being offered $38 per hour as a starting wage. This is a non-exempt position, so any overtime hours worked would be compensated at 1.5 hours per 1 hour worked in accordance with Federal and State law. Employee compensation is reviewed on an annual calendar year basis, you would be eligible for your next increase in compensation on January 1, 2027. The City offers Medical, Dental and Life Insurance which will be provided to you in more detail at your orientation. Additionally, you will be credited with four full years of service under the City's Personnel Policy. This means that you will accrue ten (10) days of paid vacation and twelve (12) days of paid sick / ESST leave for the first year of your employment with the City of Deephaven. At the commencement of your second year of employment, your earned vacation time will increase to fifteen (15) days of paid vacation pursuant to our Policy. Please contact me with any questions you may have, we will provide additional information at your convenience and request: danm@cityofdeephaven.org; or (952) 474-4755.

Thank you, once again, for your interest in working for the City of Deephaven. We look forward to hearing from you and taking you to lunch on your first day with our team.

Sincerely,

_____

Dan Madsen
City Administrator, Special Counsel
Deephaven, Minnesota

Delano, MN |55328

MARIA BORELL

Reliable and detail-oriented administrative professional with a strong background in public service and administration. Known for professionalism, dependability, and focused on providing high-quality service to the public. Dedicated to maintaining high-quality results and promoting a positive work environment.

EXPERIENCE

COURT ADMINISTRATION

Carver County Justice Center | Chaska, MN

2023 – PRESENT

Working in a courthouse as a Court Operations Associate, assisting with managing civil case filings, scheduling hearings, and communicating with judges and attorneys. This role requires confidentiality with court documents as well as strictly following administrative procedures. Customers are assisted daily, both in person and over the phone.

COMMUNITY SERVICE OFFICER

Plymouth Police Department | Plymouth, MN

2021– 2023

Support role for officers and administration. Respond to calls for service, support community outreach, investigate complaints, and peer-support specialist for co-workers.

POLICE OFFICER

Moorhead Police Department | Moorhead, MN

2019 – 2021

Licensed Peace Officer for the city of Moorhead. Respond to calls for service, complete monthly trainings, dictate detailed reports, and engage in community events.

EDUCATION

BACHELOR OF ART IN CRIMINAL JUSTICE AND SOCIOLGY

Minnesota State University Moorhead

MAY 2019

- Honor Society: Alpha Kappa Delta (Sociology) and Alpha Phi Sigma (Criminal Justice)
- Graduated Magna Cum Laude

SKILLS

- Microsoft 365
- Exceptional communication
- Investigative knowledge
- Record management
- Conflict resolution
- Customer service

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM

20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, January 5, 2026
7:00 p.m. Consent Agenda
Engineering Services Engagement 2026

The Deephaven City Council reviews and appoints official positions like the City Engineer and Auditor on an annual basis. Attached for your review is the Stantec Engineering Services Letter of Engagement. Stantec is proposing a 3.9% increase from their 2025 rate, with the City Engineer hourly rate increasing $6 per hour to a new set amount of $198 per hour. This appointment was included on the Resolution of Appointments also on the Consent Agenda, based upon the increase in fees Staff have listed this item independently as is generally recommended by our Auditor.

As always, please feel free to reach out with any questions, comments, or requests for additional information prior to the meeting.

Sincerely,

Dan Madsen
City Administrator, Special Counsel
Deephaven, Minnesota

Stantec Consulting Services Inc.
One Carlson Parkway, Suite 100 Plymouth, MN 55447

Date: December 30, 2025

Dan Madsen
City Administrator/Special Council
City of Deephaven
20225 Cottagewood Road
Deephaven, MN 55331

Reference: 2026 Letter of Engagement for Engineering Services

Dear Mr. Madsen,

On behalf of Stantec, thank you for the opportunity to serve as the City Engineer in 2025. We value the trust the City has placed in us and look forward to continuing in this role in 2026. Our team offers the flexibility, depth, and technical expertise needed to support the community, and we have appreciated working with City staff and Council to help advance Deephaven's goals.

Throughout our first year as the appointed City Engineer, we have enjoyed collaborating with staff to design, manage, and maintain high-quality infrastructure. To strengthen communication and support day-to-day coordination, we committed to holding regular office hours and plan to continue doing so in 2026. This ongoing engagement allows us to stay connected to daily operations and respond efficiently to project needs.

Service Team

Our proposed 2026 staffing remains consistent with 2025, with Steve Hegland continuing to serve as the City Engineer. We value the opportunity to support Deephaven's local projects and are committed to delivering responsive, high-quality service.

Hourly Rates

Stantec services are billed on an hourly basis. For 2026, we are proposing a 3.9% rate increase from 2025. The City Engineer rate would be set at $198 per hour, reflecting a $6 increase. We remain committed to delivering cost-effective solutions and maintaining competitive market rates.

Thank you for your consideration of this engagement letter. We welcome any feedback that may help us continue providing excellent service to the City of Deephaven.

Sincerely,

Stantec Consulting Services Inc.



Steven Hegland, PE
Associate, City Engineer
Phone: 763-479-4237
Steven.Hegland@Stantec.com

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM

20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, January 5, 2026
7:00 p.m. Consent Agenda
2025 Audit Services

The Deephaven City Council reviews and appoints official positions like the City Engineer and Auditor on an annual basis. Attached for your review is the Abdo proposal for our 2025 Audit. The proposed cost is $32,950, which is an increase of $2,950 from the 2024 Audit. The timeline is still proposed to be a March / April Audit presentation to the City Council.

As always, please feel free to reach out with any questions, comments, or requests for additional information prior to the meeting.

Sincerely,

Dan Madsen
City Administrator, Special Counsel
Deephaven, Minnesota

December 01, 2025

Management, Honorable Mayor and City Council
City of Deephaven
Deephaven, Minnesota

We are pleased to confirm our understanding of the services we are to provide the City of Deephaven (the City) for the year ended December 31, 2025.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information, and the disclosures, which collectively comprise the basic financial statements of the City as of and for the year ended December 31, 2025. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

- Management's Discussion and Analysis
- Schedule of Net Pension Liability and Employer Contributions
- Budget to Actual Schedules
- Schedule of OPEB Liability, Related Ratios and City Contributions

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- Combining and Individual Fund Financial Statements and Schedules
- Summary Financial Report - Revenues and Expenditures for General Operations - Governmental Funds

In connection with our audit of the basic financial statements, we will read the following other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report. The Statistical Section is required to be presented when an Annual Comprehensive Financial Report (ACFR) is issued.

- Introductory Section
- Statistical Section

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and Government Auditing Standards will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

The objectives also include reporting on internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with Government Auditing Standards.

Auditor's Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, and will include tests of your accounting records of the City and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and Government Auditing Standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, Government Auditing Standards do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and Government Auditing Standards. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of certain assets, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We may, from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of financial statements does not relieve you of your responsibilities.

Audit Procedures - Internal Control

We will obtain an understanding of the government and its environment, including the system of internal control, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Auditing Standards. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and Government Auditing Standards.

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to Government Auditing Standards.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, establishing and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is responsible for making drafts of financial statements, all financial records and related information available to us; for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers); and for the evaluation of whether there are any conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for the 12 months after the financial statements date or shortly thereafter (for example, within an additional three months if currently known). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by GAAS and Government Auditing Standards.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the City received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, or contracts or grant agreements that we report.

With regard to including the auditor's report in an exempt offering document, you agree that the aforementioned auditor's report, or reference to Abdo, will not be included in any such offering document without our prior permission or consent. Any agreement to perform work in connection with an exempt offering document, including an agreement to provide permission or consent, will be a separate engagement.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America (GAAP). You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. You are also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Other Services

We will prepare a general ledger trial balance for use during the audit. Our preparation of the trial balance will be limited to formatting information in the general ledger into a working trial balance. As part of the audit, we will assist with preparation of your financial statements and related notes. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. We will also use the financial statements to complete the Office of the State Auditor's Reporting Forms. We will also accumulate capital asset information and calculate the depreciation based on lives and methods determined by management. We will also assist with entries to convert from the modified accrual basis of accounting to the full accrual basis of accounting for long-term assets, long-term liabilities, and related deferred inflows of resources, deferred outflows of resources, revenues and expenses from information provided by management. We will also assist with year end accrual entries from information provided by management.

These nonaudit services do not constitute an audit under Government Auditing Standards and such services will not be conducted in accordance with Government Auditing Standards. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with the preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide electronic copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Abdo and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to any Regulator or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for the purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Abdo personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of seven years after the report release date or for any additional period requested by the Regulator. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Bonnie K. Schwieger, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit in February 2026, and to issue our reports no later than June 30, 2026.

Our fee for these services will be as follows:

Audit	$32,000.00
2025 Office of the State Auditor's Reporting Form	$950.00
Total	$32,950.00

Our invoices for these fees will be rendered as follows: 25% at engagement letter signing, 50% once fieldwork is complete and 25% at Report Delivery.

There have been several new accounting standards issued in recent years which will begin taking effect in the current and following years. These new standards may require substantial changes to your financial statements. We will review with you during the planning stage and if changes are substantial and you would like our firm to complete this work we will agree at that time to a separate fee and engagement to complete that work.

To assist with the post-implementation accounting for GASB statement numbers 87 - Leases and 96 - Subscription Based Information Technology Agreements (SBITA's), Abdo has partnered with an accounting software known as Crunchafi (formerly known as LeaseCrunch) to ensure you are in compliance with the standards. The cost of this service is a discounted price of $81.90 per lease/SBITA that is in the Crunchafi system and is billed directly to Abdo from Crunchafi on an annual basis. Abdo will bill you the same amount charged from Crunchafi based on the number of leases/SBITA's in your account. Abdo plans to utilize this software as part of our procedures and Abdo can either enter information into the system for you to review or we can give you access to the system to input your own data for which we will review and ensure it is correct. We will discuss this with you as part of our planning procedures.

In an effort to reduce environmental impact, you will receive printable, downloadable PDFs of your report. To receive one (1) paper report, you will be charged $150 for a set-up fee. Additional paper copies will be charged at the rate of $50 per report.

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

You may also be billed for travel and other out-of-pocket costs such as report production, typing, postage, etc. if not included in the fee listed above. The fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee before we incur the additional costs. Amounts not paid within 30 days from the invoice date will be subject to a late payment charge of .66 percent per month (8 percent per year). If for any reason the account is turned over to collections, additional fees will be added to cover collections cost. In accordance with our Firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If, for whatever reason, your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate.

Except in the event of your failure to make a payment when due, in the event of a dispute related in any way to our services, our Firm and you agree to discuss the dispute and, if necessary, to promptly mediate in a good faith effort to resolve. We will agree on a mediator, but if we cannot, either of us may apply to a court having personal jurisdiction over the parties for appointment of a mediator. We will share the mediator's fees and expenses equally, but otherwise will bear our own attorneys' fees and mediation cost. Participation in such mediation shall be a condition to either of us initiating litigation. In order to allow time for the mediation, any applicable statute of limitations shall be tolled for a period not to exceed 120 days from the date either of us first requests in writing to mediate the dispute. The mediation shall be confidential in all respects, as allowed or required by law, except our final settlement positions at mediation shall be admissible in litigation solely to determine the prevailing party's identify for purposes of the award of attorneys' fees. In the event you fail to make a payment for services or to reimburse for costs advanced by the Firm on your behalf, the Firm reserves the right to take all legally permissible action, including commencement of litigation in lieu of mediation, and shall have the right to collect its costs, including reasonable attorney's fees, incurred in any such collection or litigation activities.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

We will utilize a portal which is a collaborative, virtual workspace in a protected, online environment. The portal permits real-time collaboration across geographic boundaries and time zones and allows us and you to share data, engagement information, knowledge, and deliverables in a protected environment. In order to use the portal, you may be required by the provider of the portal to execute a client portal agreement and agree to be bound by the terms, conditions, and limitations of such agreement. You agree that we have no responsibility for the activities of the portal and agree to indemnify and hold us harmless with respect to any and all claims arising from your misuse of the portal.

We are not a host for any of your information. You are responsible for maintaining your own copy of this information. We do not provide back-up services for any of your data or records, including information we provide to you. Portals are utilized solely as a method of transferring data and are not intended for the storage of your information. Information on a portal may be deleted by us.

If you decide to transmit your confidential information to us in a manner other than a secure portal, you accept responsibility for any and all unauthorized access to your confidential information. If you request that we transmit confidential information to you in a manner other than a secure portal, you agree that we are not responsible for any liability, including but not limited to, (a) any loss or damage of any nature, whether direct or indirect, that may arise as a result of our sending confidential information in a manner other than a secure portal, and (b) any damages arising as a result of any virus being passed on or with, or arising from any alteration of, any email message.

State, federal and foreign regulators may request access to or copies of certain workpapers pursuant to applicable legal or regulatory requirements. Requests also may arise with respect to peer review, an ethics investigation, the sale of your organization, or the sale of our accounting practice. If requested, access to such workpapers will be provided under the supervision of firm personnel. Regulators may request copies of selected workpapers to distribute the copies or information contained therein to others, including other governmental agencies.

If we receive a request for copies of selected workpapers, provided that we are not prohibited from doing so by applicable laws or regulations, we agree to inform you of such request as soon as practicable. You may, within the time permitted for our firm to respond to any request, initiate such legal action as you deem appropriate, at your sole expense, to attempt to limit the disclosure of information. If you take no action within the time permitted for us to respond, or if your action does not result in a judicial order protecting us from supplying requested information, we may construe your inaction or failure as consent to comply with the request.

We have the right to withdraw from this engagement, at our discretion, if you do not provide us with any information we request in a timely manner; refuse to cooperate with our reasonable requests or misrepresent any facts; we have reason to believe you may have engaged, or may be planning to engage, in conduct that is unethical and/or unlawful; you engage in conduct directed toward or affecting firm personnel that is disrespectful, inappropriate, and/or potentially unlawful; or we determine that continuing the engagement is not in the best interests of the firm or threatens legal or reputational harm to the firm. In the event of withdrawal under any of these circumstances, such withdrawal will release us from any obligation to complete your report and will constitute completion of our engagement.

Abdo, LLP and its subsidiary companies are committed to providing equal employment opportunities to all employees and applicants for employment without regard to any legally-recognized basis "protected class" including but not limited to: veteran status, uniform service member status, race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation or marital preference, genetic information or any other protected class under federal, state, or local law.

Reporting

We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the Management, Honorable Mayor and City Council of the City. We cannot provide assurance that an unmodified opinion will be rendered. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement. You agree to include our audit report in any document containing financial statements that indicate that such financial statements have been audited by us and, prior to inclusion of our audit report, to ask our permission to do so.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by Government Auditing Standards. The report on internal control and on compliance and other matters will state (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the City's internal control and compliance. The report will also state that the report is not suitable for any other purpose. If during our audit we become aware that the City is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in Government Auditing Standards may not satisfy the relevant legal, regulatory, or contractual requirements.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2023 Peer Review Report accompanies this letter.

We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please electronically sign this letter.

Sincerely,

Abdo

Abdo

BradyMartz

REPORT ON THE FIRM'S SYSTEM OF QUALITY CONTROL

November 6, 2023

To the Partners of
Abdo, LLP
and the Peer Review Committee of the Minnesota Society
of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Abdo, LLP (the firm) in effect for the year ended May 31, 2023. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act; audits of employee benefit plans, and an audit performed under FDICIA.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Abdo, LLP in effect for the year ended May 31, 2023, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Abdo, LLP has received a peer review rating of *pass*.

Brady Martz

Brady Martz and Associates, P.C.
Grand Forks, North Dakota

RESPONSE:

This letter correctly sets forth the understanding of the City of Deephaven.

Signature and Title: Sample for Packet

Abdo Engagement Letter

Final Audit Report December 30, 2025

Created:	December 01, 2025
By:	engagements@abdosolutions.com(engagements@abdosolutions.com)
Status:	ESigned
Transaction ID:	HKMZ4U1M0W9MN86EA1X160X2K4
Documents:	300619_2025A_130_2131.pdf

"Abdo Engagement Letter" History

Document emailed to (DanM@cityofdeephaven.org) for signature
12/1/2025 16:58:28 PM Central Standard Time

Document viewed by (DanM@cityofdeephaven.org)
12/2/2025 13:13:05 PM Central Standard Time - IP address: 74.84.111.106

Document viewed by (DanM@cityofdeephaven.org)
12/30/2025 09:04:11 AM Central Standard Time - IP address: 74.84.111.106

Document e-signed by (DanM@cityofdeephaven.org)
Signature Date: 12/30/2025 09:16:09 AM Central Standard Time - IP address: 74.84.111.106

Document Signed
12/30/2025 09:16:10 AM Central Standard Time

STAFF REPORT

Pat Smith, Planning Director

Deephaven City Council
January 5, 2026

APPLICATION INFORMATION

APPLICANT: Donald Kilty, Hartman Companies

PROPERTY OWNER(S): Otto and Roseann Simmering

LOCATION: 5120 Hooper Lake Rd (please see attached Location Map)

ZONING: R-2, Residential

SYSNOPSIS: Applicant is requesting a variance for a swimming pool to encroach into the side yard setback (please see attached narrative)

PLANNING COMMISSION RECOMMENDATION: Recommended Approval

STAFF RECOMMENDATION: Denial

120-DAY REVIEW DEADLINE: February 23, 2026

BACKGROUND/REQUEST

July 22, 2024, the City Engineer approved the survey for a new house that did not include a swimming pool.

On May 21, 2025, the City approved a building permit for an in-ground swimming pool, which met the setback and hardcover limit requirements. (Please see attached approved survey for the building permit).

On October 8, 2025, applicants submitted an as-built survey showing the swimming pool decking encroaching into the 20-foot side yard setback.

Variance Request

Swimming Pool Setback

Section 1310.10 Subd. 2 requires all swimming pools, spas and hot tubs comply with the setback standards of the zoning district as measured to the outside edge of the pool decking. The subject decking encroaches two feet into the 20-foot side yard setback; **thus, a variance of two feet from the minimum required side yard setback is required.**

Variance Review Criteria

Minn. Stat § 462.357, subd. 6(2) states that variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. The City's Board of Appeals and Adjustments evaluating a variance request is required to make the following inquiries:

1) ***Is the variance in harmony with the purpose and intent of the ordinance?***
   Staff Comment: The purpose of requiring pool decking to meet the principle building setbacks is to keep pool activity away from neighboring properties.

2) ***Does the proposal put property to use in a reasonable manner?***
   Staff Comment: If the pool decking was reduced two feet on the south side to comply with the 20-fooot side yard setback, there would be three feet of decking remaining to walk around the pool, which is reasonable.

3) ***Are there unique circumstances to the property not created by the landowner?***
   Staff Comment: No, there is nothing unique to the property that requires a setback variance for a swimming pool. The original building permit had four feet of decking on the south side of the pool. The contractor added another foot of decking that encroaches into the 20-foot side yard setback.

4) ***Will the variance, if granted, alter the essential character of the locality?***
   Staff Comment: The pool decking as constructed brings the pool activity two feet closer to the neighboring property.

PUBLIC COMMENT

Staff sent a public notice to all property owners within 350 feet of the subject site prior to the Planning Commission meeting of December 16, 2025. Public comments are attached.

STAFF RECOMMENDATION

Staff recommends denial of a variance for a swimming pool to encroach two feet into the side yard setback, based on the following findings:

1) The variance request is inconsistent with the purpose and intent of the Comprehensive Plan and zoning ordinance.
2) A reduced decking width is reasonable.

3) The property is not unique to justify a setback variance.
4) A pool two feet closer to the side property line will permanently move pool activity closer to the neighboring property to the south.

PLANNING COMMISSION ACTION TAKEN ON 12/16/25 (on a 5-1 vote)

Moved to recommend the City Council **approve** of a variance to encroach two feet into the side yard setback for a swimming pool at 5120 Hooper Lake Road as proposed. The motion is based on the following findings:

1) the variance request is consistent with the Comprehensive Plan and zoning ordinance.
2) the side yard setback variance is reasonable.
3) the variance request does not alter the essential character of the neighborhood.

CITY COUNCIL ACTION REQUESTED

Possible motions include:

1) I move the City Council accept the recommendation and findings of staff and recommend the City Council **deny** a variance to encroach two feet into the side yard setback for a swimming pool at 5120 Hooper Lake Road.

OR

2) I move the City Council accept the recommendation and findings of the Planning Commission and **approve** of a variance to encroach two feet into the side yard setback for a swimming pool at 5120 Hooper Lake Road as proposed.

Attachments:

1) Location Map
2) Applicant's Narrative
3) Approved Survey for Swimming Pool
4) Proposed Survey
5) Public Comment

LOCATION MAP
5120 Hooper Lake Road



HARTMAN

To whom it may concern,

On behalf of my client, Otto and Roseann Simmering, I am requesting a variance for the property located at 5120 Hooper Lake Road to allow a 20" concrete extension of the pool decking into the easement.

The variance is being requested due to the electrician installing the automatic pool cover controller next to the steps. To allow access for the homeowner the concrete was extended to give them a hard surface to stand on. That makes it impractical to comply with the standard setback requirements. This will have minimal impact on the neighboring property

The proposed improvement has been designed to ensure both safety and visual compatibility with surrounding properties. The project has also included appropriate drainage and erosion control measures to protect adjoining properties, improving the site and surrounding property conditions.

We respectfully ask for the City's approval of this variance so the homeowner can get Certificate of Occupancy. Please let me know if additional documentation or a site meeting would be helpful.

Sincerely,

Donald Kilty

Donald Kilty

Landscape Designer

8099 Bavaria Rd. Victoria, MN 55386 Ph. 952-443-2990 Fax 952-443-2835
www.hartmancompanies.com

Pat Smith

From: Otto Simmering <Otto.Simmering@chrobinson.com>
Sent: Monday, December 15, 2025 3:55 PM
To: Don Kilty; Pat Smith
Cc: Roseann Simmering
Subject: RE: staff report and agenda
Attachments: 5120 Hooper Lake Road - Variance Discussion - Pictures 12.15.2025.docx

Pat,

Roseann and I are grateful for the work you and your team have put into this variance request. We will look forward to the discussion tomorrow night. After reviewing the staff report I felt it was important to provide a more enhanced detail account of our situation leveraging the format your team leverages to inform their decision:

---

1) Harmony with the Purpose and Intent of the Ordinance
The original intent is to keep pool activity away from neighboring properties and this request does not change that. The requested variance involves only a small portion of the pool deck and does not introduce additional activity or structures beyond what was originally permitted. Roseann and I attended a recent City meeting where a side yard setback was approved for a home remodel infringing on the 20-foot rule, and this request and it is our position that this request is far less intrusive to the spirit of the rule than that request. The pool remains in its approved location, and the variance would ensure safe and functional circulation around the pool.

---

2) Reasonable Use of Property
While the 3 feet of decking originally planned may have appeared reasonable on paper, in practice it is insufficient because 18 inches to two feet of that space is occupied by the coping over the motorized pool cover, which is not a stable walking surface. This leaves only 18 inches to two feet of usable space, creating a potential safety hazard for residents and guests. The variance approval would allow for a reasonable and safe use of the property as intended. **See attached word documents for pictures.**

---

3) Unique Circumstances Not Created by the Landowner
The need for additional deck space arose due to the design requirements of the motorized pool cover system, which was not fully accounted for in the original submitted and approved planning. This coping feature is integral to the pool's safety and maintenance and represents a unique circumstance specific to this property and design—not a condition created intentionally by the landowner to circumvent the setback rules.

---

4) Essential Character of the Locality
The variance does not alter the essential character of the neighborhood or locality. The encroachment is minimal, involves no vertical structures, and does not impact privacy or aesthetics. In fact, the property is a newly constructed multi-million home replacing a condemned structure, representing a significant investment that beautifies and revitalizes the neighborhood. It is important not to consider this variance request in the vacuum of the pool deck itself vs the big picture. This property improvement adds long-term value to the city and more specifically the neighboring properties on Hooper Lake Road. The landscaping project alone represents hundreds of thousands of dollars in functional enhancements to the property, contributing positively to the tax base and neighborhood appeal.

Additional Considerations

- We have a letter of support from the adjacent south-side neighbor, confirming approval and no objection to the variance.

We understand the challenge your team faces reviewing these requests, and I am hopeful the details above will be helpful in your consideration of our request.

Thank you for your consideration.
Sincerely,
Otto and Roseann

From: Don Kilty <don@hartmancompanies.com>
Sent: Monday, December 15, 2025 8:48 AM
To: Pat Smith <pat@cityofdeephaven.org>; Otto Simmering <Otto.Simmering@chrobinson.com>
Subject: RE: staff report and agenda

Pat,

"I noticed on the variance application it lists Trevor and Lindsey Pearson, but the property owners are Otto and Roseann Simmering. Does this need to be updated?"

Thank you,

Don

From: Pat Smith <pat@cityofdeephaven.org>
Sent: Monday, December 15, 2025 8:33 AM
To: Don Kilty <don@hartmancompanies.com>; Otto Simmering <Otto.Simmering@chrobinson.com>
Subject: staff report and agenda

Hi Don and Otto,
Here's the staff report and agenda for tomorrow's meeting.
Let me know if you have any questions.

Thanks,
Pat

Patrick Smith, AICP
Planning Director
Deephaven • Woodland

20225 Cottagewood Road
Deephaven, MN 55331
Direct: (952) 358-9938
pat@cityofdeephaven.org

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the named addressee you should not disseminate, distribute or copy this e-

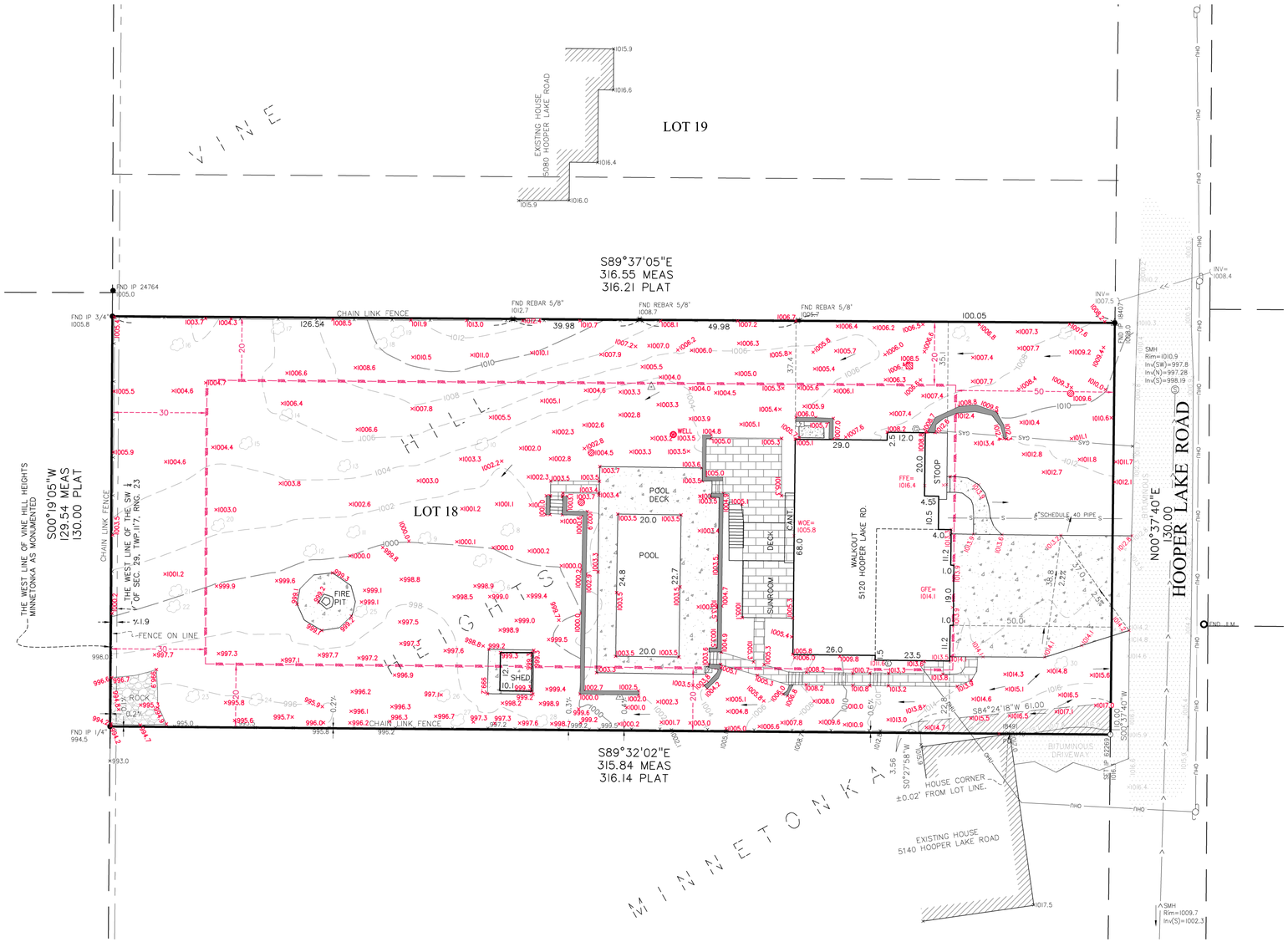
Google Maps

5120 Hooper Lake Rd

Simmering



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 Google 20 ft



DESCRIPTION OF PROPERTY SURVEYED

Lot 18, VINE HILL HEIGHTS MINNETONKA, according to the recorded plat thereof, Hennepin County, Minnesota.

STANDARD NOTES

1) **Site Address**: 5120 Hooper Lake Road, Deephaven, MN, 55331

2) **Flood Zone Information**: This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0316F, effective on 11/4/2016.

3) **Parcel Area Information**: Gross Area: 41,032 s.f. ~ 0.942 acres
*We do not affirmatively insure the quantity of acreage set forth in the description

4) **Benchmark**: Elevations are based on MN/DOT Geodetic Station Name: 2706_AE which has an elevation of: 987.91 feet (NAVD88). Contours were derived from a combination of field observations and LiDAR data from the Minnesota Department of Natural Resources.

5) **Zoning Information**: The current Zoning for the subject property is R-2 (Residential District) per the City of Deephaven's zoning map dated May, 1998. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks - Front: 50 feet (Hooper Lake Road)
Side: 20 feet
Rear: 30 feet
Height: 36 feet (Measured from Top of Ridge from Grade)
Hardcover: 25%

Accessory Structure Setbacks - Front:: 50 feet
Side: 20 feet (>120 s.f.) 10 feet (<120 s.f.)
Rear: 25 feet (>120 s.f.) 10 feet (<120 s.f.)
Height: 15 feet

*Please note that the zoning information shown hereon may have been amended through a city process. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any planning or construction.

We have not received the current zoning classification and building setback requirements from the insurer.

6) **Utilities**: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercise before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

Proposed Elevations

Proposed Garage Floor Elevation	= 1014.3
Proposed Top of Foundation Elevation	= 1014.6
Proposed Walkout Floor Elevation	= 1005.8

Height Table

Peak Elevation	= 1045.8
Elevation at BFE	= 1005.8
Elevation Rear Grade	= 1005.3
	= 40.5

Asbuilt Hardcover

Lot Area	= 41,032 S.F.
House Area	= 3,260 S.F.
Stoop Area	= 143 S.F.
Driveway Area	= 1,878 S.F.
Frontwalk Area	= 125 S.F.
Pool Area	= 2,415 S.F. (Incl. Pool & Pool Deck)
Paver Patio/Stairs	= 1,554 S.F.
Con. Pad Area	= 229 S.F.
Fire Pit Area	= 250 S.F.
Total Area	= 9,854 S.F.
Coverage =	24.0%

Asbuilt Elevations

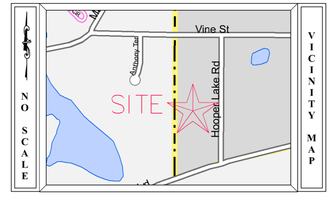
Asbuilt Garage Floor Elevation	= 1014.1
Asbuilt First Floor Elevation	= 1016.4
Asbuilt Basement Floor Elevation	= 1005.8

NORTH

Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)

20 10 0 10 20 40

SCALE IN FEET



X972.5 FOUNDATION ASBUILT ELEVATION

SURVEY LEGEND

CAST IRON MONUMENT	PIEZOMETER	WOE	WALKOUT ELEVATION
IRON PIPE MONUMENT SET	POWER POLE	FFE	FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GUY WIRE	GFE	GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	ROOF DRAIN	TOF	TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	LIFT STATION	LOE	LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	SANITARY MANHOLE		CONCRETE
REBAR MONUMENT FOUND	SANITARY CLEANOUT		BITUMINOUS
PK NAIL MONUMENT SET	STORM MANHOLE		BUILDING SETBACK LINE
PK NAIL MONUMENT FOUND	STORM DRAIN	CTV	CABLE TV
PK NAIL W/ ALUMINUM DISC	CATCH BASIN		CONCRETE CURB
SURVEY CONTROL POINT	FLARED END SECTION	960	CONTOUR EXISTING
A/C UNIT	TREE CONIFEROUS	960	CONTOUR PROPOSED
CABLE TV PEDESTAL	TREE DECIDUOUS		GUARD RAIL
ELECTRIC TRANSFORMER	TREE CONIFEROUS REMOVED	DT	DRAIN TILE
ELECTRIC MANHOLE	TREE DECIDUOUS REMOVED	ELC	ELECTRIC UNDERGROUND
ELECTRIC METER	TELEPHONE MANHOLE	X X	FENCE
ELECTRIC OUTLET	TELEPHONE PEDESTAL	FO	FIBER OPTIC UNDERGROUND
YARD LIGHT	UTILITY MANHOLE	GAS	GAS UNDERGROUND
LIGHT POLE	UTILITY PEDESTAL	OHU	OVERHEAD UTILITY
FIBER OPTIC MANHOLE	UTILITY VAULT		TREE LINE
FIRE DEPT. HOOK UP	WATERMAIN MANHOLE	>	SANITARY SEWER
FLAG POLE	WATER METER	>>	STORM SEWER
FUEL PUMP	WATER SPIGOT	TEL	TELEPHONE UNDERGROUND
FUEL TANK	WELL		RETAINING WALL
PROPANE TANK	MONITORING WELL	UTL	UTILITY UNDERGROUND
GAS METER	CURB STOP	I	WATERMAIN
GAS VALVE	GATE VALVE		TRAFFIC SIGNAL
GAS MANHOLE	HYDRANT		RAILROAD TRACKS
GENERATOR	IRRIGATION VALVE		RAILROAD SIGNAL
GUARD POST	POST INDICATOR VALVE		RAILROAD SWITCH
HAND HOLE	SIGN		SATELLITE DISH
MAIL BOX	SOIL BORING		WETLAND BUFFER SIGN

FIELD CREW	NO.	BY	DATE	REVISION
CL, SO	1	ML	5/23/2024	PLACEMENT REVISED
DRAWN	2	ML	5/28/2024	DECK/SUNROOM
JRS	3	ML	6/3/2024	RETWALL / SPOT ELEVATIONS
CHECKED	4	ML	7/18/2024	CITY COMMENTS
DLS/CMT	5	ML	8/21/2024	HOUSE STAKED IN FIELD
DATE	6	ML	8/22/2024	PROPOSED ELEVATION TABLE DESCRIPTION
5/15/2024	11	ML	10/8/2025	REGRADING ASBUILT - POOL ADDITION - HARDCOVER REV.

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 1st day of July, 2024.

Daniel L. Schmidt, PLS Minnesota License No. 26147
schmidt@sathre.com

SATHRE-BERGQUIST, INC.
14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE.23-SEC.25
Hennepin County

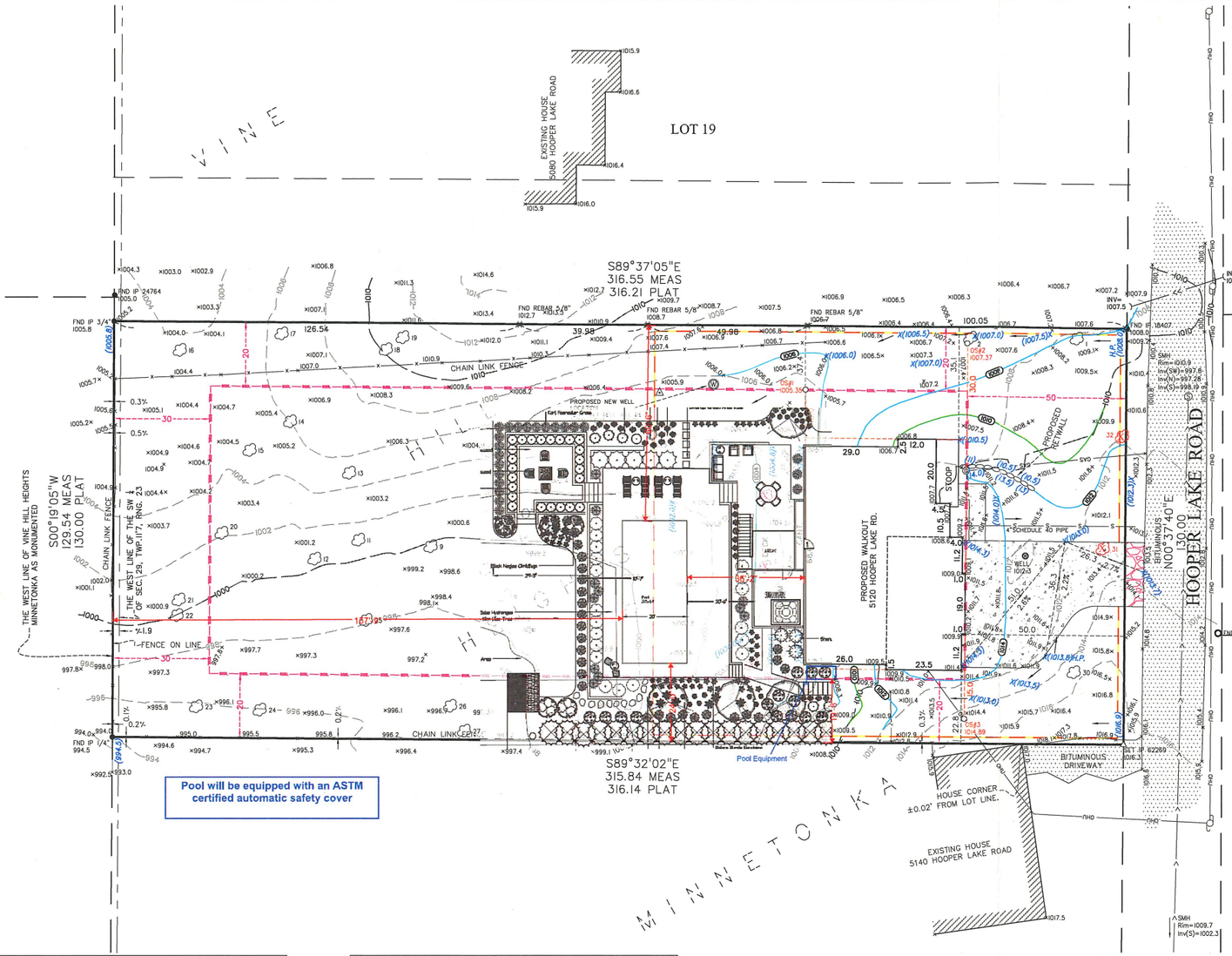
DEEPHAVEN, MINNESOTA

CERTIFICATE OF SURVEY
GRADING ASBUILT
PREPARED FOR:
G.W. LAND

FILE NO. 3120-093

1 / 1

5120 Hooper Lake Road



DESCRIPTION OF PROPERTY SURVEYED

Lot 18, VINE HILL HEIGHTS MINNETONKA, according to the recorded plat thereof, Hennepin County, Minnesota.

STANDARD NOTES

1) **Site Address:** 5120 Hooper Lake Road, Deephaven, MN, 55331

2) **Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0316F, effective on 11/4/2016.

3) **Parcel Area Information:** Gross Area: 41,032 s.f. – 0.942 acres
**We do not affirmatively insure the quantity of acreage set forth in the description

4) **Benchmark:** Elevations are based on MN/DOT Geodetic Station Name: 2706_AE which has an elevation of: 987.91 feet (NAVD88). Contours were derived from a combination of field observations and LiDAR data from the Minnesota Department of Natural Resources.

5) **Zoning Information:** The current Zoning for the subject property is R-2 (Residential District) per the City of Deephaven's zoning map dated May, 1998. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks - Front: 50 feet (Hooper Lake Road)
Side: 20 feet
Rear: 30 feet
Height: 36 feet (Measured from Top of Ridge from Grade)
Hardcover: 25%

Accessory Structure Setbacks - Front: 50 feet
Side: 20 feet (>120 s.f.) 10 feet (<120 s.f.)
Rear: 25 feet (>120 s.f.) 10 feet (<120 s.f.)
Height: 15 feet

SITE COPY

*Please note that the zoning information shown hereon may have been amended through a city process. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any planning or construction.

We have not received the current zoning classification and building setback requirements from the insurer.

6) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercise before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

Proposed Elevations

Proposed Garage Floor Elevation	= 1014.3
Proposed Top of Foundation Elevation	= 1014.6
Proposed Walkout Floor Elevation	= 1005.8

Height Table

Peak Elevation	= 1045.8
Elevation at BFE	= 1005.8
Elevation Rear Grade	= 1005.3
	= 40.5

Proposed Hardcover

Lot Area	=	41,032 S.F.
House Area	=	3,260 S.F.
Stoop Area	=	143 S.F.
Driveway Area	=	1,590 S.F.
Frontwalk Area	=	106 S.F.
Sunroom Area	=	295 S.F.
Deck Area	=	173 S.F.
Total Area	=	5,567 S.F.
Coverage = 13.6 %		

Offset Irons
(elevations are to the top of pipe)
OS #1= 1005.35 OS #2= 1007.37
OS #4= 1007.72 OS #3= 1014.89

Grading Quantities (CY)	
Fill	-421.23
Cut	205.33
House Footing	22
Garage Footing	10
Porch Footing	8
Driveway	30
Egress Pit	0
Total Fill	-421.23
Total Cut	275.33
Total (+/-)	-145.9

CITY OF Deephaven
Date 5-21-25
REVIEWED
For Code Compliance

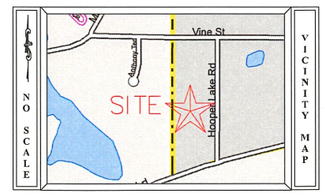
Tree #	Species	DBH	Condition	Stems
1	Maple, silver	37.5	Good	1
2	Maple, silver	40	Good	1
3	Maple, Norway	15.5	Poor	1
4	Maple, sugar	11.5	Good	1
5	Basswood	27.5	Good	1
6	Walnut	15	Fair	1
7	Walnut	6.5	Good	1
8	Walnut	22	Good	1
9	Maple, sugar	14	Good	1
10	Ash, green	21	Fair	1
11	Pine, white	9.5	Good	1
12	Ash, green	14	Poor	1
13	Walnut	14	Fair	1
14	Ash, green	17	Fair	1
15	Pine, white	13	Good	1
16	Spruce, white	12	Poor	1
17	Elm, Siberian	11	Good	1
18	Mulberry	10.5	Fair	1
19	Mulberry	10	Fair	1
20	Spruce, white	10	Fair	1
21	Pine, red	21	Good	1
22	Pine, red	14	Good	1
23	Elm, American	10.5	Good	1
24	Walnut	20.5	Good	1
25	Hackberry	8.5	Good	1
26	Walnut	19	Good	1
27	Walnut	23	Good	1
28	Walnut	23	Good	1
29	Maple, silver	45.5	Good	1
30	Ash, green	26	Good	1
31	Ash, green	28	Good	1
32	Birch, paper	24	Poor	1

RED = TREES TO BE REMOVED

NORTH

Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)

20 10 0 10 20 40
SCALE IN FEET



SURVEY LEGEND

CAST IRON MONUMENT	PIEZOMETER	WOE	WALKOUT ELEVATION
IRON PIPE MONUMENT SET	POWER POLE	FFE	FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GUY WIRE	GFE	GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	ROOF DRAIN	TOF	TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	LIFT STATION	LOE	LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	SANITARY MANHOLE		CONCRETE
REBAR MONUMENT FOUND	SANITARY CLEANOUT		BITUMINOUS
PK NAIL MONUMENT SET	STORM MANHOLE		BUILDING SETBACK LINE
PK NAIL MONUMENT FOUND	STORM DRAIN	CTV	CABLE TV
PK NAIL W/ ALUMINUM DISC	CATCH BASIN		CONCRETE CURB
SURVEY CONTROL POINT	FLARED END SECTION	960	CONTOUR EXISTING
A/C UNIT	TREE CONIFEROUS	960	CONTOUR PROPOSED
CABLE TV PEDESTAL	TREE DECIDUOUS		GUARD RAIL
ELECTRIC TRANSFORMER	TREE CONIFEROUS REMOVED	DT	DRAIN TILE
ELECTRIC MANHOLE	TREE DECIDUOUS REMOVED	ELC	ELECTRIC UNDERGROUND
ELECTRIC METER	TELEPHONE MANHOLE	X X	FENCE
ELECTRIC OUTLET	TELEPHONE PEDESTAL	FO	FIBER OPTIC UNDERGROUND
YARD LIGHT	UTILITY MANHOLE	GAS	GAS UNDERGROUND
LIGHT POLE	UTILITY PEDESTAL	OHU	OVERHEAD UTILITY
FIBER OPTIC MANHOLE	UTILITY VAULT		TREE LINE
FIRE DEPT. HOOK UP	WATERMAIN MANHOLE	>	SANITARY SEWER
FLAG POLE	WATER METER	>>	STORM SEWER
FUEL PUMP	WATER SPIGOT	TEL	TELEPHONE UNDERGROUND
FUEL TANK	WELL		RETAINING WALL
PROPANE TANK	MONITORING WELL	UTL	UTILITY UNDERGROUND
GAS METER	CURB STOP		WATERMAIN
GAS VALVE	GATE VALVE		TRAFFIC SIGNAL
GAS MANHOLE	HYDRANT		RAILROAD TRACKS
GENERATOR	IRRIGATION VALVE		RAILROAD SIGNAL
GUARD POST	POST INDICATOR VALVE		RAILROAD SWITCH
HAND HOLE	SIGN		SATELLITE DISH
MAIL BOX	SOIL BORING		WETLAND BUFFER SIGN

FIELD CREW	NO.	BY	DATE	REVISION
CL_SO	1	ML	5/23/2024	PLACEMENT REVISED
DRAWN	2	ML	5/28/2024	DECK/SUNROOM
JRS	3	ML	6/3/2024	RETWALL / SPOT ELEVATIONS
CHECKED	4	ML	7/18/2024	CITY COMMENTS
DLS/CMT	5	ML	8/21/2024	HOUSE STAKED IN FIELD
DATE	6	ML	8/22/2024	PROPOSED ELEVATION TABLE DESCRIPTION
5/15/2024				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 1st day of July, 2024.

