

**CITY OF DEEPHAVEN
REGULAR COUNCIL MEETING
7:00 P.M., MONDAY, MAY 18, 2020
NOTICE OF MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS**

NOTICE IS HEREBY GIVEN that the City Council of the City of Deephaven will hold its regular Council meeting on Monday, May 18, 2020 at 7:00 p.m. at Deephaven City Hall located at 20225 Cottagewood Road, Deephaven, MN.

In accordance with the requirements of Minnesota Statutes, Section 13D.021, the Mayor has determined that due to the outbreak of COVID-19 it is not practical or prudent to hold an in-person meeting. Some members of the City Council may be participating via telephone or other electronic means. Members of the public may monitor the meeting by joining the following link:

Topic: May 18 Council Meeting

Time: May 18, 2020 07:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89441522276?pwd=TEF5a1Q1MkZrOUM1UHprN3NDT0t6QT09>

Meeting ID: 894 4152 2276

Password: 949913

One tap mobile

+13126266799,,89441522276#,,1#,949913# US (Chicago)

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**DEEPHAVEN CITY COUNCIL
DEEPHAVEN CITY COUNCIL CHAMBERS
20225 COTTAGEWOOD ROAD
MONDAY, MAY 18, 2020
7:00 P.M.**

AGENDA

- 1. CALL MEETING TO ORDER**
- 2. APPROVE MAY 4, 2020 COUNCIL MINUTES**
- 3. MATTERS FROM THE FLOOR**
- 4. UNFINISHED BUSINESS**
 - A. Adopt Ordinance No. 08-08, Establishing Uniform Park & Ice Rink Hours**
 - B. Discuss the Issuance of Non-Resident Beach Permits**
 - C. Other**
- 5. NEW BUSINESS**
 - A. Present Ordinance No. 09-28, Deleting the June 1st Deadline & 90-Day Rule**
 - B. Discuss the Deephaven Beach Restroom Facility**
 - C. Discuss 2021 Boat Fees / Park Dedicated Revenue Source Funding**
 - D. Approve Contribution to Cottagewood Children's Park Upgrade**
 - E. Other**
- 6. REPORTS FROM STANDING COMMITTEES**
 - A. Park Committee: May 5, 2020**
 - B. Public Works Committee: May 12, 2020**
- 7. ADJOURNMENT**

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, MAY 4, 2020
MINUTES
VIA ZOOM VIDEO CONFERENCING TECHNOLOGY**

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

PRESENT: Mayor Paul Skrede, Councilmember's Kent Carlson, Steve Erickson, Melissa McNeill, and Tony Jewett

STAFF: Police Chief Cory Johnson, Zoning Coordinator Pat Smith, and City Administrator Dana Young

2. **APPROVE CONSENT AGENDA**

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

- A. Approve April 20, 2020 Regular Council Minutes
- B. Approve Verifieds
- C. Approve 6-Month Probation of Deputy Clerk Tracy Gustafson
- D. Approve 6-Month Probation of Mark Duffy, Public Works
- E. Change Designation of Official Publication
- F. Approve March 2020 Treasurer's Report

Seconded by Councilmember McNeill. Motion carried 5-0.

3. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

4. **PUBLIC HEARING**

- A. **Public Hearing on the Partial Vacation of Dale Avenue**

Administrator Young stated that the public hearing on the request to vacate a portion of Dale Avenue was originally held on April 20th. He stated that there was no one in attendance at the public hearing and the Council took no action on the vacation request due to several unanswered questions regarding the proposed vacation request. He stated that the Council expressed concerns regarding access to the existing pedestrian easement if this portion of Dale Avenue were vacated and the overall extent of the proposed vacation.

Administrator Young stated that the proposed resolution approving the vacation could include language that would maintain the existing pedestrian easement until the lot reconfiguration is submitted that could potentially relocate the pedestrian easement to the new sewer easement.

He stated that in regards to the unusual dimensions of the proposed vacation, David Steingas stated that this would allow the guest house to have street access. He stated that staff continues to support this vacation request but only if the vacated portion of Dale Avenue were to extend all the way to the westerly line of Walden Trail. The guest house would simply have to install a driveway to access Dale Avenue.

Mayor Skrede stated that he visited this site with Councilmember Carlson and Public Works Foreman John Menzel and agreed that the proposed vacation dimensions would be difficult for our crew to plow and agreed that the guest house could access Dale Avenue with a driveway.

Councilmember Carlson stated that the overall intent of the vacation is to create three new large sized lots. He stated that the Council needs to provide some direction to the applicant so that they address the proposed new subdivision. He stated that the drainage & utility easement need to be maintained.

Councilmember Jewett suggested including the document number of the pedestrian easement within the approving resolution to ensure that access to the pedestrian easement is maintained following the vacation of a portion of Dale Avenue.

The Council unanimously agreed with the proposed vacation of that portion of Dale Avenue west of the westerly line of Walden Trail.

Mayor Skrede closed the public hearing at 7:11 p.m.

5. PLANNING & ZONING REQUESTS

A. Variance request of Matt and Kelly Allman to encroach into the front yard setback in conjunction with the construction of a new home at 19905 Lakeview Avenue

Planning Director Pat Smith presented the staff report. The applicants are requesting a 7 feet-5 inches front yard setback variance in order to build a new house.

Motion by Councilmember Erickson to approve the 7-foot/5-inch front yard setback variance for a new house at 19905 Lakeview Ave subject to the conditions listed in the staff report deleting condition #2 that a stormwater maintenance agreement be recorded with Hennepin County. Seconded by Councilmember Carlson. Motion carried 5/0.

