

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, OCTOBER 20, 2013
MINUTES**

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

PRESENT: Mayor Paul Skrede, Councilmembers Keith Kask, Steve Erickson, Darel Gustafson and Josh Hackney

STAFF: Zoning Coordinator Gus Karpas and City Administrator Dana Young

2. **PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

3. **APPROVE CONSENT AGENDA**

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

- A. Approve October 6, 2014 City Council Minutes
- B. Authorize Payment to Hennepin County for the Vine Hill Bridge Project (\$301,701.96)
- C. Approve September 2014 Treasurer's Report

Seconded by Councilmember Gustafson. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **PLANNING & ZONING REQUESTS**

A. Variance, Charles Cudd De Novo, 19825 Cottagewood Avenue – Request for variances of the minimum permitted front and lake yard setbacks for the construction of a new single family home and exceed the maximum permitted impervious surface area. Section 1302.05(3) of the city ordinance requires a minimum front yard setback of thirty-five (35) feet from the front property line. The requested front yard setback for the proposed single family home is twenty (20) feet. A variance to encroach fifteen (15) feet into the required front yard setback is being sought. Section 1302.05(3) of the city ordinance requires a minimum lakeshore setback of one hundred (100) feet from the Ordinary High Water Level (OHWL) of Lake Minnetonka. The requested lakeshore setback for the proposed single family home is sixty-eight feet, nine inches (68'-9"). A variance to encroach thirty-one feet, three inches (31'-3") feet into the required lakeshore setback is being sought. Section 1350.06(2)(a) of the Shoreland Management Ordinance permits a maximum impervious surface area of twenty-five percent. The applicant proposes an impervious surface area of 25.8%. A variance to exceed the impervious surface area by .8% is being sought.

The applicant was not available to present the request. The Council agreed to discuss the proposal but not take action.

Councilmember Kask discussed the non-conforming characteristics of the lot and noted the city has, in terms of lake yard setback, looked favorably on attempts to match the average setback of structures on either side of a proposed structure. He discussed the proposed front yard setback, stating he would like to see enough depth on the front yard to permit the off street storage of vehicles on the property. He believes a property of this size is going to need variances; it's just a matter of what variances are deemed appropriate.

Mayor Skrede suggested the applicant could gain front yard setback if the garage were side loaded. Councilmember Kask said the Council doesn't design projects, but felt a side loading garage would increase the impervious surface on the property.

Councilmember Gustafson discussed the hallway connection between the garage and the house suggesting it may not be necessary and removing it may increase setbacks. He agreed the Council shouldn't do anything that would increase the impervious surface on the site.

Councilmember Hackney stated concern about the overall impact of the project on the neighbor to the west. He said the property is going from an open feel to being very impactful to that neighbor. He noted that only two percent of the proposed impervious surface area is driveway, the remainder was structure, which will have a big impact on a small lot. He said setback variances are problematic and even though there are other homes in the neighborhood with garages close to the road, they are detached, whereas this proposal has an attached garage which adds to the overall mass of the structure.

Councilmember Erickson said his biggest concern is the setback off the street and agrees the connection could be reduced to gain setback. He noted the existing structure is setback two feet off the side yard setback, while the proposed structure complies with both side setbacks. He said he's not supportive of the design as presented.

Mayor Skrede believes there are design alternatives to lessen the encroachments. He discussed concerns about public safety access given the street is a dead end. He would prefer the applicant submit a plan with an increased setback from the street. He understands the need for the lakeside variance.

Councilmember Kask agreed an increased street setback is needed, though he doubts the applicant could be held to the required thirty-five foot setback. He would not be supportive of the plan without a minimum front yard setback of thirty feet.

Mayor Skrede sought consensus amongst the Council on a reasonable front yard setback. The Council agreed a thirty foot setback would be reasonable while maintaining the sixty-eight foot, nine inch lake yard setback.

It was agreed that the request would be tabled and staff would contact the applicant to relay the Council's discussion.

Motion by Councilmember Kask to table the request and direct staff to contact the applicant and relay the discussion and concerns outlined by the Council and that official action on the request will be taken no later than the deadline of December 17th. Seconded by Councilmember Erickson. Motion passed 5-0.

6. UNFINISHED BUSINESS

A. Discuss Platform Court Heating Systems

Administrator Young stated that in September of 2013, the City obtained two quotes on a Make-up Air Unit system for the platform courts with the low bid going to Statewide Gas Services in the amount of \$17,636.00. The Council requested the less costly option of utilizing natural gas instead of propane for the Make-up Air Unit system and the project was postponed until this year. CenterPoint Energy finished the installation of a gas service line to our Maintenance Shed in September and Statewide Gas Services was contacted to begin the installation of the Make-up Air Unit.

He stated that City staff met with Statewide Gas Services at the end of September and the contractor expressed concern about the overall effectiveness of the Make-up Air Unit. Their primary concern was to make sure that we didn't have an unrealistic expectation on the ability of this unit to effectively clear ice off the floor boards in a short period of time. They explained that this unit will blow warm air into a relatively large, cold, and uninsulated space and it will take considerable time to heat up the space to where it is sufficiently warm enough to melt the ice from the boards.

As an option, the contractor provided a quote on a radiant heating system that would include a boiler and radiant heat system that would provide separate lines filled with warmed antifreeze under each individual floor board. While this system would be much more effective and efficient in clearing snow and ice from the floor boards, it is also much more expensive. The contractor provided a quote of \$34,290 to install a boiler and radiant heat system for just one court. The contractor also included a quote of \$3,978 to install the header lines that could eventually be used for the second court.