Colyn M. Tvete, PLS Minnesota License No. 62269
ctvete@sathre.com

SATHRE-BERGQUIST, INC.
14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE.23-SEC.25
Hennepin County

DEEPHAVEN, MINNESOTA

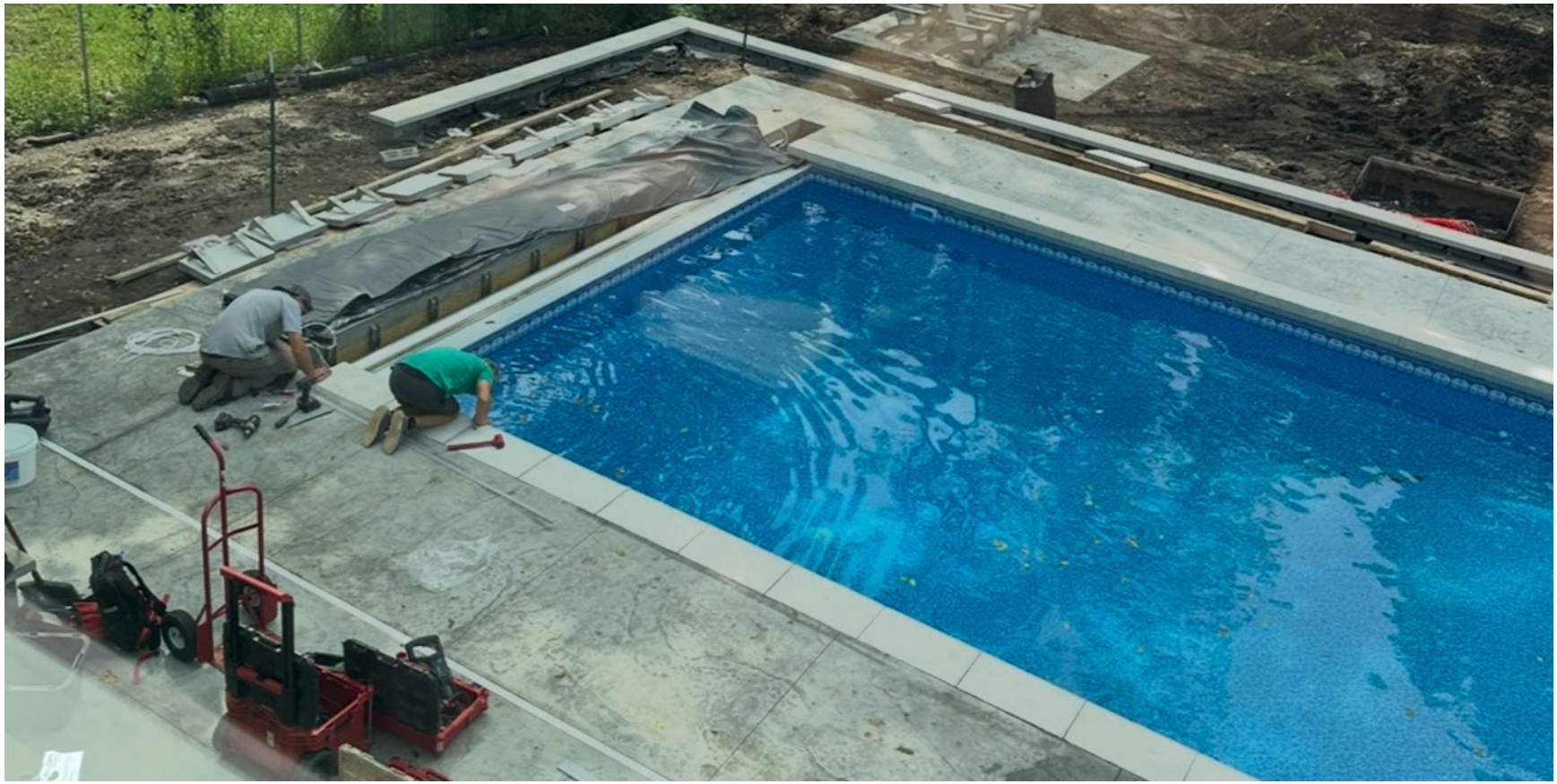
CERTIFICATE OF SURVEY

PREPARED FOR:
G.W. LAND

FILE NO. 3120-093

1/1








COVER POOLS

HARTMAN

To Whom It May Concern:

I, Bryan and Tracy Gilbert, residing at 5140 Hooper Lake Road, am aware of and fully support the variance request submitted by Hartman Companies on behalf of the Simmering property located at 5201 Hooper Lake Road.

This variance pertains to the installation of a 20-inch concrete pool deck extending within the required setback area. I have reviewed the proposed plans and have no objection to the existing pool decking.

Please accept this letter as my formal acknowledgment and approval of the variance request for the Simmering property.

Sincerely,

Bryan and Tracy Gilbert
Date: 10/24/25

8099 Bavaria Rd. Victoria, MN 55386 Ph. 952-443-2990 Fax 952-443-2835
www.hartmancompanies.com

STAFF REPORT
Pat Smith, Planning Director

Deephaven City Council
January 5, 2026

BACKGROUND

On June 7, 2004, the City Council first adopted Ordinance No. 13-27 that prohibited the increase in grade by more than one foot unless a Special Use Permit was granted by the City Council. The Planning Commission briefly discussed the item on March 16, 2004 (minutes attached).

On July 1, 2013, the City Council adopted Ordinance No. 13-62 that established the three-foot grading limit. Staff and the Planning Commission thought the one-foot grading limit established in 2004 was too onerous. The Planning Commission recommended a limit of three feet, which was approved by the City Council. The Planning Commission minutes from February and March 2013 (attached) suggest that the two main reason for the grading limit is to ensure significant grade changes do not impact neighboring properties or the height of a new house is not artificially increased simply by increasing the grade around the new house.

On April 4, 2022, the City Council adopted Ordinance No. 13-83 that removed the provision that lowering the grade by more than three feet requires a variance.

Deephaven and Woodland are the only communities that staff is aware of that requires a variance when changing grade by more than three feet. Minnetonka and Chaska require a Conditional Use Permit when excavating or importing a certain amount of fill onto a site.

PROPOSED ORDINANCE

Importing Fill

The proposed ordinance amendment would require a Conditional Use Permit if importing more than 300 cubic yards of fill per acre. For a typical 20,000-square-foot lot, that would be about 15 dump trucks delivering fill to a site. The table below highlights how much the grade would need to be raised on a site before a Conditional Use Permit is required.

Percent of Lot with Fill				
30%	40%	50%	60%	70%
0.62	0.46	0.37	0.31	0.27

Building Height Definition
The existing definition of Building Height is confusing because there are three alternatives and no specific place for measurement.
"the vertical distance between the highest existing or proposed grade elevation at the foundation of a structure or five feet above the lowest adjoining grade elevation for structures with an exposed look-out or walk-out, whichever is lower, and the highest point of any roof."

Staff recommends clarifying that the building height is based on the existing grade or finished grade, whichever is lower.
"the vertical distance measured from the average grade of the front façade to the highest point of any roof. Average grade is the average elevation of the two exterior corners of the front façade based on the existing grade unless the grade is lowered, in which case the height shall be measured from the lowered grade."

Maximum Height of Single-Family Residences with Flat Roofs
Staff recommends a lower maximum height for single-family residences with flat roofs to reduce the possible massing that a three-story house with a flat roof would create.

PLANNING COMMISSION ACTION TAKEN ON 12/16/25 (on a 6-0 vote)

Motioned to recommend the City Council amend the zoning ordinance regarding the definition of "building height" and grading requirements with the maximum height for flat roof homes being 25 feet for lots under 14,000 square feet.

CITY COUNCIL ACTION REQUESTED

Move the City Council approve the first reading of Ordinance No. 13-XX, with or without changes, an ordinance amending the grading regulations and the definition of "building height" and schedule the second reading for February 2, 2026.

Attachments:
1) Ordinance No. 13-27
2) March 16, 2004 Planning Commission Minutes
3) February 19, 2013 Planning Commission Minutes
4) March 19, 2013 Planning Commission Minutes
5) Ordinance No. 13-83
6) Cross-Sections of Single-Family Homes
7) Proposed Ordinance

ORDINANCE NO. 13-27

AN ORDINANCE AMENDING SECTION 1345 OF THE DEEPHAVEN CODE

The City Council of the City of Deephaven, Minnesota, ordains:

Section 1. Section 1345, Subdivision 26 of the Deephaven Code is amended to read as follows:

Subd. 26. Finished Grade means the elevation of grade at the base of an existing structure or the existing grade of a vacant lot. Regulation of finished grade shall be as follows:

a) Finished grade of construction shall not increase more than one foot above the grade of an existing structure for structures to be removed or expanded unless a Special Use Permit is granted by the City in accordance with Section 1320 of this code.

b) Finished grade of construction on a vacant parcel shall not increase more than one foot of the existing elevations on the property unless a Special Use Permit is granted by the City in accordance with Section 1320 of this code.

Section 2. Section 1345, Subdivisions 26 through 73 will be renumbered to reflect the amendment.

Section 3. Effective Date. This Ordinance shall be effective as of its date of publication.

Adopted by the Deephaven City Council on June 7, 2004, and published in the paper of Weekly News, Inc. on June 15, 2004.

Tom L. Anderson, Mayor

ATTEST:

Mary Courtney - Deputy Clerk

Zoning Coordinator Karpas said the city also has a minimum floor height requirement and that the Commission could approve the proposed ordinance subject to language being added, exempting those situations where the structure elevation would need to be adjusted.

Commissioners agreed that language should be added for the exception.

Hearing no further public comment, Chairman Kask closed the Public Hearing.

ACTION: Commissioner Kask made a motion to recommend the City Council approve the proposed ordinance amendments to create subdivision three, regulating height and subdivision four, requiring a setback for driveways in Section 1310.10 of the Zoning Ordinance and renumber the existing subdivision three to subdivision five. The motion is subject to language being added to the height ordinance addressing the floodplain elevation. Commissioner Dyb seconded the motion. The motion carried 4-0. Upon roll call vote Commissioners Daly, Dyb, Kask and McKinney voted aye. There were no nay votes.

ORDINANCE AMENDMENT – Finished Grade – Amend the Zoning Ordinance to add a definition for Finished Grade.

Zoning Coordinator Karpas explained the addition to the height requirement would limit the increase in the construction grade for new structures. He said that concerns have been raised with the increase in construction grade and how it affects the drainage pattern.

Commissioner Dyb asked if the proposed change would affect those desiring to build a walkout home.

Karpas said it would not, it would only limit the finished grade of a project. Walkouts could still be built.

Commissioners Daly and McKinney supported the proposed amendment.

Karpas suggested that language be added to account for potential conflict with the floodplain requirements.

Chairman Kask opened the Public Hearing. Hearing no public comment, the Public Hearing was closed.

ACTION: Commissioner Kask made a motion to recommend the City Council approve the proposed ordinance amendment to create a definition of finished grade in Section 1345 of the Zoning Ordinance and to renumber subdivisions twenty-six through seventy-three to reflect the amendment. Commissioner McKinney seconded the motion. The motion is subject to language

CALL TO ORDER: Chairman Werneiwski called the meeting to order at 7:05 p.m.

PRESENT: Chairman Bob Werneiwski and Commissioners Barbarajean Brandt, Kent Carlson, Scott Hemink, John McGary and Pete Onstad

ABSENT: Commissioner Walter Linder and Council Liaison Darel Gustafson

OTHERS PRESENT: Mayor Paul Skrede and Zoning Coordinator Karpas

MINUTES OF January 15, 2013 Worksession
Minor spelling changes suggested. Motion by Commissioner Carlson, seconded by Commissioner Brandt, to approve the minutes of January 15, 2013 Worksession as amended. Motion carried 4-0-2. Commissioners Hemink and Werneiwski abstained.

MINUTES OF January 15, 2013 Regular Meeting
Motion by Commissioner Onstad, seconded by Commissioner McGary, to approve the regular meeting minutes of January 15, 2013 as presented. Motion carried 4-0-2. Commissioners Hemink and Werneiwski abstained.

PUBLIC HEARINGS

Variance – Scott and Jo Ellen Hemink, 4080 Sibley Avenue - request to construct a new front entry and screened porch on the northwest side of their home which would exceed the maximum permitted impervious surface area.

Section 1350.06(2)(a) permits a maximum impervious surface area of 25%. The proposed impervious surface area on the property would be 25.2%. A variance to exceed the maximum impervious surface area by .2% is sought. The proposed addition would be built over existing impervious surface area and the overall impervious surface on the property is being reduced by 1.3%.

Commissioner Hemink recused himself from the Commission.

Zoning Coordinator Karpas presented his staff report. He said the proposal was to remove an existing one hundred and twenty-eight square foot porch and five hundred and eighty-two square feet of the existing deck and construct a new eighty-five foot front entry and three hundred and thirty-five square foot screened porch. The applicants indicate this would allow them to more efficiently use their property by creating a bone fide front entry area which their home currently does not have. The project would exceed the maximum permitted impervious surface area .25 or 27 ½ square feet, but would be reducing the overall impervious surface area on the property by 1.3%. Karpas said he recommended approval of the request stating the purpose and intent of the ordinance is to allow the orderly development and redevelopment within the city and when these standards cannot be met, it outlines the procedures to vary from these standards. In this instance, the applicant is seeking to vary from the stated dimensional requirements of the ordinance and is following the stated process outlined in the ordinance. The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development and redevelopment of residential property within the city. He felt the proposed addition of a protected front entryway and screened porch was reasonable and combined with the reduction of impervious surface on the property beneficial to the neighborhood. He believes there are circumstances causing the need for the variance which are not caused by the property owner including the location of the lot along a curve in Minnetonka Boulevard requiring driveway access off Sibley Avenue, the placement of the home towards the rear of the lot and the length of the driveway. He noted the driveway comprises 11.8% of the impervious surface area on the property. Karpas said the lot area creates a practical difficult in that it is just over one half the minimum required lot area for the zoning district. Even so, the applicant is reducing the overall impervious surface area on the property by 290 square feet and

proposing to exceed the required impervious surface area by only 27 ½ square feet. The proposed alterations would not alter the essential character of the neighborhood since they would comply with the required setbacks and the overall impervious surface on the property will be reduced.

Scott Hemink, 4080 Sibley Avenue said the property has been a challenge since before they owned it. He said previous owners constructed an addition along Sibley Avenue, essentially removing the front door, leaving the home with no discernible front entryway. He said the intent of the alteration would create a front entry along Ramsey Avenue and included as part of this proposal is a change of address. He said the proposed addition would be constructed entirely within the footprint of an existing deck and would comply with the required setbacks. He noted the impervious surface on the property was being reduced and the proposal would only exceed the maximum allowed square footage by 27 ½ square feet. He worked with staff to find any possible way to comply with the ordinance and they could not find any additional impervious surface that could be reasonably removed.

Chairman Werneiwski opened the public hearing. Hearing no comments the hearing was closed.

Commissioner Brandt asked if the property was included in a homeowner association. Mr. Hemink said it was not.

Chairman Werneiwski said he appreciated the reduction in impervious surface area and said he could see the issue regarding no apparent front entry to the home when he visited the site earlier.

Commissioner Carlson supported the request. Commission Onstad had no concerns with the proposal and Commissioner McGary felt there were practical difficulties and was supportive of the request.

Motion by Commissioner Werneiwski to recommend the City Council accept the recommendation of staff and approve the variance request to exceed the maximum permitted impervious surface area by .2% for the proposed new front entry and screened porch on the northwest side of the home which would exceed the maximum permitted impervious surface area as presented at 4080 Sibley Avenue based on the following findings; (a) the purpose and intent of the ordinance is to allow the orderly development and redevelopment within the city and when these standards cannot be met, it outlines the procedures to vary from these standards. In this instance, the applicants are seeking to vary from the impervious surface standards of the Shoreland Management Ordinance and are following the stated process outlined in the ordinance; (b) the request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development and redevelopment of residential property within the city. The applicants seek to expand an existing home to make it more compatible with the lot. The current deck is unusable due to environmental conditions with the area being more suitable for a screened porch than an open deck given the wooded and wet conditions of the immediate area. The home also does not have a defined front entryway; (c) the proposed addition of a protected front entryway and screened porch is a reasonable use of the property since it allows the home to function more consistently with the conditions of the property. The proposal reduces the overall impervious surface on the property; (d) the circumstances causing the need for the variance are not caused by the property owner. The location of the lot along a curve in Minnetonka Boulevard requires driveway access off Sibley Avenue and due to the placement of the home towards the rear of the lot a long driveway is required to access the detached garage that serves the property. The driveway comprises 11.8% of the impervious surface area on the property. The lot area creates a practical difficult in that it is just over one half the minimum required lot area for the zoning district. Even so, the applicant is reducing the overall impervious surface area on the property by 290 square feet and proposing to exceed the required impervious surface area by only 27 ½ square feet; and (e) the proposed alterations would not alter the essential character of the neighborhood since they would comply with the required setbacks and the overall impervious surface on the property will be reduced. Commissioner Carlson seconded the motion. Motion carried 5-0.

Ordinance 13-63 - Amending Chapter 13 of the City Code - Ordinance amendment which would remove any reference in the current zoning ordinance to Special Use Permit or Special Permit and

replace both with the term Conditional Use Permit. This amendment is necessary to bring the ordinance in compliance with State Statutes, which does not include language that references Special Use Permits.

The proposed ordinance amendment would remove any reference in the current zoning ordinance to Special Use Permit or Special Permit and replace both with the term Conditional Use Permit. He reiterated the amendment was necessary to bring the ordinance in compliance with State Statutes, which does not include language that references Special Use Permits.

State Statutes permits the regulation of Conditional Use Permits and Interim Use Permits. Interim Use Permits are uses that the city can review on an annual basis and "sunset" after a period of time. The City Attorney recommended against the city using Interim Use Permits due to the nature of uses the city would permit as conditional uses.

The process for the issuance of a Conditional Use Permit will not change and the criteria will remain the same.

The Commission discussed the concept of using an interim use permit for showcase events. Karpas said showcase events are a different type of permit that still uses the criteria for a special use permit in the review process. He said the ordinance has a built-in prohibition on the number of times a property may be shown in an event so an interim use permit process may not be necessary.

Chairman Werneiwski opened the public hearing. Hearing no comments the hearing was closed.

Motion by Chairman Werneiwski to recommend the City Council approve Ordinance 13-63, amending Chapter 13 of the City Code removing any reference in the current zoning ordinance to Special Use Permit or Special Permit and replace both with the term Conditional Use Permit. Commissioner Carlson seconded the motion. Motion carried 6-0.

NEW BUSINESS

Discuss - Ordinance 13-64, Amendment of Section 1305.02 – Schedule of Uses - amend ordinance which would permit the manufacture and sale of firearms in the C-1 and C-2 Commercial Districts as a Conditional Use Permit.

Zoning Coordinator Karpas read his staff memo into the record. He said the proposed ordinance amendment would permit the limited manufacture and sale of firearms in the C-1 and C-2 Commercial Districts as a Conditional Use Permit.

He said a resident approached the City Council at their February 5th meeting to obtain their feedback on an ordinance amendment to permit him to operate a business in the C-1, Commercial District that would permit the limited assembly of firearms. He said the nature of the business was to travel to various law enforcement agencies throughout the state and market his weapons. He said there would be no sale to the general public. He said he has applied for a Federal Firearms License, but in order to obtain one to operate his business he must receive city approval.

After some discussion, the Council felt it was best that that the process begin with the Planning Commission.

Karpas noted the attached ordinance language for the Planning Commission's consideration. He said one of the ramifications of approving an amendment to the ordinance and the issuance of a Federal Firearms Permit is that all firearm sales must be conducted at the licensee's place of business. So even though the applicant may bring his product elsewhere to display, they must be sold on site in the city's commercial district, meaning there is no control over who is actually purchasing firearms and whether they are actually law enforcement officials. This may not be an issue with the Planning Commission, but

staff is concerned about the prospects of permitting, even by conditional use, a gun shop in the city which is out of character with the existing uses in the area.

There was a general feeling of opposition from the Commission.

Commissioner Hemink referenced the letter from the Police Chief included in the Planning Commission packet outlining his concerns. He agreed the proposal was out of character with the commercial uses in the area. Commissioner Carlson added the proposed space that would be leased backs up directly against a residential district. He feels the Planning Commission should take action to let the Council know its feelings about any proposed ordinance amendment. Commissioner Brandt agrees quick action is warranted. Hemink suggested a motion to the Council indicating they received direction from the Council to consider the request from the resident for the proposed amendment but they feel no change to the current ordinance should be made.

Council Liaison Skrede suggested, even though ordinance language has been prepared, the Commission send a motion to the Council outlining to points on why they feel the request should not be considered and the ordinance should not be amended.

The Commission discussed a number of issues they felt should be included in a motion to the Council.

Motion by Commissioner Onstad that the Council maintains the current permitted and conditional uses within the C-1 and C-2 Commercial Districts and not consider any amendment that would permit the limited manufacture or sale of firearms. Having discussed the resident request brought before the City Council on February 5th as they were directed by the Council and after consideration of the comments included in the Police Chief's letter dated February 15th, 2013 and discussion amongst the Commission, the Commission agrees that a) the city's commercial districts are located too close to schools, parks and residential districts and thus are not appropriate locations for businesses that deal in firearms; b) the city lacks the appropriate oversight ability for customer verification and in the case of the resident request, cannot verify that sales are actually being conducted between himself and law enforcement personnel as has been represented to the city; and c) the nature of any business which involves the manufacture and sale of firearms is out of character with the existing commercial uses within the city which are currently limited retail and office uses. Commissioner Hemink seconded the motion. Motion carried 6-0.

OLD BUSINESS

Discuss – Ordinance 13-62, Creating Section 1312 – Construction Regulation – amend proposed ordinance which would realign existing construction regulations within the existing city codes, amend the existing grade ordinance and create additional survey requirements. Direct Staff to schedule public hearing.

Zoning Coordinator Karpas asked the Commission if they had any further changes to the ordinance or if they felt it was ready to be scheduled for a public hearing.

Commissioner McGary said the Commission asked him to bring the ordinance to his surveyor for his comments and the one thing that stuck out to him was the requirement for wetland delineation. His surveyor said this was expensive and unnecessary for the majority of projects. Zoning Coordinator Karpas said what he was looking for was the approximate boundary of the wetland to be shown and if the actual edge of the wetland was necessary that direction would come from the Minnehaha Creek Watershed District. Karpas noted that further in the survey requirements list it asks for wetland boundary which is different than delineation and suggested removing the wetland delineation portion of that requirement but keeping the delineation of the Ordinary High Water Level of lakes and easements. The Commission agreed.

Commissioner McGary commented he was surprised how expensive the additional surveys turned out to be from what he anticipated, stating it almost doubled in cost. He said this was rather insignificant in the construction of a new home, but in terms of a small addition or deck it becomes unreasonable. Zoning Coordinator Karpas said the ordinance permits him to waive the additional survey requirements which he said he would if he could verification on-site using the survey submitted with the building permit. He said with an addition or a deck, the existing home gives him a fixed point to start his measurements from where a new home does not.

Commissioner Brandt asked if a survey should show the location of underground cisterns. Commissioner Carlson also suggested including the location of all above ground storm water management improvements required by the city such as rain gardens. Zoning Coordinator Karpas noted there is some mention of underground type structures in the survey requirements for location. Chairman Werneiwski suggested the list be expanded to include a generic term "underground structures" to catch all known below grade structures of significant size. Commissioner McGary, commenting on locating above ground storm water management improvements, stating they may be hard to survey because they become overgrown and unrecognizable over time. Carlson agreed, especially if they are not properly maintained.

Commissioner Hemink asked why the threshold was set at three feet and why exceeding whatever the limitation is becomes a variance rather that a conditional use permit. Zoning Coordinator Karpas said the proposal for three feet was a starting point and could be modified by the Commission as they see fit. Staff feels any alteration greater than three feet either way starts to have a negative visual and drainage impact and should be reviewed by the Planning Commission and City Council. The decision to require a variance rather than a conditional use permit was to give the city the ability to justify denial. As it stands now, it is very difficult to deny a conditional use permit since it is difficult to prove a clear and present danger to health, safety and public welfare. With a variance, the applicant would need to indicate what practical difficulty exists that requires them to add, for example, seven feet of fill to their lot to build a new home.

Commissioner Brandt believed the grade alteration issue always revolved around water and the impact runoff had on adjacent properties. Zoning Coordinator Karpas said the proposed ordinance would have the engineer sign off on the drainage of any project that alters the grade up to three feet and any increase over that would be reviewed by the city. Brandt feels the grade restriction should apply to the whole property and not just the area the home is being constructed. Karpas said the new ordinance would apply to the entire lot regardless of the type of project, essentially requiring review on any grading alteration. Commissioner Hemink felt this was too restrictive. Commissioner Carlson noted the ordinance allowed the Zoning Coordinator and City Engineer to waive the requirement.

Commissioner McGary doesn't understand why excavation is included, especially in combination with the addition of fill since the visual impact would be minimal. Commissioner Carlson noted that excavations can also create drainage issues. Council Liaison Skrede discussed the limitation a three foot maximum excavation puts on the ability to construct a walkout structure without going through the variance process, which he feels may be unreasonable. Zoning Coordinator Karpas said his intent was not to limit the ability to construct any type of home, rather to address drainage and massing concerns.

The Commissioner summarized their discussion and the changes to be made. It was agreed the ordinance would be brought back one more time prior to a public hearing being scheduled.

Discuss – Discuss massing issues on non-conforming lots in the R-3 zoning district.

Zoning Coordinator Karpas said the Planning Commission held a joint work session with the Council to hear their comments on the Commission's work thus far on the massing issue and the comments were mostly positive. He said he distributed a copy of the City of Greenwood's massing ordinance which regulates the mass of a structure based solely on its lot area along with a list of homes that had been built

under these criteria for the Commission to look at for comment at tonight's meeting. He asked if the Commission had an opportunity to take a look at the ordinance and the properties.

Commissioner Brandt said after looking at the structures built under the ordinance she's come to the conclusion that it comes down to what appeals to you and you can't regulate that. She feels the Greenwood ordinance is reasonable provided the existing Deephaven grade ordinance is not altered.

The Commission discussed the impact of the ordinance on a five thousand square foot lot and the ability to still construct a reasonable two story structure on a lot that size. The formula was also applied to a twenty thousand square foot lot. In both cases the result provided structures the Commission felt were reasonable. Zoning Coordinator Karpas said the Commission had to keep in mind there were other zoning factors that would come into play, most importantly, impervious surface area which would limit the footprint area of homes, so even though a lot may be permitted a certain above grade structure volume, other zoning provision may keep the actual structure below that allowance. He said the numbers may be adjusted to apply to the lot areas in Deephaven and should only be applied to lots in the R-3 District.

Zoning Coordinator Karpas said he would take measurements of four specific homes that did not require variances to see what their above grade structure volume would be and if it would have complied with Greenwood's ordinance.

LIAISON REPORT

Council Liaison Skrede said the Council unanimously approved the impervious surface variance request submitted by the Minnetonka School District for their kitchen addition at Deephaven Elementary School.

ADJOURNMENT

Motion by Werneiwski to adjourn the meeting. Commissioner Carlson seconded. The meeting adjourned at 9:35 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator

CALL TO ORDER: Chairman Werneiwski called the meeting to order at 7:00 p.m.

PRESENT: Chairman Bob Werneiwski and Commissioners Barbarajean Brandt, Kent Carlson, Scott Hemink, John McGary (7:07) and Walter Linder

ABSENT: Commissioner Pete Onstad

OTHERS PRESENT: Council Liaison Darel Gustafson and Zoning Coordinator Karpas

MINUTES OF February 19, 2013
Motion by Commissioner Carlson, seconded by Commissioner Werneiwski, to approve the minutes of February 19, 2013 as submitted. Motion carried 4-0-1. Commissioner Linder abstained.

PUBLIC HEARINGS

Variance - Revision, LLC, 20050 Lakeview Avenue - request to remove an existing lakeside deck and construct a new four hundred and ninety (490) square foot lakeside deck which would encroach into the required lake yard setback and exceed the maximum permitted impervious surface area in Shoreland District.

Section 1310.02 of the Zoning Ordinance requires a minimum lake yard setback of one hundred feet. The proposed deck would be setback fifty feet from the Ordinary High Water Level. A variance of fifty feet of the required lake yard setback is being sought.

Section 1350.06(2)(a) permits a maximum impervious surface area of 25%. The proposed impervious surface area on the property would be 32.7%. A variance to exceed the maximum impervious surface area by 7.7% is sought.

Zoning Coordinator Karpas presented his staff report. He said the applicants are proposing to remove the existing lakeside deck and stairs, which is primarily located on the east side of the home and construct a new four hundred and ninety (490) square foot deck that would span the majority of the lake side of the home. The proposed deck would be elevated and no longer have access to grade.

He said the point at which the deck would be expanded would be the greatest degree of encroachment. The encroachment decreases from fifty (50) feet to thirty-seven (37) feet as the deck moves east to west along the home due to the angle of the shoreline. He said the proposed deck complies with the other required yard setbacks.

Karpas said the applicants are also seeking a variance to exceed the maximum impervious surface area by 2.7%, but as part of the project are reducing the overall impervious surface area on the property by 2.5%, or six hundred and eighty-one (681) square feet.

Karpas noted the City Council approved the location of the existing home in 1988, permitting a fifty foot setback from the OHWL. In 1991 the City Council reaffirmed the deck setback by its approval of a variance to permit the reconstruction of the lakeside deck.

Karpas said he recommended approval of the request stating the purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. In this instance, the applicant is seeking to vary from the stated dimensional requirements and impervious surface standards of the ordinance. The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development of residential property within the city. He felt the reconstruction and expansion of the existing is a reasonable use of the property in that is takes advantage of the natural

architecture of home. The footprint of the proposed deck will not extend any closer to the lake that the existing deck and the actual encroachment decreases on the new portion of the deck as it runs from the east to the west to the angle of the lot line. The placement of the home and the existing deck were approved by the City Council in 1988 and the placement of the deck was reaffirmed in 1991 when the previous homeowner was granted a variance to replace the deck. The findings for approval of the home included that it was in character with the placement of other homes in the neighborhood in terms of lake setback. There was no mention of a variance granted for impervious surface, though at the time of the home's construction, the Shoreland Management Ordinance regulating impervious surface was not in effect; and the proposal would not alter the essential character of the locality since it would have no additional visual impact above and beyond the additional deck from adjacent neighbors.

John Daly, Revision, LLC said concurred the existing steps to the grade would be removed and the encroachment would be decreased on the new portion of the deck.

Chairman Werneiwski opened the public hearing. Hearing no comments the hearing was closed.

Commissioner Brandt asked for clarification on the impervious surface area. Mr. Daly said the actual amount of impervious surface would be reduced.

Commissioner Hemink liked the reduction in impervious surface area and given the architecture of the lakeside of the home he's surprised the deck wasn't originally designed as proposed. Commissioner McGary agreed and also had no issues with the request.

Commissioner Carlson said he was supportive of the request but felt it would be helpful for the survey to more clearly identify those areas of rock and plastic to be removed. He would personally remove all of the rock and plastic to get closer to the percentage and go with a pervious material. Chairman Werneiwski agreed with Commissioner Carlson and would also like to see all the landscape plastic removed.

Commissioner Linder was supportive of the request.

Commissioner Brandt said she was supportive of the request, though she would not have been previously when it was originally approved by the city.

Motion by Commissioner Werneiwski to recommend the City Council conditionally accept the recommendation of staff and approve the variance requests as presented by Julie Brown and Sarah Buxton to encroach fifty (50) feet into the required one hundred (100) foot lake yard setback and to exceed the maximum permitted impervious surface area by 7.7% for the proposed deck alteration at 20050 Lakeview Avenue. The motion is based on the following findings: (a) the purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. In this instance, the applicant is seeking to vary from the stated dimensional requirements and impervious surface standards of the ordinance; (b) the request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development of residential property within the city; (c) the reconstruction and expansion of the existing is a reasonable use of the property in that is takes advantage of the natural architecture of home. The footprint of the proposed deck will not extend any closer to the lake that the existing deck and the actual encroachment decreases on the new portion of the deck as it runs from the east to the west to the angle of the lot line; (d) the placement of the home and the existing deck were approved by the City Council in 1988 and the placement of the deck was reaffirmed in 1991 when the previous homeowner was granted a variance to replace the deck. The findings for approval of the home included that it was in character with the placement of other homes in the neighborhood in terms of lake setback. There was no mention of a variance granted for impervious surface, though at the time of the home's construction, the Shoreland Management Ordinance regulating impervious surface was not in effect; and (e) the proposal would not alter the essential character of the

locality since it would have no additional visual impact above and beyond the additional deck from adjacent neighbors. Commissioner Brandt seconded the motion. The motion was conditioned that the applicant remove the remaining plastic landscaping material on the property and replace it with pervious material to further reduce the impervious surface percentage on the property. Motion carried 6-0.

Variance - David Garber, 18880 Ridgewood Road – request to construct a new one thousand, seven hundred and fifty (1,750) square foot detached garage which would exceed the maximum permitted accessory structure area in R-2 District and maximum permitted accessory structure height.

Section 1310.10(1)(f) of the Zoning Ordinance permits a total area of accessory structures that contain walls and/or a roof of 1,000 square feet on property zoned R-2. The aggregate total area of all accessory structures proposed on the property is three thousand, five hundred (3,500) square feet. The applicant is seeking a variance to exceed the maximum permitted accessory structure area by two thousand, five hundred (2,500) square feet.

Section 1310.10(1)(a) of the zoning ordinance permits a maximum accessory structure height of fifteen feet, as measured to the average of the highest peak. The applicant proposes an accessory structure height of seventeen (17) feet. The applicant is seeking a variance to exceed the permitted accessory structure height by two (2) feet.

Zoning Coordinator Karpas presented his staff report. He said the applicant is proposing to construct a detached storage building which would exceed the maximum permitted accessory structure area permitted on an R-2 single family lot and increase the existing accessory structure area non-conformity on his property. In addition the applicant is seeking to exceed the maximum permitted accessory structure height.

The property currently contains a one thousand, seven hundred and fifty (1,750) square detached garage. The proposal would add a detached storage building of a similar size, increasing the total accessory structure area by one thousand, seven hundred and fifty square (1,750) square feet for a total accessory structure area of three thousand, five hundred (3,500) square feet. The applicant is seeking a variance to exceed the permitted accessory structure area by two thousand, five hundred (2,500) square feet.

The zoning ordinance permits a maximum accessory structure height of fifteen (15) feet, as measured to the average of the highest peak. The proposed accessory structure would have an average height of seventeen (17) feet and an overall height of twenty-four (24) feet. The applicant is seeking a variance to exceed the permitted accessory structure height by two (2) feet.

Karpas said the proposed structure is being constructed to mimic the existing structure in terms of area and height. The existing detached structure was constructed on the property in 1996. Even though the structure exceeds the maximum permitted accessory structure area and accessory structure height, it was issued a building permit without the issuance of variances. The building permit information is clear and it should have been apparent at the time the proposed structure did not comply with the ordinance requirements.

Karpas said he recommended denial of the request stating the purpose and intent of the ordinance is to allow the orderly development of property within the city under set standards adopted by the city. When these standards cannot be met; it outlines the procedures to vary from these standards. In this instance, the applicant is seeking to vary from the stated structural area requirements of the ordinance. The request is not inconsistent with the Comprehensive Plan's Housing Elements Goals and Policies which does not specifically address accessory structures. He said though a detached storage building is not an unreasonable use for a single family property, the proposed structure doubles the existing detached structure area on the property, which already exceeds the permitted accessory structure area. The existing detached structure serves as a garage and contains over seventeen hundred square feet. The proposed storage would also serves as storage for a hobby the applicant has yet to begin, meaning other

arrangements could be made that would not require the city issuing a variance from its ordinance. He said the proposed use of the building, per the application, is to store classic cars which are not currently owned by the applicant. It can be argued the circumstances creating the need for the storage facility are created by the landowner. In terms of the height, the design of the building could be modified to comply with the required maximum height requirement since the proposed use of the building does not necessitate excess height. He said previous requests to exceed the maximum permitted accessory structure area were unique in that the requests were necessary to create primary garage space. The principal structure on this property contains an attached three stall garage in addition to the existing detached structure. The request before the city is for the creation of additional storage for hobby purposes which is a unique circumstance created by the homeowner and the structure itself may not be visible outside the subject property but the amount of detached accessory structure area is out of character for the neighborhood and will exceed that of the principal structure. The intent of accessory structures is to create uses subordinate to that of the principal use of the property which is single family residential.

David Garber, 18880 Ridgewood Road said he spoke with his neighbors and none of them had an issue with the request. He said lot is approximately one hundred and fifty thousand (150,000) square feet and with only twelve (12) percent impervious surface area. He doesn't feet what he's asking for is unreasonable and feels it is unobtrusive and not overstepping the bounds given the size of his lot. He noted he doesn't own any classic cars as of yet because he's not going to make that investment until he has someplace to store them.

Chairman Werneiwski opened the public hearing.

Bob Elwell, 4505 Chickadee Lane, said he had no issues with the request, noting it was buried enough into the hillside that it would not be visible. As a neighbor, he was supportive of the request.

Zoning Coordinator Karpas read Resident Comment Forms submitted by the residents from 18900 and 18955 Ridgewood Road in favor of the request into the public record.

Hearing no further public comment, the public hearing was closed.

Chairman Werneiwski said he originally thought the proposal was piling on a lot of structure onto a lot and was generally opposed to the request but now he would like to hear what other Commissioners have to say about the request. He noted it is situated where no one can see it and the neighbors are supportive, which makes the decision more difficult.

Commissioner Linder agreed it's tucked into the lot and the neighbors won't see it and there's certain logic for granting the request, but the reality is it's a big building and it's a "rule buster." He's thinking long term and the unknown future use of the structure and its impact on the adjacent properties. He's leaning towards being opposed to the request.

Commissioner Brandt said she tends to error on the side of the ordinance. She's definitely not in favor of the additional height. She asked about the number of permitted accessory structures on a lot. Zoning Coordinator Karpas said accessory structures are limited based on square foot area and not on number. She didn't feel that made much sense. She noted how it defies logic that the city approves variances to jam structures on small lots and in this case we have a lot that is oversized and underutilized and it may not be approved.

Commissioner Carlson said he struggles with the request and he too fears a future use. He said the intent of the accessory structure ordinance is to permit the storage of typical yard maintenance type equipment. He said larger buildings such as this lend themselves for potential business uses which are out of character with the surrounding residential uses.

Commissioner McGary agrees there is a lot of room on the property and the city does grant a lot of variance for small properties. He said the structure could be viewed as a principal use on the property. He asked about the footprint area.

Zoning Coordinator Karpas said, taken as a whole, the accessory structure footprint area exceeds that of the principal structure. He feels that takes away the intent of having accessory structures as a subordinate use on a lot. He also noted if the variance was approved by the Council, there would also have to grant approval for Mr. Garber to exceed the maximum permitted aggregate footprint area on an R-2. He noted this was not a Planning Commission issue, nor did it require public notifications.

Commissioner Hemink asked about the previous accessory structure request. Zoning Coordinator Karpas said that request was different in that the applicant was removing their existing primary garage and constructing a larger detached garage. It was the only garage that served the property and the excess accessory structure area was approximately nine hundred and fifty (950) square feet. The applicant before the Commission has a three-stall attached garage along with a detached garage. The proposed detached structure would be an additional storage structure.

Commissioner Hemink expressed concern about having multiple detached structures with multiple uses. Though he's not concerned with the current homeowner, he does have concern about future owners and the use of the structures. He agrees the proposal is a "rule buster" that takes the current ordinance and goes way past it. He said it's totally logical to approve the request, but to do so would be contrary to the intent of the ordinance.

Motion by Commissioner Linder to recommend the City Council accept the recommendation of staff and deny the variance requests as presented by David Garber to exceed the maximum permitted accessory structure area by two thousand, five hundred (2,500) square feet and the maximum permitted accessory structure height by two (2) feet in the R-2, Zoning District for the proposed construction of the detached storage structure as presented at 18880 Ridgewood Road. The motion is based on the following findings: (a) the purpose and intent of the ordinance is to allow the orderly development of property within the city under set standards adopted by the city. When these standards cannot be met; it outlines the procedures to vary from these standards. In this instance, the applicant is seeking to vary from the stated structural area requirements of the ordinance; (b) the request is not inconsistent with the Comprehensive Plan's Housing Elements Goals and Policies which does not specifically address accessory structures; (c) though a detached storage building is not an unreasonable use for a single family property, the proposed structure doubles the existing detached structure area on the property, which already exceeds the permitted accessory structure area. The existing detached structure serves as a garage and contains over seventeen hundred square feet. The proposed storage would also serves as storage for a hobby the applicant has yet to begin, meaning other arrangements could be made that would not require the city issuing a variance from its ordinance; (d) the proposed use of the building, per the application, is to store classic cars which are not currently owned by the applicant. It can be argued the circumstances creating the need for the storage facility are created by the landowner. In terms of the height, the design of the building could be modified to comply with the required maximum height requirement since the proposed use of the building does not necessitate excess height. Previous requests to exceed the maximum permitted accessory structure area were unique in that the requests were necessary to create primary garage space. The principal structure on this property contains an attached three stall garage in addition to the existing detached structure. The request before the city is for the creation of additional storage for hobby purposes which is a unique circumstance created by the homeowner; and (e) the structure itself may not be visible outside the subject property but the amount of detached accessory structure area is out of character for the neighborhood and will exceed that of the principal structure. The intent of accessory structures is to create uses subordinate to that of the principal use of the property which is single family residential. Commissioner Brandt seconded the motion. Motion carried 4-2. Commissioners McGary and Werneiwski voted against the motion.

OLD BUSINESS

Discuss – Ordinance 13-62, Creating Section 1312 – Construction Regulation – amend proposed ordinance which would realign existing construction regulations within the existing city codes, amend the existing grade ordinance and create additional survey requirements. Direct Staff to schedule public hearing.

Zoning Coordinator Karpas presented the proposed ordinance as it would be presented at the public hearing and asked the Commission if they had any further changes to the ordinance or if they felt it was ready to be scheduled for a public hearing.

Chairman Werneiwski suggested expanding the requirement under 1312.05(2)(a)(6) to include all erosion control measures. The Commission agreed to the change.

Commissioner McGary questioned the need for a permit for any grade alteration in the city, feeling it was a little heavy handed. Commissioner Hemink was under the impression that requirement was removed to prevent people to have to come to the city for trivial things such as gardens. Zoning Coordinator Karpas said the ordinance gave him some discretion on who required a permit and he also believed on those applying for a building permit required an engineer review. Commissioner Brandt noted the drainage issue is what prompted the grade change ordinance in the first place and now we're changing the ordinance to permit up to a three foot change without a permit. She feels that can have a real negative impact on drainage, especially in Cottagewood. Commissioner Linder noted Section 1312.04, as drafted, requires all grade alterations to receive written approval. Zoning Coordinator Karpas suggested changing the term permit to approval to loosen the regulation, but still require city review. The Commission agreed to the change.

Commissioner McGary asked if Section 1312.05(1)(i), requiring the use of temporary or permanent electrical hook up as the primary source of electrical power on a construction site could be removed. He said providing the service to the site adds expense and time, noting even with electrical service, air compressors would still be used which are just as loud, if not louder, than generators. Commissioner Carlson said the issue with generators is the impact they have on adjacent properties, especially during the summer hours when people are trying to enjoy their outside spaces. Commissioner Linder suggested a language change that would permit the use of generators until such time temporary or permanent service could be establish at a construction site. The Commission agreed to the change.

Motion by Commissioner Carlson that staff schedule a public hearing for Ordinance 13-62, as amended, to be held at the Planning Commission's April 16th meeting. Commissioner Werneiwski seconded the motion. Motion carried 6-0.

NEW BUSINESS

Appoint Chair and Vice-Chair for 2013 – Appoint Chair and Vice Chair to serve until April 2014

Motion by Commissioner Werneiwski that the Commission appoints Kent Carlson to serve as Chairman and John McGary to serve as Vice-Chair for 2013. Commissioner Hemink seconded the motion. Motion carried 6-0.

LIAISON REPORT

Council Liaison Gustafson said massing ordinance is of particular importance to the Council and there is some expectation that the Planning Commission is working based on a schedule to get something up to the Council for action sooner rather than later. Commissioner Carlson said the Commission was working on a schedule and confirmed with the Commissioners they were at a point to get an ordinance drafted at the next meeting and solicit the comments of architects. Zoning Coordinator Karpas said his intent was to keep the process moving so the Commission didn't get bogged down.

Zoning Coordinator Karpas said the Council addressed two other issues that were before the Commission last month. He said David Garber withdrew his request for an ordinance amendment to permit the operation of a firearms business in the C-1 Zoning District and the Council unanimously approved the variance request by the Hemink's to exceed the permitted impervious surface area.

ADJOURNMENT

Motion by Werneiwski to adjourn the meeting. Commissioner McGary seconded. The meeting adjourned at 8:45 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator

City of Deephaven
Hennepin County, Minnesota

ORDINANCE NO. 13-83

AMENDING SECTIONS 1312.04 AND 1350.05 OF THE DEEPHAVEN ZONING ORDINANCE, GRADING, FILLING AND SHORELAND ALTERATIONS

THE CITY COUNCIL OF THE CITY OF DEEPHAVEN HEREBY ORDAINS:

SECTION ONE: Amendment. Section 1312.04 is hereby amended as follows:

1312.04 Grading and Filling. The purpose of this section is to establish reasonable limitations and controls for land alterations within the city. The regulations will allow the city to better manage stormwater discharge, ensuring drainage does not negatively impact neighboring properties, manage hauling traffic and noise, and prevent erosion issues onto adjacent properties, wetlands, lakes and roads. ~~No land in the City may be excavated, graded, or filled in an amount greater than fifty cubic yards without approval from the City Engineer and Zoning Coordinator. The applicant will provide a scalable survey for the proposed alteration, showing the present and proposed elevations or contours, the existing and proposed drainage and any other information requested by the City Engineer. The City Engineer and Zoning Coordinator will consider whether the alteration and any related structures will comply with the applicable provisions of this code, and the effects on drainage and destruction of ground cover and water holding areas.~~

~~Any alteration that would increase or decrease the finished grade by up to three feet in an area greater than three hundred square feet as it exists on July 1, 2013 or the date of the building permit application, whichever ground elevation is lower, requires approval from the City Engineer and Zoning Coordinator. Any such land increase or decrease of more than three feet at any point requires a variance.~~

Subd. 1. Grading Prohibited. Unless approved by a variance as outlined in Section 1315, the following shall be prohibited:

(a) any grading or filling in the bluff impact zone.