B. Variance requests of H/A Partners to encroach into the side yard setback, lake yard setback, and to exceed the impervious surface area in conjunction with the construction of a new house at 19875 Cottagewood Avenue

Smith presented the staff report. He stated that the applicant is requesting a variance to encroach 7.5 feet into the minimum required east side yard setback, a variance to encroach 23.8' into the minimum required lake yard setback, and a variance to exceed the maximum required impervious surface percentage by 6.6% in conjunction with the construction of a new home.

Councilmember Carlson corrected the hardcover variance request. Councilmember McNeill asked about the need for a grading variance. Smith noted that the revised city engineer memo states no variance is needed.

Cory Lepper suggested moving the house 12.5 feet from the common property line of Mr. Baldwin (west property line). This will help preserve the mature trees along the common property line.

Elmer Baldwin addressed the City Council. He appreciates the downsizing of the proposed house. It was noted that the existing fire lane is not needed by the fire department anymore. He noted that he is concerned with the construction traffic in the area.

Mayor Skrede requested the stormwater be tapped into the City's storm sewer. Cory Lepper agreed to look into this.

Councilmember Jewett suggested televising the storm sewer around the Allman property.

Councilmember Carlson favored moving the house 2.5 feet farther from the west property line so that the resulting side yard setback would be 12.5 feet from the west property line and five feet from the east property line. If half of the City's fire lane was considered part of the subject property, this would create side yard setbacks of 12.5 feet on both sides of the proposed house.

Councilmember McNeill appreciated the changes to the project since the Planning Commission. Councilmember Jewett stated that he is comfortable with either side yard setbacks. Councilmember Erickson stated that he is supportive of the project and the 12.5 feet from the West property line and is glad to see the elimination of the two garages next to the street.

Motion by Councilmember Carlson to approve the variances to encroach 5 feet into the required side yard setback, encroach 23.8' into the minimum required lake yard setback, and a variance to exceed the maximum required impervious surface percentage by 6.6% through mitigation of the overage using a storm water plan approved by the City's Engineer in conjunction with the construction of a new home at 19875 Cottagewood Avenue subject to the conditions listed in the staff report and city engineer approval. Seconded by Councilmember McNeill. Motion carried 5/0

C. Variance requests of Andrew and Kathryn Krejci to encroach into the side yard setback, lake yard setback, and to exceed the impervious surface area in conjunction with construction of an addition at 19880 Lakeview Avenue

Smith presented the staff report. He stated that the applicants are requesting a variance to reduce the side yard setback from 9.4 feet to 8.7 feet, a variance to reduce the lake yard setback from 100 feet to 64 feet (to the patio) and a variance to exceed the total hard cover by 12%.

Councilmember Jewett asked about the need for a variance from the patio. Councilmember Carlson said the two steps raise the patio to make it a structure.

Councilmember McNeill asked how much the stormwater mitigation help would reduce the hardcover. Cory Lepper stated it would be reduced to 23.5%. Mayor Skrede asked if the City's Engineer could verify the applicant's calculations on reduction of hardcover. Councilmember Jewett liked having the stormwater information on the survey.

Motion by Councilmember Carlson to approve a variance to reduce the side yard setback from 9.4 feet to 8.7 feet, a variance to reduce the lake yard setback from 100 feet to 64 feet (to the patio) and a variance to exceed the total hard cover by 12% subject to the conditions listed in the staff report. Seconded by Councilmember Jewett. Motion carried 5/0

6. UNFINISHED BUSINESS

A. Approve Boat Lift Addendum

Administrator Young stated that at the April 20th Council meeting, the Council discussed the possibility of adding an addendum to the Mooring Lease Agreement that would allow residents on a dock slip to install a boat lift. He stated that two primary concerns expressed at the meeting concerned the lack of a liability waiver to the addendum and Section 4 of the Boat Lift Addendum that includes specific models of boat lifts and whether these models would fit in the 9 1/2 foot wide dock slips.

Councilmember Jewett stated that he talked with both Dean Friesen about his interest in having a boat lift at his dock slip and with Joe Hoeschen, the owner of Don Anthony's barge service. He stated that Joe told him that hydraulic lifts work best, can be slid under a dock, and can be custom built. He stated that sent this information to Dean, since he didn't think his boat lift would fit into a Deephaven dock slip. He stated that Dean was concerned that hydraulic lifts don't last long and the cantilever design doesn't work well on soft-bottom lake beds.

Councilmember Jewett added that he agrees that we don't want to design the specifications for boat lifts and doesn't care if the lift is hydraulic or not as long as it fits in the slip. He stated that most people seem to prefer the standard lift style. He stated that we have batted this around long enough but felt that we had to take some sort of action as this request for a boat lift will come up again.

Councilmember Carlson asked if a standard lift could use solar batteries.

Councilmember Jewett stated that they do.

Councilmember Carlson agreed that it is not our issue to figure out design specifications and these specifications would likely change in the future.

Motion by Councilmember Jewett to approve Boat Lift Addendum and Liability Waiver, as amended. Seconded by Councilmember McNeill. Motion carried 5-0.

B. Approve Warming House Restroom Lock Proposal

Administrator Young stated that on April 20th, the Deephaven City Council discussed a recommendation from the Park Committee requesting that the Council consider and determine

the appropriate funding for securing the warming house and restrooms during those hours that Thorpe Park is closed. In addition, the Council also considered the following recommendation from the Public Safety Committee to obtain a quote on the installation of a timer on the two restroom doors set to automatically lock at 10:00 p.m. and reopen at 6:00 a.m.