He stated that we have two completely different options to consider:

1. The Make-up Air Unit costs \$17,636.00, accommodates both courts albeit one court at a time, but would be a very inefficient system that would consume quite a bit of natural gas with very slow results.
2. The Boiler / Radiant Heat system costs \$34,290 to heat only one court but would be a much more effective and efficient system in terms of natural gas usage and in warming the floor boards sufficiently to melt ice.

Mayor Skrede provided a brief summary of the two options and noted that he was surprised at the expense of the Boiler / Radiant Heat system. He added that he never assumed the courts would have to be bone dry.

Councilmember Gustafson stated that he was shocked at the cost of either option particularly in comparison to the cost to install a heating unit in a residential home. He asked why this option was so expensive.

Councilmember Erickson stated that one half of the \$34,290 might be the cost of the boiler. He stated that perhaps we should consider insulating the skirting. He stated that the tubing will shoot heat directly to the flooring but questioned whether it would be worth the cost.

Councilmember Kask wondered if it were even feasible to adequately heat with either option if the weather is extremely cold.

Councilmember Erickson stated that he knows it works and has seen such a system work successfully in driveways. He added that it is not an inexpensive system.

Councilmember Hackney asked about the original heat system and the amount of BTU's that were proposed under that system.

Administrator Young stated that it proposed a total of four heaters, two heaters under each court, with a total of 440,000 BTU's. He stated that the Make-Up Air Unit system proposed to use 220,000 BTU's, clearing one court at a time.

Councilmember Gustafson stated that it is not the snow that is the problem on the courts but the freezing rain. He noted that have been very few times when they haven't been able to play. He stated that he has a hard time paying \$34,290 for only one court. He stated that this money could be spent in other areas. He stated that he would like to talk to the participants about raising the \$17,600 for the Make-Up Air Unit. He added that they have already raised approximately \$7,000 for the platform courts over the last three years.

Mayor Skrede stated that he likes the concept where the platform court enthusiasts would need to raise a certain amount per year towards the courts but he wouldn't mind moving forward with the installation of the heating unit now.

Councilmember Gustafson suggested tabling this matter until June 1st.

Councilmember Hackney stated that he doesn't want the platform court enthusiasts to think we are avoiding installing a heating unit. He stated that he would like a letter send to the organizers of the fund raising event.

Councilmember Erickson stated that he is not opposed to the Mayor's suggestion and noted that the City spends a lot on recreational activities. He stated that he would be fine with moving forward with the heating units now.

Mayor Skrede stated that if we went with the Make-Up Air Unit proposal of \$17,636.00, the City would only be \$10,000 shy after the \$7,000 that has already been raised by the platform court enthusiasts.

Councilmember Hackney noted that the platform court enthusiasts are a stand up group of individuals who wouldn't back off of their commitment to the platform courts.

Motion by Councilmember Erickson to approve the Make-Up Air Unit system at a cost of \$17,636.00 from Statewide Gas Services, with the understanding that the platform leagues would continue to provide funding towards the platform courts. Seconded by Councilmember Hackney. Motion carried 5-0.

C. Other

There was no other Unfinished Business this evening.

7. **NEW BUSINESS**

A. **Other**

Councilmember Gustafson recommended putting the revised and updated City Code on the webpage.

Mayor Skrede provided a summary of the meeting he and Administrator Young had with Xcel Energy representatives on the tree trimming complaints along the LRT Trail.

8. **REPORTS FROM STANDING COMMITTEES**

A. **Public Works Committee**

Administrator Young presented a review of the Public Works Committee meeting held on October 8, 2014 on the following items:

- Reviewed and took no action on a request to consider exempting all residents on Cottagewood Road from load limit requirements.
- Reviewed a complaint regarding a woodpile stored along the easement to the Linwood Beach and recommended sending a letter to the property owner requesting that the woodpile be moved.
- Reviewed and took no action on a request for speed bumps on Highland Avenue.
- Discussed a request for neighborhood libraries.
- Discussed the tree trimming along the LRT Trail.
- Reviewed the two heating systems for the platform courts.
- Prioritized street improvement projects for 2015-2017.

Further discussion was held on the condition and prioritization of city streets, particularly Vine Hill and Deephaven Avenue.

9. **ADJOURNMENT**

Motion to adjourn the Regular Council meeting by Councilmember Kask, seconded by Councilmember Erickson. Motion carried 5-0. The meeting adjourned at 8:30 p.m.

10. **SPECIAL COUNCIL BUDGET WORKSESSION**

A. **Review 2015 Park Improvement Fund Budget**

Administrator Young presented the 2015 Park Improvement Fund Budget for Council review.

B. **Review 2015 Recycling Fund Budget**

Administrator Young presented the 2015 Recycling Fund Budget for Council review.

C. **Review 2015 Marina Fund Budget**

Administrator Young presented the 2015 Marina Fund Budget and Five Year Marina Fund Projections for Council review.

D. Review 2015 Capital Improvement Fund Budget

Administrator Young presented the 2015 Capital Improvement Fund Budget for Council review.

E. Review 5-Year Budget Projections

Administrator Young presented 5-Year Budget Projections for Council review.

11. ADJOURNMENT

Motion to adjourn the Special Budget Worksession by Councilmember Erickson, seconded by Councilmember Hackney. Motion carried 5-0. The meeting adjourned at 9:56 p.m.

Respectfully submitted,
Dana H. Young
City Administrator