(b) any land increase of more than three feet at any point.

Subd. 2. Permit Required. Unless approved as part of a project in which a permit has been issued, a separate grading permit shall be required for the following:

(a) movement of more than 50 cubic yards

(b) movement of more than 10 cubic yards on steep slopes inside the Shoreland Overlay District.

Subd. 3. Information Required. Required information for review includes, but not limited to, a scalable survey for the proposed alteration, showing the present and proposed elevations or contours, the existing and proposed drainage and watershed district comments.

Subd. 4. Review. The City Engineer and Zoning Coordinator will consider whether the alteration and any related structures will comply with the applicable provisions of this code, and the effects on drainage and destruction of ground cover, water holding areas and adjacent properties. The permit may be granted subject to the following:

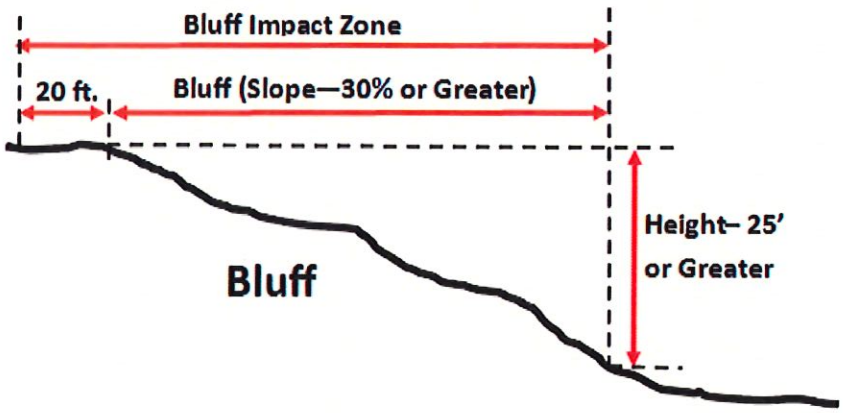
a) The smallest amount of bare ground is exposed for as short a time as feasible.
b) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is established.
c) Methods to prevent erosion and trap sediment are employed.
d) Fill is stabilized to accepted engineering standards.

SECTION TWO: Amendment. Section 1345.69 is herby amended as follows:

1345.03 "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics:

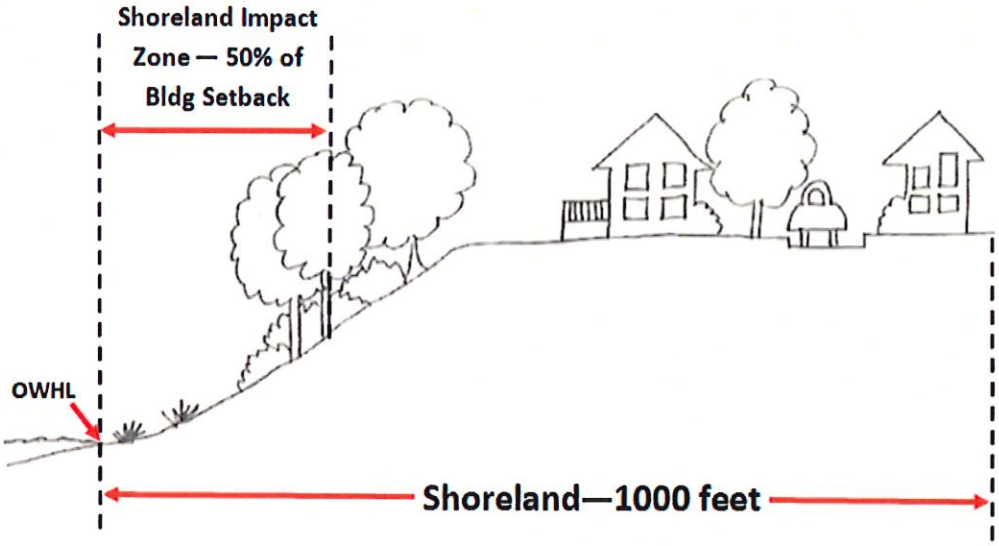
(1) Part or all of the feature is located in a shoreland area;
(2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
(3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater, and
(4) The slope must drain toward the waterbody.

An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered a part of the bluff.



1345.04 "Bluff Impact Zone" means a bluff and land located within 20 feet from the top of a bluff.

1345.63 "Shoreland Impact Zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.



1345.64 "Shoreland" means land located within the following distances from public waters; 1,000 feet from the normal high water mark of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent a flood plain designated by ordinance of such a river or stream, whichever is greater. The practical limits of shorelands may be less than statutory limits where such limits are designated by natural drainage divide lesser distances, shown on the official zoning map.

1345.69 "Steep Slope" means land within the shoreland overlay district ~~where development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands~~ having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

SECTION THREE: Amendment. Section 1350.05 is hereby amended as follows:

1350.05. Shoreland Alterations.

Subd. 1. Removal of Natural Vegetation. The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil and to preserve shoreland aesthetics. Removal of natural vegetation in the shoreland overlay district shall be

subject to the following provisions:

(a) Selective removal of natural vegetation is allowed, provided that sufficient vegetation cover remains to screen cars, dwellings and other structures when viewed from the water.
(b) Clear cutting of natural vegetation is prohibited.
(c) Natural vegetation shall be restored insofar as feasible after any construction project is completed to retard surface runoff and soil erosion.
(d) The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation.
(e) Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

Subd. 2. Grading and Filling. ~~Grading and filling in shoreland areas or any alteration of natural topography where the slope of the land is towards a protected water or a watercourse leading to a protected water must be authorized by a permit. A permit will also be required before grading or filling on steep slopes or within shore or bluff impact zones involving the movement of more than ten cubic yards of material or anywhere else in shoreland area involving movement of more than 50 cubic yards of material.~~
~~The permit may be granted subject to the following:~~

~~e) The smallest amount of base ground is exposed for as short a time as feasible.~~
~~f) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is established.~~
~~g) Methods to prevent erosion and trap sediment are employed.~~
~~h) Fill is stabilized to accepted engineering standards.~~

A permit is required for grading and filling activities as regulated in Section 1312.04.

Subd. 3. Excavations. Excavations on shorelands where the intended purpose is connection to a public water shall require a permit from the Zoning Administrator before construction is begun. Such permits may be obtained only after the Commissioner of Natural Resources has issued a permit for work on the beds of public waters.

(a) Any work which will change or diminish the course, current or cross sections of a protected water or wetland shall be approved by the Commissioner of Natural Resources, and such approval shall be construed to mean the issuance by the Commissioner of Natural Resources of a permit under the procedures of Minnesota Statutes, 103G.245 and other related statutes.

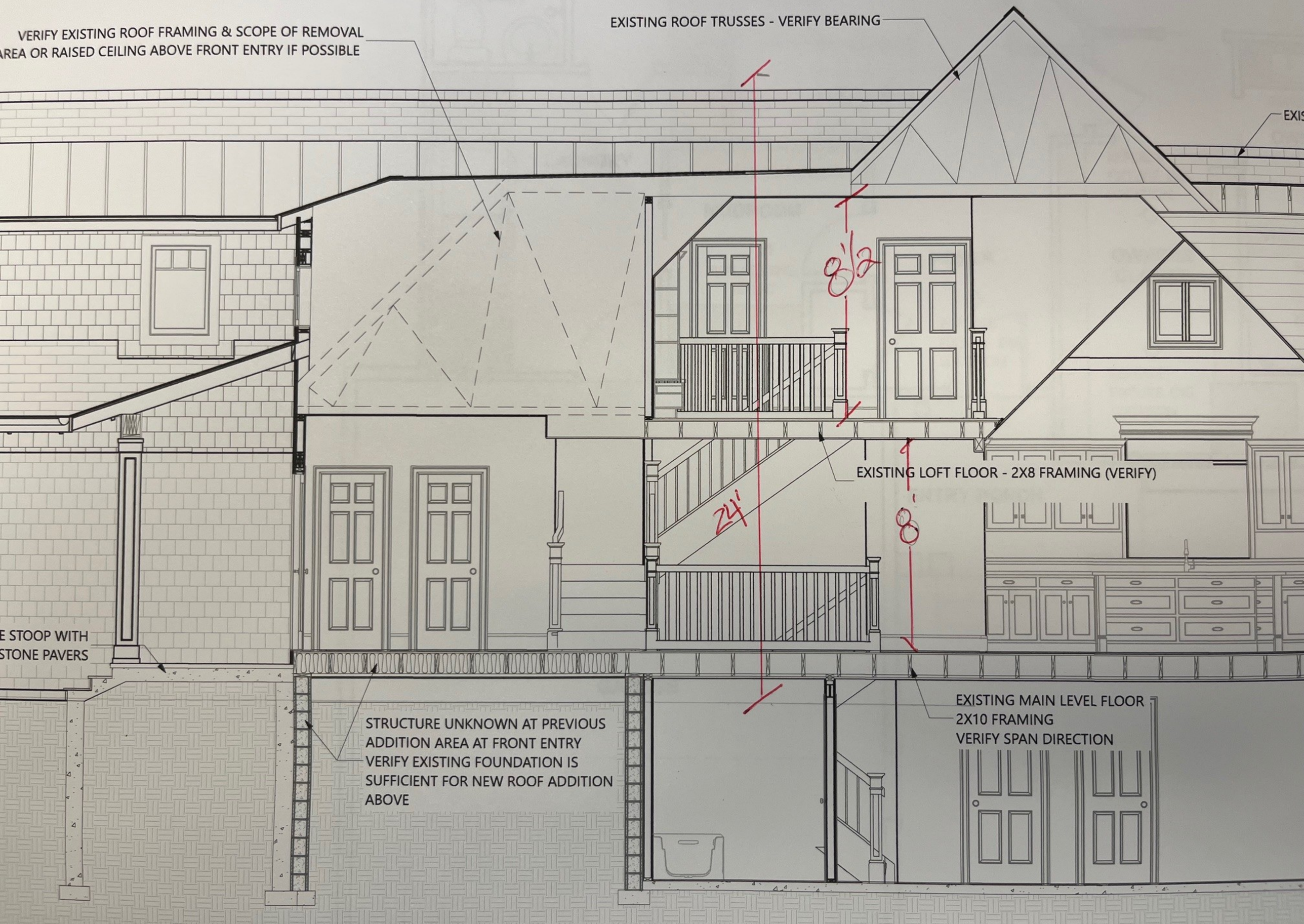
(b) Excavations made with the intention of establishing connection to public waters, such as boat slips, canals, lagoons, and harbors are prohibited above the ordinary high water level.

SECTION FOUR: Effective Date. This Ordinance shall be effective as of its date of publication.

Adopted by the Deephaven City Council on April 4, 2022, and published in the paper of Sun Sailor on April 14, 2022.

Melissa McNeill, Mayor

ATTEST: Dana H. Young
Dana H. Young, Clerk Administrator


VERIFY EXISTING ROOF FRAMING & SCOPE OF REMOVAL
AREA OR RAISED CEILING ABOVE FRONT ENTRY IF POSSIBLE
EXISTING ROOF TRUSSES - VERIFY BEARING
EXIS
8'1/2
24'
8'
EXISTING LOFT FLOOR - 2X8 FRAMING (VERIFY)
E STOOP WITH
STONE PAVERS
STRUCTURE UNKNOWN AT PREVIOUS
ADDITION AREA AT FRONT ENTRY
VERIFY EXISTING FOUNDATION IS
SUFFICIENT FOR NEW ROOF ADDITION
ABOVE
EXISTING MAIN LEVEL FLOOR
2X10 FRAMING
VERIFY SPAN DIRECTION

1'-6"

12" BOX VAULT

9'

PRIMARY BEDROOM

4"

4" BOX VAULT

24'

10'+

FAMILY ROOM

2'

GRADE
ARIES

City of Deephaven
Hennepin County, Minnesota

ORDINANCE NO. 13-XX

AMENDING SECTIONS 1312, 1302 AND 1345 OF THE DEEPHAVEN ZONING ORDINANCE, CONSTRUCTION REGULATIONS, MAXIMUM BUILDING HEIGHT AND DEFINITIONS

THE CITY COUNCIL OF THE CITY OF DEEPHAVEN HEREBY ORDAINS:

SECTION ONE: Amendment. That Section 1312.04 be amended as follows:

1312.04 Grading or Filling. The purpose of this section is to establish reasonable limitations and controls for land alterations within the city. The regulations will allow the city to better manage stormwater discharge, ensuring drainage does not negatively impact neighboring properties, manage hauling traffic and noise, and prevent erosion issues onto adjacent properties, wetlands, lakes and roads.

Subd. 1. Grading Prohibited.

(a) Unless approved by a variance as outlined in Section 1315, any grading or filling in the bluff impact zone is ~~the following shall be~~ prohibited.

(b) Unless approved through a Conditional Use Permit, importing more than 300 cubic yards of fill per acre is prohibited.

~~(a) any grading or filling in the bluff impact zone.~~

~~(b) any land increase of more than three feet at any point.~~

Subd. 2. Permit Required. Unless approved as part of a project in which a permit has been issued, a separate grading permit shall be required for the following:

(a) movement of more than 50 cubic yards

(b) movement of more than 10 cubic yards on steep slopes inside the Shoreland Overlay District.

Subd. 3. Information Required. Required information for review includes, but not limited to, a scalable survey for the proposed alteration, showing the present and proposed elevations or contours, the existing and proposed drainage and watershed district comments.

Subd. 4. Review. The City Engineer and Zoning Coordinator will consider whether the alteration and any related structures will comply with the applicable provisions of this code, and the effects on drainage and destruction of ground cover, water holding areas and adjacent properties. The permit may be granted subject to the following:

a) The smallest amount of bare ground is exposed for as short a time as feasible.

b) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is established.
c) Methods to prevent erosion and trap sediment are employed.
d) Fill is stabilized to accepted engineering standards.

1312.05 Steep Slopes Prone to Severe Erosion. No structure, including driveways, retaining walls and support systems shall be allowed on slopes prone to severe erosion. These slopes shall be maintained in a natural state with additional vegetative cover as needed to minimize erosion. Development controls shall be required to minimize erosion on slopes between 12-30%.

SECTION TWO: Amendment. That Section 1302.03(5) be amended as follows:

Section 1302.03(5) R-1 Height Requirements

Structure Height defined in the Definitions Section of this Ordinance	
	Maximum Permitted Height
Single Family Principal Structure – Sloping Roof	36’
Single Family Principal Structure – Top of Parapet, Flat Roof	28’
Detached Garages	23’
All Other Accessory Structures	15’

SECTION THREE: Amendment. That Section 1302.04(5) be amended as follows:

Section 1302.04(5) R-2 Height Requirements

Structure Height defined in the Definitions Section of this Ordinance	
	Maximum Permitted Height
Single Family Principal Structure - Sloping Roof	36’
Single Family Principal Structure – Top of Parapet, Flat Roof	28’
Detached Garages	23’
All Other Accessory Structures	15’

SECTION FOUR: Amendment. That Section 1302.05(5) be amended as follows:

Section 1302.05(5) R-3 Height Requirements

Structure Height defined in the Definitions Section of this Ordinance			
	Maximum Permitted Height		
Principal Structures	Lot area	Permitted Height – Sloping Roof	Permitted Height – Top of Parapet, Flat Roof
	20,001+ sq.ft.	36’	28’
	18,001-20,000 sq.ft.	35’	27’
	16,001-18,000 sq.ft.	34’	26’
	14,001-16,000 sq.ft.	33’	25’
	12,001-14,000 sq.ft.	32’	24’
	10,001-12,000 sq.ft.	31’	24’
	Up to 10,000 sq.ft.	30’	24’
Detached Garages	23’		
All Other Accessory Structures	15’		

SECTION FIVE: Amendment. That Section 1345.32 be amended as follows:

1345.32 “Height of Building” means the vertical distance measured from the average grade of the front façade to ~~between the highest existing or proposed grade elevation at the foundation of a structure or five feet above the lowest adjoining grade elevation for structures with an exposed look-out or walk-out, whichever is lower, and~~ the highest point of any roof. Average grade is the average elevation of the two exterior corners of the front façade based on the existing grade unless the grade is lowered, in which case the height shall be measured from the lowered grade.

SECTION SIX: Effective Date. This Ordinance shall be effective as of its date of publication.

Adopted by the Deephaven City Council on February 2, 2026, and published in the paper of Sun Sailor on February 12, 2026.

_____
Kent M. Carlson, Mayor

ATTEST:

_____
Dan Madsen, Clerk Administrator

Item 6C

STAFF REPORT
Pat Smith, Planning Director

Deephaven City Council
January 5, 2026

BACKGROUND

At the City Council/Planning Commission joint work session, one of the items that the City Council wanted the Planning Commission to discuss was the variance section of the zoning ordinance. The current ordinance, which was adopted in 2011, limits the City Council's authority over what regulations may be approved through the variance process. The City's attorney, Jay Lindgren, is recommending we amend the ordinance (memo attached).

PROPOSED CHANGES

Sections 1315.01 and 1315.02 – Updated these sections based on City Attorney's recommendation.

Section 1315.04 is proposed to be deleted as it is redundant with 1315.01.

The first sentence in 1315.06 is proposed to be moved because it's not a condition of approval but a general rule.

The City's Shoreland Ordinance requires the City to notify the DNR of any variance within the Shoreland. Staff thought that requirement should be included in the Variance section of the zoning ordinance as well (1315.07 Subd. 2).

1315.07 Subd. 5 "Notice" is proposed to be moved to the closer to the beginning of the Procedure section to create more of a timeline.

1315.07 Subd 6, Subd. 7, and Subd. 8 are recommended to be their own sections as they are not really part of the Procedure process.

Staff is recommending deleting the Hardship definition and update the Variance definition.

PLANNING COMMISSION ACTION TAKEN ON 12/16/25 (on a 6-0 vote)

Recommended the City Council adopt the proposed amendments to the Variance section of the Zoning Ordinance without amendments.

CITY COUNCIL ACTION REQUESTED

Move the City Council waive the first reading of Ordinance No. 13-XX, with or without changes, an ordinance amending the variance review process and schedule the second reading for February 2, 2026.

Attachments:

1) City Attorney's Memo
2) Proposed Ordinance

DORSEY™
always ahead

MEMORANDUM

TO: Pat Smith, Planning Director
City of Deephaven

CC: Deephaven City Council

FROM: Jay R. Lindgren, City Attorney

DATE: 15 February 2023

RE: **Proposed Revisions to Variance Ordinances**

At your request, I have reviewed the proposed revisions to Section 1315 of the Zoning Code regarding variances. I support those revisions and recommend adoption. Section 1315 sets forth the powers of the City Council, sitting as the Board of Appeals and Adjustments, to grant variances, as well as the procedure for considering variance applications and the findings the Council must make in order to approve a variance. Section 1315.01 provides, in part:

> Any persons may request variances from the literal provisions of the zoning ordinance…in instances where their strict enforcement would cause a practical difficulties because of circumstances unique to the individual property under consideration.

Note that this section does not limit the type of variances that can be requested from the City.

I have previously opined that the subsequent current provisions of Section 1315.02 are somewhat confusing, in part, because they are inconsistent with the Council's authority under State law to grant variances and the broad authority contained in Section 1305.1.

Section 1315.02 currently reads as follows:

> *1315.02 Ordinance provisions to Which Variances May Be Granted. The board of appeals and adjustments may consider variances to the following types of regulations under the zoning code, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations and no others:*
>
> *1. To vary the applicable lot area, lot width, and lot depth.*
>
> *2. To vary the applicable bulk regulations, including maximum height, lot coverage, and minimum yard requirements.*
>
> *3. To vary off-street parking and off-street loading requirements.*
>
> *4. To vary the regulations relating to restoration of damaged or destroyed nonconforming structures.*
>
> *5. To interpret zoning district boundaries on official zoning maps and otherwise make interpretations of the zoning ordinance, shoreland management district ordinance, wetland ordinance and other related zoning regulations.*

This provision is admittedly confusing, in that it could be read to conflict with state law and the broader power of the City to grant variances described above.[1] Therefore, unless the Council has a differing policy perspective, I recommend modifying Section 1315 as presented to create consistency with the powers granted to the Council under State law.

[1] We researched the history of this provision, but the Council's minutes from the time do not shed light on the original intent of Section 1315.02.

City of Deephaven
Hennepin County, Minnesota

ORDINANCE NO. 13-XX

AMENDING SECTION 1315 OF THE DEEPHAVEN ZONING ORDINANCE, VARIANCES

THE CITY COUNCIL OF THE CITY OF DEEPHAVEN HEREBY ORDAINS:

SECTION ONE: Amendment. That Section 1315 be amended as follows:

1315.01 Scope. ~~This Section applies to dimensional requirements for all residential and commercial uses. This Section does not apply to, or provide for, issuance of a Conditional Use permit or allowance of a use.~~ The City Council, sitting as the board of appeals, may grant ~~Any persons may request~~ variances from the literal provisions of this Ordinance ~~the zoning ordinance, shoreland management district ordinance, wetland ordinance and other applicable zoning regulation~~ in instances where their strict enforcement would cause a practical difficulties because of circumstances unique to the individual property under consideration.

No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located~~.~~

~~1315.02 Ordinance provisions to Which Variances May Be Granted. The board of appeals and adjustments may consider variances to the following types of regulations under the zoning code, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations and no others:~~

~~1. To vary the applicable lot area, lot width, and lot depth.~~
~~2. To vary the applicable bulk regulations, including maximum height, lot coverage, and minimum yard requirements.~~
~~3. To vary off-street parking and off-street loading requirements.~~
~~4. To vary the regulations relating to restoration of damaged or destroyed nonconforming structures.~~
~~5. To interpret zoning district boundaries on official zoning maps and otherwise make interpretations of the zoning ordinance, shoreland management district ordinance, wetland ordinance and other related zoning regulations.~~

1315.0~~3~~2 Practical Difficulties Standard Defined. "Practical difficulties," as used in connection with the granting of a variance, means:

(a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
(b) the plight of the landowner is due to circumstances unique to the property not created by the landowner;
(c) and the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties.

~~1315.04 Variance Standard. A variance to the requirements of the zoning code, shoreland management district ordinance, wetland ordinance, and other related zoning controls shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.~~

1315.0~~5~~3 Findings. The board, in considering all request for a variance, shall adopt findings addressing the following questions:

(a) Is the variance in harmony with the purposes and intent of the ordinance?
(b) Is the variance consistent with the comprehensive plan?
(c) Does the proposal put property to use in a reasonable manner?
(d) Are there unique circumstances to the property not created by the landowner?
(e) Will the variance, if granted, alter the essential character of the locality?

1315.0~~6~~4 Conditions. ~~No Variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.~~ The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. Violation of such conditions shall be a violation of the zoning code and subject to the enforcement provisions thereof.

1315.0~~7~~4 Procedure.

Subd. 1. Application. Written application for a variance is to be made to the Clerk and accompanied by the filing fee in the amount stated in Section 405.05.

Applications shall describe the practical difficulties and unique circumstances claimed as a basis for the variance. In addition, the following exhibits shall be submitted if required by the Zoning Administrator:

(a) A boundary survey and/or site plan as required for building permits.

(b) Other material as may be required by the zoning administrator.

Subd. 2. Notice.

(a) The Clerk will mail notice of the variance application to all persons who own property within 350 feet of the perimeter of the parcel in question, at least ten days prior to the Planning Commission hearing. Failure of a property owner to receive notice shall not invalidate any proceedings on a variance request provided a bonafide attempt has been made to comply with the notice requirements of this ordinance.

(b) Shoreland Areas. Within all shoreland areas defined by 1350.03 Subd. 2. of this Ordinance, a copy of every variance application along with supporting materials required by 1315.7 Subd. 1, shall be submitted to the Minnesota Department of Natural Resources and also shall have received at least ten (10) days notice prior to the meeting date to consider the variance.

Subd. 3. Planning Commission Consideration and Recommendation. The Planning Commission will consider the application and hold a public hearing at their next regularly monthly meeting.

The Planning Commission will make a recommendation to the Council~~, sitting as the Board of Appeals~~, as follows:

(a) Recommend that the variance application be granted because the evidence considered at the meeting supports each of the findings required under Section 1315.03.

(b) Recommend that the variance application be denied because the applicant did not present sufficient evidence for the Planning Commission to make all the findings required under Section 1315.03.

Subd. 4. Council Consideration. After the minutes of the Planning Commission meeting have been forwarded to the Council, the Council will consider the application at its next regular monthly meeting and at following regular or special meetings if further consideration is necessary.

Subject to limitations of Minn. Stats. § 15.99, if, upon receiving said reports and recommendations of the Planning Commission and city staff, the Council finds that the proposed plans have been substantially changed, the Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The Council shall provide the Planning Commission with a written record detailing the specific reasons for referral.

Within 60 days of the date of application, the Council will by motion grant or deny the application according to the provisions of Section 1315.03 and will make a record in the minutes stating its conclusions with respect to each of the findings required under Section 1315.05.

Subd. 5. Required Vote. No variance shall be granted by the board except upon an affirmative majority vote of the board of appeals.

~~Subd. 5. Notice. The Clerk will mail notice of the variance application to all persons who own property within 350 feet of the perimeter of the parcel in question, at least ten days prior to the Planning Commission hearing. Failure of a property owner to receive notice shall not invalidate any proceedings on a variance request provided a bonafide attempt has been made to comply with the notice requirements of this ordinance.~~

Subd. 6. Reconsideration. Whenever an application for a variance has been considered and denied, a similar application for a variance affecting the same property by the applicant, their successors or assigns, shall not be considered a second time by the Planning Commission or the City Council, acting as the Board of Adjustments and Appeals, for at least six (6) months from the date of its denial; unless the Board of Adjustment and Appeals vote for reconsideration of the matter upon a vote of not less than four-fifths of the entire Board of Adjustments and Appeals.

Subd. 7. Recovery of Legal and Administrative Costs. In addition to the initial application fee as may be established from time to time by the city council, the applicant in making any application for variance agrees to pay all legal fees, engineering fees, consultant fees, and other administrative costs the city may incur in conjunction with the processing of the variance application. No building permit shall be issued on a granted variance until such costs have been paid in full.

Subd. 8. Expiration. If a variance is granted for a property and the construction of the structure for which it was granted is not commenced within one year after the date of the Council

Resolution approving the variance, the variance will expire and be of no further force or effect.

SECTION TWO: Effective Date. This Ordinance shall be effective as of its date of publication.

Adopted by the Deephaven City Council on February 2, 2025, and published in the paper of Sun Sailor on February 12, 2025.

_____
Kent M. Carlson, Mayor

ATTEST:

_____
Dan Madsen, City Administrator

Item 6D

STAFF REPORT

Pat Smith, Planning Director

Deephaven City Council
January 5, 2026

APPLICATION INFORMATION

APPLICANT: Kent and Mary Carlson

PROPERTY OWNER(S): Kent and Mary Carlson

LOCATION: 20505 Lakeview Avenue and 4200 North Lane (please see attached Location Map)

ZONING: R-3, Residential

SYSNOPSIS: The applicants own both 20505 Lakeview Avenue and 4200 North Lane. They are proposing a Lot Line Adjustment with a more logical common property line.

STAFF RECOMMENDATION: Approval

60/120-DAY REVIEW DEADLINE: February 20, 2026/April 21, 2026

BACKGROUND/REQUEST

On June 6, 2005, the City Council approved a plat of three existing parcels into two lots, eliminating a non-buildable lot (please see attached plat).

The applicants would like to move the common property line between 20505 Lakeview Avenue and 4200 North Lane so that the two lots have more standard dimensions. The common property line would have a right angle from the front property line. The City's Subdivision Ordinance requires all new lots to have right angles whenever possible (1200.07 Subd. 1b).

ZONING ANALYSIS

The proposed lot line adjustment will move 15 square feet of property from 20505 Lakeview Avenue to the property located at 4200 North Lane. The table below compares the required and proposed lot standards of the proposed lot line adjustment.

	Permitted/ Required	**Existing**	**Proposed**
Minimum Lot Size – 20505 Lakeview Ave	20,000 SF	25,828 SF	25,813 SF
Minimum Lot Size – 4200 North Lane	20,000 SF	20,000 SF	20,015 SF
Maximum Hardcover – 20505 Lakeview Ave	25%	24.57%	24.6%
Maximum Hardcover – 4200 North Lane	25%	16.07%	16.1%
Minimum Side Yard – 20505 Lakeview Ave	10 feet	15 feet	14.32 feet

Since the lot line adjustment does not require any variances, Planning Commission review is not needed.

STAFF RECOMMENDATION

Staff recommends approval of the lot line adjustment transferring 15 square feet of property from 20505 Lakeview Avenue to 4200 North Lane as the lot line adjustment meets all zoning requirements, the proposal has no negative impact on neighboring properties, and the two lots conform to the City's Subdivision design standards.

CITY COUNCIL ACTION REQUESTED

Possible motions include:

1) I move the City Council accept the recommendation and findings of staff and **approve** the lot line adjustment moving the common lot line between 20505 Lakeview Avenue and 4200 North Lane, as presented.

OR

2) I move the City Council **deny** the lot line adjustment moving the common lot line between 20505 Lakeview Avenue and 4200 North Lane. The motion is based on the following findings: _____.

Attachments:

1) Location Map
2) Plat Prior to 2005
3) Proposed Lot Line Adjustment
4) Draft Resolution

LOCATION MAP
20505 Lakeview Ave and 4200 North Lane



N

Certificate of Survey w/ Proposed Pads

~ for ~

Kent Carlson

~ of ~

part of

Lots 4 & 7

AUSTIN'S REARRANGEMENT OF PART OF SUMMERVILLE



(PARCEL A)

That part of Lot 4 and that part of the undesignated tract adjoining the Northwesterly line of Lot 4, all AUSTIN'S REARRANGEMENT OF PART OF SUMMERVILLE described as beginning at a point on the Northeasterly line of said Lot 4 distant 150 feet Northwesterly from the most Easterly corner of said lot4; thence Southwesterly at right angles to said Northeasterly line to the Southwesterly line of said Lot 4; thence Northwesterly along said Southwesterly line and its extension to the shore of Lake Minnetonka; thence Northeasterly along said shore to an intersection with the extension of the Northeasterly line of said Lot 4; thence Southeasterly along said extension and along the said Northeasterly line to the point of beginning.

(PARCEL B)

That part of Lot 7, AUSTIN'S REARRANGEMENT OF PART OF SUMMERVILLE described as follows: Commencing at the Southeasterly corner of said Lot 7; thence northeasterly along the Southeasterly line of said Lot 7 a distance of 110.00 feet, more or less to a point in said line 18.5 feet southwesterly along said line from the Northeasterly corner of said Lot, said point being the point of beginning of the property being described; thence Westerly a distance of 100 feet to a point 10 feet southwesterly from the Northeasterly line of said lot, said point being marked Judicial Land mark; thence northwesterly 58.3 feet to a point in a line parallel to the Southeasterly line of said lot which point is 135 feet Northeasterly along said parallel from the southwesterly line of said lot, said point being marked by a Judicial Landmark; thence northwesterly a distance of 184.85 feet to a point in a line which bears North 18-3/4 degrees East from a point in the Southwesterly line of said Lot 7 which is 362.1 feet northwesterly along said line from the Southeast corner of said lot; said point of intersection being 170 feet northeasterly along the line described from the Southerly line of said lot and marked by a Judicial Landmark; thence North 18-3/4 degrees East to the Northerly line of said Lot 7; Thence easterly along the Northerly line of said Lot 7 to the Northeasterly corner thereof; thence southwesterly along the Southeasterly line of said Lot 7 to the point of beginning.
ALSO; That tract of land lying between the Westerly boundary line of the above described tract of land and the shore of Lake Minnetonka, and between the Northerly and Southerly boundary lines of the above described tract extended at Westerly end of said tract of land.

(PARCEL C)

That part of Lot 4 , AUSTIN'S REARRANGEMENT OF PART OF SUMMERVILLE, described as follows: Commencing at the Northeasterly corner of said Lot; thence along the Northeasterly line of said Lot, 150 feet; thence at right angles to said Northeasterly line of said Lot to the Southwesterly line of said Lot; thence along the Southwesterly line of said lot to the Southeasterly corner of said Lot; thence at right angles along the Easterly line of said Lot to the point of beginning according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota.

NORTH

0 20 40
SCALE IN FEET

WESTERLY PARCEL		
HARD COVER	SQ. FT.	ACRES
HOUSE	2,309	0.05
GARAGE	984	0.02
WALK	314	0.01
DRIVEWAY	639	0.02
PATIO-EXISTING	560	0.01
HARD COVER TOTAL	4,803	0.11
OVERALL TOTAL AREA	25,971	0.6
PERCENT HARD COVER	19%	

Easterly Parcel		
HARD COVER	SQ. FT.	ACRES
HOUSE	2,299	0.05
GARAGE	569	0.01
WALK	161	0
DRIVEWAY	968	0.02
HARD COVER TOTAL	3,419	0.08
OVERALL TOTAL	20,000	0.45
PERCENT HARD COVER	17%	

LEGEND

- ● = DENOTES IRON MONUMENT FOUND
- ○ = IRON MONUMENT SET AND MARKED MIN LICENSE NO. 23563.
- ▲ = DENOTES JUDICIAL LANDMARK FOUND
- SSMH = DENOTES SANITARY SEWER MANHOLE
- ⊕ = DENOTES WELL
- ⊣ = DENOTES POWER POLE
- wood = Denotes existing elevation

This survey is for topographic purposes only. Boundary and easement information to be added pending receipt of current deed and title information.

PARCEL A – Description as provided by client and as shown on survey by Mark S. Granberg.
PARCEL B – Description per Schedule A of Commitment to Title from Chicago Title Insurance Company, File No. 24-0063-106-00000525, dated Sept. 18, 1997, Torrens Certificate No. 859697.
PARCEL C – Description from survey for Hasten Keehnen by Carmen-Schield Land Surveyors, Inc. dated 4/18/93.
PARCEL D – Description from survey for Michael F. Flanagan by School & Madsen, Inc.

BENCHMARK

Water Elevation September 24, 2002 = 930.93 feet per Minnehaha Creek Watershed District (MCWD), recorded level on Sat. 9/14/02.

DRAWING FILE: 98-248-718.DWG

REVISIONS
Update, 3-30-98
Update, 7-18-02
Update, 10-1-02
Update, 10-8-02
Update, 10-27-04
Update, 4-18-05
Update, 4-22-05 2 hard cover totals

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3119 Rice Circle Dr. Suite #103 Minnetonka, MN 55343

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly registered land surveyor under the laws of the State of Minnesota.

Kurt M. Fisch, MN License No. 23563 — October 1, 2002 — Date

FIELD BOOK	PAGE
CHECKED MK	DRAWN JH/SCT

Kent Carlson
c/o Ryan Companies US, Inc.
700 International Center
900 2nd Avenue South
Minneapolis, Minnesota 55402

part of
Lot 4 & 7
AUSTIN'S REARRANGEMENT OF PART OF SUMMERVILLE
Hennepin County, Minnesota.

CERTIFICATE OF SURVEY

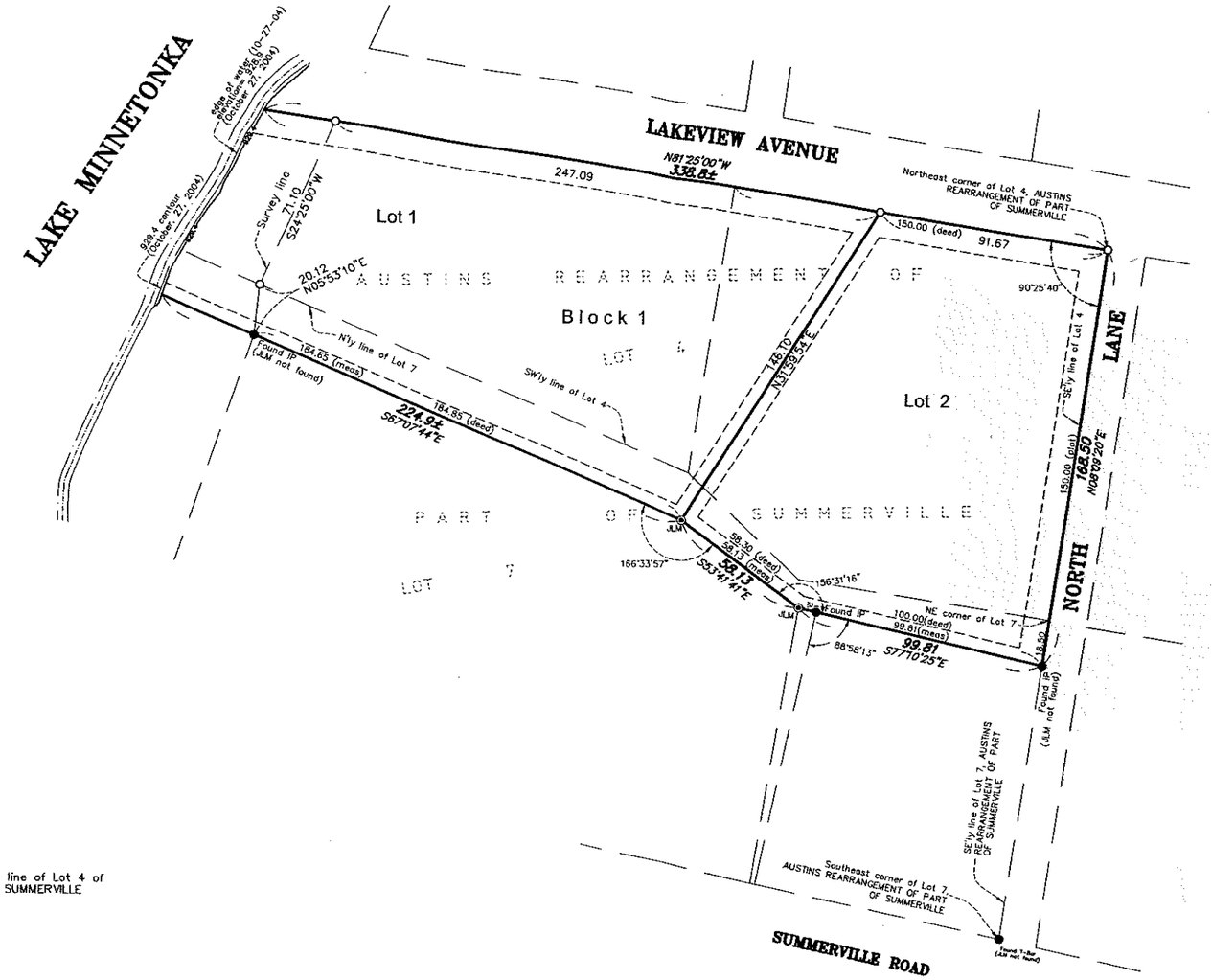
PROJECT NO. 98248

SHEET 1/1

CARLSON CROSSING

C.R. DOC. _____

R.T. DOC. _____





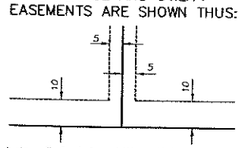
For the purposes of this plat the North line of Lot 4 of AUSTIN'S REARRANGEMENT OF PART OF SUMMERVILLE is assumed to bear N81°25'00"W.

Benchmark

Water Elevation September 24, 2002 = 930.40 feet
per Minnehaha Creek Watershed District (MCWD), recorded level on Sat. 9/14/02.

- ● Found monument.
- ○ 1/2 inch by 14 inch iron monument set and marked with Minnesota License No. 23968.
- JLM ◉ Judicial Landmark.

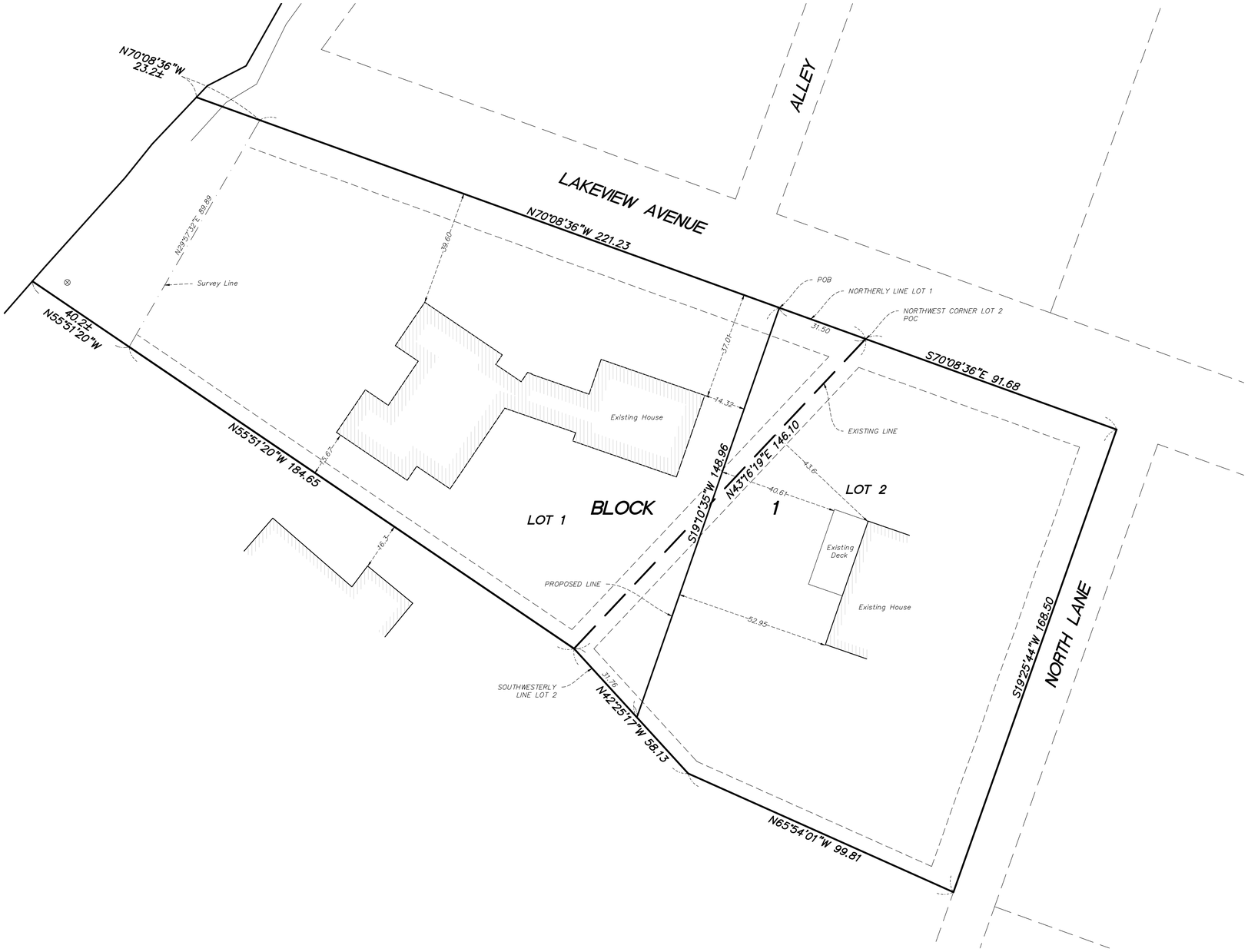
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



being 5 feet in width adjoining lot lines and 10 feet in width adjoining right of way lines unless otherwise shown on this plat.

RLK - Kuusisto, Ltd.

©2018 Westwood Professional Services, Inc.



Property Description

Existing Property Descriptions

Lot 1, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota.

Area: 25,828 s.f.

Lot 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota.

Area: 20,000 s.f.

Proposed Property Descriptions

Those parts of Lot 1 and Lot 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota, lying westerly of the following described line;

Commencing at the northwest corner of said Lot 2; thence North 70 degrees 08 minutes 36 seconds West along the northerly line of said Lot 1, a distance of 31.50 feet to the point of beginning of said line; thence South 19 degrees 10 minutes 35 seconds West, a distance of 148.96 feet to the southwesterly line of said Lot 2, and there terminating.

Area: 25,813 s.f.

Those parts of Lot 1 and Lot 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly of the following described line;

Commencing at the northwest corner of said Lot 2; thence North 70 degrees 08 minutes 36 seconds West along the northerly line of said Lot 1, a distance of 31.50 feet to the point of beginning of said line; thence South 19 degrees 10 minutes 35 seconds West, a distance of 148.96 feet to the southwesterly line of said Lot 2, and there terminating.

Area: 20,015 s.f.

Notes

1) The survey is provided without the benefit of a title commitment or extended legal document research at Hennepin County. It is not a complete boundary or ALTA survey.

2) The bearings shown on this survey are based on the Hennepin County Coordinate System, N.A.D. 1983 (1996 adj.) US Survey feet and the vertical datum is N.G.V.D. 1929.

Legend

BUSH/SHRUB		STORM MANHOLE	
CONIFEROUS TREE		TELEPHONE BOX	
DECIDUOUS TREE		TELEPHONE MANHOLE	
WETLAND		TRAFFIC CONTROL BOX	
STEEL/WOOD POST		HAND HOLE	
SIGN-TRAFFIC/OTHER		TRAFFIC LIGHT	
SIGN-TRAFFIC/OTHER		GATE VALVE	
MAIL BOX		HYDRANT	
HANDICAPPED STALL		WATER METER	
PERC TEST		CURB STOP BOX	
MONITORING WELL		WATER MANHOLE	
CABLE TV BOX		WELL	
GAS METER	CTV	CABLE TV	
STREET LITE	GAS	GAS LINE	
GUY WIRE	POH	POWER OVERHEAD	
POWER POLE	PUG	POWER UNDERGROUND	
ELECTRIC BOX	SAN	SANITARY SEWER	
ELECTRIC METER	STO	STORM SEWER	
ELECTRIC MANHOLE	TOH	TELEPHONE OVERHEAD	
ELECTRIC TOWER	TUG	TELEPHONE UNDERGROUND	
SANITARY MANHOLE	WAT	WATERMAIN	
SEWER CLEANOUT	FOP	FIBER OPTIC LINE	
BEEHIVE CATCH BASIN		ACCESS CONTROL	
CATCH BASIN	X	FENCE LINE	
FLARED END SECTION		DECIDUOUS TREE LINE	
CULVERT		CONIFEROUS TREE LINE	
		CURB & GUTTER	

X (1000.00) DENOTES PROPOSED ELEVATION

X 1000.00 DENOTES EXISTING ELEVATION

DENOTES SURFACE DRAINAGE

● DENOTES IRON MONUMENT FOUND
○ DENOTES IRON MONUMENT SET
BEARINGS BASED ON ASSUMED DATUM.

N

0' 20' 40' 60'

Date: 10/21/25 **Sheet:** 1 OF 1

0068689.00ADMIN.dwg

Westwood

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minnetonka, MN 55343
Toll Free (888) 937-5150 westwoodps.com

Westwood Professional Services, Inc.