He stated that a quote from USA Security, Inc. in the amount of \$4,331.25 would provide two automatic locks for the Warming House restrooms.

Councilmember McNeill stated that locking the restrooms makes sense as long as the warming house doors stays locked.

Police Chief Johnson stated that the quote looks good to him.

Motion by Councilmember Jewett to approve the bid submitted by USA Security, Inc. in the amount of \$4,331.25 to install two automatic locks at the Thorpe Park Warming House restrooms. Seconded by Councilmember McNeill. Motion carried 5-0.

C. Present Ordinance No. 08-08, Establishing Uniform Park & Ice Rink Hours

Administrator Young stated that on April 20th, the Deephaven City Council reviewed the Public Safety Commission's recommendations on establishing consistent closing hours for all city beaches, parks and ice rinks from 10:00 p.m. to 6:00 a.m.

He stated that Ordinance No. 08-08 establishes uniform hours requiring parks, beaches and ice rinks to close to the public at 10:00 p.m. and open at 6:00 a.m. The ordinance would also delete "*except those who, without delay, are traveling on the established walks, paths and streets*" under Park Hours. He stated that the proposed ordinance does not propose any changes to Beach Hours, as beaches already close to the public between 10:00 p.m. and 6:00 a.m.

He stated that the ordinance would be posted for 10 days as required by law and presented for Council adoption on May 18th.

Councilmember McNeill noted that the proposed hours are uniform with other surrounding communities.

D. Discuss the Issuance of Non-Resident Beach Permits

Administrator Young stated that on April 20th, the Deephaven City Council discussed a recommendation from the Park Committee requesting that the Council consider whether to sell beach parking permits to non-residents during the COVID-19 pandemic in the attempt to alleviate potential problems with over-crowding and maintaining the appropriate social distancing at the beaches.

He stated that the Council decided to table further discussion on whether to sell or limit the sale of non-resident beach permits until the May 4th Council meeting, when more information will be available on whether Governor Walz decides to extend the current Stay at Home Order. In

addition, the Governor's order may also add clarifying details on the proposed opening of beaches or other similar public uses.

Mayor Skrede stated that he has no interest in not issuing beach parking permits to non-residents.

Councilmember McNeill stated that she would be amenable to not selling non-resident beach permits.

Councilmember Jewett stated that outdoor recreation is discussed in the latest Stay-at-Home Order with the recommendation that people enjoy the outdoors but stay close to home. He stated that issuing non-resident beach permits isn't keeping with the spirit of the Order.

Councilmember McNeill agreed with Councilmember Jewett.

Mayor Skrede stated that not selling beach permits would just enable non-residents to park elsewhere. He stated that this would not restrict beach attendance.

Councilmember McNeill stated that people are inherently lazy and would likely not want to park too far away. She stated that she doesn't see a compelling reason to sell non-resident beach permits. She stated that she wouldn't be opposed to capping the boat launch permits as well.

Mayor Skrede stated that he respectfully disagreed. He stated that he doesn't see this as an abuse issue and felt that many non-residents who purchased permits were repeat customers. He stated that he doesn't care about the loss of revenue, he just didn't know if we were solving anything by not selling permits. He noted that we do have lifeguards scheduled to work this year.

Councilmember Jewett noted that the City webpage will have to be updated as it references playgrounds closed until April 30th.

Police Chief Johnson stated that the notice states that the City doesn't recommend their use as they are not sanitized.

Councilmember Jewett stated that in his circle, one-half of the people are following social distancing and the other half are not. The ones following social distancing are annoyed at those who are not.

Mayor Skrede stated that a lot of Deephaven residents apply for additional parking permits beyond the two that are mailed out to them. He stated that it has been a tough enough spring and doesn't want to make it any harder. He added that the Public Safety Committee simply thought that non-residents would just walk further to the beach.

Police Chief Johnson stated that he wasn't at the last meeting when this discussion was first held and asked if the Council had any objections to capping the number of permits.

Councilmember McNeill stated that it was the consensus of the Council after the last discussion to wait until the Governor's Order.

Councilmember Carlson stated that he didn't know when this situation would get any better. He noted that the vast majority of non-residents are from surrounding communities who also want to enjoy Lake Minnetonka. He stated that people should take responsibility for social distancing.

Councilmember Jewett stated that Minnetonka residents have access to Libb's Lake Beach. He stated that if the peak comes at the end of June, as some experts predict, his preference under the Stay-at-Home Order is to not sell non-resident beach permits.

Mayor Skrede stated that he doesn't have a problem with holding off on the sale of non-resident beach permits until the Governor decides to lift the Stay-at-Home Order. He added that the police can monitor who is using the parking at the beach.

Councilmember Jewett stated that he is agreeable with the sale of launch permits as their motivation is to go fishing.

The Council agreed to continue with the sale of launch permits.

Mayor Skrede stated that everyone is in agreement to sell boat launch permits and to refrain from selling non-resident beach permits until such time as the Governor lifts the Stay-at-Home Order.

Councilmember Jewett stated that he would likely vote yes once the Stay-at-Home Order is lifted.

Councilmember Erickson stated that he agrees with Councilmember Jewett. Beaches are already crowded. He noted that non-residents could always purchase the more expensive boat launch permits.

Councilmember Carlson agreed that we should wait until the Governor's Order is lifted. He stated that he would then approve the sale of non-resident beach permits but would consider limiting the overall number sold.