Revisions:

Crew: SJR
Checked: CWM
Drawn: EJW
Record Drawing by/date:

Prepared for:

Kent Carlson
20505 Lakeview Ave
Deephaven, Minnesota, 55331

Lot 1&2, Block 1, Carlson Crossing

Deephaven, Minnesota

Lot Split Exhibit

RESOLUTION NO. XX–26
Motion by Member: _____
Seconded by Member: _____

A Resolution Approving a Lot Line Adjustment Transferring Property from the Lot at 20505 Lakeview Avenue to the Lot at 4200 North Lane

WHEREAS, Kent and Mary Carlson **(**"Applicant") have applied for a Lot Line Adjustment transferring property from 20505 Lakeview Avenue (PID 24-117-23-23-0034) to 4200 North Lane (PID 24-117-23-23-0035); and

WHEREAS, the Applicant submitted an application on December 22, 2025; and

WHEREAS, the proposed Lot Line Adjustment is depicted on Exhibit A attached hereto; and

WHEREAS, the existing and proposed legal descriptions are on Exhibit B attached hereto; and

WHEREAS, Planning Commission review is not required as the proposed Lot Line Adjustment meets all zoning requirements;

WHEREAS, the City Council has received the staff report at its meeting on January 5, 2026 and considered testimony and other evidence submitted by the public, the Applicant, and the recommendations of staff.

NOW, THEREFORE, IT IS RESOLVED, the City Council of the City of Deephaven, Minnesota does hereby make the following:

FINDINGS OF FACT

1) That the real property located at 20505 Lakeview Avenue and 4200 North Lane are both single lots of record located within the R-3 Zoning District. Both properties are used for single family residential purposes.

2) The proposed Lot Line Adjustment would transfer 15 square feet of property from 20505 Lakeview Avenue to 4200 North Lane to bring both lots closer to conforming with the City's Subdivision Ordinance requiring lots with right angles whenever possible.

3) The proposed lot configurations meet the R-3 Zoning Ordinance requirements in regards lot size, hardcover and building setbacks.

4) The proposed Lot Line Adjustment does not impact the integrity and general development of the community, does not impact the health, safety and general welfare of the neighborhood, will not negatively impact the traffic on adjacent streets, would not have an adverse impact on property values and will maintain the general character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Deephaven, Minnesota, hereby approves a Lot Line Adjustment moving the common lot line between 20505 Lakeview Avenue and 4200 North Lane as proposed.

ADOPTED THIS 5th DAY OF JANUARY, 2026 BY THE CITY COUNCIL OF DEEPHAVEN, MINNESOTA.

Councilmember	Aye	Nay	Abstain	Absent
Kent Carlson				
Tony Jewett				
John Studer				
Emily Scherschligt				
Tom Erdmann				

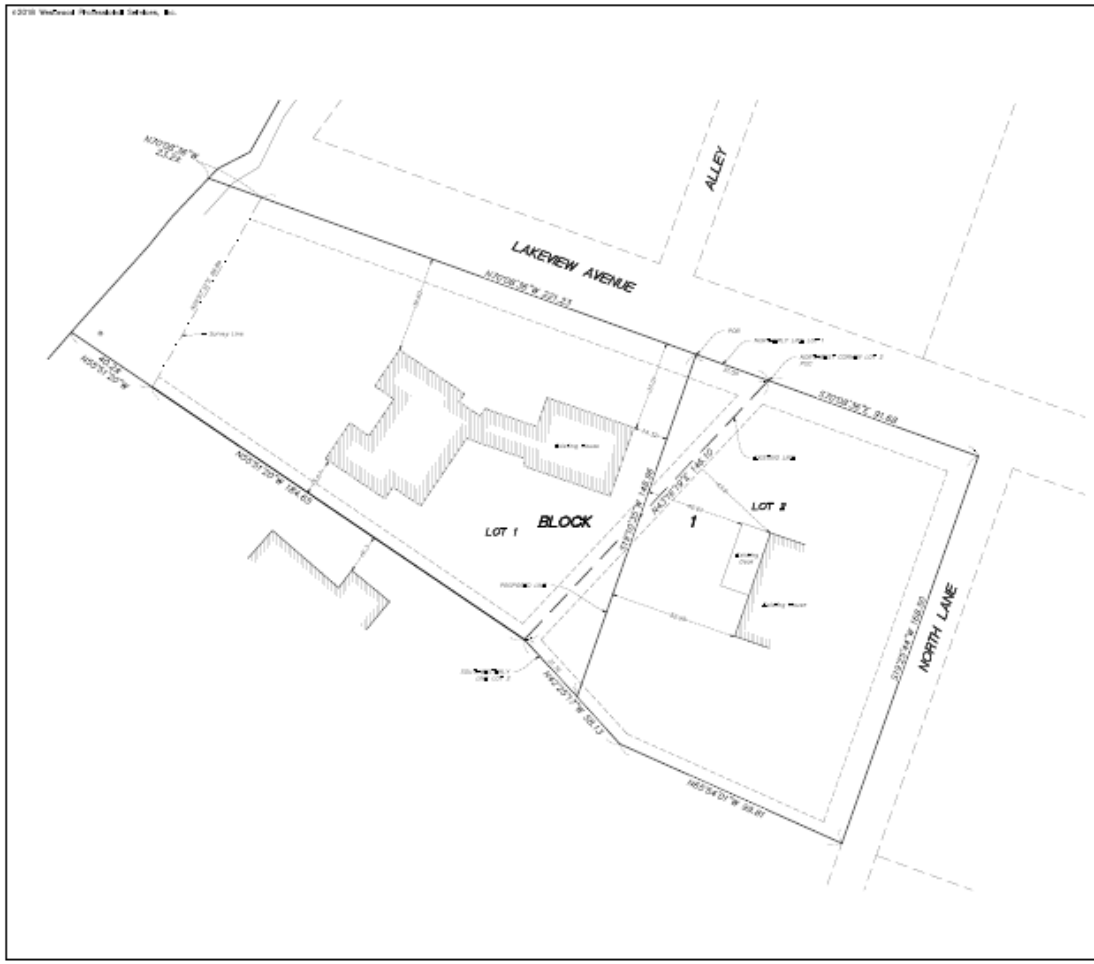
CITY OF DEEPHAVEN

_____
Kent M. Carlson, Mayor

ATTEST:

_____
Dan Madsen, City Administrator

RESOLUTION XX-26
EXHIBIT A



Property Description

Existing Property Description

Lot 1, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota.

Area: 25,829 s.f.

Lot 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota.

Area: 25,500 s.f.

Proposed Property Descriptions

That part of Lot 1 and Lot 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota, lying southerly of the following described line:

Commencing at the northeasterly corner of said Lot 2; thence North 70 degrees 08 minutes 36 seconds West along the northerly line of said Lot 1, a distance of 31.50 feet to the point of beginning of said line; thence South 19 degrees 53 minutes 24 seconds West a distance of 146.95 feet to the southeasterly line of said Lot 2, and there terminating.

Area: 25,813 s.f.

That part of Lot 1 and Lot 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota, lying southerly of the following described line:

Commencing at the northeasterly corner of said Lot 2; thence North 70 degrees 08 minutes 36 seconds West along the northerly line of said Lot 1, a distance of 31.50 feet to the point of beginning of said line; thence South 19 degrees 53 minutes 24 seconds West a distance of 146.95 feet to the southeasterly line of said Lot 2, and there terminating.

Area: 25,515 s.f.

Notes

1) The survey is provided without the benefit of a title commitment or attached legal documents. Easements of Hennepin County of is not a complete boundary or ALTA survey.

2) The bearings shown on this survey are based on the Hennepin County Coordinate System, N.A.D. 1983 (1996 adj.) US Survey foot and the vertical datum is N.G.V.D. 1929.

Legend

Westwood

Kent Carlson

Lot 1&2, Block 1, Carlson Crossing

Lot Split Exhibit

RESOLUTION XX-26
EXHIBIT B

20505 Lakeview Avenue

Existing Legal Description
Lot 1, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, MN

Proposed Legal Description
Those parts of Lot 1 and Lot 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota, lying westerly of the following described line;

Commencing at the northwest corner of said Lot 2; thence North 70 degrees 08 minutes 36 seconds West along the northerly line of said Lot 1, a distance of 31.50 feet to the point of beginning of said line; thence South 19 degrees 10 minutes 35 seconds West, a distance of 148.96 feet to the southwesterly line of said Lot 2, and there terminating.

4200 North Lane

Existing Legal Description
Lot 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, MN

Proposed Legal Description
Those parts of Lot 1 and Lot 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly of the following described line;

Commencing at the northwest corner of said Lot 2; thence North 70 degrees 08 minutes 36 seconds West along the northerly line of said Lot 1, a distance of 31.50 feet to the point of beginning of said line; thence South 19 degrees 10 minutes 35 seconds West, a distance of 148.96 feet to the southwesterly line of said Lot 2, and there terminating.

RESOLUTION XX-26
EXHIBIT C

Easement Vacation Description

Vacating the easterly 5.00 foot drainage and utility easement of Lot 1 , Block 1 , CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota, excepting therefrom the northerly 10.00 feet and southerly 5.00 feet as measured at right angles from the northerly and southerly lot lines of said Lot 1 .
AND

The westerly 5.00 foot drainage and utility easement of Lot 2, Block 1 , CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota, excepting therefrom the northerly 10.00 feet and southerly 5.00 feet as measured at right angles from the northerly and southerly lot lines of said Lot 2.

Proposed Easement Description

A 10.00 foot easement for drainage and utility purposes over, under, and across those parts of Lots 1 and 2, Block 1, CARLSON CROSSING, according to the recorded plat thereof, Hennepin County, Minnesota. The centerline of said easement is described as commencing at the northwest corner of said Lot 2; thence North 70 degrees 08 minutes 36 seconds West along the northerly line of said Lot 2* a distance of 31.50 feet to the point of beginning of said centerline; thence South 19 degrees 10 minutes 35 seconds West, a distance of 148.96 feet to the southwester{y line of said Lot 2, and there terminating.

Side lines of said easement are to be shortened or prolonged to terminate and said northerly and southwesterly lines of said Lot 1 and 2.

ITEM 8A

Deephaven Police Department

CORY JOHNSON
CHIEF OF POLICE

20225 Cottagewood Road
Deephaven, MN 55331

Email – coryj@deephavenpolice.com

January 5, 2026

To: Honorable Mayor Kent Carlson
Deephaven City Council

Cc: Dan Madsen, City Administrator, Special Counsel

From: Cory Johnson, Chief of Police

Re: 2026 Managed IT Services

In November the City sent out for RFP's for managed IT services for the City and Police Department. We received about five or six companies' proposals. We narrowed the companies to three, because they must be an approved vendor of the MN BCA (CJIS Compliant). Of the three companies one was our current vendor (Morris Electronics).

Myself, Dan and Lt. Whiteside interviewed Bluenet inc. and Pantheon Computers. Both were impressive and had value to our City. Pantheon Computers appears to be a better fit as they have more experience with BCA CJIS rules and audits. They met with myself and our current IT and we discovered several items that need to be addressed. Our current IT company is and has been in a reactionary mode of business for many years. If something breaks it may take days for it will get fixed. Most recently the PD systems were down for three days due to a Firewall failure that was missed by our current IT company. With Pantheon, they appear to be more proactive and will plan better for future hardware and software needs going forward.

The contract is included with this memo. It includes an onsite IT person one day a month as we currently do with Morris Electronics.

Bluenet inc. Yearly proposal $36,408.00 + $4,500.00 one-time onboarding fee.
Morris Elec. Yearly proposal $36,243.20
Pantheon- Yearly proposal $30,600.00 + $2,000.00 one-time onboarding fee.

Recommendation:
Accept the proposal of Pantheon Computers for Managed IT Services for 2026. There may be some additional expenses in 2026 with Morris Electronics during the onboarding process.

PANTHEON COMPUTERS

Proposal for
Managed Technology Services



507-835-2212 | sales@pantheoncomputers.com | www.pantheoncomputers.com

Cory and Dan,

Thank you for allowing Pantheon Computers to speak with you about how your organization can leverage Information Technology to fulfill your vision and mission. Through our interactions with you, we were able to learn at least a little about your business and how that relates to technology. We hope for the opportunity to learn much more in the future.

My team and I believe that you seem to have a pretty good handle on what you need to be successful now and in the future.

If you have any questions about any of these items or would like to discuss them further, please let us know. We would be happy to provide additional information if needed.

Whether you choose us as your technology partner or not, please consider creating an overall Strategic Plan for IT. This is something we highly encourage for all organizations. Due to how integral IT is to all organizations these days, all Busines Strategic Plans need to have an IT Strategic Plan included.

As a business owner and organization leader myself, I've learned the value of engaging with specialists in areas of our business where I lack expertise. This is why I outsource significant portions of our HR, Finance and Legal needs. These companies know us and I trust them to provide helpful and pro-active advice to me within their areas of specialty. We strive to do the same for our clients – get to know them and understand their vision and direction. Because of this, our clients can look to the future with confidence that their IT will support *their* mission and *their* team.

The following proposal provides a view of what it would look like for Pantheon Computers to partner with you in handling the planning, advising, implementing and supprt of your IT systems.

Choosing the right partner for your IT management is an important decision, so please do not hesitate to reach out with any questions, concerns or needs for clarification.
We appreciate this opportunity and look forward to working with you in the future.

Sincerely,

Jill Stagman

Contents

PANTHEON SERVICES - Overview 4

YOUR DESIGNATED TEAM..... 5

THE ONBOARDING PROCESS 6

MANAGED TECHNOLOGY SERVICES - Overview 7

ENHANCED CYBERSECURITY SERVICES - Overview 12

SERVICE GROUP - Projects..... 14

WHY PANTHEON: 15

CLIENT TESTIMONIALS 17

EXECUTIVE SUMMARY..... 19

PANTHEON SERVICES - Overview

Pantheon has a staff of highly experienced technicians available to respond to any IT need. All issues are reported by phone or e-mail and tracked individually in our service management system. This helps ensure all matters are responded to and resolved in a timely fashion and allows us to provide the highest quality service to our clients. In addition to the service desk, senior engineers are on staff to provide support on escalated issues, implementation services, advice on technology needs and assistance in long-term planning.

PROJECT TEAM

- **Will be responsible for any initial projects and the onboarding of your business**.
- They will also implement any future projects that are required. Once your business is up and running, we will transition your team to the Service Team for ongoing support.

DESIGNATED TEAM

- **A small team of technical support staff will be assigned to your company,** allowing for a high degree of familiarity and consistency for both parties.
- This team of people will respond to most of your company's service requests; however, Pantheon always strives to ensure that all staff is familiar with your company's environment and that documentation is thorough and kept up to date. This ensures that any Pantheon's technicians can respond to an issue if the primary resources are unavailable.

YOUR vCIO VIRTUAL CIO (Chief Information Officer)

- **Will meet with you regularly** to review a long-term budget and any upcoming projects.
- Will be responsible for tracking your overall technology inventory and lifecycle
- Will also be your contact for any hardware/software procurement required, and to keep you up to date on any important changes in business technology.

PROACTIVE MAINTENANCE TEAM (NOC)

- **Proactive maintenance will be performed on all servers and workstations (physical and virtual) each month.** This ensures the operating system on each computer remains up to date and secure, reducing the chance of unexpected failures due to application or operating system errors.
- Many proactive tasks are also performed on a regular basis, such as checking file systems, defragmentation, and updates to drivers or other system software.
- Lastly, critical systems on all computers are monitored by a centralized system 24 hours per day. The system generates alerts for problems that occur; however, it also watches for events and trends which indicate potential problems, allowing them to be addressed before causing a failure or unnecessary downtime.

YOUR DESIGNATED TEAM



DAILY ADVISOR



Nick
Gates

SERVICE COORDINATOR



Kristina
Willes

DESIGNATED TECH TEAM



Jeremy
Tuttle



Angel
Anderson



Dillon
Iverson



Josh
Burston

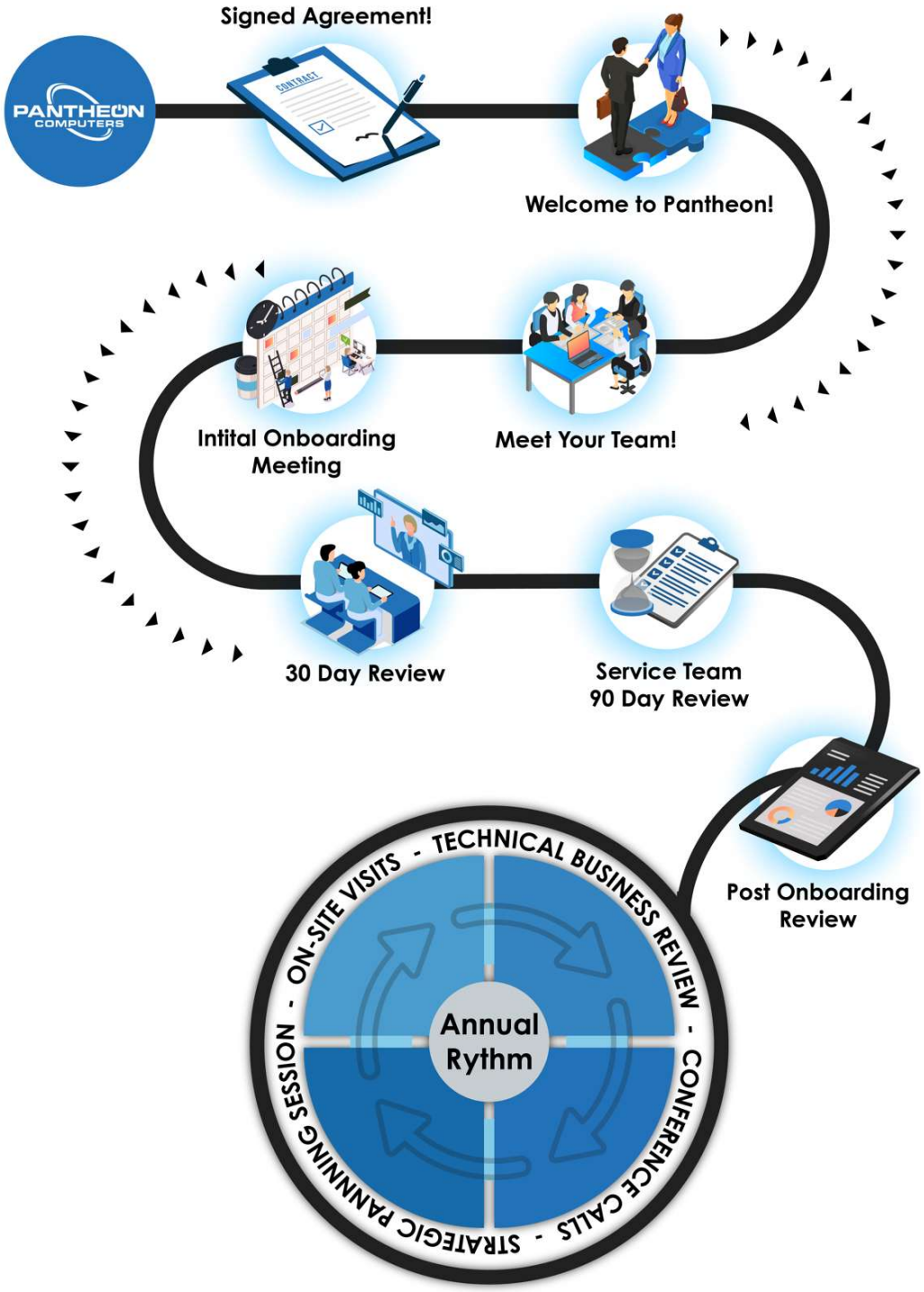


Dale
Lowe

CONTACT INFO:

Email: service@pantheoncomputers.com
Designated Number: 507-310-0006
www.pantheoncomputers.com

THE ONBOARDING PROCESS



MANAGED TECHNOLOGY SERVICES - Overview

Pantheon Computers works under a pricing and service model known as “Managed Technology Services”. This model allows Pantheon to provide complete management, support and proactive maintenance of the environment for a flat monthly fee.

The primary objective of the Managed Technology Services model is to align the interests of both the client and the service provider. Under the traditional hourly billing model, the service provider profits most when a client experiences a problem. Hourly billing also does not provide an effective means of proactively managing the IT systems, because too much time is spent reacting to problems in the environment, and it is difficult to justify the extra costs of proactive maintenance.

The focus of Managed Technology Services is to provide proactive IT services for a flat monthly fee. This changes the fundamental basis of the relationship to one where both sides benefit when things are maintained and functioning. The smoother things work, the better it is for everyone. And there is no risk of a large, unexpected bill. It truly is a win-win.

There are several other advantages to a Managed Technology Service model:

1. **It encourages a higher quality of service**. It is in the service providers best interests to keep all systems running as smoothly as possible to prevent issues from happening in the first place or prevent issues from reoccurring. This ultimately results in fewer issues, less downtime and therefore increase employee productivity.
2. **The IT budget becomes predictable**. With the exception of projects, the cost is the same every month. Controlling access to IT support is no longer an issue, as the cost remains constant regardless of how much support is required.
3. **It provides a strong incentive for the service provider to be proactive**. To be successful for the provider, they must be efficient, correct small issues before they become larges ones, and ensure issues are fixed right the first time. These are goals that is best be achieved when a service provider can fully manage an environment. This is a significant benefit to the client because the result is smoother operations, less interruption, less downtime and there for increased productivity for users.

Essentially, this model allows an external IT service provider to act more like a true internal IT organization for the client. This allows the client to focus on their own core business without having to worry about their technology.

Please note that this overview does not include additional services including projects, advanced security services, and subscription services such as Office 365 and Backup Services. These services are available for an additional cost but are not included in the flat monthly rate.

MANAGED TECHNOLOGY SERVICES – Included Services

Workstation Monitoring and Maintenance

- Monitoring on CPU Usage, Remaining Hard Drive Space, Memory Usage, Patch Status
- Advanced Endpoint Protection
- Windows Updates and Patches
- 3rd Party Updates and Patches
- Remediation of Normal Maintenance Issues

Network and Server Administration

- Necessary Adjustments or Updates to Operating System/Firmware Configurations
- Management of Active Directory, Group Policy, Login Scripts and other User and Security Settings
- Oversee Network Connectivity through Cabling and Wireless Devices

Multi-Layered Security Services

- SPAM Filtering with Email Continuity
- Email Attachment Scanning
- Click Protect for URLs sent via Email
- DNS Filtering
- Firewall Management and Administration

Help Desk Support for Users

- Help Desk Call Center
- Onsite Assistance

Virtual CIO Consulting

- Assist in Reviewing and Understanding Current IT Infrastructure
- Maintain Records on Hardware and Software and Manage Subscriptions
- Assist during Compliancy Audits
- Present Options for New Technologies and Processes that may Advance your Business
- Conduct regular Meetings to which include a comprehensive look at where we're at, where we're going, and how we're going to get there. At a minimum, we hold Quarterly Check-ins and Annual Technical Business Reviews.

Server Monitoring and Maintenance

- Monitoring of CPU Usage, Remaining Hard Drive Space, Memory Usage, Patch Status, RAID Alerts and Shadow Protect Backup Software Success Reports
- Advanced Endpoint Protection if its use is determined to be advantageous by our Senior Technician
- Additional Monitoring of Applicable Services (Active Directory Domain Services, DNS/DNS Server, DHCP, Exchange Services, Print Spooler, Remote Procedure Call (RPC), Terminal Server)
- Windows Updates and Patches
- 3rd Party Updates and Patches
- Monthly Manual Review of Windows Log Alerts
- Remediation of Normal Maintenance Issues

MANAGED TECHNOLOGY SERVICES – Examples

Covered/Included

Servers and PC's that are less than 60 months (5 years) old and whose OS is currently supported.

Labor to replace printers and other simple network peripherals.

Restoration of server image from the backup if Pantheon's preferred backup software is being used and the local storage device is deemed compliant at the Client's annual review.

Routine updates and maintenance to existing software

Support of current software's network functionality. (i.e. it is running, computers are connecting to it, data is accessible, reports can be printed, etc.)

Not Covered/Included

Parts and labor needed to replace or service any non-warrantied PC or Server

Labor to replace Firewalls and Servers as well as replacing or upgrading more than 1/3 of your PCs– unless included in Agreement

Any significant add, change or move

Consulting, installation, or training on software new to the Client's environment

Support of software functionality or features, including training.

Large Software Updates

Anything quoted as a project

MANAGED TECHNOLOGY SERVICES – Additional Details

Prioritization and Response Targets

Pantheon Computers will respond to the Client Partner's Service Tickets based on the prioritization level assigned to the ticket during the triage process.
Prioritization will be assigned according to the following definitions:

Priority	Definition
Priority 1 – Emergency Response	The network or an essential system is down. We are experiencing a work stoppage for a significant portion of the staff or for a key process, and we need to have a technician respond now.
Priority 2 – Critical Response	We have a critical issue that is either making work difficult for everyone or is preventing one of our key personnel from working.
Priority 3 – Normal Response	One or more employees are experiencing an issue that is making work difficult for them.
Priority 4 – Flexible Response	There is an issue we would like to have looked at. While we want it done in a timely manner, it is not especially urgent and can wait for service for a little while.
Priority 5 – Longer Term Item	This issue is not time sensitive. We would like to have this looked at or explored, but at this point, we do not have a particular time frame in mind.

For each priority level, Pantheon set targets for response and resolution for both the Response Team and the Client Partner's Designated Technical Team. These targets are measured and reported on to the Client Partner in a monthly report. Our goal is to meet or exceed these targets on 80% or more of all tickets submitted. A response is defined as contact with you to confirm that we have received the request, have assigned a technician to the issue and the technician has a plan to address the issue. Resolution is defined as addressing the presenting issue with a solution that works for the Client Partner or as agreeing with the Client Partner that that issue is not to be resolved for some reason. Should additional issues come up while addressing the presenting issue, another ticket will be created for those issues and appropriate priorities and targets will be set for those tickets.

Our response and resolution goals are as follows:

Priority	Response Goal	Resolution Goal
Priority 1 – Emergency Response	30 Minutes	4 Hours
Priority 2 – Critical Response	1 Hour	1 Business Day
Priority 3 – Normal Response	1 Business Day	3 Business Days
Priority 4 – Flexible Response	1 Business Day	2 Weeks
Priority 5 – Longer Term Item	1 Business Day	4 Weeks

ADVANCED SECURITY SERVICES (PRICED WITH PD COMPUTERS) - Overview

The cybersecurity landscape has changed dramatically over the last few years due to:

1. Increased working from home
2. Increased adoption of cloud technology
3. Increased threat actor activity
4. Increased focus on small and medium sized businesses by threat actors

Pantheon spends a lot of time, energy and resources trying to provide appropriate levels of security to our partners. We constantly balance the needs and wants of our partners with the levels of security that are realistic and cost effective. The following advanced security services are not automatically included in a Managed Technology Services Agreement, but are specifically recommended to and chosen by the partner according to their legal compliancy needs, risk tolerance and business strategy. This list is subject to changes or additions at any point.

Security Awareness Training and Simulated Phishing Platform: Security awareness training campaigns (may include interactive modules, videos, games, newsletters, etc.) will be provided and can be tracked to ensure completion. In addition, simulated phishing attacks will provide users with practical experience in identifying and responding to phishing attacks. Reports, including stats, can be provided to management to track the efficacy of the training platform.

Security Information and Event Management (SIEM): This service ingests security and log events and processes them through advanced analytics to detect and notify Pantheon when changes in patterns, users or systems occur, based on unusual behavior and out-of-ordinary access. Data on such events is reported to meet regulatory requirements.

Dark Web ID Monitor and Reporting: This service proactively monitors the Dark Web for stolen or compromised identification data for your organization and sends real-time alerts when data is discovered.

Multi-Factor Authentication: Multi-Factor Authentication allows for a second factor to be added to domain active directory logins. This helps mitigate the threat caused by the phishing of credentials by bad actors.

Application Whitelisting: Application Whitelisting prevents any software, services or executables from running on an endpoint unless specifically approved.

Office 365 Backup: Microsoft does not back up Office 365 accounts or the data they contain. They will help to recover any data deleted in the last 60 days, but beyond that data is irretrievable. Having an independent Office 365 Backup saves you from malicious or accidental deletion of data by members of your team.

Network Vulnerability Scanning: Performing routine scans of your network to detect and remediate any found security vulnerabilities is a process required by some compliancy standards and is a positive step for any organization to take to improve their security.

Password Storage: By centralizing password storage in a tool controlled by your organization, you retain access to passwords when team members leave. In addition, because staff do not need to remember the passwords, passwords can be stronger and will not be reused.

Our security focus includes more than just software tools and management. Pantheon's daily and senior advisors will work with your firm to provide cybersecurity roadmpas, best practices, polices and assist in managing your firm's cyber security insurance vendors. These Virtual CIO services together with our advanced security tools offer additional proection for your organization's systems and data.

SERVICE GROUP - Projects

Projects are a major add, change, or move within your business and/or network.
A project has a *defined beginning and end, a defined scope, and a defined goal; they are also billed separately from your agreement.*

The following are examples of what would qualify as a project:

- The installation of a new server
- The installation of more than 1/3 of your workstations
- Moving to a new office/location
- A major network or cabling refresh
- Moving a service or process to the cloud
- A major security initiative

No project will ever come as a surprise. Each project will be carefully scoped, laid out, and discussed with you before anything is started. You will sign a quote to approve the project.

WHY PANTHEON:

Pantheon Computers believes that everything we do is rooted in relationships. It is the nature and character of that relationship that forms our core values. In our relationships with each other and our clients we are committed to:

1. Being an **Invested Partner**
2. **Doing the Right Thing**
3. Being **Accountable**
4. Striving for **Transformative Growth**

INVESTED PARTNER

Pantheon takes the time to learn about your business and what success means to you. We want to understand your goals and concerns so that we can provide you with the information and support you need to make decisions that move your business forward. Every person at every level of Pantheon is involved so we can provide multi-dimensional support. We have your best interests in mind, because we believe that your success is our success. We strive to function as your business' virtual CIO and not as a vendor.

DO THE RIGHT THING

We aim to provide excellent value for your dollar. The IT line item in your budget is significant and it is vital for that money to be an investment in your success and not just an expense. We commit to not over-selling or under-solving your problems. We take pride in knowing that we are fair and honest in our recommendations for your business and earn the trust of our clients.

We genuinely care about client satisfaction. Your concerns, needs and worries are a priority for us, and we diligently seek ways to assist in addressing and alleviating those things for you.

We also understand that you do not necessarily have the tools or knowledge available to make sure we are doing our jobs properly. So, we commit to doing the right thing for your business – even if that results in a loss for us.

ACCOUNTABLE

The truth is a lot of clients don't really understand a lot of what we do. Holding your MSP accountable can be hard. We make it easier with reporting, having frank conversations on visible accountability, and regular check-ins with your advisor to track the progress on your goals.

When we make mistakes, we will own them. This is important because once we are all comfortable with accountability on the day-to-day stuff, we can move on to the fun stuff like innovation, automation and AI.

TRANFORMATIVE GROWTH

We want to help you dream and then help you get to your dream. Our senior advisors run our business, so they understand the struggles and the joys of it. They also want to talk about your strategic goals, budgeting, forecasting/road mapping, risk management, compliance, cyber security insurance plans, and new technologies.

We are always looking to learn more; and then work on thinking critically and creatively on ways new technologies can benefit you. We are not a company that creates new software or writes code, but we are innovative in the ways we take enterprise level technologies and/or best practices and find ways to shape them to benefit you.

CLIENT TESTIMONIALS

Spero - Healthcare
"Customer friendly, responsive, efficient, transparent are words that described Pantheon in our early days as a customer. Those words still describe Pantheon staff."

City of Waseca - Government
"Pantheon does everything. They have great customer service, and they care about the security of our city. I have nothing but great things to say about them and if you wish to hire an IT Company, I highly recommend Pantheon Computers."

Families First of Southern Minnesota – Non-profit
I've appreciated working with Pantheon very much. They're knowledgeable, prompt, professional, and personable.

Janesville State Bank - Financial Services
All the individual staff that we deal with are exceptional. I have not heard any negative feedback from my users and have had all good experiences myself.

ICAN – Non-profit
Pantheon Computers has truly elevated our peace of mind by ensuring round-the-clock monitoring of our systems, preemptively addressing issues before they even arise. This proactive approach has been invaluable in maintaining our operations seamlessly.
Additionally, having a local service provider like Pantheon has been a significant advantage. Their ability to respond promptly and even come on-site within minutes when necessary underscores their commitment to customer satisfaction.
Beyond their technical expertise, what sets Pantheon apart is their personalized service. Getting to know our dedicated tech team has fostered a sense of partnership, making it feel like they are an integral part of our own team. The quality of service they provide is exceptional, and I highly recommend Pantheon Computers to anyone seeking reliable IT support.

Orthopaedic and Fracture Clinic - Healthcare
I am very satisfied and impressed with the level of knowledge and expertise of the technicians...
Everyone really seems to want the best for [us] as demonstrated with willingness to work weekends and showing a true concern. They have handled sensitive matters very professionally

North Mankato Police Department - Government
Recognizing that technology in law enforcement is growing rapidly, we are constantly expanding the number of tools we have, to get the job done efficiently and effectively. Pantheon Computers was able to come into our department and identify vulnerabilities and deficiencies in our network and operating systems. They were then able to provide us with several solutions that limit and actively monitor our exposure to any threats. Pantheon Computers has been instrumental in ensuring our department is up to date and in compliance with all CJIS/FBI Security Policies.

Trinity Lutheran School – Non-profit

Helped troubleshoot and get done what needed to be done in a very timely manner and all very courteously. Thankful!

City of North Mankato - Government

Pantheon has been a great IT service provider for our organization. The staff is responsive and suggests cost effective solutions for our business needs. Top notch service.

Peterson, Kolker, Haedt & Benda, Ltd. – Legal Services

Pantheon Computer Systems has a tremendous customer service department and responds promptly and efficiently to the needs of our office. They explain problems thoroughly and find creative solutions that suite our needs and budget and limit interference with the day-to-day operations of our business. Pantheon team members who work within our office are professional, friendly, and respectful of confidentiality.

TEAM MEMBER TESTIMONIALS

Branden – Network Technician

"I am repeatedly amazed with not only the depth of knowledge of every technician Pantheon brings onboard but also the willingness to stick with a task, seeing it to the end, as a solution always exists. The company's core values, such as Heart of a Servant and certainly being Fair and Accountable, are truly embraced by all and measured. I came from an Internal I.T. background, and it has been wonderful still feeling like I'm teaming up with our clients as a team to meet or exceed their needs and expectations."

Jeremy – Network Technician

"Our core values really mean something to us. Not just for the company, but for each of us."

Jessica – Service Coordinator

"I appreciate the support for growth both personal and professional."

Jay – Network Technician

"My favorite aspects of working for Pantheon is the cultivation of team comradery and respect for every single person at Pantheon. It is NOT difficult to look forward to going into work each and every day and the team we have become is something to be proud to be a part of."

Angel – Network Technician

"Sometimes when speaking with current Partners; especially new ones, I tell them how wonderful it is to work with a Team of high level professionals who love what they do, excel at what they do and are a pleasure to work with. They are all so kind, understanding, helpful and have attention to detail. We dot our I's and cross our T's. We truly support each other."

EXECUTIVE SUMMARY

Pantheon Computers proposes the following summary in taking over as the Managed Services Provider for City of Deephaven as described in the previous pages of this document. Pantheon Computers offers a comprehensive approach to Advise, Plan, Implement, and Support your organization's IT systems.

The following is an executive overview of our proposal for partnership:

1. Fully Managed Agreement: $1,200
   - City: $1,200 /mo for 8 PC's

   Fully Managed Agreement PD: $1,350
   - Police Department: $900 /mo for 6 PC's
   - Advanced Security: $450 /mo for 6 PD PC's

   (See Tools Description Above)

   Total Fully Managed Agreement: $2,550/mo
2. Onboarding Amount: $2,000
3. Projects: TBD
4. Proposed Start Date: January 1, 2026
5. O365 licenses not included and billed separately per usage

Next Steps:

Introductions to Your Designated Team:

- Meet with your Advisor(s) who will partner with you to understand how you can leverage IT to make your organization even more effective in fulfilling your vision and mission.
- Schedule ongoing meetings with you as often as you want to answer questions and build/review onboarding plans.
- Instruction and introductions to your whole team to help them understand how to get support and what our new relationship looks like.

Begin Ongoing Support:

- Standard full support: 8am – 5pm weekdays
- Urgent support: 6am – 8am and 5pm – 8pm weekdays
- Emergency support: after hours
- Access to our senior technical staff in specialty fields of Security, Operations, and Project management.

Installation/Execution of our entire stack of Standard Security Solutions:

- Advanced Endpoint Protection
- DNS validation
- SPAM email filtering
- Backup monitoring and maintenance
- Security assessments on best practices
- Workstation OS and software updates and patching
- Plus, many other features, two factor authentication, VPN access…

Deephaven Police Department

CORY JOHNSON
CHIEF OF POLICE

20225 Cottagewood Road
Deephaven, MN 55331

Email – coryj@deephavenpolice.com

January 5, 2026

To: Honorable Mayor Kent Carlson
Deephaven City Council

Cc: Dan Madsen, City Administrator, Special Counsel

From: Cory Johnson, Chief of Police

Re: 2026 Prosecution Services

Deephaven's Criminal Prosecutor, Steve Tallen is retiring early in 2026. Mr. Tallen has been our prosecutor for at least 30 years. The City sent out RFP's in October for Prosecution Services. We received two Proposals. One from Gregerson, Rosow, Johnson & Nilan (Steve Tallen) and one from Campbell Knutson.

Myself, Dan and Lt. Whiteside interviewed Alina Schwartz with Campbell Knutson. She would be our principal prosecutor. We were impressed with Alina and the company overview. They have multiple Attorneys that can assist and take over cases. They have specialized Attorneys as well. Currently we have one Prosecuting Attorney and one new Attorney that just started. Campbell Knutson has seventeen Attorneys, most over 20 years of experience. Campbell Knutson only focuses on Criminal Law.

Campbell Knutson prosecutes for several communities in Hennepin County. They are familiar with the inner workings of the courts. Most importantly they believe in Officer training, giving constructive feedback and updating Officers on new legislation and court actions. They distribute phone numbers to staff and are available 24/7.

I have spoken to several Police Chiefs who use Campbell Knutson. They all had positive comments. Please see the attached Proposal from Campbell Knutson.

Recommendation:
Retain Campbell Knutson for Prosecution Services in 2026. The annual retainer for all Prosecution services for Deephaven is $50,000.00. The annual Prosecution services for all Woodland is $1,800.00.

Campbell Knutson

November 26, 2025

Chief Johnson
City of Deephaven
20225 Cottagewood Road
Deephaven, Minnesota 55331

VIA EMAIL

Re: Request for Proposal to Provide Prosecution Legal Services

Dear Chief Johnson:

In response to the City's request, we are submitting our firm's proposal to provide prosecution services to the City of Deephaven, with services rendered to the City of Woodland.

Campbell Knutson is the most experienced prosecution team of any private firm in Minnesota, and has a long-standing reputation of efficiently providing quality legal services to municipal governments throughout the metropolitan area and greater Minnesota. It is this team that differentiates our firm from all the rest, and makes us uniquely qualified to represent the City of Deephaven. We are experienced in integrating new prosecution clients into our practice, and we are prepared to make a seamless transition if we are chosen as your new prosecution attorneys.

We are very interested in developing a working relationship with the City of Deephaven and providing experienced, professional prosecution legal services to the City.

Thank you for the opportunity to submit this proposal. We look forward to meeting with the City to discuss our proposal in further detail and expand on our qualifications. If you have questions or require any additional information, please do not hesitate to contact us.

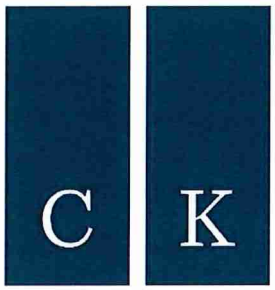
Sincerely,

/s/ Alina Schwartz

Alina Schwartz
Attorney
Email: aschwartz@ck-law.com
Direct phone: 651-234-6220

City of Deephaven

Prosecution Services Proposal



Campbell Knutson

PROFESSIONAL ASSOCIATION

November 26, 2025

Contact: Alina Schwartz
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
Telephone: (651) 452-5000
Email: aschwartz@ck-law.com
www.ck-law.com

TABLE OF CONTENTS

Page

THE FIRM 1

OUR CLIENTS 2

PRIMARY CONTACT 3

Alina Schwartz 3

ASSISTANT PROSECUTORS 3

Conor Tobin 3

Henry A. Schaeffer, III. 4

Jerome M. Porter 4

Benjamin Colburn 4

Cara McDonald 5

Meagan Kelley 5

PROSECUTION STAFF 5

DEEPHAVEN AND WOODLAND PROSECUTION ORGANIZATIONAL CHART 7

PROSECUTION SERVICES 8

General Criminal Prosecution 8

Attendance at Briefings, Officer Training and Legislative Updates 8

Availability / Response Time 8

Commitment to Prosecution 9

APPROACH TO PROSECUTION SERVICES 9

Workload Management and Priority 9

Victim-Centered Approach to Domestic Assault and Other Public Safety Matters 10

Approach to Driving While Intoxicated Offenses 10

Approach to Theft Offenses 10

Approach Regarding Driver's License Offenses 10

TECHNOLOGY 11

ProsecutorByKarpel 11

CK Network / Research Capabilities 11

ADDITIONAL RELATED SERVICES 12

Police Policies 12

Code Enforcement 12

Criminal Appeals 12

Extreme Risk Protective Orders (ERPOs) 12

Contract and Agreement Drafting 12

Ordinance Drafting 12

Data Practices 12

Vehicle Forfeitures 12

COMPENSATION 13

STATEMENT OF COMPLIANCE WITH CIVIL RIGHTS LAWS 14

INSURANCE 14
MALPRACTICE CLAIMS AND ETHICS COMPLAINTS 14
CONFLICTS OF INTEREST 14
RESEARCH CAPABILITIES AND REFERENCE SUBSCRIPTIONS 15
CLES AND PROFESSIONAL ASSOCIATION ACTIVITIES 16
PROSECUTION REFERENCES 17
RESUMES 19
EXHIBIT A: CLIENT CITIES – POPULATIONS 26
EXHIBIT B: INSURANCE CERTIFICATE 27

CRIMINAL PROSECUTORIAL LEGAL SERVICES PROPOSAL

THE FIRM

We are professional prosecutors. Campbell Knutson has, since its inception, focused on providing municipal clients with competent, prompt, and cost-conscious service. We are intimately familiar with the culture, workings, bench and staff of Hennepin County Courts. Our firm has forged lasting and highly successful relationships with other business partners in Hennepin County. We would be honored to serve the City of Deephaven and its residents.

We employ seventeen attorneys and fourteen legal assistants. As a result, our attorneys and staff spend every day advising cities to help them navigate through difficult civil and criminal legal issues with confidence. We are extremely proud of our track record in recruiting and retaining our employees.

One of the hallmarks of Campbell Knutson's municipal practice has been the ability to combine our municipal law expertise with service carefully crafted to match each city's unique structure and governance style. It is this flexibility and proven adaptability that set Campbell Knutson apart and would make our firm a good match for Deephaven. We would cultivate close working relationships with command staff and patrol officers. Our institutional knowledge of Hennepin County would be invaluable to Deephaven, and would allow us to respond quickly, thoroughly, and cost effectively.

With over 130 years of combined criminal law experience, we are the most experienced private firm in the state providing prosecution services. Our depth of personnel, both attorneys and staff, and knowledge of Hennepin County and its courts, positions us as best able to obtain excellent results. We are constantly upgrading our technology to enhance our ability to transfer digital files from our clients to us, and from us to defense attorneys. For example, we implemented a conversion to ProsecutorByKarpel (PbK) in December 2021. PbK is a state-of-the-art criminal case management system which is the most widely used prosecutor case management software in the US. These upgrades also keep us connected to the vast network of criminal justice partners.

The firm's general contact information is as follows:

Campbell Knutson, P.A.
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
Telephone: (651) 452-5000
Fax: (651) 234-6237
www.ck-law.com

OUR CLIENTS

Our firm provides high quality, cost-effective legal representation to the following municipalities and public organizations: (See also Exhibit A attached)

- Big Lake (since 1998)
- Braham (since 2001)
- Burnsville (since 1991)
- Chanhassen (since 1989)
- Dundas (since 2021)
- Eagan (since 2016)
- Edina (since 2007)
- Elk River (since 2013)
- Elko New Market (since 1992)
- Empire (since 2023)
- Falcon Heights (since 1997)
- Farmington (since 1998)
- Greenwood (since 2022)
- Hastings (since 2021)
- Inver Grove Heights (since 2021)
- Lakeville (since 1989)
- League of MN Cities Insurance Trust (since 1989)
- Lilydale (since 2024)
- Lindström (since 1997)
- Lonsdale (since 2018)
- Loretto (since 2021)
- Mendota Heights (since 2020)
- Minnetonka Beach (since 2025)
- Minnetrista (since 2025)
- Monticello (since 2002)
- Mora (since 1999)
- Mound (since 2025)
- Mountain Lake (since 2024)
- North Saint Paul (since 2009)
- Orono (since 2006)
- Otsego (since 2020)
- Plymouth (since 1994)
- Prior Lake (since 2021)
- Randolph (since 2022)
- Rosemount (since 2021)
- Shafer (since 2018)
- Shorewood (since 2021)
- South St. Paul (since 2011)
- St. Bonifacius (since 2025)
- St. Louis Park (since 1996)
- Stacy (since 2017)
- Stillwater Township (since 1989)
- Tonka Bay (since 2023)
- Vermillion (since 2021)
- Vermillion Township (since 2021)
- Watertown (since 2021)
- Woodland (since 2006)
- Wyoming (since 2017)
- Zimmerman (since 2003)

PRIMARY CONTACT

Alina Schwartz. Alina would serve as the primary contact and principal prosecutor for Deephaven. Alina has dedicated the past 20 years to representing municipalities as a city attorney. She is experienced in all facets of criminal prosecution having tried multiple jury trials and court trials. From charging decisions to trials and appeals, she applies her legal knowledge and sound judgement to resolve cases and advise municipal clients.

Alina is also an appellate specialist, having successfully briefed and argued multiple appeals in both the Minnesota Supreme Court and Minnesota Court of Appeals. Her expertise in this area allows clients to make an accurate assessment of a case on appeal and its potential outcome.