Mayor Skrede stated that he would be more than happy to survey how crowded it is down at the beach. He stated that it would be helpful to get an idea on who is using the parking lots.

E. Other

There was no other Unfinished Business this evening.

7. NEW BUSINESS

A. Other

Mayor Skrede noted that there will be discussion at our next meeting about the possibility of eliminating the June 1st Deadline and the 90 Day Rule.

8. DEPARTMENT REPORTS

A. Excelsior Fire District

EFD Liaison Steve Erickson provided the following update on the Fire District meeting held on April 22nd:

- The Fire Relief Association received a 5% annual pension increase based on the size of their investment holdings as of December 31 2019. He stated that he voted against the increase due to the optics of such a large increase with a declining market. He added that their investment fund is currently 112% funded even after the pension increase.
- Overnight Duty Crews have been extended to seven nights per week.
- The 2019 Audit was presented with no adverse findings.
- The number of medical calls has decreased the past few months.
- The Capital Equipment Fund is being re-worked to minimize large expenditures for the 2021 Budget.

B. Police Department

Police Chief Johnson reviewed the April 2020 Incident Report.

The Council allowed contractor's doing work on two homes on Robinson's Bay Road to park along the west side of the public portion of Robinson's Bay Road.

C. Public Works

Administrator Young provided an update on recent and upcoming public work activities.

D. Administration

Administrator Young provided a brief summary on the following items:

- Summer Hours
- Street Sweeping Schedule
- City Cleanup Day
- Paddleboard Rack update
- Street Striping
- Summerville Road Storm Water Project
- Deephaven Bikeway Feasibility Study Grant
- Presidential Nomination Primary Reimbursement

9. ADJOURNMENT

Motion to adjourn by Councilmember Erickson, seconded by Councilmember McNeill. Motion carried 5-0. The meeting adjourned at 9:36 p.m.

Respectfully submitted,
Dana H. Young, City Administrator

**Deephaven City Council Agenda Item
May 18, 2020**

Agenda Item: Adopt Ordinance No. 08-08, Establishing Uniform Park & Ice Rink Hours

Summary:

Ordinance No. 08-08 was first reviewed by the City Council on May 4, 2020. This ordinance proposes to establish uniform hours requiring parks, beaches and ice rinks to close to the public at 10:00 p.m. and open at 6:00 a.m. The ordinance would also delete the sentence that reads “*except those who, without delay, are traveling on the established walks, paths and streets*” under Park Hours.

A copy of the proposed ordinance was posted for 10 days as required by law. The ordinance is presented for final adoption on May 18, 2020. The ordinance would be effective beginning on May 28th, its official date of publication.

Recommendation:

Adopt Ordinance No. 08-08, Establishing Uniform Park & Ice Rink Hours.

ORDINANCE NO. 08-08

**AN ORDINANCE AMENDING SECTION 800 ON HOURS FOR PARKS, BEACHES,
AND PUBLIC SKATING RINKS**

The Council of the City of Deephaven does hereby ordain:

Section 1. Amendment to Park and Public Skating Rink Hours. All hours for public parks, beaches and public skating rinks shall be amended as follows.

800.01 Park Regulations.

Subd. 1. Hours. No person may be present in, or park a vehicle in, any park, playground or public beach, between 10:00 p.m. ~~12 midnight~~ and 6 a.m., ~~except those who, without delay, are traveling on the established walks, paths, and streets.~~

800.02 Beach Regulations.

Subd. 3. Beach Hours. No person may be present at any public beach for the purpose of swimming, bathing or congregating with others between the hours of 10 p.m. and 6 a.m. of the following day.

800.04 Public Skating Rink Regulations. For the protection of the public in the orderly use of public skating rinks in the City:

Subd. 4. Skating Rink Hours: City skating rinks will be closed between 10:00 p.m. ~~9:00 p.m.~~ and 6:00 a.m. ~~8:00 a.m.~~, unless a permit is obtained from the Director of Public Works.

Section 2. Effective Date. This ordinance shall be in effect on date of its publication.

Adopted by the Council of the City of Deephaven this 18th day of May, 2020.

Paul A. Skrede, Mayor

Attest: _____
Dana H. Young, City Administrator

**Deephaven City Council Agenda Item
May 18, 2020**

Agenda Item: Discuss the Issuance of Non-Resident Beach Permits

Summary:

The Deephaven City Council has held discussions at the last two Council meetings on whether to sell beach parking permits to non-residents during the COVID-19 pandemic in the attempt to alleviate potential problems with over-crowding and maintaining the appropriate social distancing at the beaches.

After each discussion, the Council decided to table further discussion on the sale of non-resident beach permits until Governor Walz decides whether to extend the current Stay at Home Order, which expires on May 18th.

As a reminder, the following is an excerpt of the May 4th Council meeting on this topic.

D. Discuss the Issuance of Non-Resident Beach Permits

Administrator Young stated that on April 20th, the Deephaven City Council discussed a recommendation from the Park Committee requesting that the Council consider whether to sell beach parking permits to non-residents during the COVID-19 pandemic in the attempt to alleviate potential problems with over-crowding and maintaining the appropriate social distancing at the beaches.

He stated that the Council decided to table further discussion on whether to sell or limit the sale of non-resident beach permits until the May 4th Council meeting, when more information will be available on whether Governor Walz decides to extend the current Stay at Home Order. In addition, the Governor's order may also add clarifying details on the proposed opening of beaches or other similar public uses.

Mayor Skrede stated that he has no interest in not issuing beach parking permits to non-residents.

Councilmember McNeill stated that she would be amenable to not selling non-resident beach permits.