Alina forged strong relationships with police officers, court personnel and justice partners in Hennepin County and beyond. She is an active member of the legal community serving as a Board Member in the Suburban Hennepin County Prosecutors' Association (SHCPA). She represents SHCPA at the Hennepin County Criminal Justice Task Force meetings – a taskforce responsible for creating and implementing court policies and procedures within Hennepin County. Alina also participates in the Hennepin County Domestic Violence Steering Committee. Alina has worked closely with victim advocacy groups and the Plymouth Police Department to develop and enact a Blueprint for Safety Plan in domestic violence cases. As a Hennepin County resident for over twenty years, Alina and her family have a vested interest in Hennepin County as a whole, and would be proud to serve Deephaven as a city prosecutor. Alina will work to ensure Campbell Knutson is efficiently meeting all of Deephaven expectations.

ASSISTANT PROSECUTORS

While Alina will provide prosecutorial legal services to Deephaven, our firm has several other attorneys who practice criminal prosecution and will be part of Deephaven prosecution team.

Conor Tobin. Conor has practiced law for nearly twenty years in both criminal and civil litigation. He joined Campbell Knutson, P.A. in 2024. After law school, Conor served as the law clerk for the Honorable Robert A. Awsumb in Ramsey County which was on a criminal block making criminal law the start to his career. Since 2016, he has been prosecuting for the City of Mendota Heights, and became the primary prosecutor in 2021. Litigation has been the primary focus of his career; however, he has helped clients with planning and strategizing in diverse practice areas. Conor also brings this background to prosecution in the hopes of addressing defendant's behavior and reducing recidivism. Conor's first trial was in 2007 in Hennepin County, and he has been practicing in Hennepin and the metro area since then in criminal law, civil, arbitration, and administrative cases with trials and motion work. Conor helped establish a low-bono criminal defense group in Dakota County in 2009 (which still exists today) and was a panel attorney for Criminal Defense Services, Inc. in St. Paul. He also served as a No-Fault Arbitrator with the American Arbitration Association from 2011 to 2023 and serves as a conciliation court referee in Ramsey County. In addition, he volunteered as a Guardian *ad Litem*, and he was recognized as a Super Lawyer and Super Lawyers "Rising Star" for multiple years.

Henry A. Schaeffer, III. Henry has a well-rounded legal background. He has over 30 years of experience in the area of criminal law in the State of Minnesota. He began his career as a defense attorney, including approximately 12 years of work for the First District Public Defender's Office. He joined Campbell Knutson in 2005, and is an exclusive full-time prosecutor, having handled literally hundreds of court trials, and countless jury trials and contested evidentiary hearings. Having practiced successfully on both sides of the courtroom, Henry has gained uncommon insight and compassion in handling criminal cases.

Practicing law since 1993, Henry's practice has been focused in the Dakota County court system, making him exceedingly familiar with the presiding judges and court staff. He has earned a seat as a city prosecutor representative on the Dakota Criminal Courts Partners Workgroup (CCPW), and Dakota County Firearms Surrender Workgroup. In his current practice, he works closely with the patrol officers and investigators of multiple Police Departments. Henry is available 24/7 for consultation by officers and command staff, including probable cause detentions and bail recommendations to the Court.

Henry currently sits on the Board of Directors of Legal Assistance of Dakota County, and is a two-time nominee, and the 2016 winner of the MADD Metro Prosecutor of the Year. Henry is experienced in providing legal training to police departments, including recent department-wide trainings to all officers at Burnsville Police Department concerning Minnesota's new Use of Deadly Force law, Extreme Risk Protection Orders, and new cannabis laws. Henry is the firm's "go-to" attorney for firearms issues, working on a daily basis with our police departments with questions and concerns about firearm returns and firearms transferee permits (permits to purchase).

Jerome M. Porter. Jerome has dedicated the past 20 years to representing municipalities as a city attorney. Jerome started his legal career at the firm of LeVander, Gillen & Miller, P.A. in South St. Paul. When Jerome applied for the position he did not know he would be asked to prosecute for multiple cities. As luck would have it, prosecution turned out to be his passion and when faced with being moved into the firm's civil division, Jerome transferred firms and joined Grannis & Hauge, P.A. with the intention of practicing almost exclusively prosecution. In 2016, he joined Campbell Knutson, P.A., the premier prosecution firm in the metro. Twenty years later, Jerome's passion for prosecution has not faded, and he continues to grow in both his legal knowledge and acumen in regards to municipal prosecution.

Jerome takes pride in the relationships that he has forged with individual police officers. These relationships are beneficial for both pretrial preparation and in court testimony. Jerome's consistently positive attitude and desire to help endears him to both municipal clients and court personnel. Jerome has a vast breadth of legal knowledge pertaining to prosecution and ensures that municipal clients' questions are not only answered, but the reasoning behind the answer is also explained. Jerome's belief is that when the client understands the "why," the willingness to follow the recommendation/advice is increased twofold. Jerome gives municipal clients peace of mind by providing correct legal advice in a timely fashion.

Benjamin Colburn. Ben has been practicing law for more than 25 years in the Minnesota criminal and family court system. After law school, Ben served as a judicial law clerk for the Honorable Donald Rysavy and the Honorable Fred Wellmann in the Third Judicial District of Minnesota. Ben then practiced for 10 years as a private criminal defense and family law attorney representing clients throughout the State of Minnesota. For the last 13 years, Ben has been a criminal prosecutor. Ben joined Campbell Knutson in 2021

and focuses his practice exclusively as a prosecutor in criminal court. Ben has also served as a City representative on the Dakota County Violence Against Women Act (VAWA) grant oversight committee, and is currently a City Representative and helps staff the Domestic Violence Coordinated Community Response (DVCCR) work group in Dakota County. Ben also serves as an administrative hearing officer in Dakota County. Ben takes special pride in developing and maintaining relationships with law enforcement officers and city staff. Ben is available for consultation with law enforcement officers and city staff 24/7 and welcomes off-hour calls for questions, consultation, and bail settings.

Cara McDonald. Cara has been a licensed attorney for 9 years. Cara has been with Campbell Knutson for four years, where she exclusively practices criminal prosecution. Cara attended William Mitchell College of Law, where she quickly developed a keen interest in criminal law. After graduating in 2016, she served as a judicial law clerk for both the Honorable Erik Askegaard of the Eight Judicial District and the Honorable Rex Stacey of the First Judicial District. Cara began her criminal law practice as a defense attorney, including a full-time position with the First District Public Defender's Office. In this role, she handled hundreds of cases, ranging from misdemeanor traffic violations to felony homicide. She was in the courtroom on a daily basis, handling arraignments, jury trials, and everything in between. This position provided Cara with invaluable practical experience and insight, and it solidified her passion for criminal law. She was often assigned to defend cases that were prosecuted by Campbell Knutson. She was consistently impressed with the city prosecutors' professionalism and genuine dedication to obtaining just outcomes. When the opportunity arose, she leapt at the chance to join the Campbell Knutson team. As a prosecutor, Cara believes strongly in consistency and personal accountability, and she strives to resolve cases in the manner that will best safeguard our communities. She aims to be a friendly, approachable resource for law enforcement officers and city staff.

Meagan Kelley. Meagan is an associate attorney with Campbell Knutson since 2020. Meagan graduated from the University of Minnesota in 2014 with a Bachelor of Arts in Political Science. In 2017, she graduated from Mitchell Hamline School of Law. While attending law school, Meagan clerked in the Ramsey County Attorney's Office where she handled adult felony cases at various stages of the criminal process. Prior to joining Campbell Knutson, Meagan served as a judicial law clerk for the Honorable Gary Bastian and the Honorable Adam Yang in the Second Judicial District of Minnesota. Meagan handles all forfeiture matters for our prosecution clients.

PROSECUTION STAFF

We have created and maintained an excellent relationship between our prosecution team and Hennepin County Court staff. Our case management software, PbK, is specially designed for prosecution, which enables us to professionally process a high volume of cases at minimal costs. Because of the administrative demands of criminal practice, it is crucial that city records staff, our office, and the courts maintain a smooth and effective working relationship. After 36+ years of partnering with law enforcement agencies and Hennepin County Courts, that system is now firmly in place. We are poised and eager to deliver the highest quality services for Deephaven.

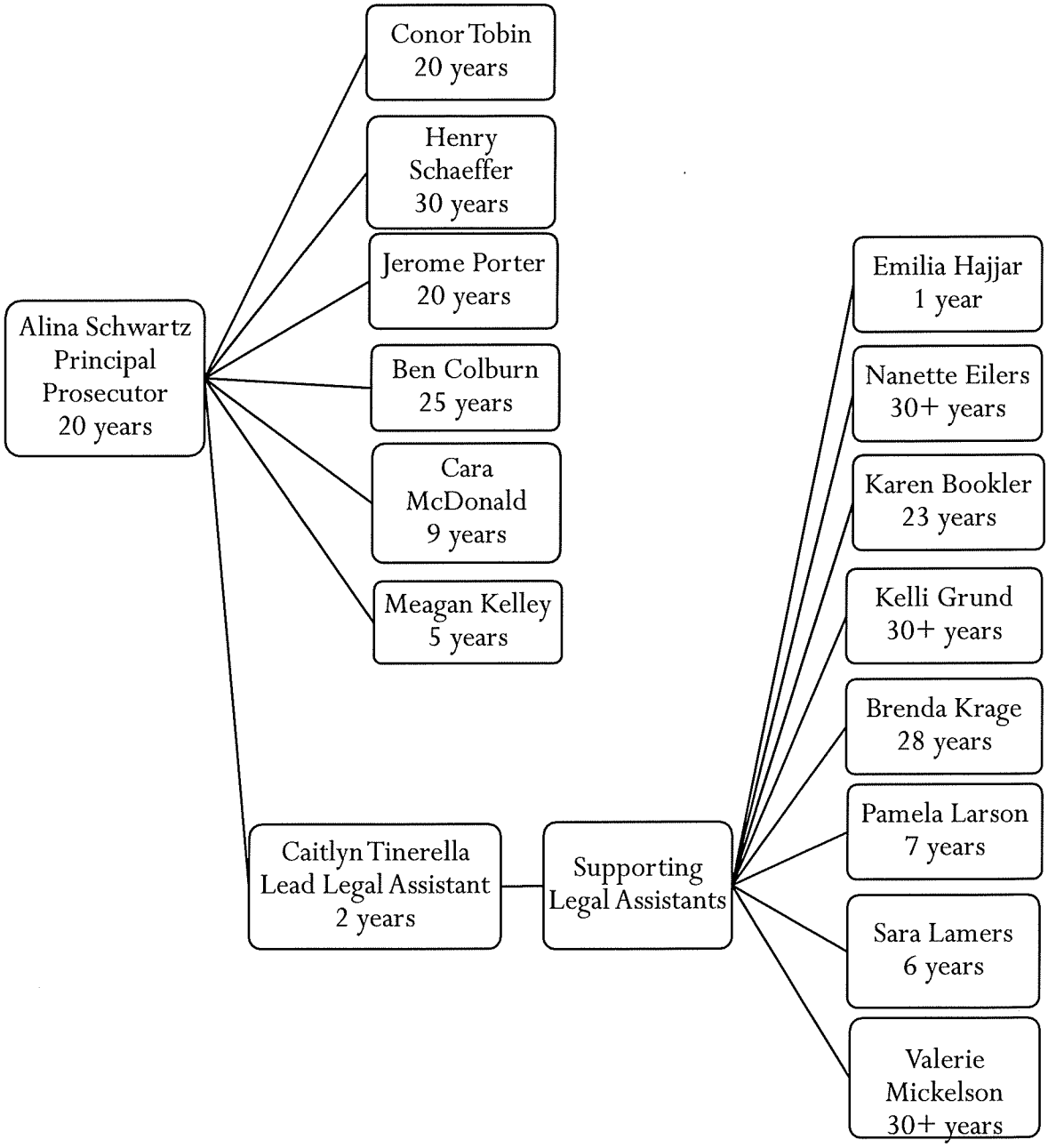
Caitlyn Tinerella will work as the lead prosecution assistant for Deephaven. Caitlyn is knowledgeable, fast, and friendly. She is dedicated to providing exceptional service with a smile. Caitlyn drafts formal complaints,

prepares subpoenas for witnesses, and communicates with victims, the court, the police departments, and attorneys on a daily basis. She is adept at handling the high volume of cases while still paying close attention to small details. In short, there is no one better suited than Caitlyn to ensure that Deephaven's cases are handled with the utmost care.

Our team of highly experienced prosecution legal assistants – Nanette Eilers, Karen Bookler, Kelli Grund, Brenda Krage, Valerie Mickelson, Pamela Larson, Sara Lamers, and Emilia Hajjar – will assist whenever needed.

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DEEPHAVEN AND WOODLAND PROSECUTION ORGANIZATIONAL CHART



PROSECUTION SERVICES

Our Prosecution team will provide Deephaven with the following services:

General Criminal Prosecution. The Campbell Knutson prosecution team has a recognized excellence in delivering high quality prosecution services at highly competitive rates. We are equipped to handle Deephaven's cases from start to finish. Our prosecution team has handled all aspects of criminal litigation for decades. We will provide exceptional in-court representation. In the past thirty-six years, the firm has represented its prosecution client cities in thousands of jury trials, court trials and contested hearings. We deliver results.

- Campbell Knutson's prosecution team handles non-felony cases from start to finish. This includes reviewing for charging, drafting formal complaints, all discovery, any pretrial motions, preparation of all notices as required by the Minnesota Rules of Criminal Procedure, all pretrial hearings, and any jury or court trial. We handle any case initiated by the police departments, the Hennepin County Sheriff's Office, the Minnesota State Patrol, the Department of Natural Resources, or any other law enforcement agencies for offenses occurring within our client cities.

Attendance at Briefings, Officer Training and Legislative Updates. Our representation includes our attorneys regularly attending roll-call briefings with officers. We provide quarterly Post Board certified training geared towards new officers but open to all officers, at no cost to the City. We focus on report writing, court testimony, domestic abuse investigation techniques and procedural strategies, Brady/Giglio disclosures, social media awareness and the everchanging social and procedural challenges confronting law enforcement.

We are committed to providing timely updates to our clients about the important state and federal changes that impact the criminal law and the provision of day-to-day police services, whether the changes arise from new legislation, executive mandates, or judicial decisions. Additionally, we provide an annual Minnesota legislative update of new laws affecting law enforcement.

Finally, due to the nature of criminal prosecution, both prosecutors and police officers are in court a great deal. This provides an opportunity for an exchange of information about pending cases, and to build relationships of trust and confidence, which is reflected in a high rate of convictions and positive court outcomes. Due to the strong rapport we develop with officers, we are able to educate, inform, and mentor officers, and on occasion offer coaching to improve their performance, enhance public safety and build trust in the community.

Availability/Response Time. We take extreme pride in client service. Officers are always able to reach us, day or night. Communication is the touchstone of a strong relationship. Our prosecutors' telephone numbers are distributed to administrative staff and are posted in squad rooms. Officers routinely call our prosecutors after normal business hours with questions in the field, and on weekends particularly with respect to the 48-hour hold rule. Our prosecutors regularly participate in ride-alongs with officers to help understand our client's culture and practices, to gain insight into local and distinctive patrol procedures, and to increase communication with the officers.

We are accustomed to meeting strict deadlines imposed by the court. Our experience allows us to work diligently but quickly in providing formal complaints, discovery, and legal memoranda. We always file formal complaints, DANCO motions, and bail recommendations within the deadline for all in-custody defendants.

Commitment to Prosecution. We have seven attorneys who do nothing but prosecution, which no other private firm offers. We have never assigned a new associate to prosecution to "learn the ropes" or to gain "court experience" and then move on to more lucrative work in the private sector or doing criminal defense. On the contrary, prosecution has been and always will be a cornerstone of our practice which has been built brick-by-brick for the past 36+ years.

APPROACH TO PROSECUTION SERVICES

Campbell Knutson has always treated prosecution services as an integral component of our municipal representation. As part of our practice, we are accustomed to reviewing evidence and preparing criminal complaints when the facts warrant it. One of the core ethical tenants of prosecution work is to file charges only when we have sufficient admissible evidence to support a conviction beyond a reasonable doubt. If additional investigation is necessary before a charging decision can be made, we work closely with the police department to complete the investigation. We are committed to acting in the interests of justice. Our success is grounded on the following principles:

Workload Management and Priority. As with any legal work, Campbell Knutson prosecution workloads vary from week to week. However, the management of priority obligations is one of the most important keys to the success and high quality of our partnership with the police departments. It is understood that questions need answers, and that time is of the essence. With seven full-time prosecutors and a staff of nine efficient legal assistants, there is never a moment when our clients are unable to contact one of our lawyers or staff. Our attorneys are available 24/7 and understand that crime does not take off holidays and weekends or pause the need to have questions answered quickly and correctly. Campbell Knutson has always taken the approach that our prosecutors will be available to patrol officers and command staff around the clock. Crime, emergencies, and civil unrest often occur at night, and complicated situations often require immediate legal guidance in order to effectively and correctly manage emergency matters. Each weekend our seven prosecutors will be available to Deephaven shift sergeants for processing required 48-hour detention probable cause statements. Criminal complaints for in-custody defendants are prioritized, processed and filed prior to the defendant's first in-custody appearance in court before a judge, including drafting and filing of bail recommendations and proposed Domestic Abuse No Contact Orders in cases of domestic assault. Our legal assistants have an effective triage system for managing priority matters as they arise so that there is never a moment when our office would not be able to respond to and process a formal complaint request, or to petition the court for emergency relief in required situations. All calls are addressed immediately. Our attorneys have constant access to e-mail and texting capabilities for such purposes. We provide all police officers with a laminated card containing the phone number, cell phone number, and other electronic contact information of all of our prosecutors, so that there is never a moment when an officer in the field cannot access the legal answers required for rapidly developing and changing emergency situations.

Victim-Centered Approach to Domestic Assault and Other Public Safety Matters. Our approach to plea bargaining centers on our clients, justice, and the victims of crime. We work closely with all crime victims throughout the court process. We contact crime victims directly in domestic assault cases and engage victim advocates for additional assistance. We seek the victims' input to assist us in determining the proper outcome of the case. If during the course of investigation or prosecution we learn that charges are either erroneous or unfounded, we work to ensure that the case does not continue. It is a simple thing to demand a plea of guilty and insist on a trial if a guilty plea is not received. It becomes more difficult when a victim pleads with you that she/he does not want you to force her/him to testify, that it will disrupt family harmony, have an adverse effect on the family's employment status and income, and do irreparable damage to the family unit. We recognize that the inner workings of the justice system have tangible effects on the lives of victims. If a prosecutor fails to take these factors into account, the prosecutor is not attempting to do justice, but is blindly seeking convictions. We make every effort to learn what is important to crime victims to ensure plea negotiations best serve the interests of justice.

Approach to Driving While Intoxicated Offenses. Our firm treats Driving While Intoxicated (DWI) offenses very seriously. We ensure that DWI offenders are prosecuted to protect public safety. All offenders are required to attend a Victim Impact Panel and obtain a Chemical Dependency Evaluation and follow those recommendations. For repeat offenders, we seek jail time, Electronic Home Monitoring (EHM), and significant fines. In the event an individual is a victim of a DWI offense, we seek restitution on his/her behalf.

Approach to Theft Offenses. Our firm handles a high volume of both misdemeanor and gross misdemeanor theft offenses. We regularly meet with the officers to enhance the law enforcement response to shoplifters. In prosecuting these offenses, we focus on the number and type of prior offenses an offender has had. We also consider the reason the offender stole the items.

Approach Regarding Driver's License Offenses. Our firm deals with numerous defendants who are cited and arrested for repeat driver's license offenses, such as Driving After Revocation, Driving After Suspension, and Driving After Cancellation. Several of our clients currently participate in the Driving Diversion Program (DDP). DDP provides defendants with the tools to obtain a valid driver's license by putting overdue fines on a payment plan. This program is instrumental in helping defendants obtain insurance and have the ability to travel to work and school. The purpose of the program is to enable people to take responsibility for their past conduct, pay their debts, and get back on the road to becoming responsible citizens. If a defendant can successfully obtain a valid driver's license, then we will generally resolve the case in a way that will allow the defendant to retain the valid driver's license. If a defendant continues to drive without a valid license, then we will hold the offender accountable by seeking community work service, jail time, and fines to protect the traveling public.

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TECHNOLOGY

We have invested heavily in our firm's technology infrastructure and maintenance which facilitates our interactions with the police departments, the courts, and the defense bar. We engage a computer security service that delivers top-tier managed IT services so we continue to meet and exceed strict CJIS performance standards.

ProsecutorByKarpel. Campbell Knutson invested in ProsecutorByKarpel in 2021. PbK is a powerful and sophisticated web-based case management system with over 11,000 users in over 400 prosecution offices in 30 states, making it the most widely used prosecution software in the US. It is hosted in Microsoft's Azure Government Cloud and meets strict requirements for CJIS, FedRAMP and HIPPA compliance. It is the only application that interfaces with the Minnesota Public Defender's office ECM, for eDiscovery of all file types and sizes (including body worn cameras (BWC's), squad videos, photos, audio and merchant proprietary security applications).

In addition, PbK automatically integrates with MNCIS, echarging, and AXON/Evidence.com, which brings all data directly into related cases, without additional time and effort from the police departments' records staff.

CK Network/Research Capabilities. Campbell Knutson's laptops and computer network are state-of-the-art. Each attorney has online access to all Minnesota and federal caselaw and legal research materials through Lexis on the internet. We have access to PbK, the CK Network, and all law enforcement databases from anywhere, including:

- MGA/MPARC – We were also the first private firm to have non-public MNICS access as part of the first MNCIS pilot project in Carver County.
- BCA – We receive all computerized criminal history documents from the law enforcement agencies we represent.
- DPS/DVS – We have full access to all DVS records.
- eCharging – We became the first private firm to utilize eCharging of criminal complaints. Since 2009, we have eCharged thousands of complaints in six counties and four judicial districts.
- CK brief bank – We have briefed virtually every issue in criminal law. There is no need to re-create the wheel, to Deephaven's benefit.
- DOC Portal/Statewide Supervision – we access jails, detention facilities and prison offender information.

ADDITIONAL RELATED SERVICES

The following legal services are outside Prosecution Services, but may be provided at the specific request of the City:

Police Policies. As part of our commitment to comprehensive prosecution services, we are available to draft policy memoranda, review police policies, analyze policy changes, and provide updates on legislative changes dealing with mandated policies.

Code Enforcement. We prosecute code violations for all of our prosecution clients and many of our civil clients. To accomplish compliance with city code provisions and city regulations, we emphasize communication with city staff and the development and implementation of a well-planned enforcement strategy that establishes deadlines and ensures timely follow-up by staff.

Criminal Appeals. Campbell Knutson provides an experienced appellate practice team. We have argued and won many cases before the Minnesota Court of Appeals and Supreme Court. Alina Schwartz is our primary criminal appellate attorney. Alina has an outstanding record of success in dozens of cases.

Extreme Risk Protective Orders (ERPOs). Campbell Knutson assists police departments with filing emergency petitions to obtain ERPOs and attends ERPO hearings on behalf of its clients.

Contract and Agreement Drafting. Campbell Knutson has drafted and reviewed all types of agreements, contracts, and policies related to criminal matters. In responding to a document drafting or review request, our attorneys will draw on the firm's expansive documents database to efficiently and effectively produce a quality product.

Ordinance Drafting. We routinely assist our clients in drafting and implementing criminal ordinances. We take a proactive approach toward ordinance review and drafting. More than almost any other area, ordinance drafting can transform a seemingly insignificant word or phrase into a major unforeseen problem.

Data Practices. Our attorneys will assist the police department in responding to data practices requests and issues. We continually monitor statutory changes in the Minnesota Government Data Practices Act and review the administrative opinions on data practices issues.

Vehicle Forfeitures. The firm has successfully handled thousands of vehicle forfeitures. Due to the volume of cases we handle, we put our clients on the cutting edge of new developments in the law, resulting in more forfeitures being sustained in the courts.

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COMPENSATION

A. **DEEPHAVEN**

Annual Retainer for Prosecution Services:

An annual retainer for all Prosecution Services of $50,000.00. The costs will be billed monthly at $4,166.66. The dollar amount of the prosecution annual retainer, annual costs for providing prosecution legal services, and hourly rates for all services performed under this Agreement shall be adjusted annually in an amount equivalent to the cost-of-living adjustment approved by the City for non-union employees.

Woodland

Annual Retainer for Prosecution Services:

An annual retainer for all Prosecution Services of $1,800.00. The costs will be billed monthly at $150.00. The dollar amount of the prosecution's annual retainer, annual costs for providing prosecution legal services, and hourly rates for all services performed under this Agreement shall be adjusted annually in an amount equivalent to the cost-of-living adjustment approved by the City for non-union employees.

B. ***Legal Fees For Additional Services:***

Legal services not included in Prosecution Services will be billed at the following hourly rates:

- Attorneys $175.00
- Legal Assistants/Law Clerks $100.00

The minimum billing increment is 0.2 hour.

C. ***Costs***: Out-of-pocket costs without markup include:

- Lexis (only if used for Deephaven matters)
- postage of 50¢ or more
- photocopies at 20¢ per page
- color copies at 40¢ per page
- court related costs, including court filing fees, expert witnesses (with prior consent of City), subpoenas, service of process, and court reporter fees
- conflict attorneys' fees and costs.

STATEMENT OF COMPLIANCE WITH CIVIL RIGHTS LAWS

The firm is fully compliant with state and federal laws, including EEOC, human rights, and data practices and agrees not to discriminate against any employee or applicant for employment on the basis of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, status with regard to public assistance or disability and to take affirmative action to assure that all employees are treated equally with respect to training, hiring, rates of pay and other forms of compensation.

INSURANCE

Campbell Knutson maintains comprehensive liability, professional liability, and workers' compensation insurance on all staff. We maintain malpractice insurance through Minnesota Lawyers Mutual and have policy limits of two million dollars per claim and five million dollars aggregate. If the City requires a higher per claim limit, please let us know and we will adjust our coverage. We have not had any malpractice claims against the firm or any of our attorneys, and no member of the firm has been subject to disciplinary action by the Lawyers Professional Responsibility Board. A copy of our Insurance Certificate is attached as Exhibit C.

MALPRACTICE CLAIMS AND ETHICS COMPLAINTS

In the past five years, the firm has not been the subject of any malpractice claims, and the firm has not been sued by cities or other clients. Soren M. Mattick and Jared D. Shepherd have been the subject of a complaint to the Board of Professional Responsibility by a resident of the City of Orono, but the complaint was summarily dismissed as meritless, without warranting any investigation. Our clients have not filed any ethics complaints against any of the attorneys at the firm. The same resident from the City of Orono has also sued the firm, Soren, and Jared; the Eighth Circuit Court of Appeals upheld the District Court's dismissal of the case.

Campbell Knutson has had occasional complaints filed against our firm's prosecutors by defendants that our firm was prosecuting. All of these complaints have been summarily dismissed, as the Board of Professional Responsibility determined the complaints did not warrant investigation. We can provide more information upon request.

CONFLICTS OF INTEREST

Campbell Knutson does not currently have any clients in conflict with Deephaven or Woodland and has not represented any client in conflict with Deephaven or Woodland. If such a situation develops where there is a conflict or perceived conflict we would follow the requirements and processes to provide both parties with proper representation.

We do not practice criminal defense. We have procedures in place at Campbell Knutson to check prospective clients, criminal defendants and victims for conflicts prior to representation. If a conflict arises, we will not handle the case and instead find another qualified prosecutor to represent the City.

RESEARCH CAPABILITIES AND REFERENCE SUBSCRIPTIONS

Our firm maintains a contract with Lexis, which provides a wealth of legal resources. The research database provides us with access to state and federal legal resources. We also maintain a library at our office with statute books and other reference materials. Additionally, attorneys regularly attend Continuing Legal Education (CLE) seminars to obtain the most updated legal resources and tools. These resources allow our attorneys to efficiently meet deadlines for legal reports and memoranda; we always meet court filing deadlines. Available resources include:

Lexis
IPAD Advisory Opinions
Black's Law Dictionary
IMLA Model Ordinance/Annual Supplement
Minnesota Misdemeanor & Moving Traffic Violations
Current Minnesota Rules of Court – State
Current Minnesota Rules of Court - Federal
Current Minnesota Session Laws
Current Minnesota Statutes
DMT Operator Training Booklet
NHTSA – DWI Detection and Standardized Field Sobriety Testing
DWI/Implied Consent Elements – MN Attorney General's Office
Minnesota Jury Instruction Guides - Criminal
Minnesota Judges Criminal Benchbook

CLEs AND PROFESSIONAL ASSOCIATION ACTIVITIES

CLE courses recently attended or to be attended by Prosecutors:

Impaired Driving (New Laws, New Issues and New Decisions) at BCA Lab;
Sponsor: MN County Attorneys Association

The Prosecutors Toolkit for DWI Prosecution (Toxicology) at BCA Lab
Sponsor: MN County Attorneys Association

Trial Advocacy I
Sponsor: MN County Attorneys Association

Prosecutorial Error
Sponsor: Hennepin County Attorneys' Office

Jury Selection: Psychology and Technology
Sponsor: Hennepin County Bar Association

Minnesota City Attorneys Educational Conference *(Every Year)*
Sponsor: MN Government Training Services

(Elliott Knetsch–Presenter) 6th Annual Suburban Hennepin County Prosecutors Association CLE
Sponsor: Suburban Hennepin County Prosecutors Association

Trials of the Century
Sponsor: MN Continuing Legal Education

Crystal Meth: Unlike Any Other Drug Addiction, Addicts and the Justice System
Sponsor: MN State Bar Association (Criminal Law Section)

Annual Suburban Hennepin County Prosecutors Association CLE
Sponsor: Suburban Hennepin County Prosecutors Association

Dakota County Bar Association CLEs
– When Your Client is Impaired
– Employment Law Seminar

Making the System Work CLE (Ethics and Elimin. of Bias)
Sponsor: Legal Assistance of Dakota County

DWI – The Intoxilyzer Source Code Demystified CLE
Sponsor: MN Continuing Legal Education

Minnesota DWI Urine Testing: A Fluid Body of Law CLE
Sponsor: Hennepin County Bar Association

Tips to Avoid Common Courtroom Mistakes CLE
Sponsor: Hennepin County Bar Association

Criminal Law: Limiting Peremptory Challenges and Ethics (Impaired Clients) CLE
Sponsor: MN Continuing Legal Education

How to Effectively Prosecute and Defend DWIs in Minnesota
Sponsor: MN Continuing Legal Education

Ethics and the Practice of Criminal Law
Sponsor: Minneapolis City Attorney's Office

PROSECUTION REFERENCES

Plymouth
3400 Plymouth Boulevard
Plymouth, MN 55447
Dave Callister, City Manager
(763) 509-5000
dcallister@plymouthmn.gov
Erik Fadden, Police Chief
(763) 509-5188
efadden@plymouthmn.gov
Drew Gilmore, Deputy Police Chief
(763) 464-1206
tgilmore@plymouthmn.gov

Shorewood
5755 Country Club Road
Shorewood, MN 55331
Marc Nevinski, City Administrator
(952) 960-7905
mnevinski@ci.shorewood.mn.us
Justin Ballsrud, Police Chief
(952) 388-9498
jballsrud@southlakepd.com

Eagan
3830 Pilot Knob Road
Eagan, MN 55122
Dianne Miller, City Administrator
(651) 675-5014
dianne.miller@cityofeagan.com
Roger New, Police Chief
(651) 675-5801
rnew@cityofeagan.com
Andy Speakman, Deputy Police Chief
(651) 248-9219
aspeakman@cityofeagan.com

Lakeville
9237 183rd Street West
Lakeville, MN 55044
Justin Miller, City Administrator
(952) 985-4403
jmiller@lakevillemn.gov
Brad Paulson, Police Chief
(952) 985-4801
bpaulson@lakevillemn.gov

South St. Paul
125 Third Avenue North #3
South St. Paul, MN 55075
Brian Wicke, Police Chief
(651) 413-8301
bwicke@sspmn.org

Chanhassen
7700 Market Blvd.
PO Box 147
Chanhassen, MN 55317
Laurie Hokkanen, City Manager
(952) 227-1119
lhokkanen@chanhassenmn.gov
Jason Kamerud, Sheriff
Carver County Sheriff's Dept.
606 East Fourth Street
Chaska, MN 55318
(952) 361-1212
jkamerud@co.carver.mn.us

Farmington
19500 Municipal Drive
Farmington, MN 55024
Gary Rutherford, Police Chief
(651) 280-6701
grutherford@farmingtonmn.gov

Burnsville
100 Civic Center Parkway
Burnsville, MN 55337
Gregg Lindberg, City Manager
(952) 895-4465
gregg.lindberg@burnsvillemn.gov
Tanya Schwartz, Police Chief
(952) 895-4593
tanya.schwartz@burnsvillemn.gov
Matt Smith, Deputy Police Chief
(952) 641-1100
matt.smith@burnsvillemn.gov

RESUMES



ALINA SCHWARTZ

Primary Contact
Principal Prosecutor

aschwartz@ck-law.com
(651) 234-6220

PROFESSIONAL EXPERIENCE

Alina joined the firm in 2005. Prior to joining Campbell Knutson, she served as a summer law clerk in the Criminal and Public Safety Divisions in the Minnesota Attorney General's Office. She completed an externship with a Hennepin County District Court Judge and volunteered her legal services at the Volunteer Lawyers Network.

PRACTICE AREAS

Alina is a full-time prosecutor with Campbell Knutson. She handles all aspects of criminal cases – from the charging decision and briefing to the contested hearings and jury trials. She is also an appellate specialist, having successfully briefed and argued numerous criminal appeals in the Minnesota Supreme Court and the Minnesota Court of Appeals.

PROFESSIONAL MEMBERSHIPS

- American Bar Association
- Hennepin County Bar Association
- Minnesota State Bar Association
- Suburban Hennepin County Prosecutors' Association
- Hennepin County Criminal Justice Taskforce
- Hennepin County Domestic Violence Steering Committee
- Dakota County Bar Association

PRESENTATION

- Presenter. Abatement, Civil Injunctions, and Criminal Prosecution: An Overview and Best Practices for Handling Tricky Code Violations (2024).

EDUCATION

William Mitchell College of Law
J.D., *cum laude*

National University of Chernivtsi, Ukraine
M.A., *cum laude*

BAR ADMISSIONS

Minnesota

CONOR TOBIN

Prosecution Associate

ctobin@ck-law.com
(651) 234-6233



PROFESSIONAL EXPERIENCE

Conor joined Campbell Knutson in 2024. He has been working in criminal law since 2005 when he was a judicial extern for the Honorable Judith M. Tilsen and was a law clerk for the Honorable Robert A. Awsumb. Conor has practiced as a litigator in both civil and criminal cases, arbitrations, and on appeals and served as a panel member of Criminal Defense Services, Inc. He has been a Rising Star and Super Lawyer, and, in addition to his civil practice, he has been a prosecutor since 2016. Before entering law school, Conor completed a Fulbright Fellowship at the University of Oslo. He previously served as volunteer guardian *ad litem* and is currently a conciliation court referee in Ramsey County.

PRACTICE AREAS

Conor is a full-time prosecutor at the firm where he brings not only his prosecution experience but also 20 years of working with other attorneys, litigants, judges, police officers, administrators, and clients.

PROFESSIONAL MEMBERSHIPS

- Minnesota State Bar Association
- Wisconsin State Bar Association
- Washington State Bar Association
- Ramsey County State Bar Association

EDUCATION

William Mitchell College of Law
J.D.

University of Oslo,
Fulbright Fellowship,

Augsburg College,
B.A.

BAR ADMISSIONS

Minnesota
Wisconsin
Washington
US District Court for the District of Minnesota

HENRY A. SCHAEFFER, III

Prosecution Associate

hschaeffer@ck-law.com
(651) 234-6214



PROFESSIONAL EXPERIENCE

Henry began his 30-year legal career as a private practitioner in Apple Valley. He eventually became a named partner at McDonough, Wagner, Schaeffer and Ho where he practiced in the areas of family law and criminal defense. In 2000, he focused his career exclusively in criminal defense when he joined the full-time First District Public Defender's Office. Henry joined Campbell Knutson as a full-time prosecutor in 2005, and now has nearly 20 years of prosecutorial experience under his belt as one of Campbell Knutson's senior prosecutors.

PRACTICE AREAS

Henry is full-time prosecutor with Campbell Knutson. His background and passion for criminal law is invaluable in this position. Henry has handled thousands of criminal cases ranging from speeding tickets to first degree murder. Henry has an impressive litigation record including hundreds of court trials, and countless jury trials.

PROFESSIONAL MEMBERSHIPS

- American Bar Association
- Suburban Hennepin County Prosecutors' Association
- Dakota County Bar Association Member
- Dakota County Criminal Courts Partners Workgroup
- Board of Directors Legal Assistance of Dakota County
- Warren E. Burger Inn of Court (1995-1999)
- Minnesota State Bar Association
  - Public Law Section and Criminal Section
- Minnesota Association of City Attorneys
- First District Bar Association

EDUCATION

William Mitchell College of Law
J.D., *magna cum laude*

Hamline University
B.A., *magna cum laude*

BAR ADMISSIONS

Minnesota Supreme Court

RECOGNITION

MADD Metro Area Prosecutor of the Year 2016

JEROME M. PORTER

Prosecution Associate

jporter@ck-law.com
(651) 452-5000



PROFESSIONAL EXPERIENCE

Jerome joined the firm in 2016 and practices in the area of criminal prosecution. He previously worked in criminal prosecution at LeVander, Gillen & Miller, P.A. in South St. Paul and later transferred firms and joined Grannis & Hauge, P.A. Seventeen years later, Jerome continues to provide criminal prosecution services to municipalities.

PRACTICE AREAS

For the past eleven years, Jerome's practice has been focused exclusively on criminal prosecution.

PROFESSIONAL MEMBERSHIPS

- Minnesota State Bar Association
- Dakota County Bar Association
- First Judicial District Bar Association
- Dakota County Criminal Courts Partners Workgroup
- Dakota County ICCR Pilot Program

PRESENTATIONS

- Presenter, DWI Science & Advocacy (2019): "Don't Cross the Line: Ethics for DWI Lawyers"
- Presenter, Minnesota Judicial Brach, Judicial Law Clerk CLE Seminar (2014): "A Practical Examination of a Legal Practitioner's Ethical Obligation to Ensure that Litigation Remains Meritorious"

EDUCATION

William Mitchell College of Law
J.D., *cum laude*

St. John's University
B.A., *cum laude*

BAR ADMISSIONS

Minnesota

U.S. District Court, District of Minnesota

RECOGNITION

Minnesota SuperLawyers® Rising Star: 2014, 2015, 2016, 2017, 2018, and 2019

COMMUNITY

- Eagan High School Mentorship Program, Mentor (2012-Present)
- Eagan Family Resource Center, Supervisor (2007-2011)
- Mock Trial Coach, Eastview High School (2005-2008)
- Eagan Athletic Association Coach (2016-Present)



BENJAMIN COLBURN

Prosecution Associate

bcolburn@ck-law.com
(651) 234-6231

PROFESSIONAL EXPERIENCE

Ben's 25-year career practicing law began as a Judicial Law Clerk for both the Honorable Donald Rysavy and the Honorable Fred Wellmann in the Third Judicial District of Minnesota. Ben then entered into private practice as a criminal defense and family law attorney representing individual clients in District Court throughout the State of Minnesota. For the last 15 years, Ben has been an exclusive criminal prosecutor representing numerous municipal entities in Dakota County Criminal Court and at the Minnesota Court of Appeals.

PRACTICE AREAS

Ben joined the Campbell Knutson law firm in 2021 and focuses his practice exclusively as a prosecutor in criminal court. Ben appears in court as a City Prosecutor for all aspects of a criminal case: Arraignments, Pretrial hearings, Omnibus hearings, contested Omnibus and Evidentiary hearings, Court Trials, Jury trials, Probation Violation hearings, and vehicle forfeiture hearings.

PROFESSIONAL MEMBERSHIPS

- Minnesota State Bar Association – Criminal Law Section
- Minnesota State Bar Association – Family Law Section
- Dakota County Bar Association

EDUCATION

William Mitchell College of Law, J.D.

Carleton College, B.A.

Lancaster University (U.K.)

University of Wisconsin – Milwaukee

BAR ADMISSIONS

Minnesota

CARA A. MCDONALD

Prosecution Associate

cmcdonald@ck-law.com
(651) 234-6203



PROFESSIONAL EXPERIENCE

Cara began her legal career as a judicial law clerk for the Honorable Erik Askegaard and the Honorable Rex Stacey. She entered the field of criminal law as a defense attorney, including a position as a full-time public defender. Cara has handled hundreds of criminal cases, ranging from traffic violations to homicide.

PRACTICE AREAS

Cara joined Campbell Knutson in 2022. She exclusively practices city prosecution.

PUBLICATIONS

Blurred Elements: The Nebulous Nature of Foreseeability, the Confounding Quality of Misfeasance, and the Minnesota Supreme Court's Decision — Doe 169 v. Brandon, 41 WM. MITCHELL L. REV. 65 (2015).

PROFESSIONAL MEMBERSHIPS

- Minnesota State Bar Association
- Suburban Hennepin County Prosecutors' Association
- Dakota County Bar Association

EDUCATION

William Mitchell College of Law
J.D., *cum laude*

University of Minnesota
B.A., *cum laude*

BAR ADMISSIONS

Minnesota

MEAGAN K. KELLEY

Prosecution Associate

mkelley@ck-law.com
(651) 234-6227



PROFESSIONAL EXPERIENCE

Prior to joining Campbell Knutson as a prosecution associate in 2020, Meagan served as a judicial law clerk for the Honorable Gary W. Bastian and the Honorable Adam C. Yang in the Second Judicial District of Minnesota. She previously clerked for multiple years at the Ramsey County Attorney's Office. As a law clerk, Meagan was responsible for handling thousands of hearings for adult felony cases. She also completed an externship in municipal prosecution at Kelly & Lemmons, P.A.

PRACTICE AREAS

Meagan joined Campbell Knutson in 2020. She is a full-time prosecutor, regularly appearing in court to handle arraignments, pretrial hearings, contested omnibus hearings, and court trials. In addition, Meagan provides representation to cities on vehicle forfeitures.

PROFESSIONAL MEMBERSHIPS

- Minnesota State Bar Association
- Suburban Hennepin County Prosecutors' Association
- Dakota County Bar Association

EDUCATION

Mitchell Hamline School of Law, J.D.

University of Minnesota, B.A.

BAR ADMISSIONS

Minnesota

RECOGNITION

Dean's List

EXHIBIT A: CLIENT CITIES – POPULATIONS

CK Civil Clients (Largest to Smallest)

Cities	Population
Plymouth*	78,551
Lakeville*	77,971
Burnsville*	64,864
Edina	53,564
St. Louis Park	49,899
Prior Lake	28,018
Elk River	27,606
Chanhassen*	25,746
Farmington*	24,464
Otsego	23,875
Monticello	15,482
Big Lake	12,855
North Saint Paul	12,644
Mendota Heights*	11,542
Dayton	10,744
Arden Hills	9,490
Orono	8,228
Wyoming	8,173
Shorewood*	7,557
Zimmerman	6,772
Elko New Market	5,193
Lonsdale	5,066
Lindström	5,026
Falcon Heights	5,002
Watertown	4,774
Stacy	4,378
Mora	3,779
Mountain Lake	1,944
Dundas	1,806
Braham	1,776
Vermillion Township	1,279
Shafer	1,203
Loretto	610
Vermillion*	429
Woodland	377
Total	**600,687**

CK Prosecution Clients (Largest to Smallest)

Cities	Population
Plymouth	78,551
Lakeville	77,971
Eagan	67,240
Burnsville	64,864
Inver Grove Heights	36,226
Rosemount	30,581
Chanhassen	25,746
Farmington	24,464
Hastings	22,502
South St. Paul	20,590
Mendota Heights	11,542
Minnetrista	9,091
Mound	9,031
Orono	8,228
Shorewood	7,557
Empire	3,177
St. Bonifacius	2,169
Tonka Bay	1,540
Lilydale	779
Greenwood	713
Minnetonka Beach	529
Randolph	458
Vermillion	429
Total	**503,978**

* Civil and Prosecution Clients

Combined Population Civil and Prosecution Clients 1,104,665

EXHIBIT B: INSURANCE CERTIFICATE

MINNESOTA LAWYERS MUTUAL®
INSURANCE COMPANY

333 South Seventh Street, Suite 2200
Minneapolis, MN 55402
Phone: (612) 341-4530 || Fax: (800) 305-1510

Policy Number: 3106 40

DECLARATIONS
LAWYERS PROFESSIONAL LIABILITY POLICY
CLAIMS-MADE and REPORTED

THIS IS A CLAIMS-MADE AND REPORTED POLICY. IT APPLIES ONLY TO THOSE CLAIMS THAT ARE BOTH FIRST MADE AGAINST THE INSURED AND REPORTED IN WRITING TO MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY ACCORDING TO THE NOTICE OF CLAIMS AND DISCIPLINARY PROCEEDINGS SECTION AND THE NOTICE OF POTENTIAL CLAIMS SECTION. PLEASE CAREFULLY REVIEW THIS POLICY IN ITS ENTIRETY.

Item 1. Named Insured: Campbell Knutson, Professional Association
Address: 860 Blue Gentian Rd
Ste 290
Eagan, MN 55121

Item 2. Policy Period **Effective Date:** 5/1/2025 to **Expiration Date:** 5/1/2026
12:01 a.m. at the address of the Named Insured in Item 1.

Item 3. Limits of Liability: $2,000,000 **Per Claim**
$5,000,000 **Aggregate**

Item 4. Deductible: $15,000 **Per Claim**

Item 5. Knowledge Date: 5/1/1986

Item 6. Premium: $32,687 **Number of Lawyers: 17**

Item 7. Forms and Endorsements:
MLM-0019 (01-22) Prior Acts Retroactive Date Endorsement, MLM-0032 (01-22) Minnesota Changes Endorsement, MLM-2000 (01-22) COVERAGE FORM

Item 8. Notice
The Insured shall give written notice of CLAIMS, DISCIPLINARY PROCEEDINGS, and/or POTENTIAL CLAIMS to:
Minnesota Lawyers Mutual Insurance Company online at: www.mlmins.com/insurance/claims-reporting; OR
Minnesota Lawyers Mutual Insurance Company || 333 South Seventh Street, Suite 2200 || Minneapolis, MN 55402

In witness whereof, Minnesota Lawyers Mutual Insurance Company has caused this policy to be signed by its President and Secretary and countersigned by a duly authorized agent of the Company.

MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY

Roger Fellows, Secretary — Jennifer Shaw, Authorized Agent — Suzanne Robinson, President

Stantec

Memo

To:	Honorable Mayor and Council	From:	Steven Hegland, City Engineer
Project:	2026 Street Improvement Project – Approval of Plans and Specifications, Authorization to Bid	Date:	December 29, 2025

Purpose

At the December 1st work session, the City Council discussed the 2026 Street Improvement project scope and phasing and determined the final project areas. Stantec has prepared the plans and specifications for the project and are asking the City Council to approve the plans and specifications and authorize bidding of the 2026 Street Improvement Project.