Councilmember Jewett stated that outdoor recreation is discussed in the latest Stay-at-Home

Order with the recommendation that people enjoy the outdoors but stay close to home. He stated that issuing non-resident beach permits isn't keeping with the spirit of the Order.

Councilmember McNeill agreed with Councilmember Jewett.

Mayor Skrede stated that not selling beach permits would just enable non-residents to park elsewhere. He stated that this would not restrict beach attendance.

Councilmember McNeill stated that people are inherently lazy and would likely not want to park too far away. She stated that she doesn't see a compelling reason to sell non-resident beach permits. She stated that she wouldn't be opposed to capping the boat launch permits as well.

Mayor Skrede stated that he respectfully disagreed. He stated that he doesn't see this as an abuse issue and felt that many non-residents who purchased permits were repeat customers. He stated that he doesn't care about the loss of revenue, he just didn't know if we were solving anything by not selling permits. He noted that we do have lifeguards scheduled to work this year.

Councilmember Jewett noted that the City webpage will have to be updated as it references playgrounds closed until April 30th.

Police Chief Johnson stated that the notice states that the City doesn't recommend their use as they are not sanitized.

Councilmember Jewett stated that in his circle, one-half of the people are following social distancing and the other half are not. The ones following social distancing are annoyed at those who are not.

Mayor Skrede stated that a lot of Deephaven residents apply for additional parking permits beyond the two that are mailed out to them. He stated that it has been a tough enough spring and doesn't want to make it any harder. He added that the Public Safety Committee simply thought that non-residents would just walk further to the beach.

Police Chief Johnson stated that he wasn't at the last meeting when this discussion was first held and asked if the Council had any objections to capping the number of permits.

Councilmember McNeill stated that it was the consensus of the Council after the last discussion to wait until the Governor's Order.

Councilmember Carlson stated that he didn't know when this situation would get any better. He noted that the vast majority of non-residents are from surrounding communities who also want to enjoy Lake Minnetonka. He stated that people should take responsibility for social distancing.

Councilmember Jewett stated that Minnetonka residents have access to Lib's Lake Beach. He stated that if the peak comes at the end of June, as some experts predict, his preference under the Stay-at-Home Order is to not sell non-resident beach permits.

Mayor Skrede stated that he doesn't have a problem with holding off on the sale of non-resident beach permits until the Governor decides to lift the Stay-at-Home Order. He added that the police can monitor who is using the parking at the beach.

Councilmember Jewett stated that he is agreeable with the sale of launch permits as their motivation is to go fishing.

The Council agreed to continue with the sale of launch permits.

Mayor Skrede stated that everyone is in agreement to sell boat launch permits and to refrain from selling non-resident beach permits until such time as the Governor lifts the Stay-at-Home Order.

Councilmember Jewett stated that he would likely vote yes once the Stay-at-Home Order is lifted.

Councilmember Erickson stated that he agrees with Councilmember Jewett. Beaches are already crowded. He noted that non-residents could always purchase the more expensive boat launch permits.

Councilmember Carlson agreed that we should wait until the Governor's Order is lifted. He stated that he would then approve the sale of non-resident beach permits but would consider limiting the overall number sold.

Mayor Skrede stated that he would be more than happy to survey how crowded it is down at the beach. He stated that it would be helpful to get an idea on who is using the parking lots.

Recommendation:

Discuss the Issuance of Non-Resident Beach Permits

**Deephaven City Council Agenda Item
May 18, 2020**

**Agenda Item: Adopt Ordinance No. 09-28, Amending Section 900.07 (2) of the
Watercraft Space Ordinance on Use Required**

Summary

The original regulations establishing dock usage were adopted on November 20, 1989. These regulations established what is now known as the June 1 Deadline requirement (originally June 15th) and the 90-Day Rule (originally 60-days). The June 1 Deadline requires permit holders to be at their assigned space by May 31st and the 90-Day Rule requires permit holders to use their assigned space for a minimum of 90 days. Both of these provisions are enforced by twice daily inspections by the Deephaven Police Department.

A recent meeting with Mayor Skrede, Chief Johnson & Lieutenant Whiteside, and staff led to the proposal that the City of Deephaven eliminate the June 1 Deadline requirement and the 90-Day Rule. The reasoning behind this proposal is as follows:

1. Both of these requirements are trying to get at the issue of boat usage. In reality, it really doesn't do a very good job of determining how often a permit holder uses his or her watercraft, it just establishes requirements on how often the watercraft spaces are used.
2. The Boating Season extends from April 1 to November 1. Twice each day the Deephaven Police send one of their officers to St. Louis Bay, Carson's Bay and all of the Street Ends to record that a registered boat is in their assigned space. It is this daily log that is used to enforce the June 1 Deadline and the 90-Day Rule. Over the past several years, as our Marina Clerk continues to reassign permit holders from one space to another preferred space, the task of keeping the daily log straight is taking up more and more police staffing time.
3. With the advent of the 10-year limit on boat docks, it can be argued that usage requirements no longer matter.
4. The number of permit holders in violation of the June 1 Deadline requirements have averaged only 3 residents per year the past five years and the number in violation of the 90-Day Rule have averaged only 1 resident per year the past five years. An argument can be made that a significant amount of police staff time has been devoted to monitoring boats at their assigned spaces with very little benefit.
5. And finally, as long as the City receives its annual rental fee, does it really matter how the space is occupied?

Recommendation

Ordinance No. 09-28, an Ordinance Amending Section 900.07 (2) of the Watercraft Space Ordinance on Use Required is presented for Council review and discussion.