Project Overview and Timeline

Staff have prepared the plans and specifications and bidding documents for the 2026 Street Improvement Project, including the advertisement for bid for the project which is included as an attachment to this memo.

The project is comprised of a base bid street improvement project of approximately three miles and two additional alternate street improvement projects of approximately one mile each. Included in the improvement project is the Montgomerie Ave Stormwater Improvements which will also be an alternate bid for the project.

The project will primarily consist of a full-depth reclamation improvement to the roadways within the project areas. This pavement improvement technique concentrates on restoring and reinforcing the existing pavement instead of tearing out and rebuilding the roads. During this process, the current roadway surface and base will be ground in place to create a stronger subgrade, which will then be covered with a new surface layer. Select areas of the project will include a mill and overlay, which is where the top layer of asphalt is milled off with a new surface layer of asphalt being placed.

The project also incorporates drainage improvements including the replacement of curb and gutter in select areas to maintain drainage and the replacement of deteriorated storm sewer and culverts. The sanitary sewer laterals throughout the project area were televised and services with structural deficiencies within the ROW will be improved to the ROW limits to help protect the new roadway integrity.

Attached to this memo are select sheets from the project plan set.

Below is a breakdown of the proposed project timelines.

Project Advertisement of Bids in Paper	January 15th, 2026
Bid Opening	February 10th, 2026
Present Bids to Council for Review and Approval	March 2nd, 2026
Begin Construction	May or June 2026
Construction Substantial Completion	October 16th, 2026

Reference: 2026 Street Improvement Project

Project Costs

Below is a breakdown of the estimated project costs. The construction administration is shown as 8% of the construction costs for an initial number and will be further refined ahead of construction.

	Base Project	Alt Area 2	Alt Area 3	Alt Area 4 (Montgomerie Stormwater)
Project Investigation and Design (including Geotech and Televising)	$216,817	$72,272	$72,272	$54,000
Construction Costs	$2,540,154	$886,334	$852,166	$351,917
Construction Administration	$203,212	$70,906	$68,173	$50,000
Total Project Costs	**$2,960,183**	**$1,029,512**	**$994,611**	**$455,917**

Council Request

We ask that the City Council approve the plans and specifications for the 2026 Street Improvement Project and authorize project bidding.

Thank you,

Steven Hegland
City Engineer
Phone: (763) 479-4237
steven.hegland@stantec.com

Attachments: Advertisement to Bid
Select Project Plan Sheets

CITY OF DEEPHAVEN
ADVERTISEMENT FOR BIDS

NOTICE TO CONTRACTORS

Electronic Bid Proposals will be received by the City of Deephaven, 20225 Cottagewood Road, Deephaven, Minnesota 55331, on the QuestCDN.com website via the VirtuBid electronic bidding application. Only electronic bids will be accepted for this project. Bids will be received on the QuestCDN.com website, until **10:00 A.M., CST Tuesday, February 10th, 2026** at which time such bids will be publicly opened electronically and reviewed for the furnishing of all labor, materials, and all else necessary for the following:

2026 STREET IMPROVEMENT PROJECT

The work, in accordance with Drawings and Specifications prepared by Stantec Consulting Services Inc., consists of the following major items of work and approximate quantities:

66,000 Square Yards	Reclaimed Bituminous Pavement
6,900 Cubic Yards	Common Excavation of Reclaimed Pavement
950 Lineal Feet	RCP Storm Sewer
190 Lineal Feet	Directionally Drilled Storm Sewer
4,500 Lineal Feet	Concrete Curb and Gutter
16,800 Tons	Bituminous Pavement
7,400 Square Yards	Sod and Seeding

Together with selective demolition, erosion controls, paving, driveway restoration, site restoration, pavement patching, and other related appurtenances.

Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified check made payable to the City of Deephaven" (OWNER) in the amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the OWNER, with the surety company thereon duly authorized to do business in the State of Minnesota. Such Bid Security to be a guarantee that the bidder will not, without the consent of the OWNER, withdraw their bid for a period of ninety (60) days after the opening of bids, and if awarded a contract, will enter into a contract with the OWNER; and the amount of the certified check will be retained or the bond enforced by the OWNER in case the bidder fails to do so. All bid securities except those of the three lowest bidders will be returned within five days after the opening of bids.

Eligible Bidders for this project must meet the Minimum Criteria as defined in the Responsible Contractor Requirement in accordance with Minnesota Statutes § 16C.285, subdivision 3, and additional criteria required by the OWNER.

Bid Proposals shall be submitted on forms furnished for that purpose. Bids shall be submitted electronically through the QuestCDN website in accordance with the Instructions to Bidders. No bidder shall withdraw their bid, without the consent of the OWNER, for the period of days indicated above after the date for the opening thereof. The OWNER, however, reserves the right to reject any or all bids and to waive any minor irregularities, informalities, or discrepancies. A work history detailing qualifications and past experience must be provided upon request.

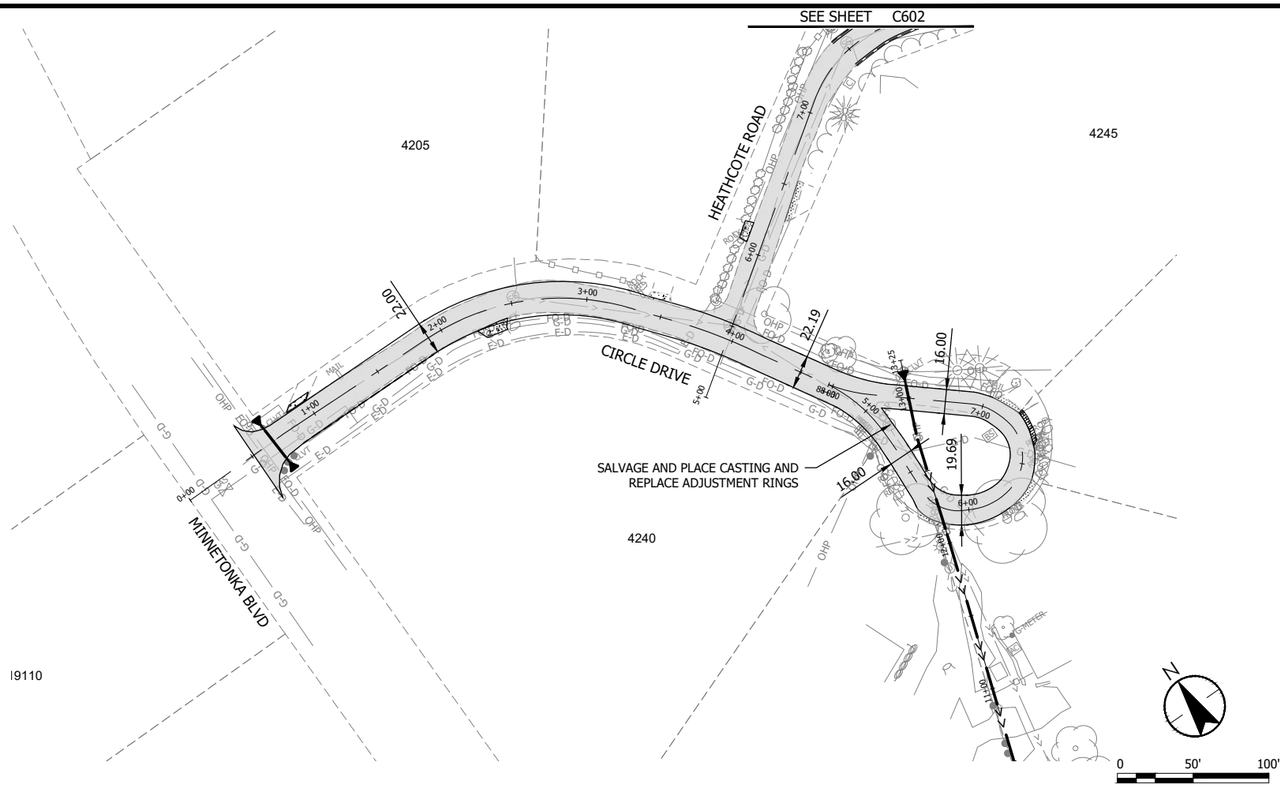
The Project Manual is available on QuestCDN (www.questcdn.com). You may download the digital plan documents for $30.00 by inputting **Quest Project #9996647** on the website's project search page. Please contact QuestCDN at 952-233-1632 or info@questcdn.com for assistance in free membership registration, downloading, and working with this digital project information, and submission of electronic bids.

Direct inquiries to Steve Hegland at (763) 479-4237 or steven.hegland@stantec.com

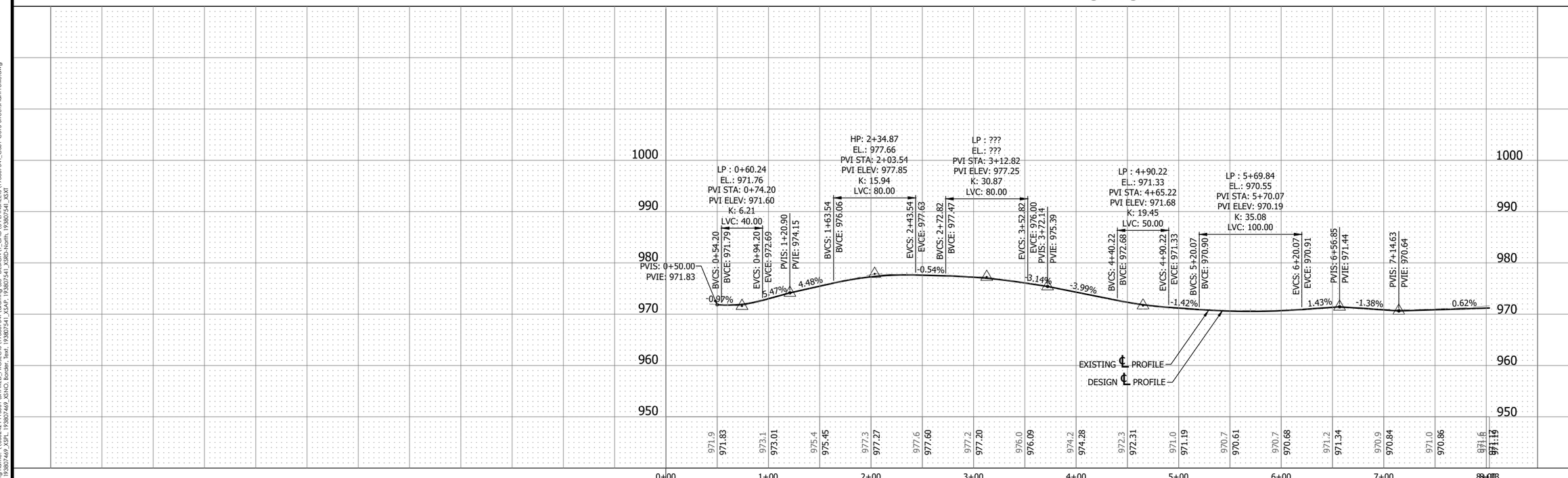
Steven Hegland City Engineer
Stantec Consulting Services

PUBLISHED: QuestCDN.com: January 16th, 2026
Sun Sailor January 15th, 2026

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PRINT NAME: STEVEN HEGLAND

SIGNATURE: _____ LIC. NO. 55243

DATE: _____ ####

DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 1 - CIRCLE DRIVE

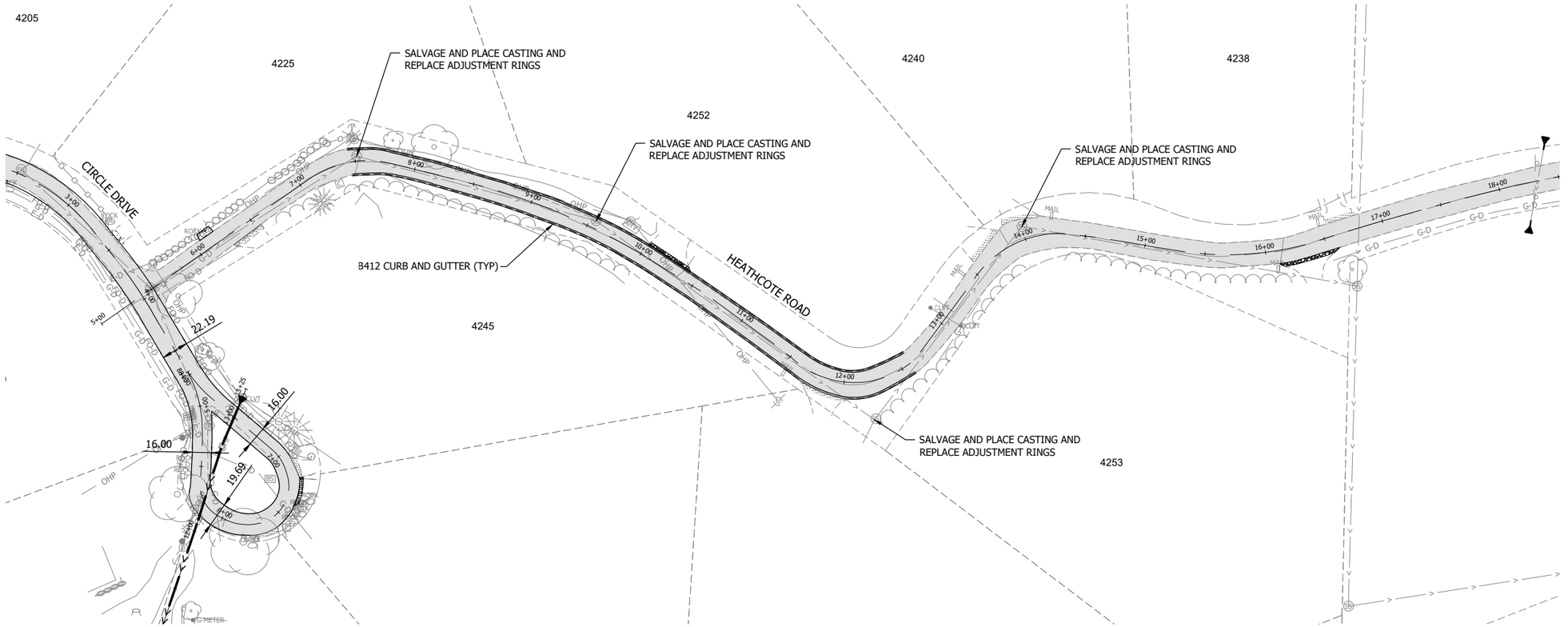
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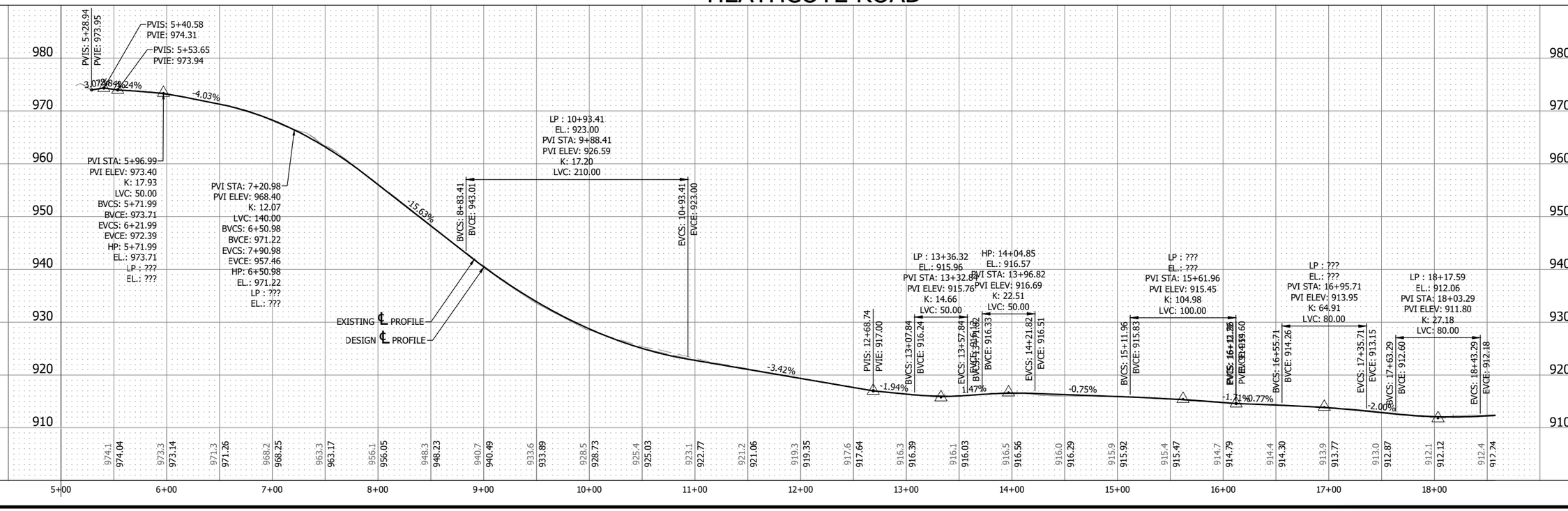
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LIC. NO. 59243

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2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 1 - HEATHCOTE ROAD

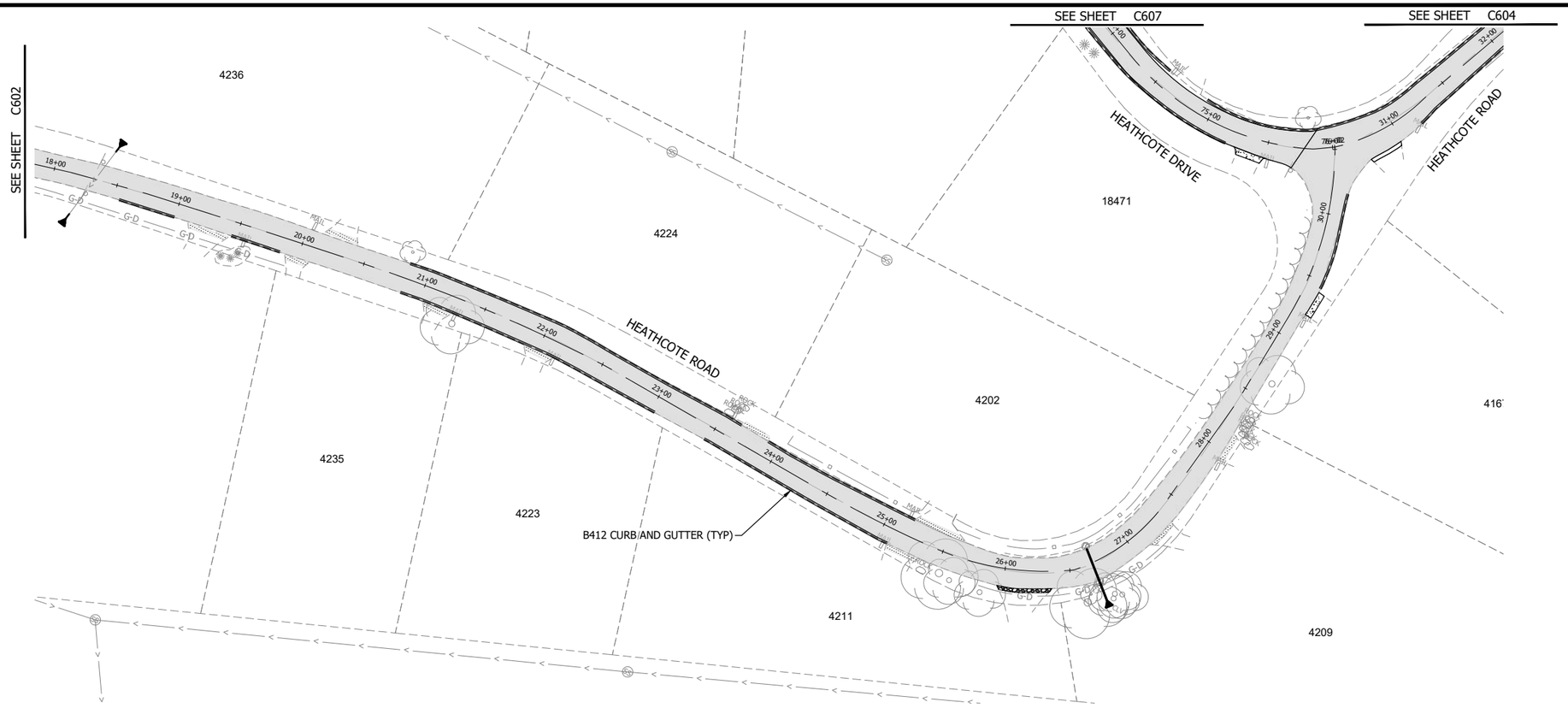
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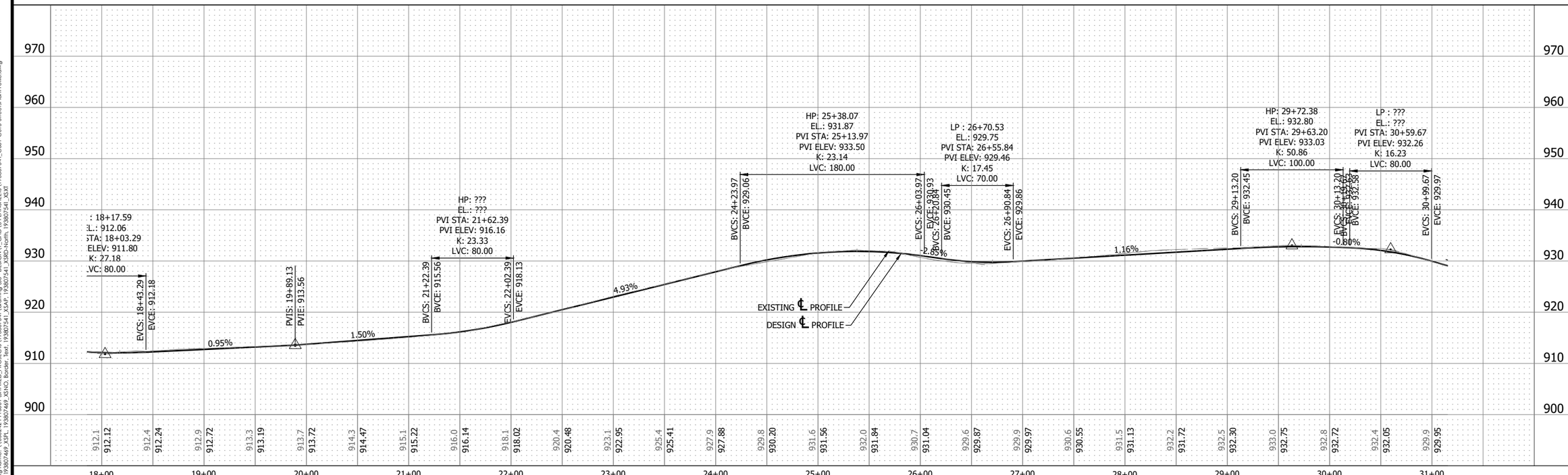
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SIGNATURE: _____ LIC. NO. 55243

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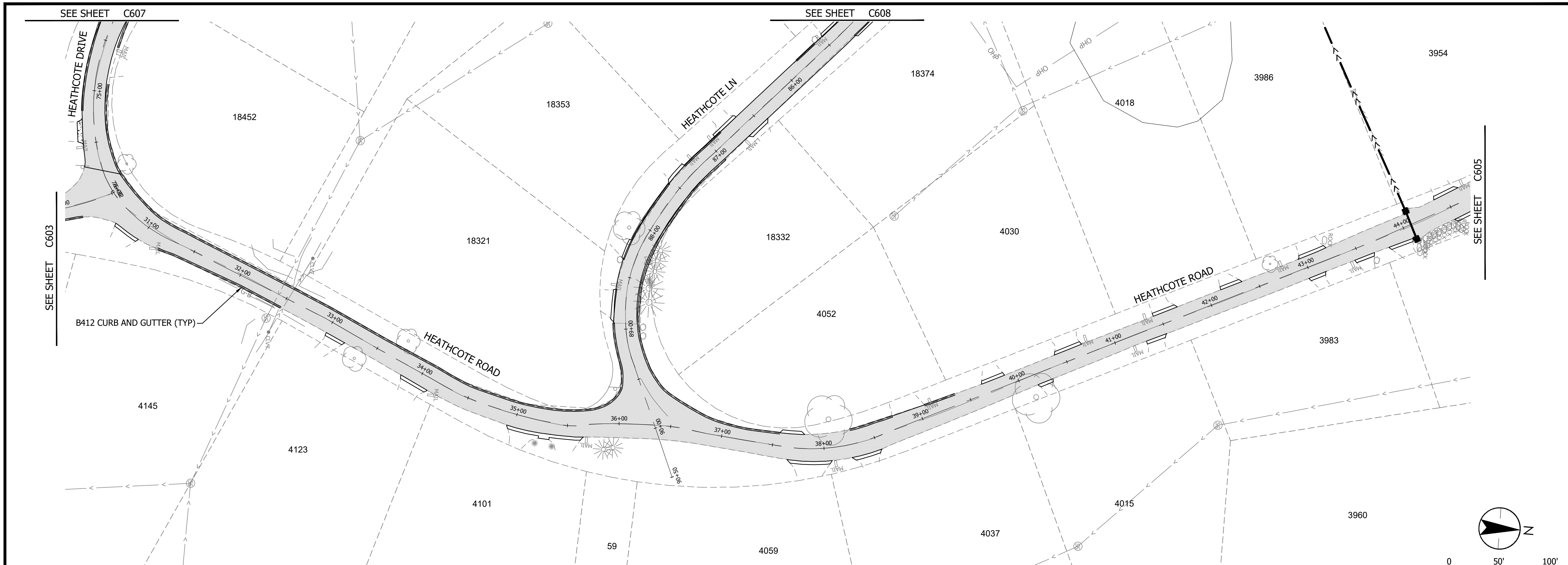
DEEPHAVEN, MINNESOTA
2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 1 - HEATHCOTE ROAD

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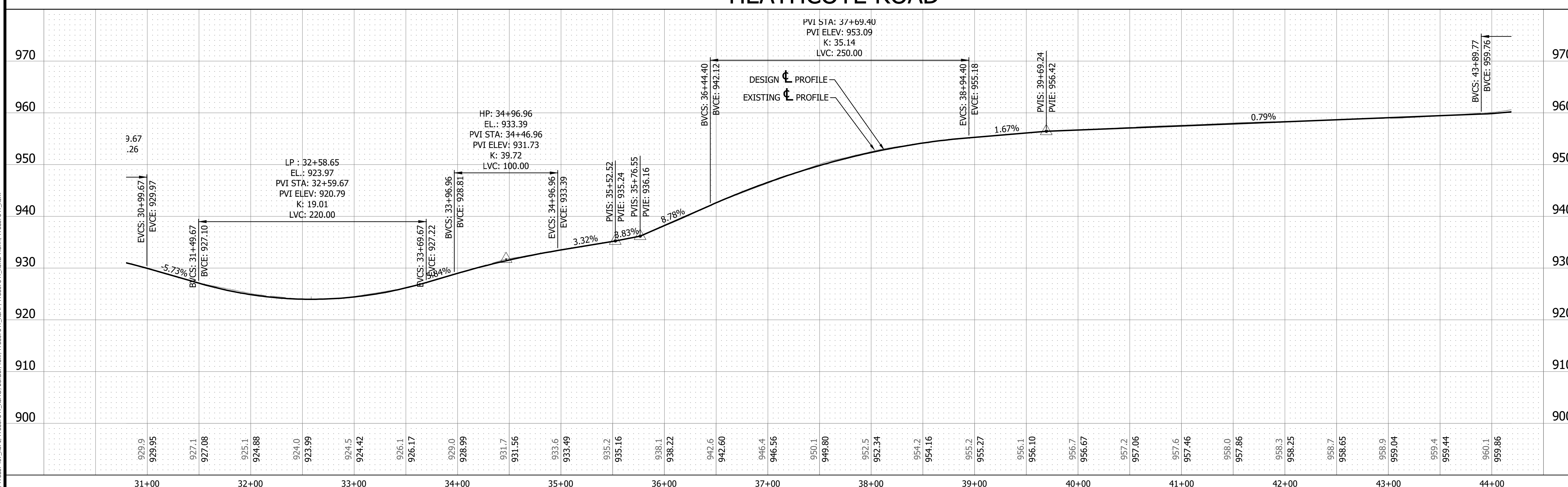
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DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 1 - HEATHCOTE ROAD

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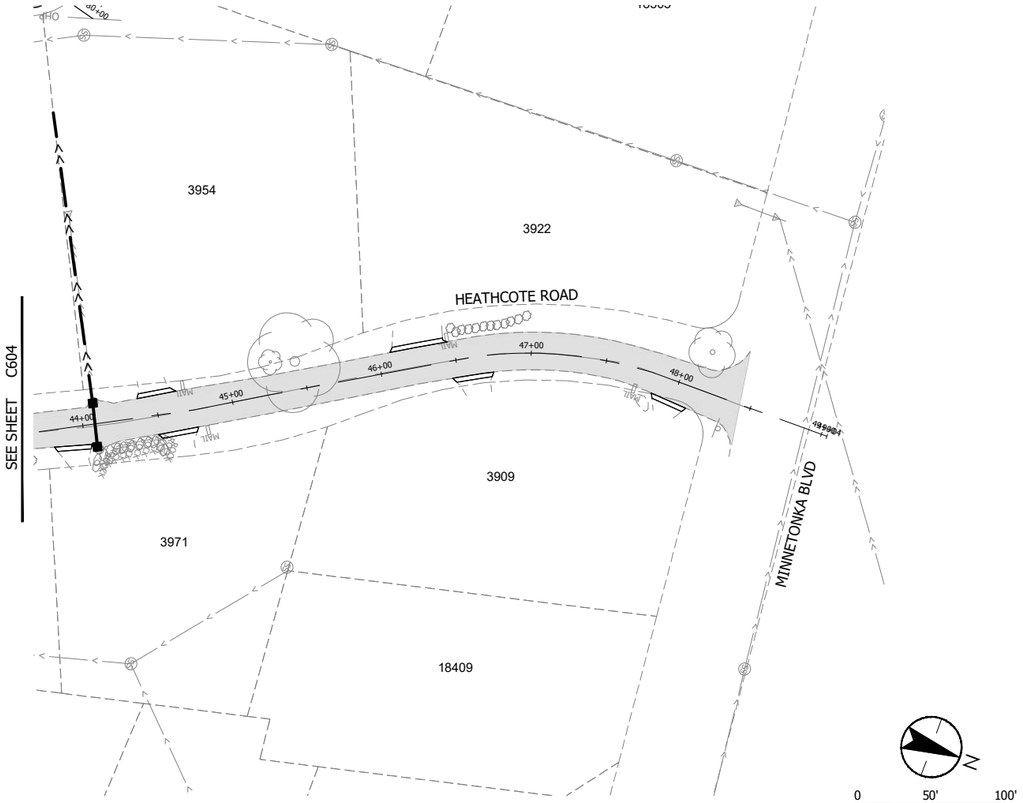
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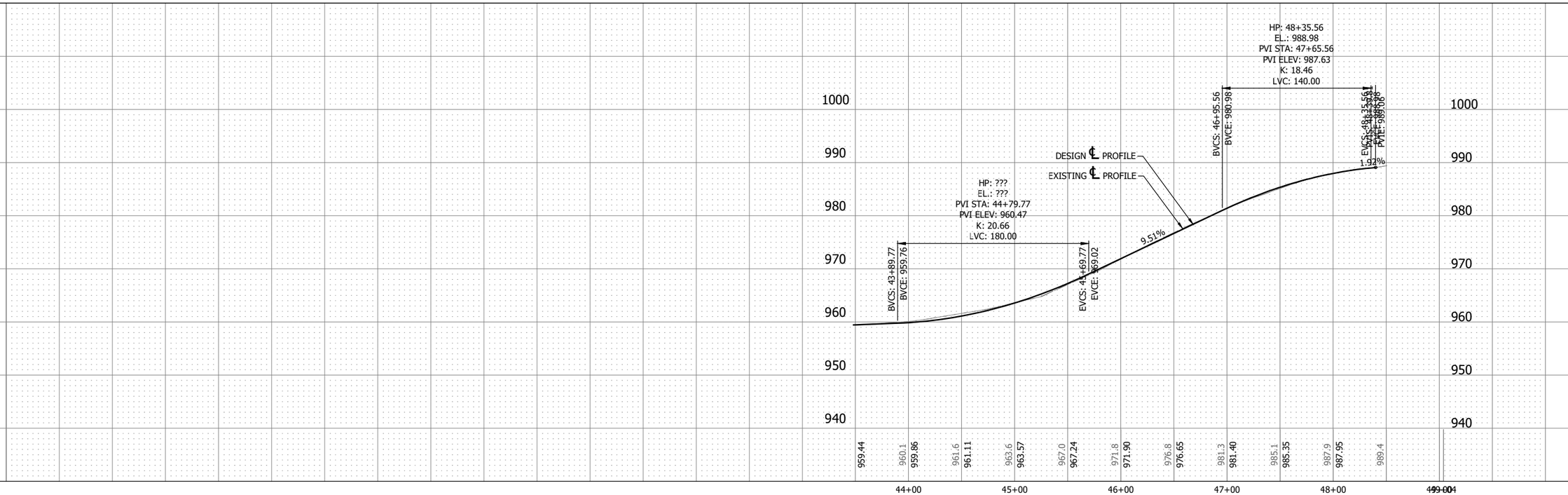
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DATE: ____ ####

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2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 1 - HEATHCOTE ROAD

NO	REVISION	DATE

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PROJ. NO. 193807541

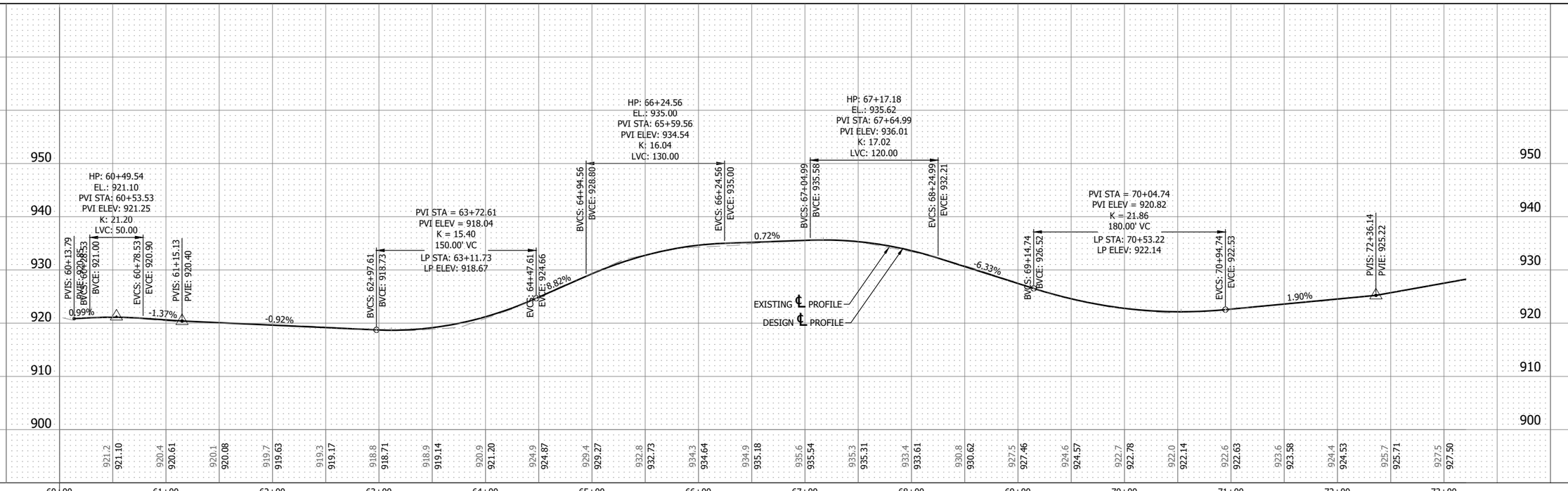
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SIGNATURE:

DATE:

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2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 1 - HEATHCOTE DRIVE

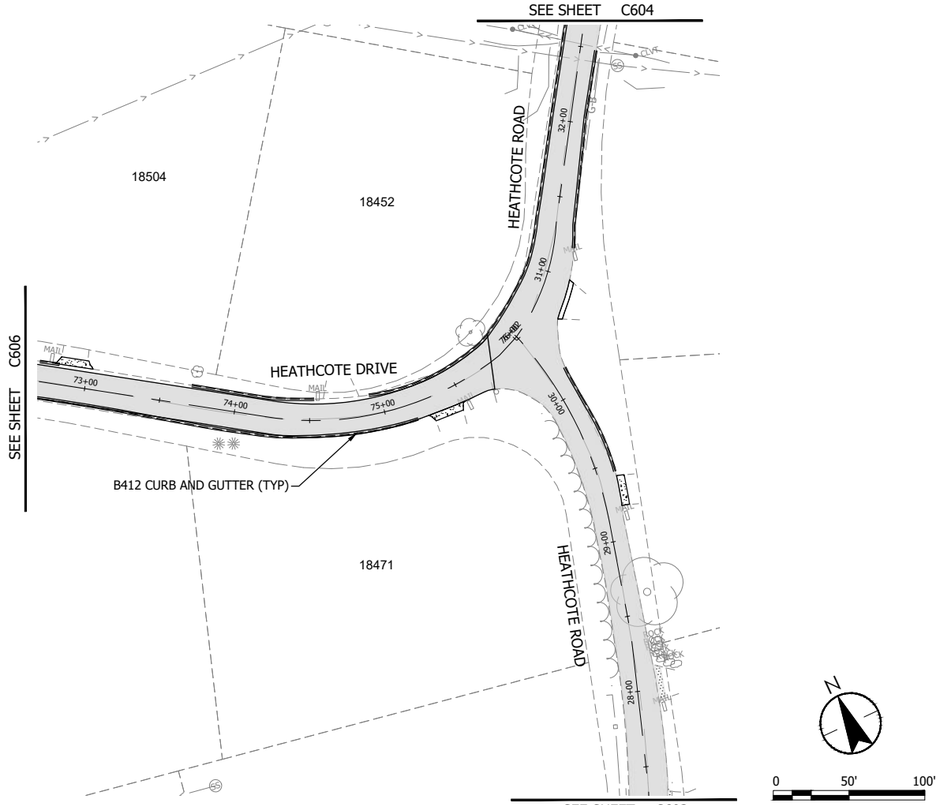
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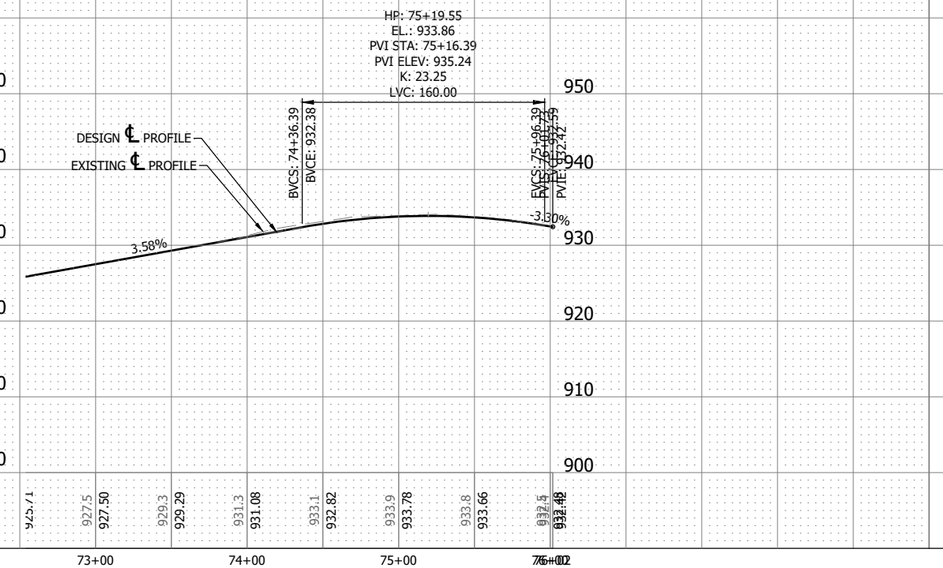
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DATE: _____ ####

DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 1 - HEATHCOTE DRIVE

NO	REVISION	DATE

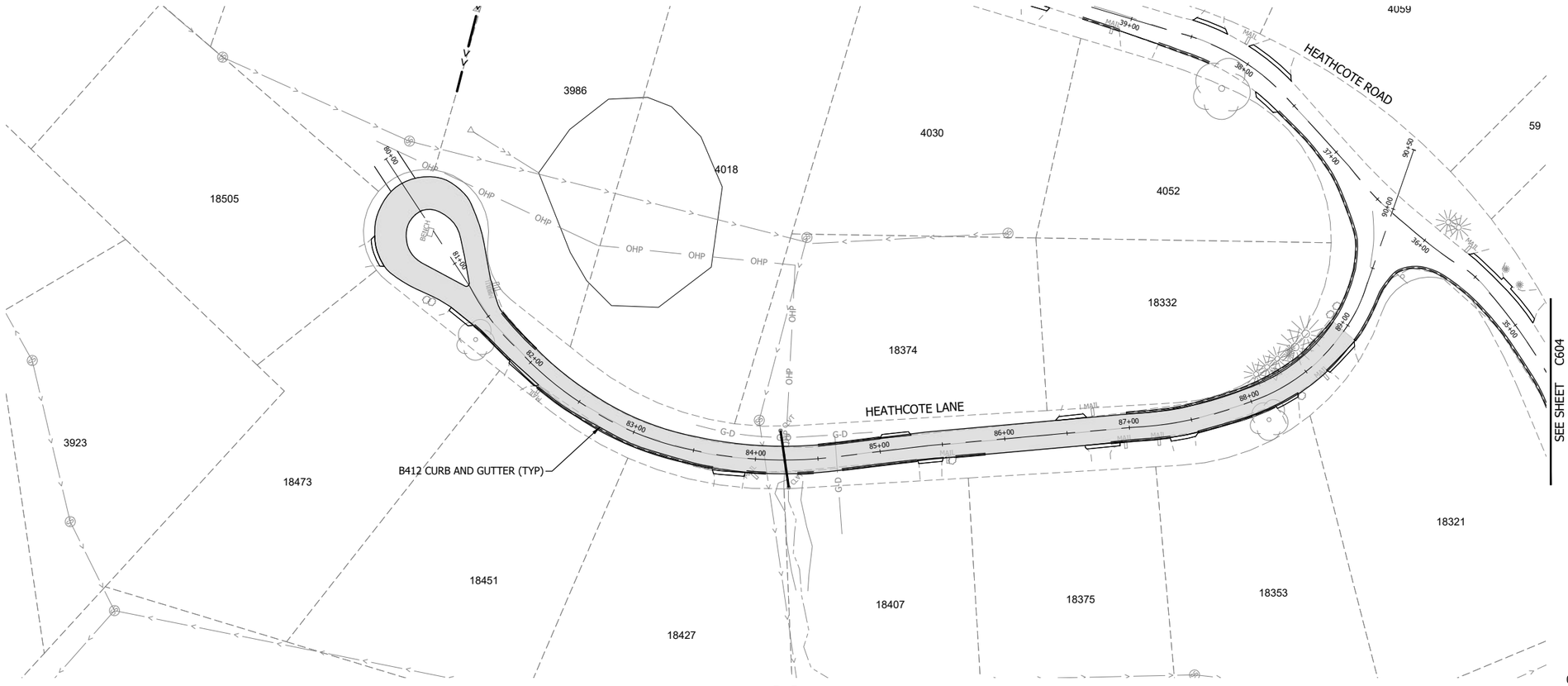
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SHEET NUMBER

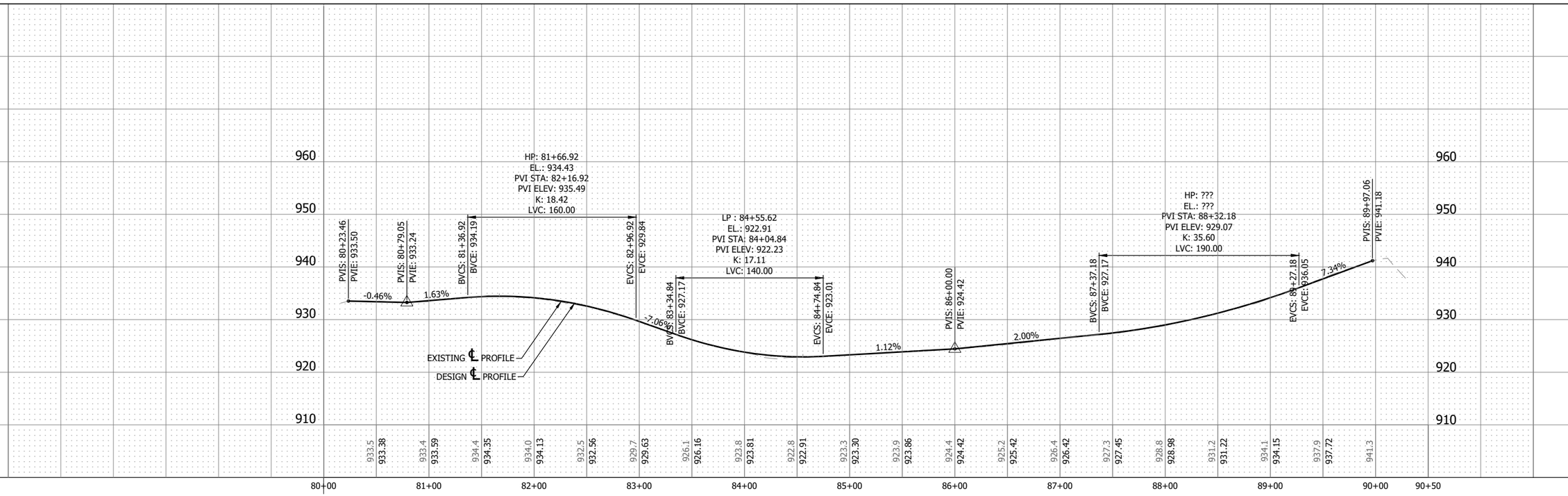
C607

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PRINT NAME: STEVEN HEGLAND

SIGNATURE: _____ LIC. NO. 55243

DATE: _____

DEEPHAVEN, MINNESOTA
2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 1 - HEATHCOTE LANE

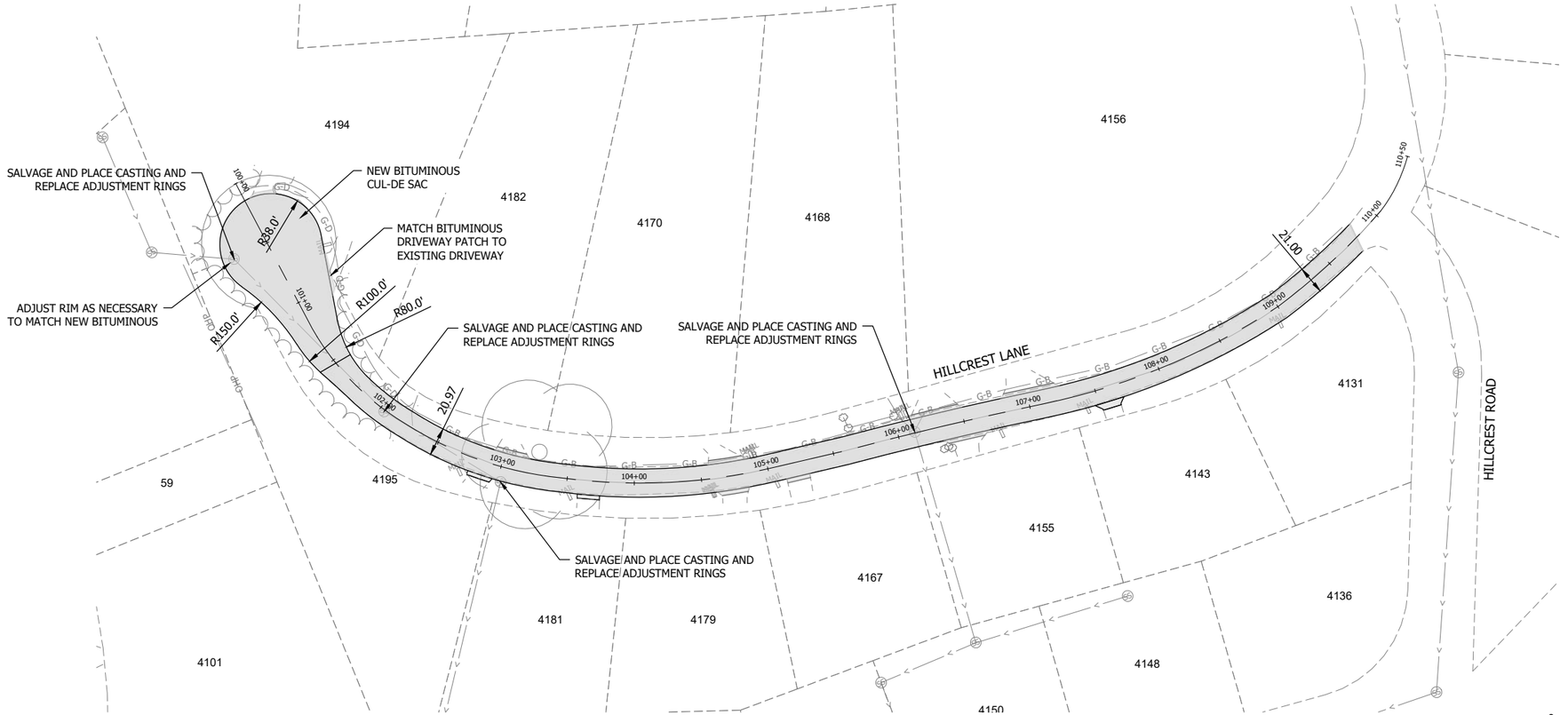
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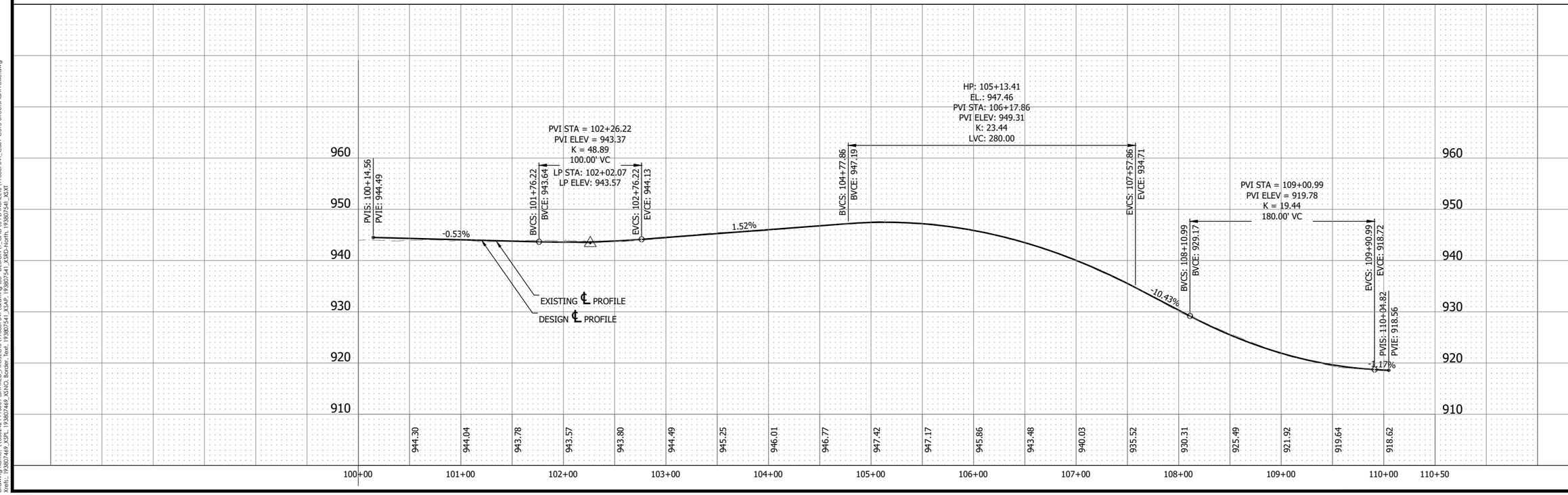
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HILLCREST LANE



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SIGNATURE: _____ LIC. NO. 55243

DATE: _____ ####

DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 1 - HILLCREST LANE

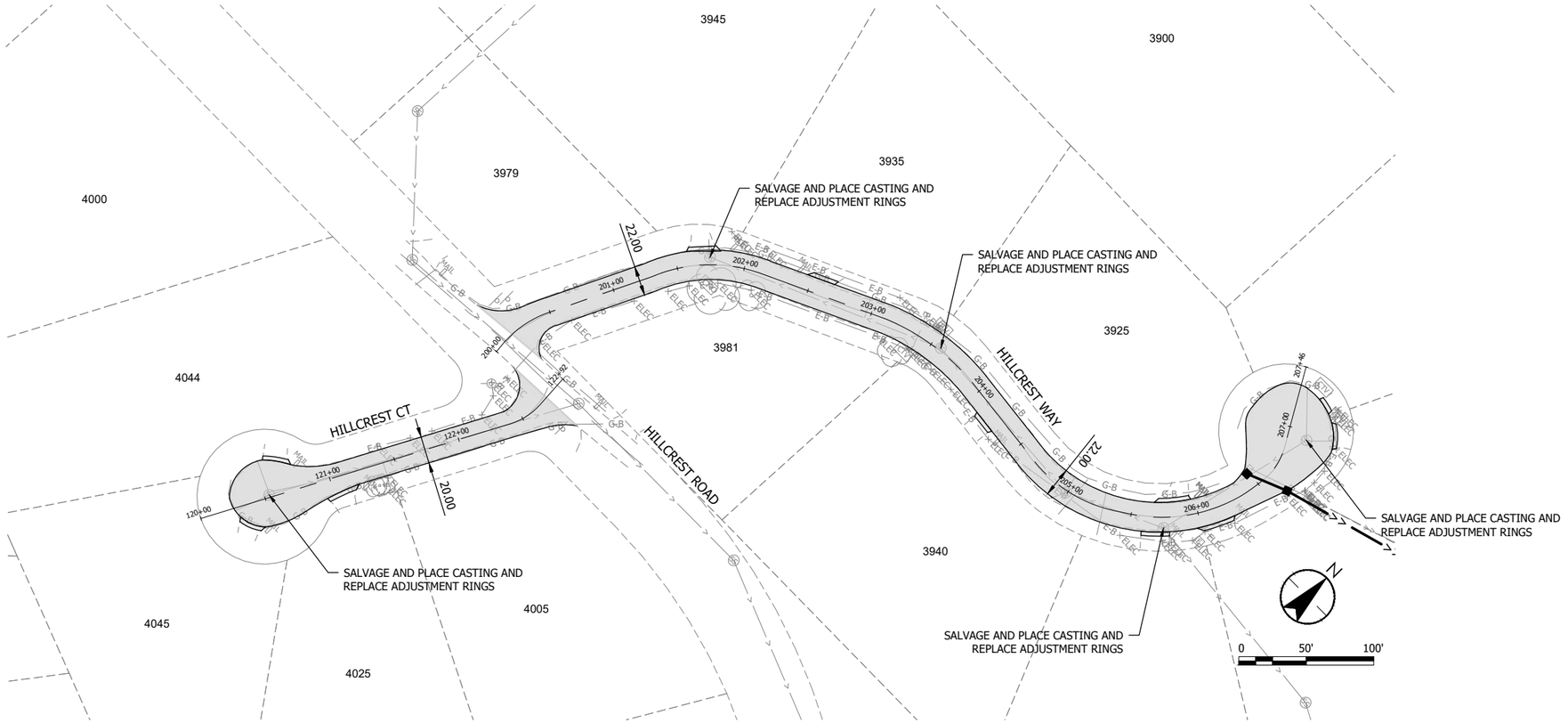
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SHEET NUMBER
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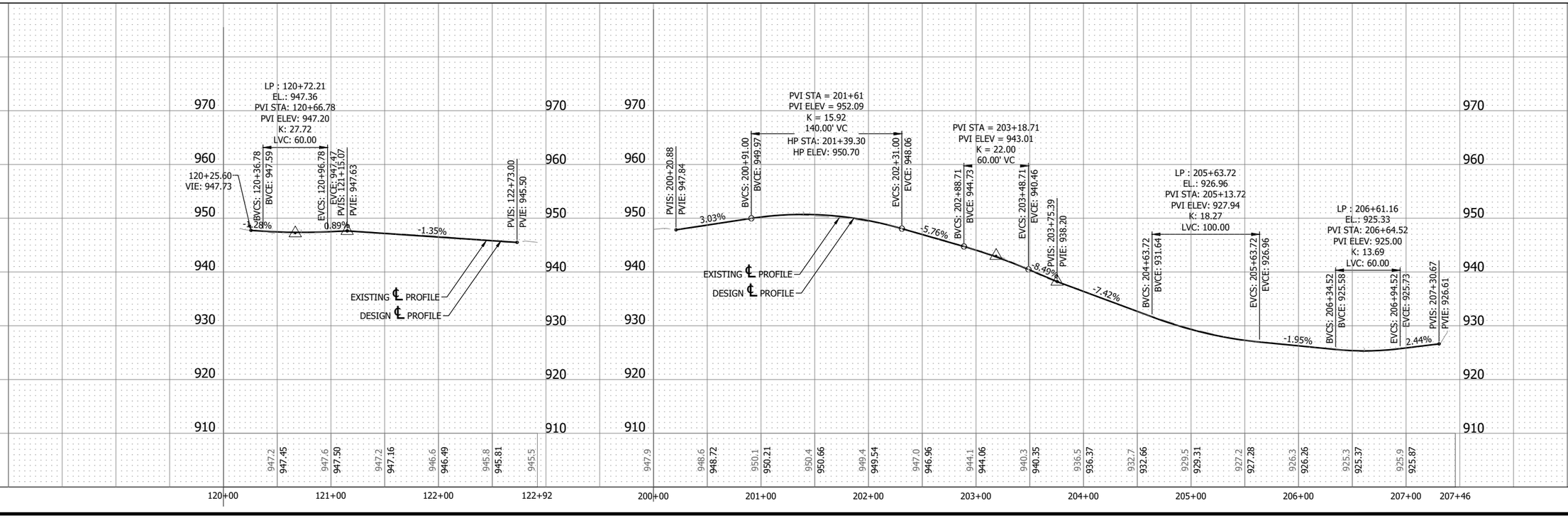
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HILLCREST COURT

HILLCREST WAY



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DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 1 - HILLCREST COURT & HILLCREST WAY

NO	REVISION	DATE

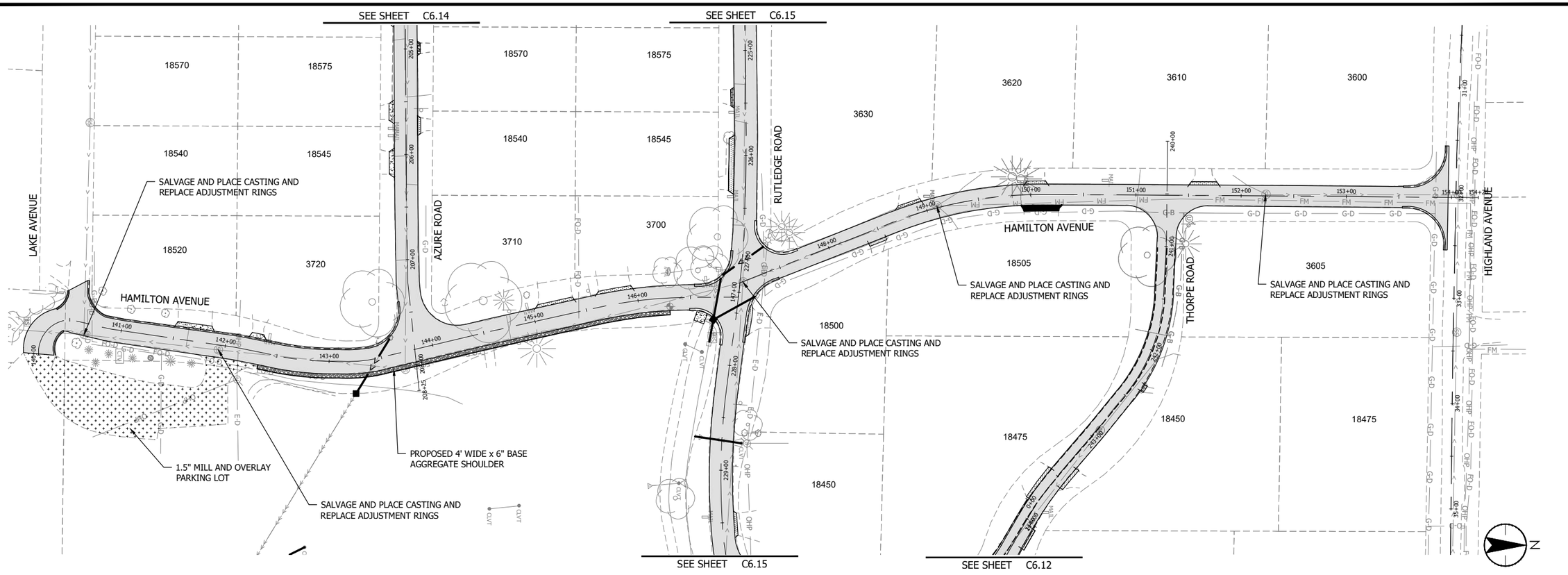
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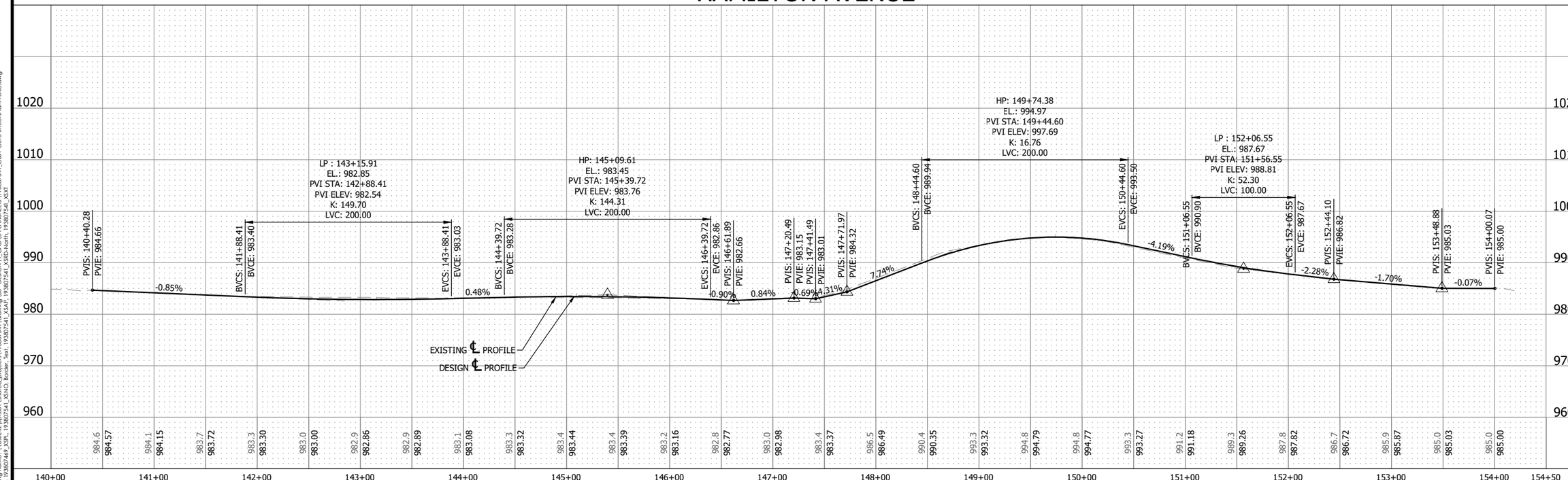
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HAMILTON AVENUE



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DEEPHAVEN, MINNESOTA
2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 1 - HAMILTON AVENUE

NO	REVISION	DATE

SURVEY
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CHECKED
APPROVED
PROJ. NO. 193807541

SHEET NUMBER
C611

Plot Date: 12/29/2025 - 6:15pm
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SEE SHEET C6.15

SEE SHEET RIGHT

RUTLEDGE ROAD

THORPE ROAD

HIGHLAND AVENUE

MONTGOMERIE AVENUE

SALVAGE AND PLACE CASTING AND REPLACE ADJUSTMENT RINGS

SALVAGE AND PLACE CASTING AND REPLACE ADJUSTMENT RINGS

SALVAGE AND PLACE CASTING AND REPLACE ADJUSTMENT RINGS

SEE SHEET C6.20

SEE SHEET C6.15

MONTGOMERIE AVENUE

0 50' 100'

SEE SHEET LEFT

HAMILTON AVENUE

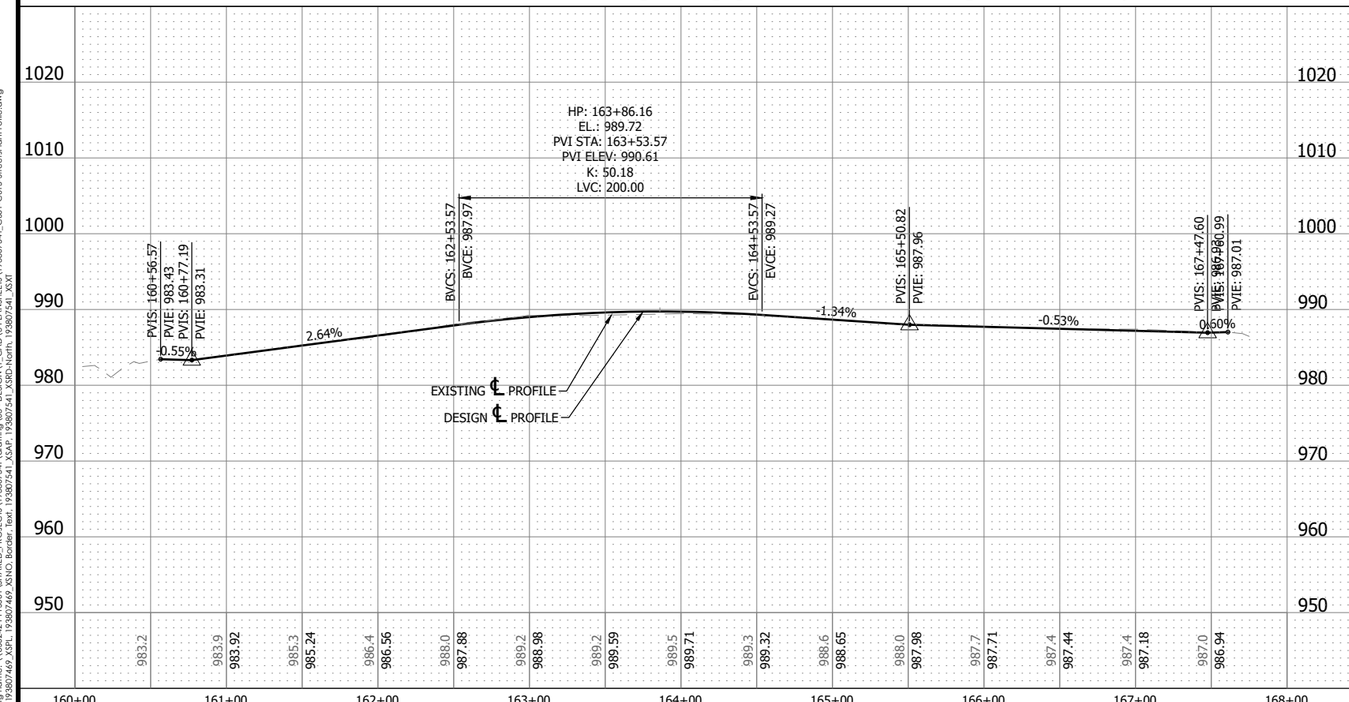
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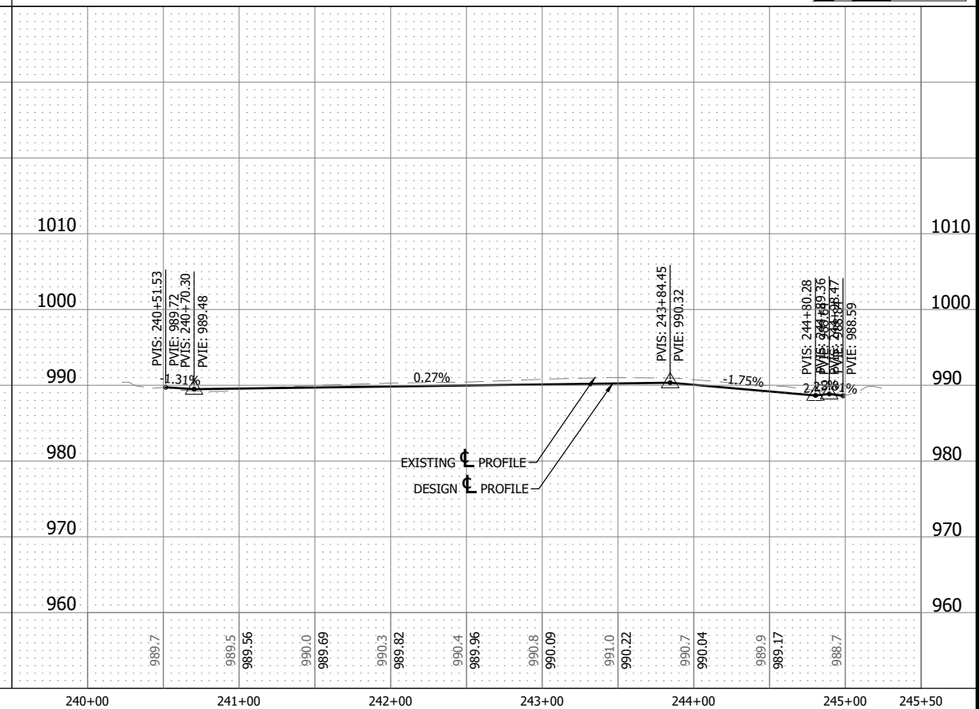
THORPE ROAD

SEE SHEET C6.11

THORPE ROAD

0 50' 100





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DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 1 - MONTGOMERIE AVE & THORPE ROAD

NO	REVISION	DATE

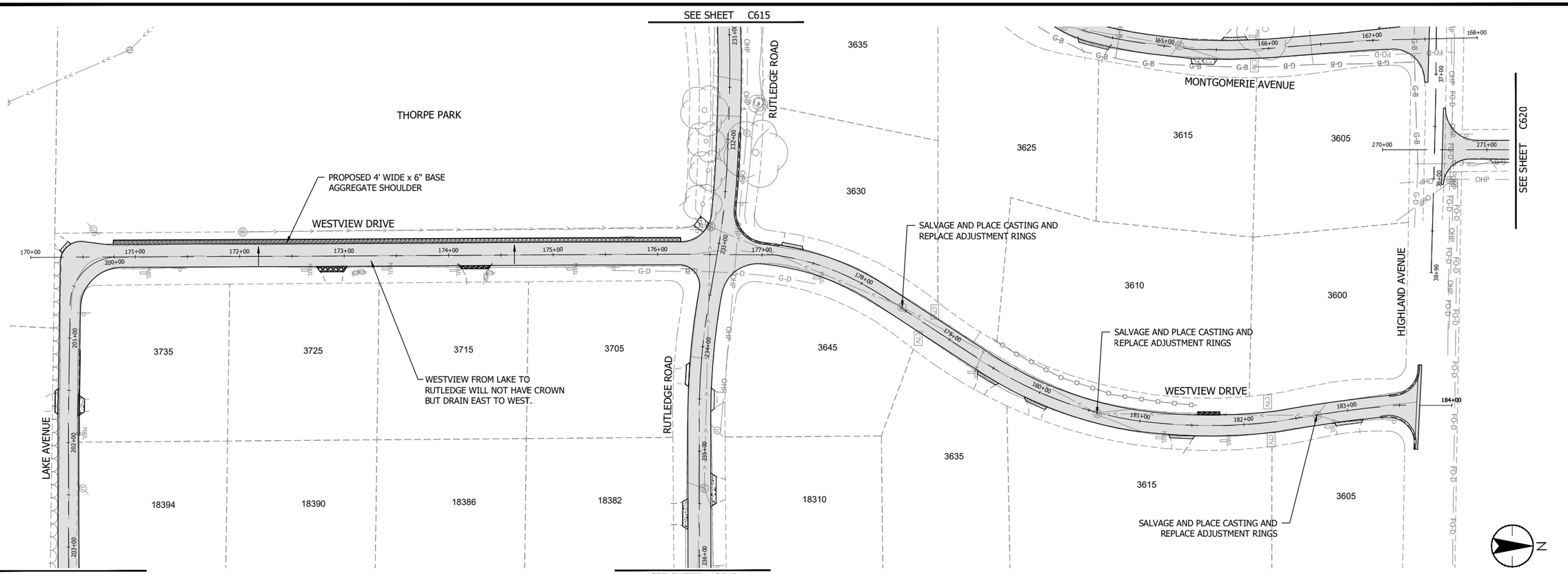
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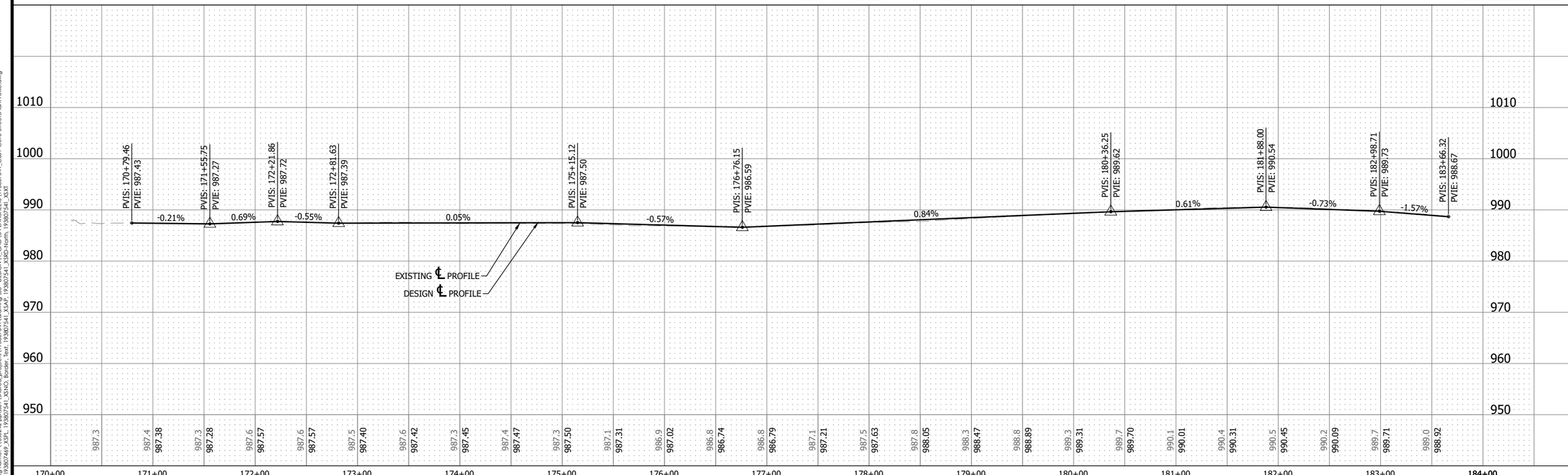
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WESTVIEW DRIVE



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DEEPHAVEN, MINNESOTA
2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 1 - WESTVIEW DRIVE

NO	REVISION	DATE

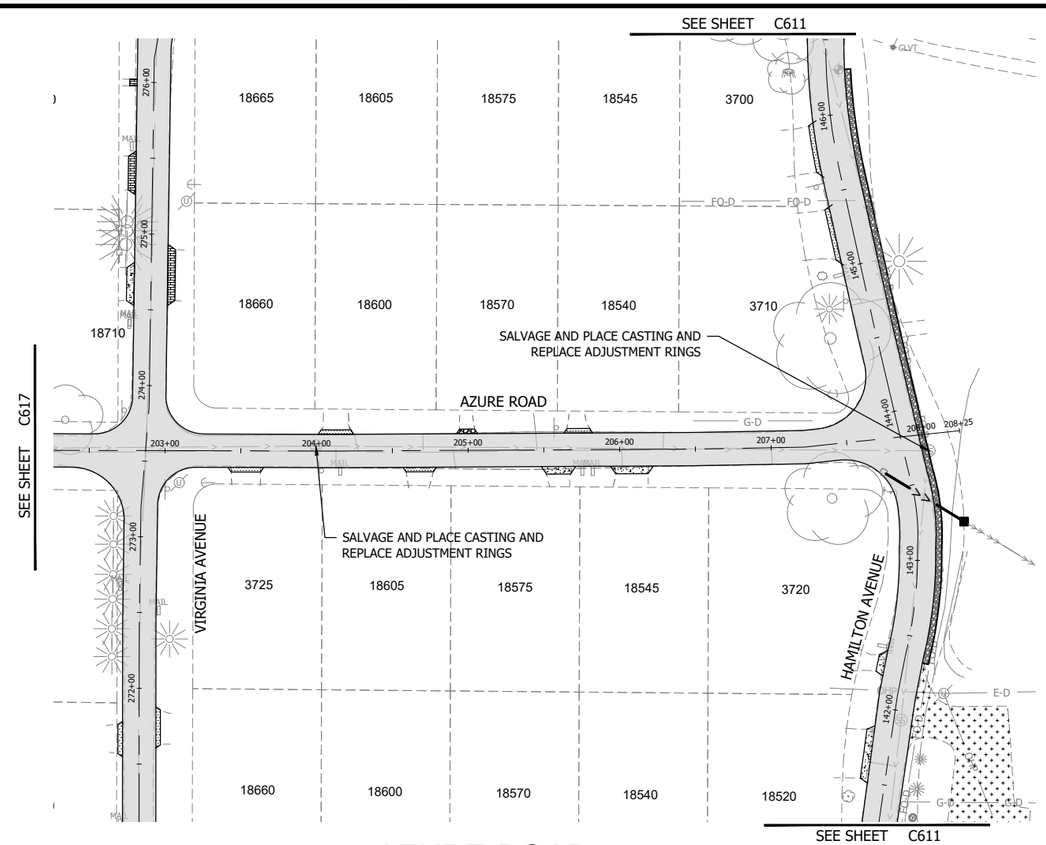
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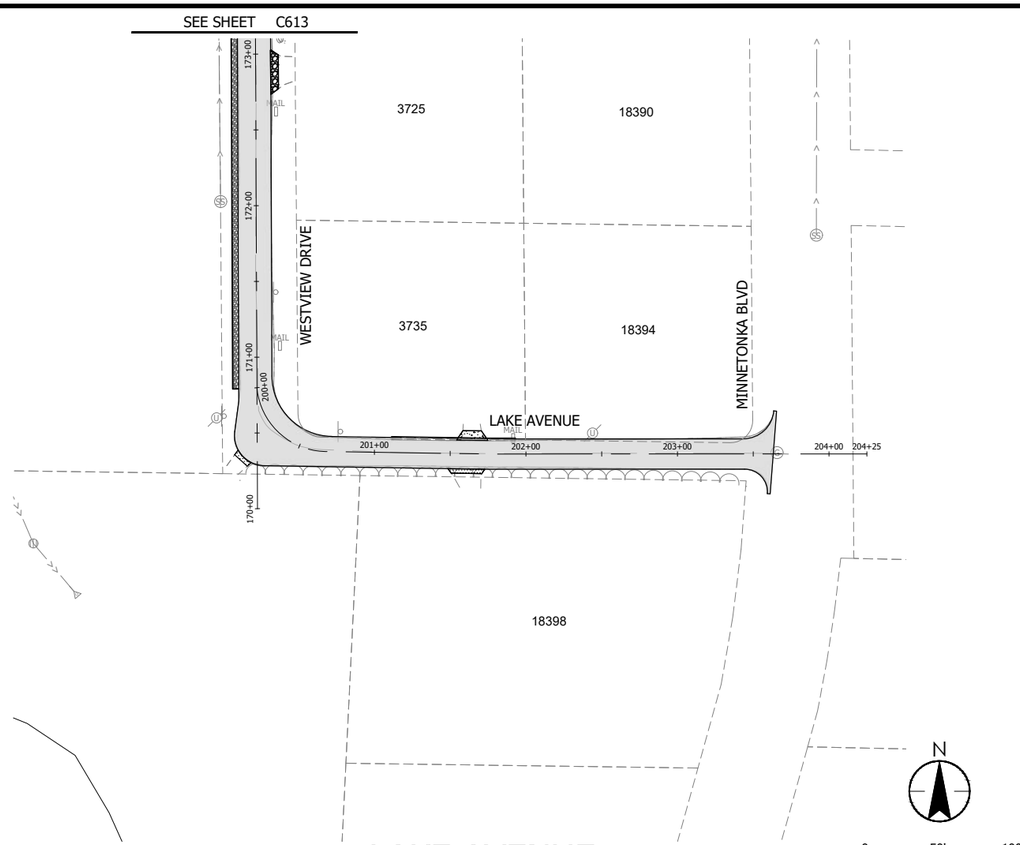
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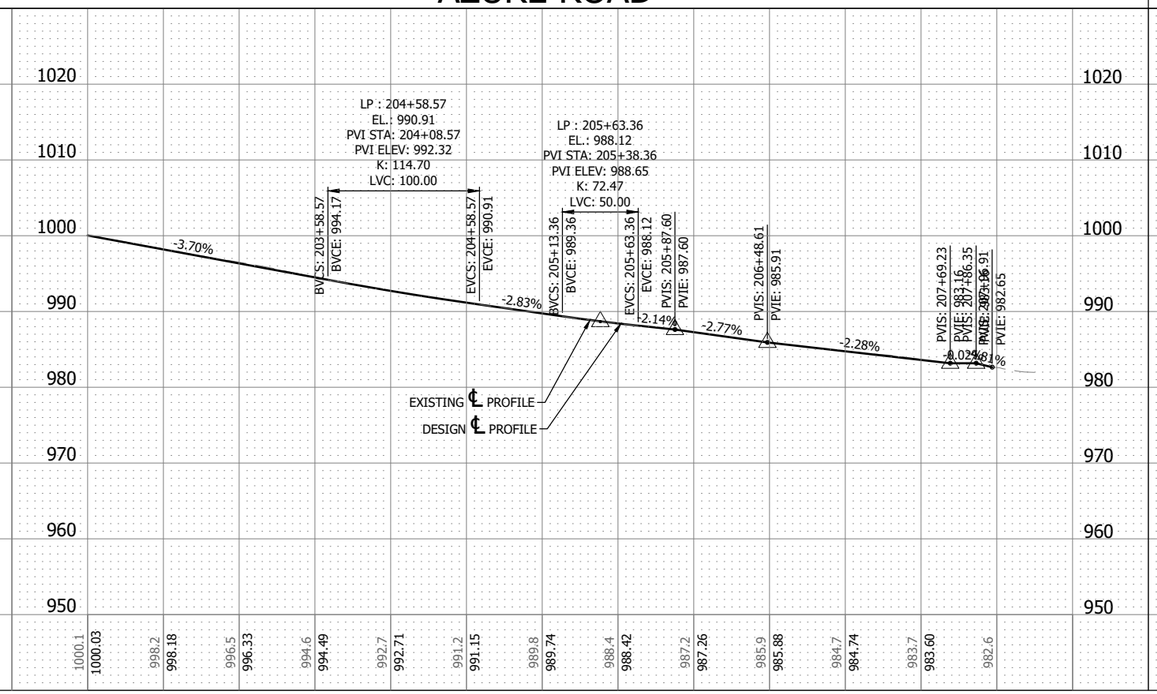
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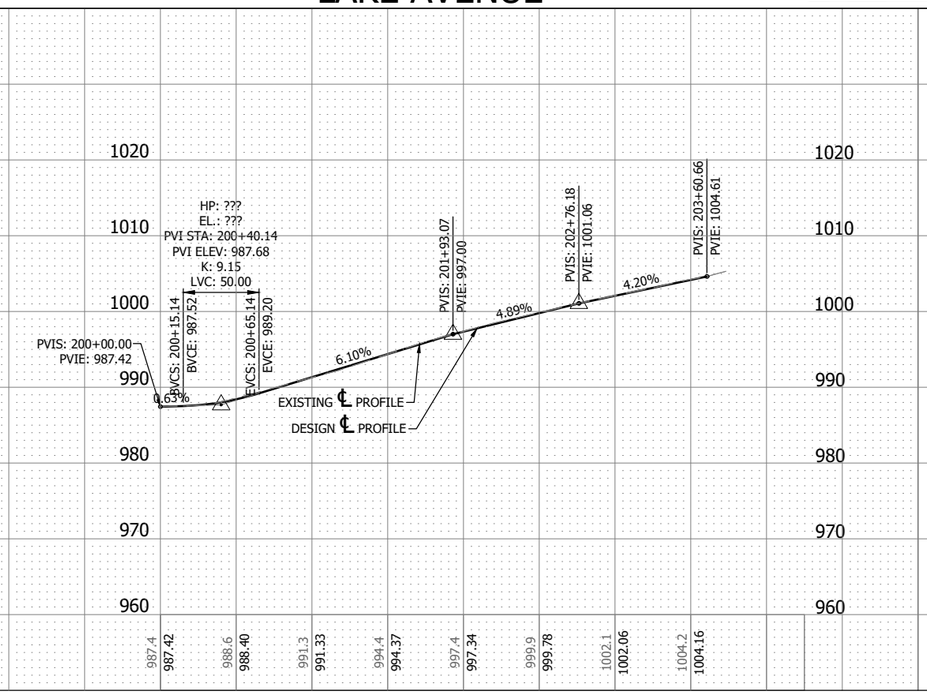


AZURE ROAD



LAKE AVENUE





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2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 1 - AZURE ROAD & LAKE AVENUE

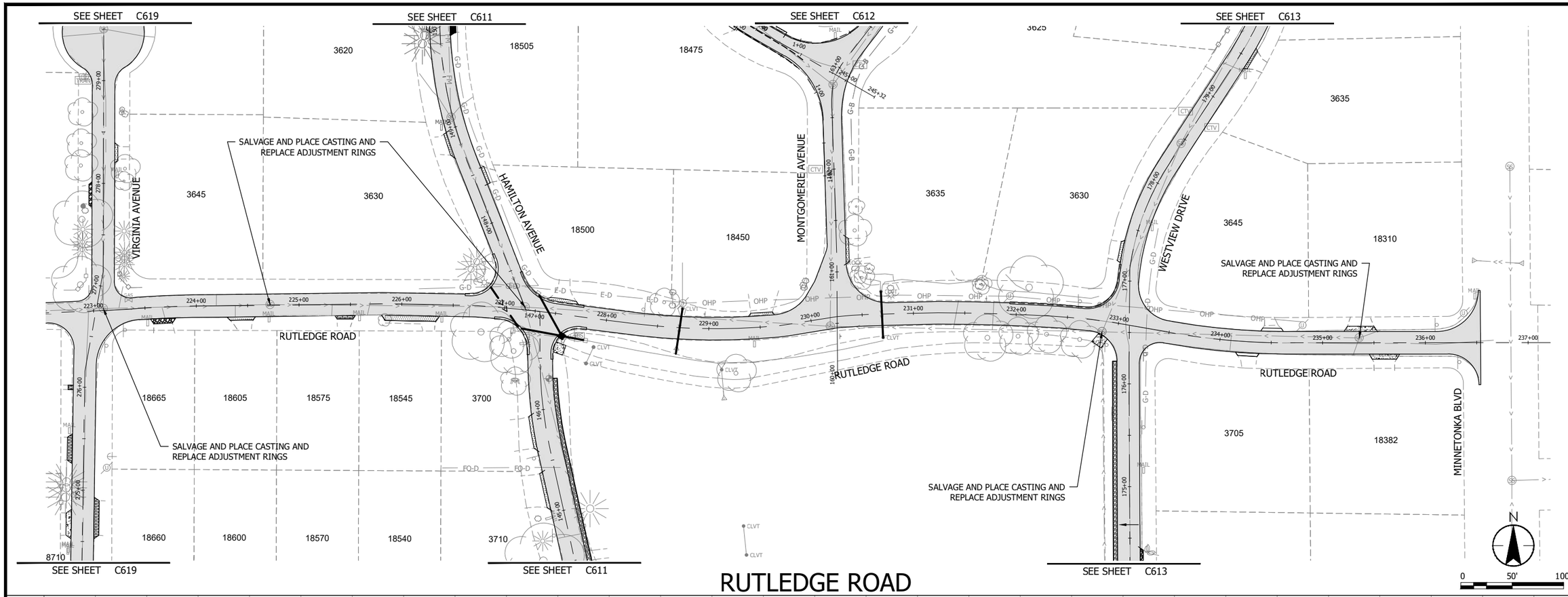
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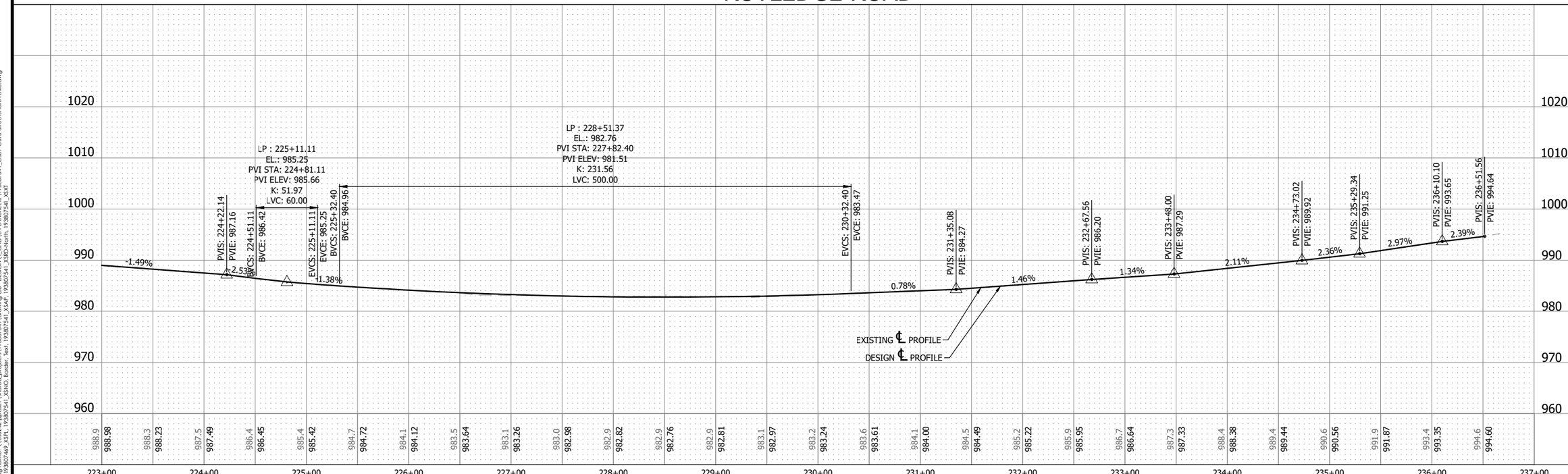
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RUTLEDGE ROAD



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DEEPHAVEN, MINNESOTA
2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 1 - RUTLEDGE ROAD