ORDINANCE NO. 09-28

AN ORDINANCE AMENDING SECTION 900.07 (2) ON USE REQUIRED ON WATERCRAFT SPACES

The Council of the City of Deephaven does hereby ordain:

Section 1. Section 900.07 (2) on Use Required is hereby deleted and Section 900.07 (3) is hereby amended as follows:

Subd. 2. Use Required.

~~(a) A watercraft space for which a permit has been issued must be used a minimum of 90 days for the keeping or mooring of a watercraft. The City may refuse to renew the permit for failure to use a watercraft space for this length of time. If the permit is not renewed, the permit holder may appeal to the Council for reconsideration of that decision.~~

~~(b) A watercraft space for which a permit has been issued must be used for the keeping of a watercraft prior to June 1st of the boating season for which the permit was issued. The City may revoke the permit for failure to use a watercraft space prior to June 1st. If the permit is revoked, the permit holder may appeal to the Council for reconsideration of the revocation.~~

~~(c) As set forth in paragraphs (a) and (b) of this subdivision, a permit holder may appeal to the City Council for reconsideration of City staff's decision to not renew the permit in subsection (a) or to revoke the permit in subsection (b). any such appeal must be filed in writing with the Clerk within 10 days of the date of mailing the notice. The appeal must specify all reasons for objecting to the decision and any mitigating circumstances or facts relating to the failure to use the space for at least 90 days or for failure to use the space prior to June 1st. The Council will hear the appeal at a regular meeting and will consider any written or oral information presented by the permittee and the City staff. After consideration of such information, the Council will affirm or reverse the City staff's decision to not renew the permit or to revoke the permit. If the Council decides to reinstate the permit, the condition of reinstatement shall be a penalty payable to the City of Deephaven in an amount equal to fifty percent (50%) of the normal permit fee.~~

Subd. 3 2. Use During Boating Season Only. A space may be used only during the boating season, as defined in Section 900.01, Subd. 5.

Section 2. Effective Date. This ordinance shall be in effect on date of its publication.

Adopted by the Council of the City of Deephaven this 1st day of June, 2020.

Paul A. Skrede, Mayor

Attest: _____
Dana H. Young, City Administrator

**Deephaven City Council Agenda Item
May 18, 2020**

Agenda Item: Discuss the Deephaven Beach Restroom Facility

Summary:

At their May 5th meeting, the Deephaven Park Committee had an extensive discussion regarding the Deephaven Beach Restroom Facility, much of the discussion evolved from the Committee's analysis of the attached General Plan and Program – Deephaven Beach Project, which had been developed by a Park Subcommittee. At the conclusion of their discussion, the Park Committee made the following motion for Council consideration:

Motion for the City Council to discuss 1) a potential structure that would include restrooms, including diaper changing stations and changing areas, outdoor showers, with the structure to include security provisions; 2) funding to allow for the necessary design of the structure; and 3) determining potential locations for the structure.

The recommendation was based on the Park Committee's prioritization of the restroom facility, their perception of the need for funding to design the proposed facility, and their continuing efforts to find the optimal location for the facility. A site plan showing potential Main Beach Facility Location Options is also attached.

An excerpt of the Park Committee minutes of May 5, 2020 outlining the discussion of the Deephaven Beach Restroom Facility is provided below:

Discuss Deephaven Beach Restroom Project

The Committee reviewed the ideas and suggestions included in the General Plan & Program listing provided by the Deephaven Beach Restroom subcommittee.

Scott Hemink stated that he felt we needed to identify priorities with the restroom project by identifying what is actually needed vs. what may be optional features that have been included for potential revenue raising purposes. He suggested removing the following items from design consideration:

- *Concession area*
- *Paddleboard rental*
- *Kayak rental*

- *Water bikes*

Wendy Duren suggested that the focus of the restroom should be on the restroom itself, including diaper changing stations and changing areas, and on outdoor showers. She stated that the outdoor showers could also be a water fountain with a spray to clean off feet.

It was further noted that the need for a public transient dock slip to access a concession area wouldn't be needed if the concession area were removed.

Cory Lepper suggested a phased approach to the project. He stated that you could start small and phase in further improvements over 2-3 years.

Wendy Duren noted that she felt the priority considerations were a restroom, outdoor showers, security, and for the structure to look consistent with the Thorpe Park warming house. She stated that these are essential features needed in the restroom structure and not ancillary features.

Further discussion was held on potential locations for the restroom. Scott Hemink stated that his top three locations were in the Lake Avenue area, Park Avenue area, and the sports court area. It was not particularly clear to all the members exactly where the first two areas were located. Scott Hemink stated that he would send out a site map showing his proposed locations.

Scott Hemink stated that issues for further consideration include how big does the structure need to be, obtaining the necessary funding for the design of the structure, and conducting usage studies at the beach to determine the overall usage of the restroom.

Motion by Scott Hemink to recommend that the City Council discuss 1) a potential structure that would include restrooms, including diaper changing stations and changing areas, outdoor showers, with the structure to include security provisions; 2) funding to allow for the necessary design of the structure; and 3) determining potential locations for the structure. Seconded by Wendy Duren. Motion carried 7-0.

Recommendation:

Discuss the Discuss the Deephaven Beach Restroom Facility

**Deephaven City Council Agenda Item
May 18, 2020**

Agenda Item: Discuss 2021 Boat Fees / Park Dedicated Revenue Source Funding

Summary:

Discussion was held at the April 6th Special Council Work Session about the possibility of supporting the ever-increasing costs of upgrading City parks & beaches by increasing boat rental fees and using these proceeds towards annual park & beach improvement projects. The City currently levies \$55,000 per year into the Capital Improvement Fund to support the replacement of existing facilities and equipment for all of the City parks and beaches. A relatively minor initial increase in boat fees could generate approximately \$16,000 per year in new revenues for park & beach projects as shown below.

**DEDICATED BOAT FEES USED
FOR PARK & BEACH PROJECTS**

MOORING SPACE	NO. OF SPACES	2020 RATE FEES	2020 FEE REVENUES	2021 PARK FEE	2021 PARK REVENUES
DOCK SLIPS	94	\$875	\$82,250	\$100	\$ 9,400
BUOYS	53	\$450	\$23,850	\$50	\$ 2,650
B2 SLIDES	80	\$200	\$16,000	\$25	\$ 2,000
B1 SLIDES	20	\$300	\$ 6,000	\$25	\$ 500
SHORESPACE	204 L.F.	\$64/L.F.	\$13,056	\$7/L.F.	\$ 1,428
CANOE RACKS	46	\$100	\$4,600	\$0	\$ 0
STREET SLIDES	7	\$200	\$1,400	\$25	\$ 175
TOTAL			\$147,156		\$16,153

Implementing these rates for 2021 would require amending Chapter 405 on Watercraft Mooring Fees. However, prior to the ordinance amendment, it is recommended that all permit holders be notified of the rate changes and the rationale for the rate changes, and provide them the opportunity to voice their opinions at a public hearing.

Recommendation:

Discuss 2021 Boat Fees / Park Dedicated Revenue Source Funding.

**Deephaven City Council Agenda Item
May 18, 2020**

Agenda Item: Approve Contribution to Cottagewood Children's Park Upgrade

Summary:

Stephen Streeter is leading a privately funded effort to upgrade the Cottagewood Children's Park fountain and the area immediately surrounding the fountain. One of goals is to upgrade and raise the brick work surrounding the fountain and Steven has asked the City of Deephaven to contribute to this maintenance effort by contributing from \$2,500-\$5,000.

The Public Works Committee is supportive of the improvements to the fountain area at Children's Park and recommended approval of the use of \$2,500-\$5,000 in park maintenance funds for the repair and improvements to the brick work at their last meeting on May 12th.

Recommendation

Approve a contribution in the amount of \$2,500 - \$5,000 from park maintenance funds to repair the brick work around the water fountain at Cottagewood Children's Park

PARK COMMITTEE MEETING
May 5, 2020
Minutes
Via Zoom Video Conferencing

Call Meeting to Order

Chairman Wendy Duren called the meeting to order at 7:02 p.m.

Members Present Via Teleconference

Wendy Duren, Cory Lepper, Tom Erdmann, Scott Hemink, Lindsey Carr, Kaisha Rafferty, Tracy Whitney, Melissa McNeill, and City Administrator Dana Young

Approve April 7, 2020 Minutes

Motion by Wendy Duren to approve the April 7, 2020 Park Committee minutes as amended. Seconded by Tom Erdmann. Motion carried 7-0.

Council Liaison Report

Melissa McNeill reported on the following Council park-related activities:

- The Council discussed whether to issue non-resident beach permits during COVID-19 and decided to wait until the Governor lifts the current Stay-at-Home Order effective until May 18th. She stated that the Council will further evaluate this issue at the May 18th Council meeting when it will be known if the Governor decides to lift or extend his Stay-at-Home Order. She added that resident parking permits have been sent out and the City continues to issue boat launch permits.
- The Council approved the automatic locking quote submitted by USA Security in the amount of \$4,331.25. She stated that this quote does not include the full wireless locking solution, it just provides for the automatic locking of the two restroom doors. She noted that the warming house doors will remain locked for the season.
- The Council is considering the adoption of an ordinance that will establish uniform closing hours from 10:00 p.m. to 6:00 a.m. for the parks & ice rinks. She noted that these hours will match the current beach closing hours.

She noted that the City Council appreciated the motions and recommendations made by the Park Committee on these issues and strongly encouraged further recommendations made in the form of a motion.

Tom Erdmann asked if there has been any more discussion on the sale of the two park properties.

Melissa McNeill stated that the Council is still waiting on further Park Committee recommendations and on a public hearing to discuss the sale of these two properties. She stated that without better information on the potential market value of these properties, she didn't know if it's going to be worth moving forward on the sale of these properties.

Park Reports

Children's Park – Tom Erdmann reported that Steven Streeter has initiated cleanup efforts on the bushes and on the repair of the fountain. He stated that there is now water to the fountain that is working somewhat well. He stated that discussions are being held on how to make the fountain more functional, which may include the removal of the sand and gravel surrounding the fountain.

Shuck Park – Tom Erdmann stated that the site has been prepared for the new playground equipment. He noted that the Shuck Park sign looks a little tired and he plans on repainting it to give it a fresher look. Dana Young noted that he is planning to have the playground equipment installed in May and the new tennis courts in June.

Village Hall Park – Tom Erdmann stated that he was delighted to see kids playing on the ball fields. He noted that the drinking fountain is in rough shape and needs to be cleaned up or replaced. He stated that he has heard some interest in having asphalt installed in the hockey rink.

Scott Hemink stated that this is a regular discussion item but noted that you would no longer be able to use the rink as a soccer field if it were paved.

Cory Lepper stated that he hasn't seen anyone playing soccer in the hockey rink and noted that he has seen a number of kids playing roller hockey in the paved Thorpe hockey rink.