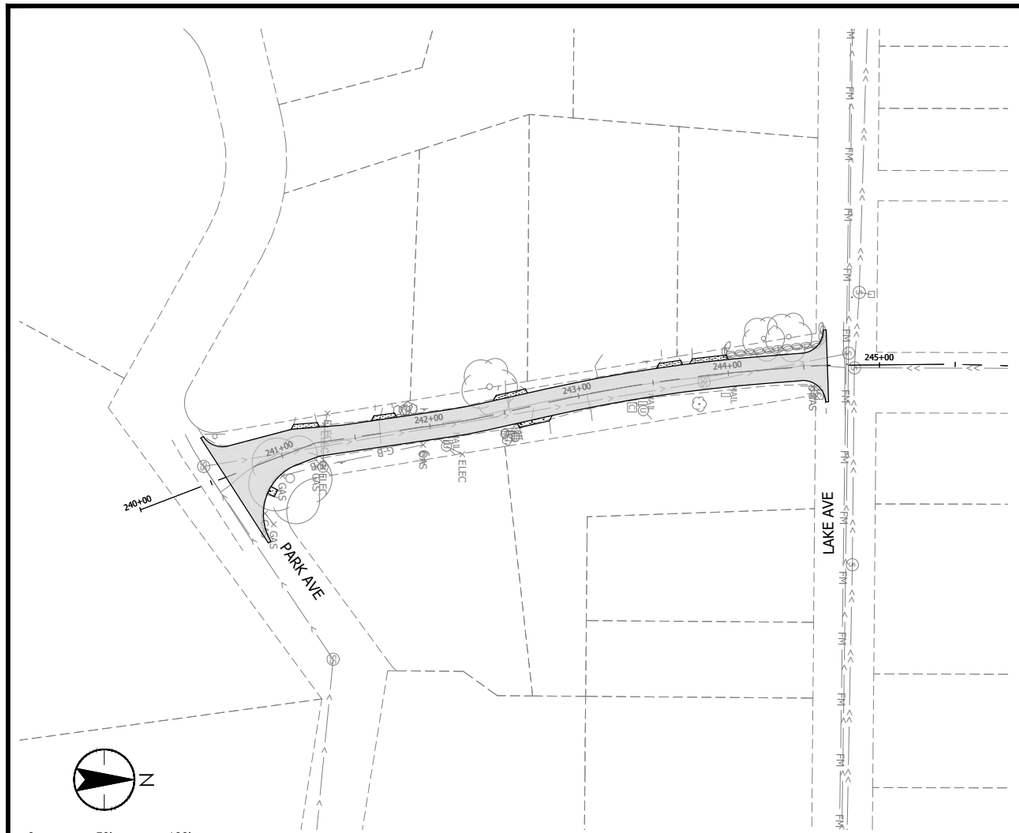
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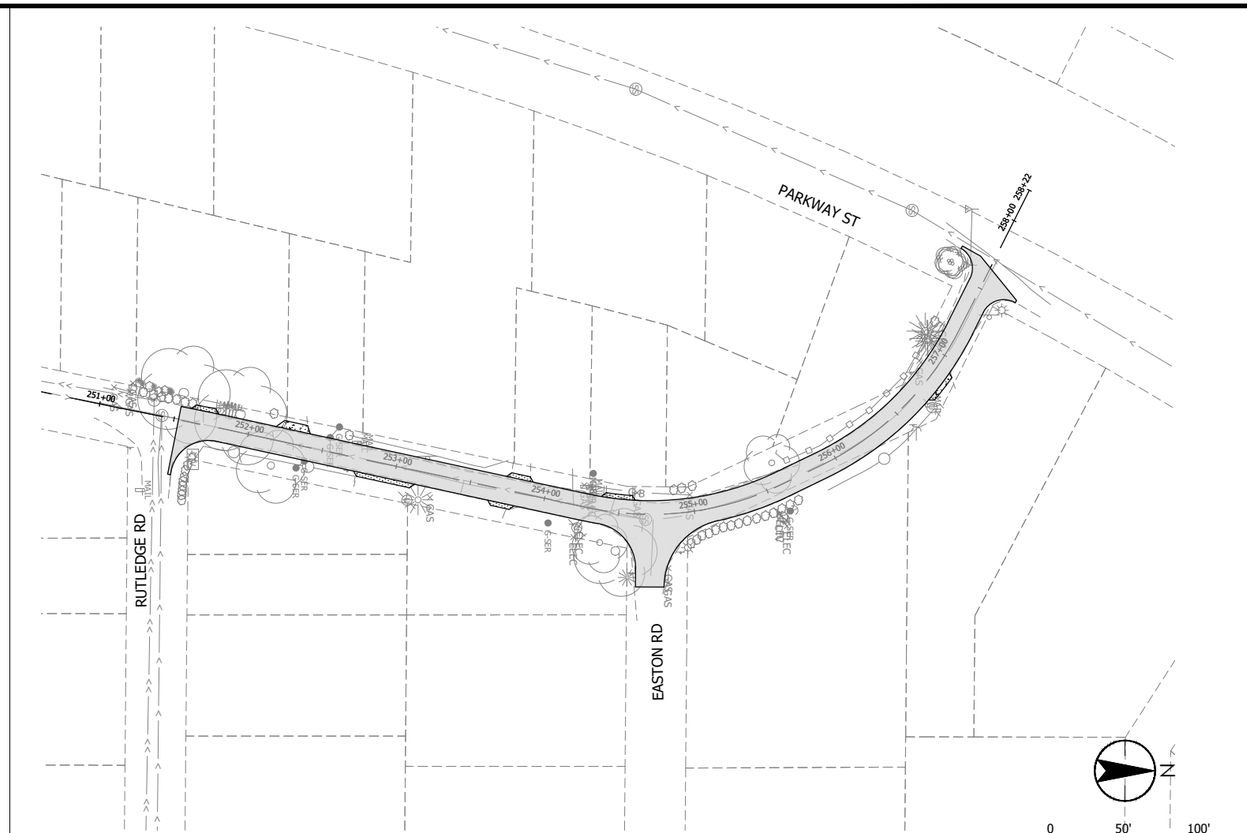
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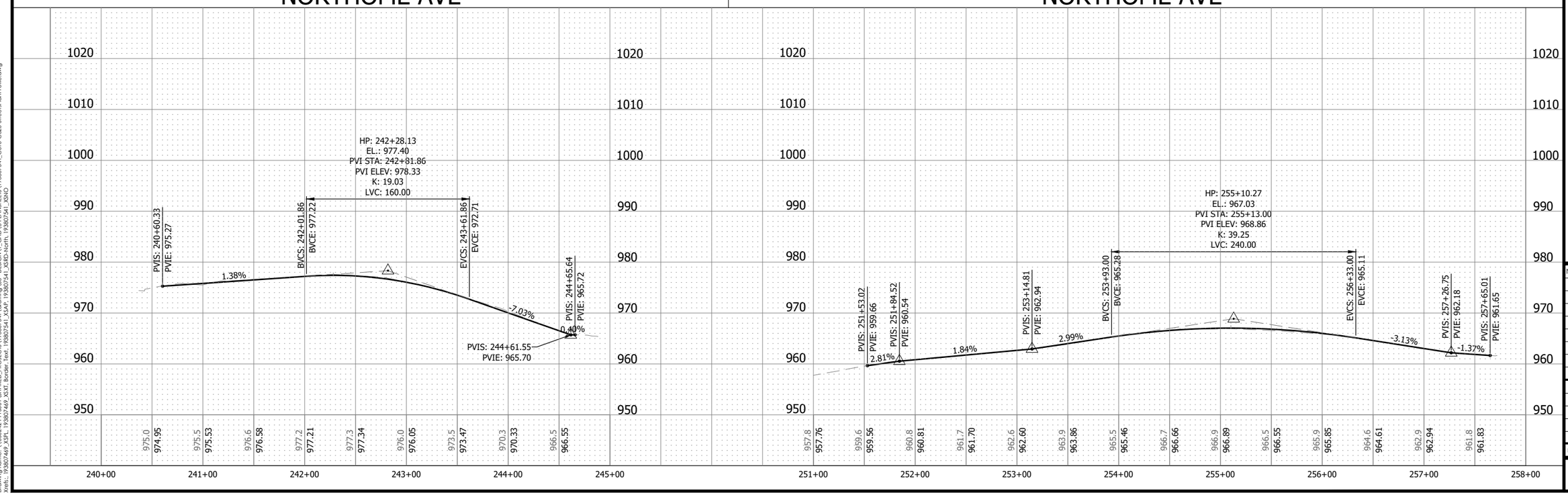
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SIGNATURE:

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DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 2 - NORTHOME AVENUE

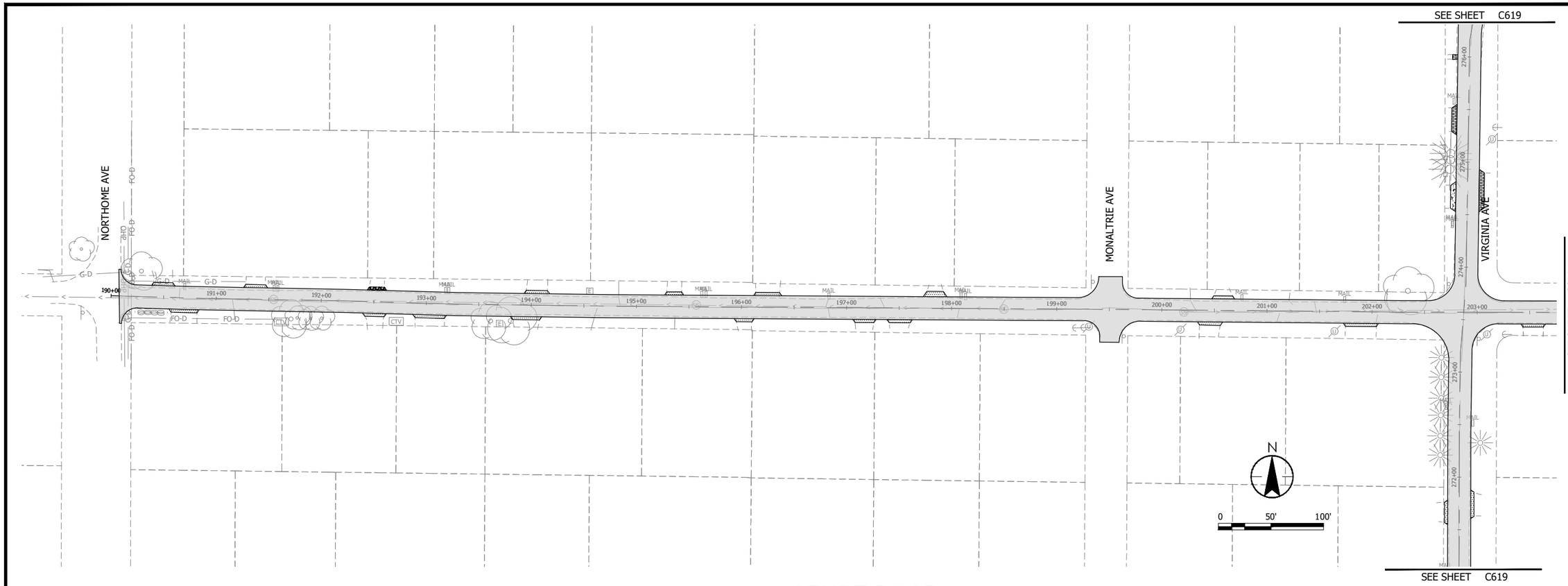
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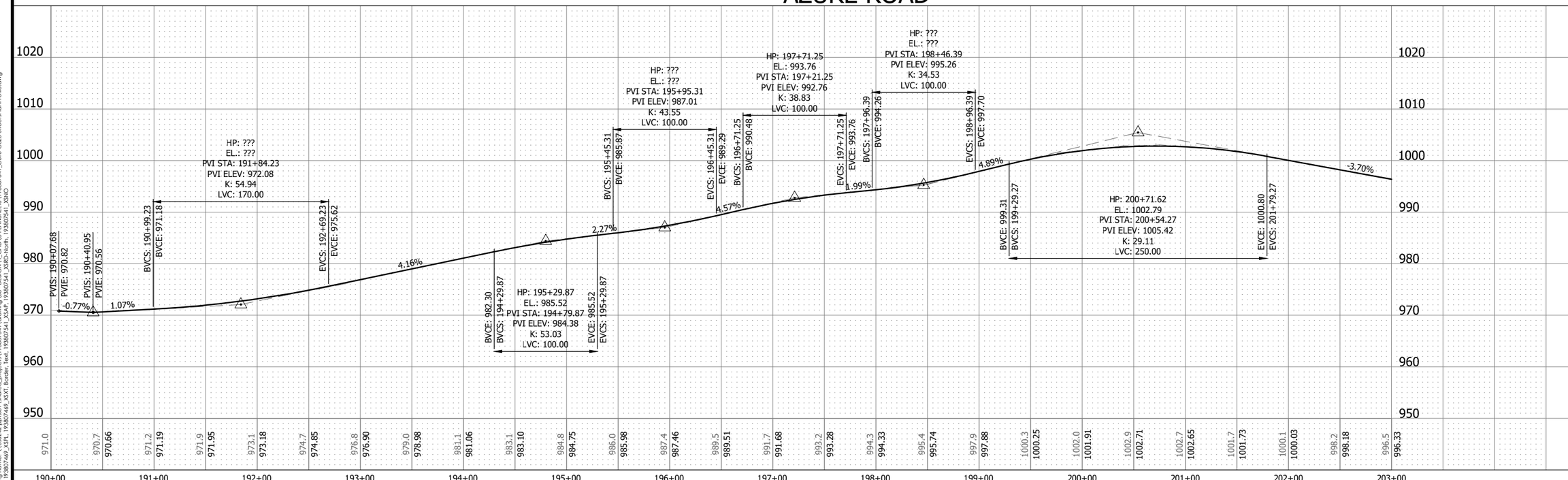
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AZURE ROAD



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DEEPHAVEN, MINNESOTA
2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 2 - AZURE ROAD

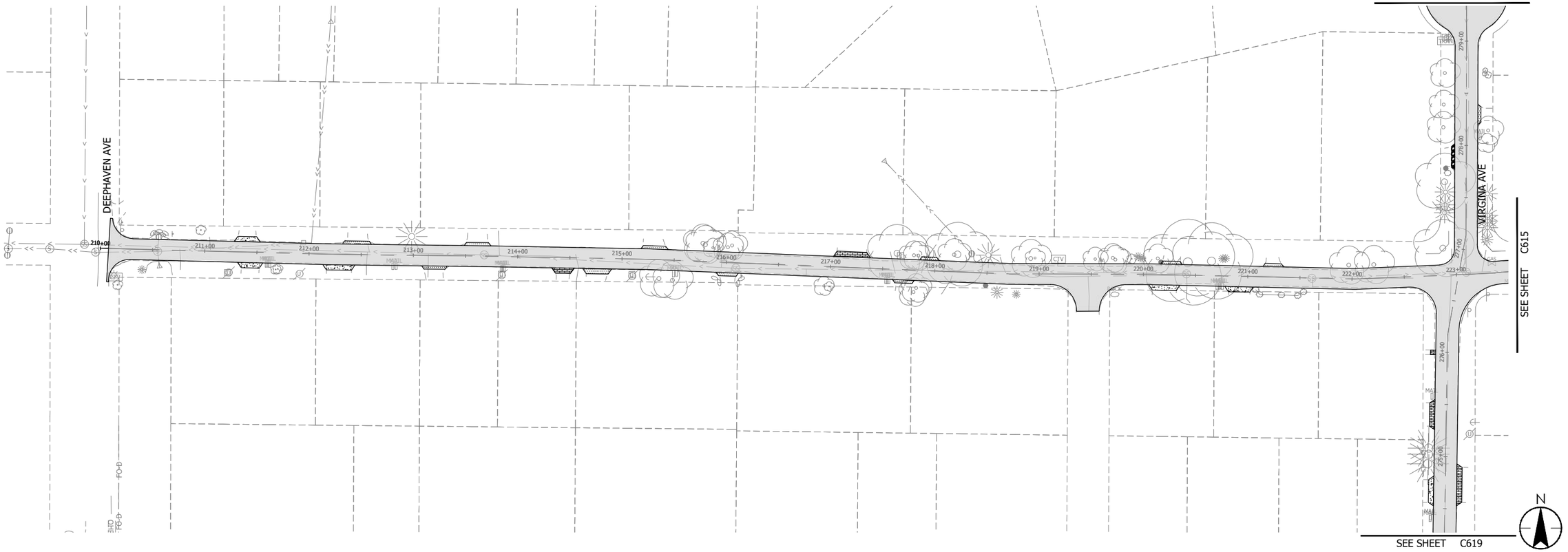
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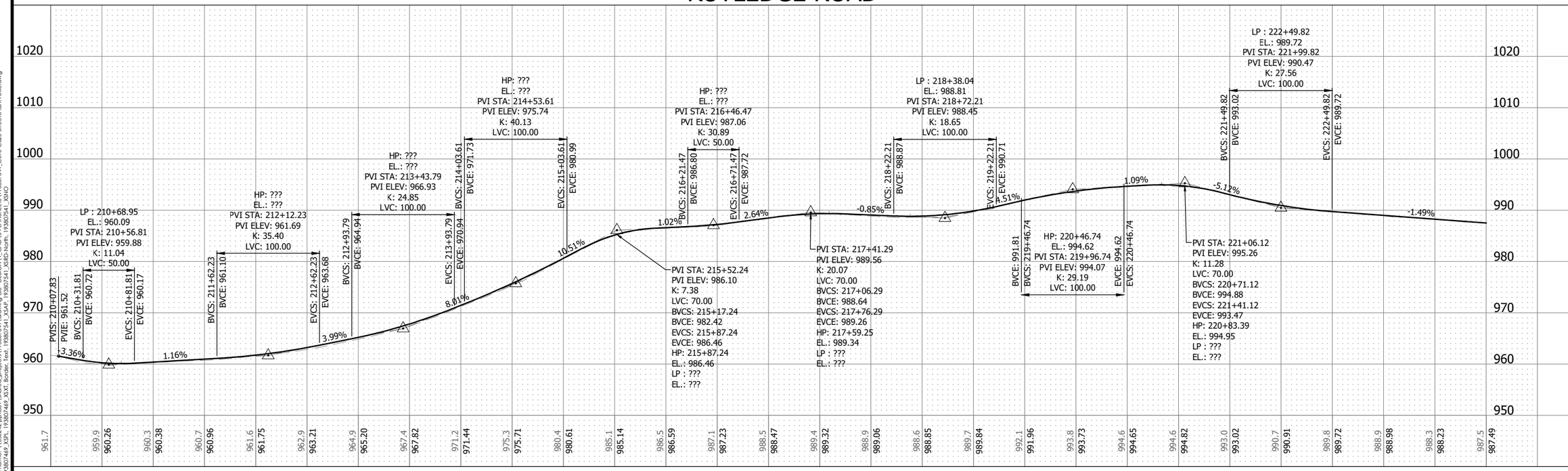
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RUTLEDGE ROAD



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2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 2 - RUTLEDGE ROAD

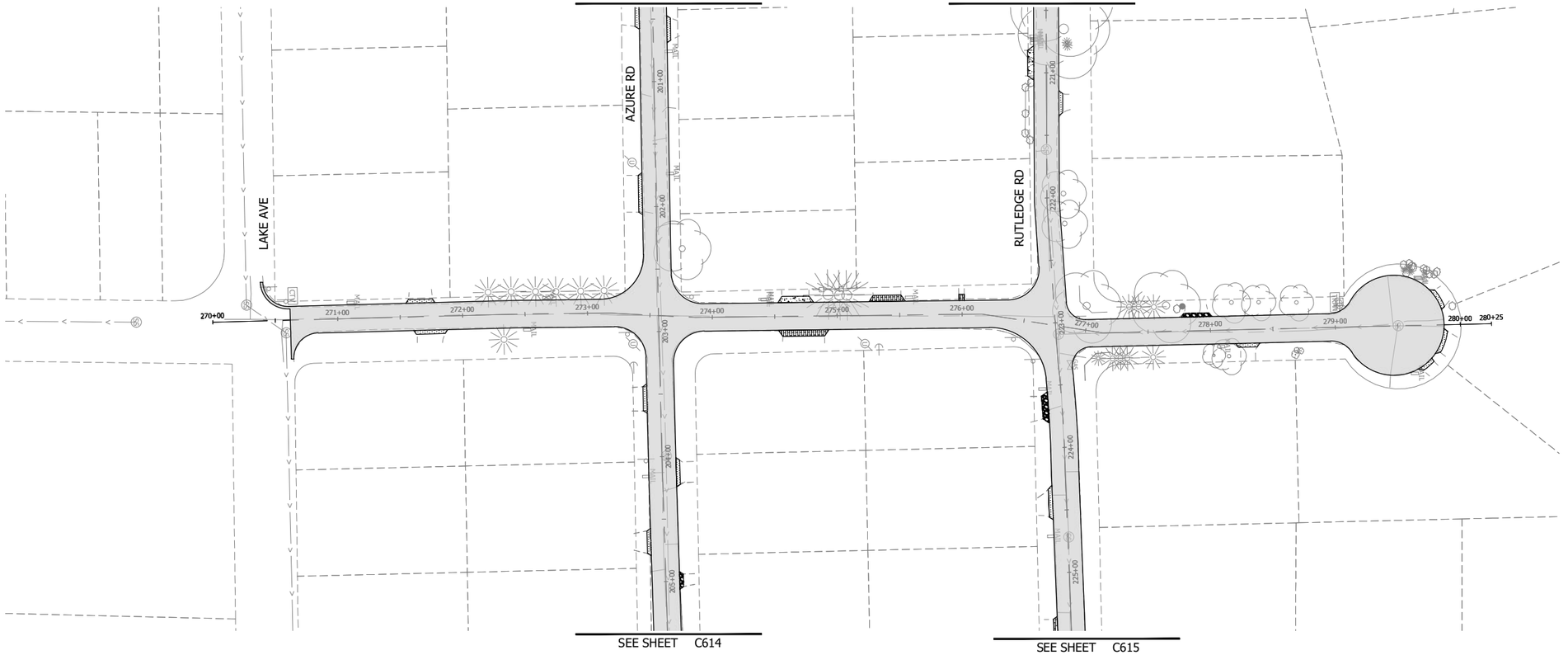
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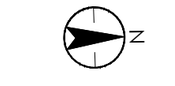
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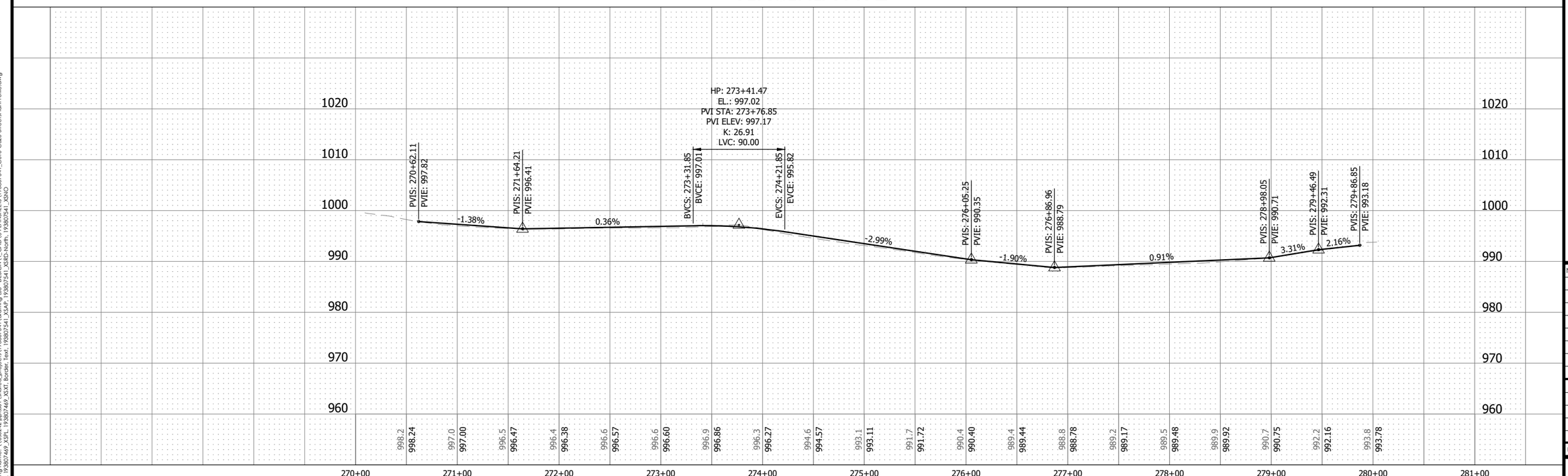
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VIRGINIA AVE



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PRINT NAME: STEVEN HEGLAND

SIGNATURE: ____ LIC. NO. 59243

DATE: ____ ####

DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 2 - VIRGINIA AVENUE

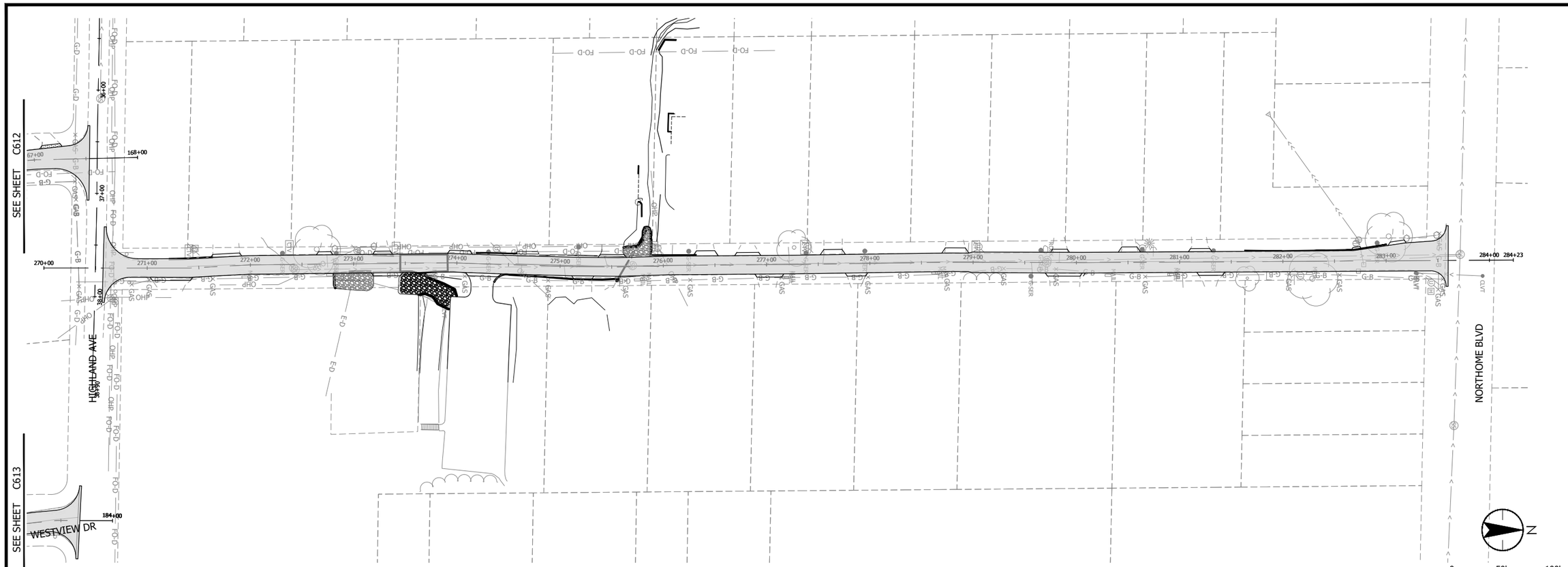
NO	REVISION	DATE

SURVEY	
DRAWN	
DESIGNED	
CHECKED	
APPROVED	
PROJ. NO.	193807541

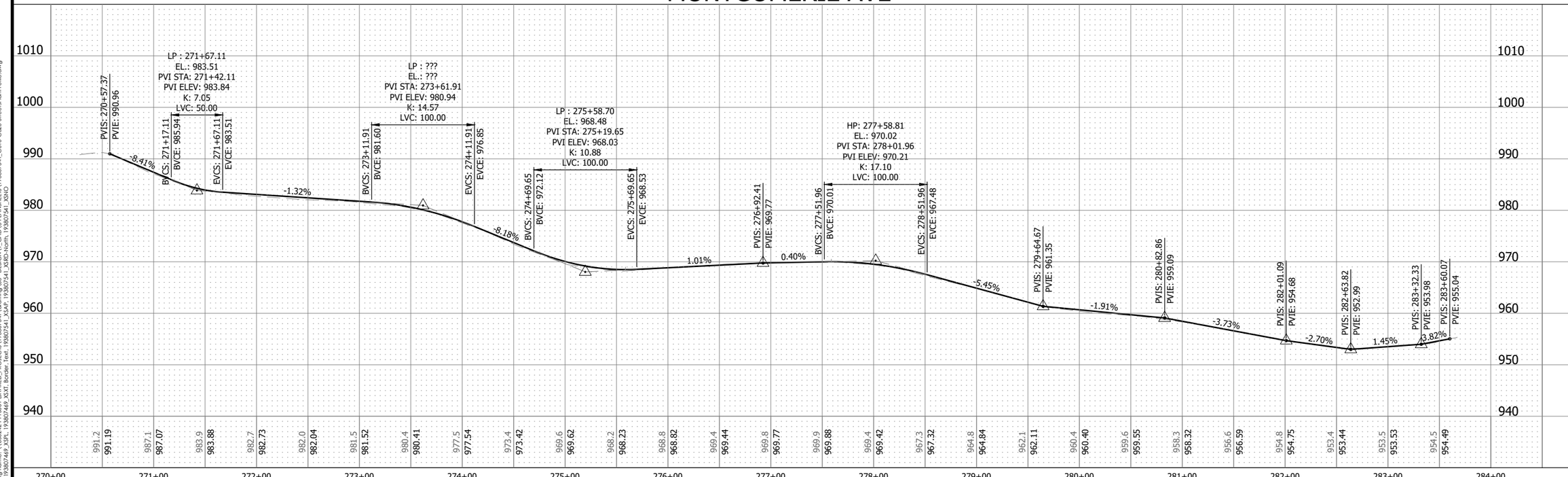
SHEET NUMBER
C619

Plot Date: 12/29/2025 - 10:39am
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MONTGOMERIE AVE



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PRINT NAME: STEVEN HEGLAND
SIGNATURE:
DATE:
LIC. NO. 55243

DEEPHAVEN, MINNESOTA
2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 2 - MONTGOMERIE AVENUE

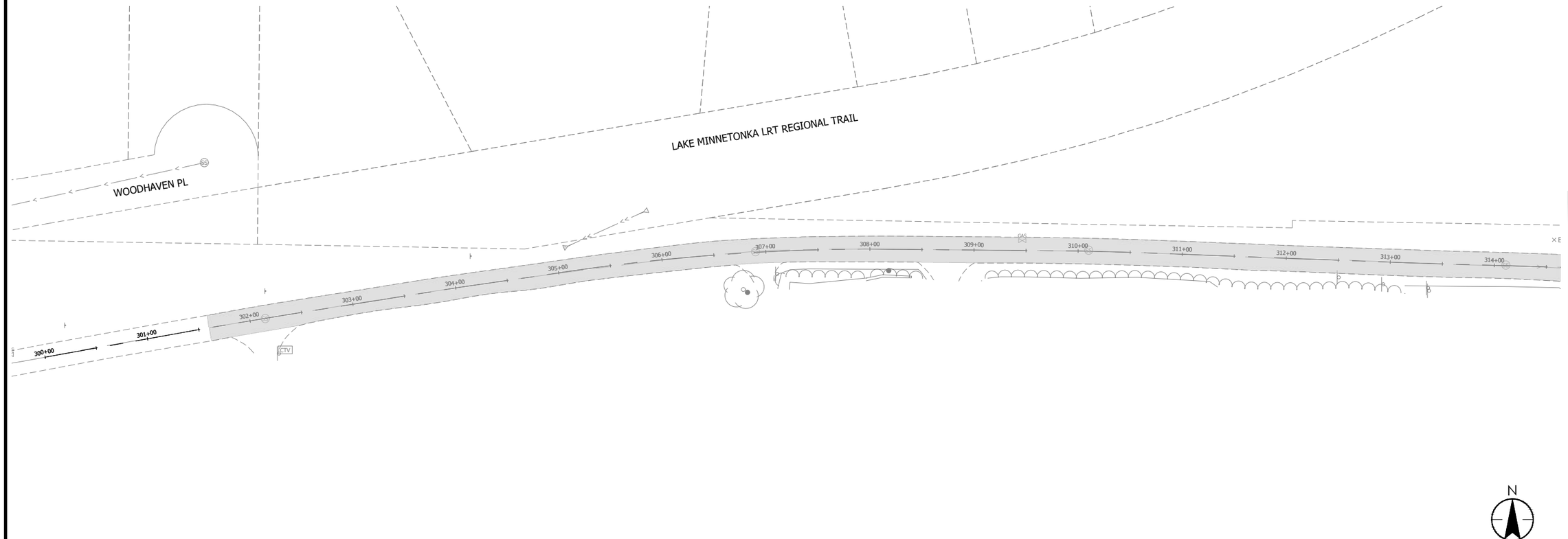
NO	REVISION	DATE

SURVEY
DRAWN
DESIGNED
CHECKED
APPROVED
PROJ. NO. 193807541

SHEET NUMBER
C620

Plot Date: 12/29/2025 - 10:15am
Plot By: Steven Hegland
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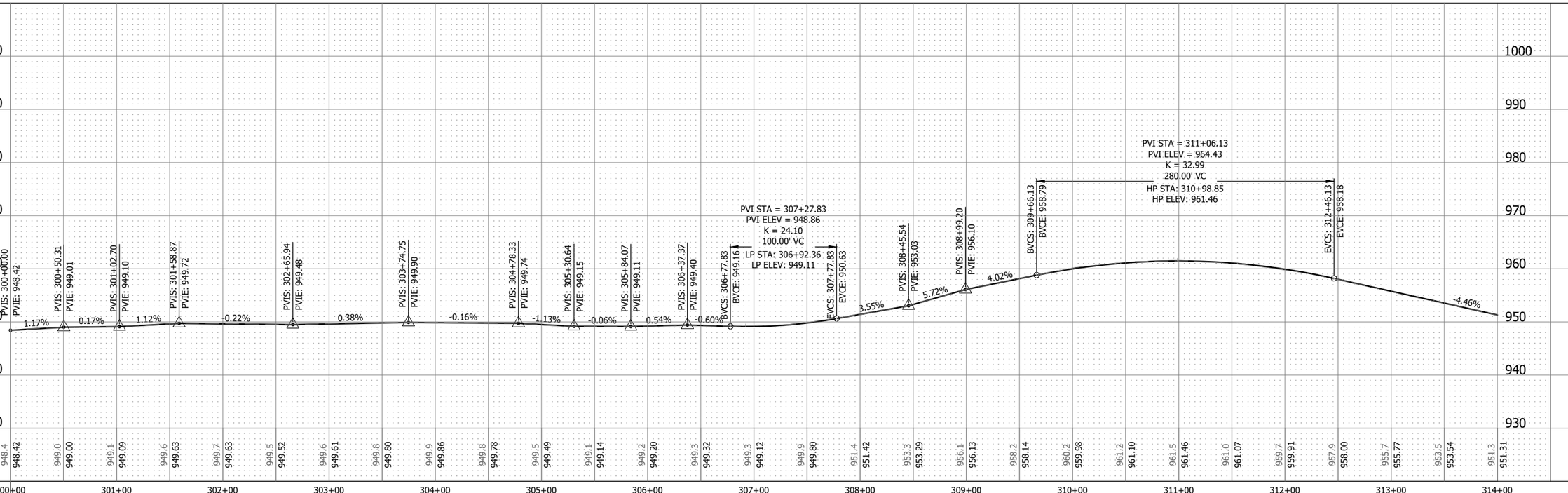
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N

0 50' 100'

MINNETONKA BLVD



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SIGNATURE: _____ LIC. NO. 59243

DATE: _____ ####

DEEPHAVEN, MINNESOTA
2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 3 - MINNETONKA BLVD

NO	REVISION	DATE

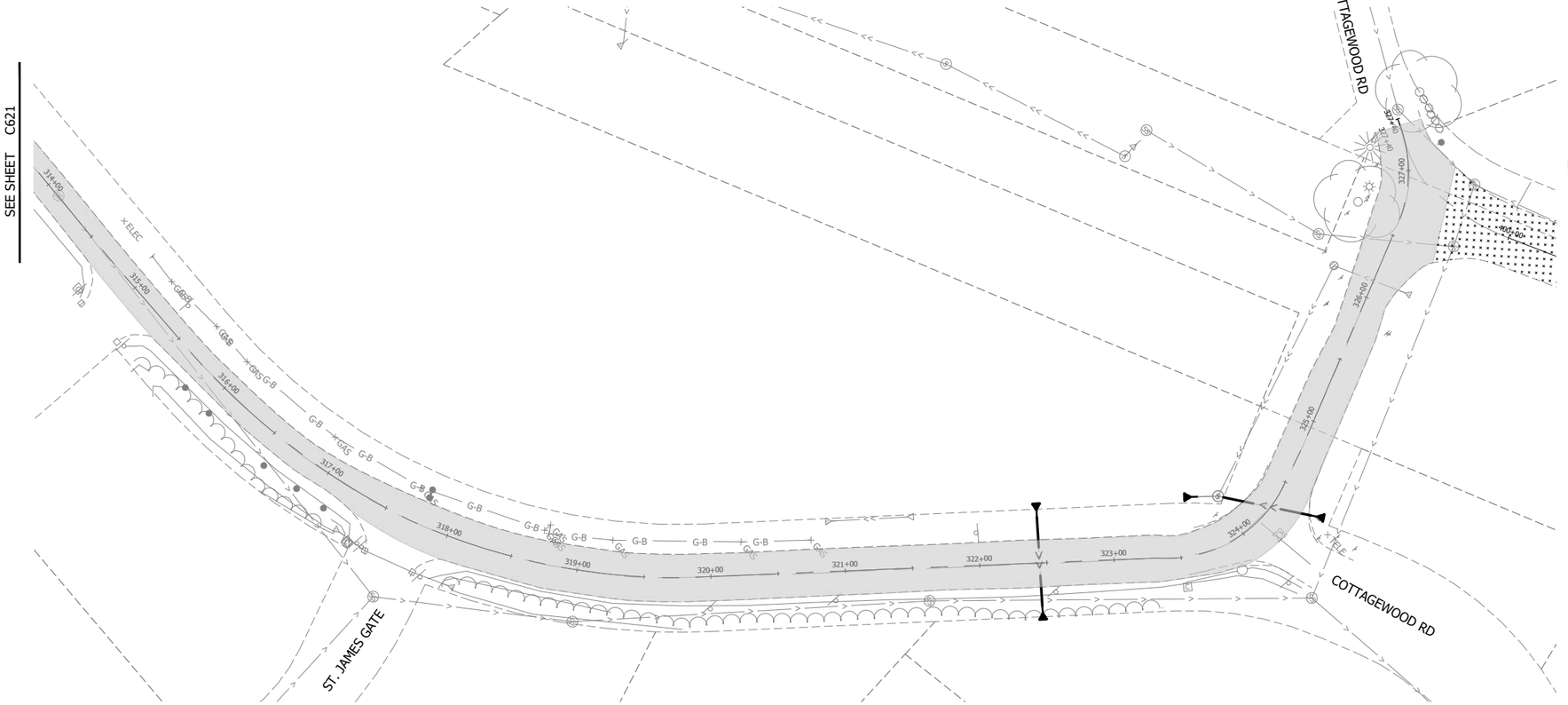
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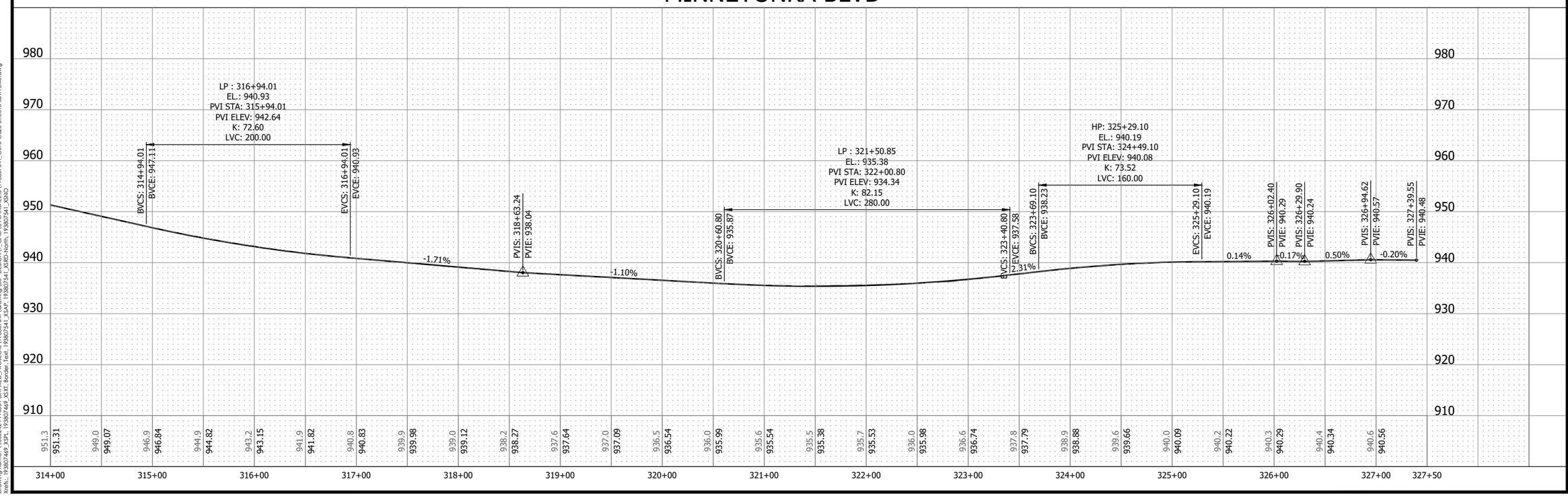
PROJ. NO. 193807541

SHEET NUMBER
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Plot Date: 12/29/2025 - 10:15am
Plotted By: Steven.Hegland
Xrefs: 193807469 XSPL 193807469 XSTL Borders Text 193807541 XSAP 193807541 XSRD-North 193807541 XSHO

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PRINT NAME: STEVEN HEGLAND

SIGNATURE: _____ LIC. NO. 55243

DATE: _____ ####

DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 3 - MINNETONKA BLVD

NO	REVISION	DATE

SURVEY	
DRAWN	
DESIGNED	
CHECKED	
APPROVED	
PROJ. NO.	193807541

SHEET NUMBER

C622

Plot Date: 12/29/2025 - 10:15am
Plotted by: Hegland, Steven
Xrefs: 193807460_XSPL, 193807460_XSXT, Border Text, 193807541_XSAP, 193807541_XSRD-North, 193807541_XSRD-South, 193807541_C616-C-Gde-StreetPlanProfile.dwg

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SIGNATURE: _____ LIC. NO. 55243

DATE: _____ ####

DEEPHAVEN, MINNESOTA
2026 STREET IMPROVEMENT PLAN
C600 - STREET PLAN & PROFILE
PROJECT AREA 3 - MINNETONKA BLVD

NO	REVISION	DATE

SURVEY	
DRAWN	
DESIGNED	
CHECKED	
APPROVED	
PROJ. NO.	193807541

SHEET NUMBER
C623

Plot Date: 12/29/2025 - 9:11am
Plan Name: C:\Users\JUSTIN.KOSLOWSKI\Stantec\Documents - Deephaven\Desktop\Projects\193807541\Working Projects\193807541 - Deephaven\Desktop\Projects\193807541\drafting\03_DESIGN\1_C-CAD\3_PLANSHEETS\193807541_C625-C634-StreetPlan-Milling.dwg
Xrefs: 193807469_XSPL, 193807469_XSNO, 193807469_XSXT, Border Text, 193807541_XSAP, 193807541_XSED-North, 193807541_XSNO

Plot Date: 12/29/2025 - 9:11am
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Xrefs:. 193807469_XSPL, 193807469_XSNO, 193807469_XSXT, Border, Text, 193807541_XSAP, 193807541_XSRD-North, 193807541_XSNO

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SEE SHEET C625



C624	SHEET NUMBER
193807541	PROJ. NO.
	APPROVED
	CHECKED
	DESIGNED
	DRAWN
	SURVEY

NO	REVISION	DATE

DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

C600 - STREET PLAN & PROFILE

PROJECT AREA 3 - MINNETONKA BLVD

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PRINT NAME: STEVEN HEGLAND

SIGNATURE:

DATE: #### LIC. NO. 52243

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PATCH PAVEMENT

B612 CURB

TOP OF BERM ELE: 973.00
HWL=972.71

INFILTRATION BASIN - SEE DETAIL

REINSTALL SALVAGED RIPRAP
INSTALL SUPPLEMENTAL CL III RIPRAP

PATCH PAVEMENT

CONTRACTOR TO CONSTRUCT 6' WIDE WOODEN STAIRS

END SWALE GRADING WITHIN ROW

MONTGOMERIE AVE

BLVD

18'

9'

22'

GRADING SHEETS LEGEND

BITUMINOUS PAVING

B612 CURB

N

0 25' 50'

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SIGNATURE:

DATE:

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DEEPHAVEN, MINNESOTA

2026 STREET IMPROVEMENT PLAN

ALTERNATE 3 - CALVARY CHURCH

SITE AND GRADING PLAN

NO	REVISION	DATE

SURVEY	
DRAWN	
DESIGNED	
CHECKED	
APPROVED	
PROJ. NO.	193807541

SHEET NUMBER
C903

Plot Date: 12/19/2025 - 4:41pm
Plotted by: Hegland, Steven
Xrefs: 193807469_XSP1; 193807469_XSP2; 193807469_XSP3; 193807469_XSP4; 193807469_XNO; 193807469_XSI1; 193807469_XSI2; Border_Text; 193807541_XSAP_RECLAIM AREA; Montgomerie_Arial
Path: C:\Users\steven.hegland\Documents\Work\Stantec projects\193807541\Vertifirm\03_DESIGN\1_CAD\3 PLANSHEETS\193807541_C903-Montgomerie Grading.dwg

ITEM 10A

Deephaven Police Department

CORY JOHNSON
CHIEF OF POLICE

20225 Cottagewood Road
Deephaven, MN 55331

Email – coryj@deephavenpolice.com

January 5, 2026

To: Honorable Mayor Kent Carlson
Deephaven City Council

Cc: Dan Madsen, City Administrator / Special Counsel

From: Cory Johnson, Chief of Police

Re: Monthly Police Activity Report for December 2025

December 2025:	November 2025:
167 Traffic Stops	152 Traffic Stops
85 Radio Calls	59 Radio Calls
51 Speeding	75 Speeding
1 Driving after Suspension	0 Driving after Suspension
1 Driving after Revocation	0 Driving after Revocation
20 Citations	30 Citations
144 Verbal Warnings	128 Verbal Warnings
0 Written Warnings	0 Written Warnings
1 DWI	0 DWI's
18 Medical Calls	6 Medical Calls
17 Assists to other Agencies	15 Assists to other Agencies
(8 SLMPD)	(11 SLMPD)
(7 MTKA)	(3 MTKA)
(2 WAYZATA)	(1 WAYZATA)
2 Assist to Deephaven	5 Assists to Deephaven
(2 SLMPD)	(3 SLMPD)
	(1 MTKA)
	(1 WAYZATA)
3 Accidents	3 Accidents

0 Permits to acquire handgun 1 Permit to acquire handgun

13 Alarms 9 Alarms

The following statistics are Part 1 and Part 2 crimes reported for the month of December 2025:

INCIDENT	DATE	INCIDENT DETAILS:
DWI - Arrest-Formal Complaint	2025-12-15	Officer conducted a traffic stop for a stop sign violation. The 40-year Shorewood resident failed field sobriety tests and was arrested for 4th degree DWI. The driver tested a .13 ac. The driver was released pending Formal Complaint.

	ACCIDENT	DATE	DETAILS
	PI Accident - Driver Evaluation	2025-12-19	Officers were dispatched to an accident with injuries in the driveway of a residence on Minnetonka Blvd. Officers arrived and determined a single vehicle crashed into a tree while driving down the driveway. The driver of the vehicle complained of chest pain and was evaluated by Hennepin EMS. Kustom Karriers was dispatched at the drivers request to tow the vehicle, which was disabled. Due to the circumstances, a state crash report and driver evaluation form were both completed.
	PD Accident - Citation	2025-12-27	Officer witnessed an accident at the intersection of State Highway 7 and Vine Hill Road. Officer gathered information, completed a crash exchange form and took photos of the accident. A citation was mailed to a driver for improper change of course. A state crash report was completed and attached.