Scott Hemink stated that this is an item to continue to discuss.

Tom Erdmann asked if the Village Hall gazebo is scheduled to be repaired this year.

Dana Young stated that it is still on the public works schedule.

Burton Park – Wendy Duren stated that she didn't see anything of note at Burton Park. She noted that she did see some kids fishing off the dock in Burton Park.

Thorpe Park – Discussion was held on the status of the window replacement at the warming house. Dana Young stated that there have been some delays with the processing of this claim but the City has contracted with Minnetonka Glass & Mirror to replace the windows.

Further discussion was held on the condition of the walking path. Scott Hemink noted that there were several sections of the path, totaling about 100' that need of repair and/or replacement. Dana Young stated that he will review the path with the Public Works crew and noted that the path is scheduled for resurfacing in 2025. Scott Hemink noted that it may not last that long. Dana Young stated that if that's the case, the project could be moved up.

Scott Hemink noted that the Ag lime has been installed on the ball fields and asked about the timing of the buckthorn removal on the Thorpe Park Island.

Dana Young stated that the crew didn't get to this project last winter and would reschedule it again this coming winter.

Scott Hemink asked if there were any plans to cover the remaining ditch from the warming house to the tennis courts.

Dana Young stated that there are no plans at this time to cover this section of the ditch. He noted that covering the ditch from the warming house to the pond by installing a pipe cost around \$50,000.

Tracy Whitney voiced concern regarding the speed of vehicles driving around the park over the weekends. Dana Young stated that he would notify the police to patrol this area more frequently.

Deephaven Beach – Scott Hemink noted that someone has been building a tunnel underneath the gazebo. Tracy Whitney stated that there is some concrete sticking up out of the sand at the south side of the swimming dock. Scott Hemink added that there was a ball of wire located in the water between the fishing pier and the swimming dock.

Nocomo Beach – Wendy Duren asked about the Away from Geese device that was down at Nocomo Beach and noted that the south side fence was in rough condition. It was noted that the fence is not owned by the City.

There were no further park reports.

Discuss Deephaven Beach Restroom Project

The Committee reviewed the ideas and suggestions included in the General Plan & Program listing provided by the Deephaven Beach Restroom subcommittee.

Scott Hemink stated that he felt we needed to identify priorities with the restroom project by identifying what is actually needed vs. what may be optional features that have been included for potential revenue raising purposes. He suggested removing the following items from design consideration:

- Concession area
- Paddleboard rental
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It was further noted that the need for a public transient dock slip to access a concession area wouldn't be needed if the concession area were removed.

Cory Lepper suggested a phased approach to the project. He stated that you could start small and phase in further improvements over 2-3 years.

Wendy Duren noted that she felt the priority considerations were a restroom, outdoor showers, security, and for the structure to look consistent with the Thorpe Park warming house. She stated that these are essential features needed in the restroom structure and not ancillary features.

Further discussion was held on potential locations for the restroom. Scott Hemink stated that his top three locations were in the Lake Avenue area, Park Avenue area, and the sports court area. It was not particularly clear to all the members exactly where the first two areas were located. Scott Hemink stated that he would send out a site map showing his proposed locations.

Scott Hemink stated that issues for further consideration include how big does the structure need to be, obtaining the necessary funding for the design of the structure, and conducting usage studies at the beach to determine the overall usage of the restroom.

Motion by Scott Hemink to recommend that the City Council discuss 1) a potential structure that would include restrooms, including diaper changing stations and changing areas, outdoor showers, with the structure to include security provisions; 2) funding to allow for the necessary design of the structure; and 3) determining potential locations for the structure. Seconded by Wendy Duren. Motion carried 7-0.

Discuss Beach & Park Assignments

Wendy Duren asked if anyone would like to change their current beach & park assignment.

Tracy Whitney stated that she would like to give up Haralson Park.

Cory Lepper stated that he would be willing to review Haralson Park in exchange for giving up Shuck Park.

Dana Young stated that this should work since both Cory Lepper and Tom Erdmann were assigned Shuck Park and Tom could just review Shuck Park on his own.

Shuck Park Equipment Grant

The Committee reviewed Tom Erdmann's draft of the proposed Shuck Park Equipment Grant, which will be submitted to the Hennepin County Youth Sports Program. The Committee did not have any comments and thanked Tom for all his work on the application.

Bike Feasibility Study

Wendy Duren stated that Bike Feasibility Subcommittee, which includes Wendy, Kaisa Rafferty and Tom Erdmann, plan on meeting next week. She stated that they are working on developing a 5-Year Bike plan. She requested that the Minnetonka Blvd bike trail be included under Beach & Park Assignments.

Further discussion was held regarding the street sweeping schedule.

Dana Young stated that streets in Deephaven are swept twice per year at a cost of approximately \$6,000 to \$8,000 per sweeping.

Tom Erdmann noted that the City has a sweeper attachment and public works could sweep Minnetonka Blvd themselves.

Wendy Duren asked the Public Works Department to consider sweeping Vine Hill Road & Minnetonka Blvd once during mid-summer.

Next Meeting Date

The next meeting of the Park Committee will be held on June 2, 2020.

Adjournment

The meeting adjourned at 8:39 p.m.

PUBLIC WORKS & SAFETY COMMITTEE MEETING
Tuesday, May 12, 2020
Minutes

Call Meeting to Order

The meeting was called to order at 1:30 p.m.

Members Present

Paul Skrede, Police Chief Cory Johnson, John Menzel, Jeff Kask, and City Administrator Dana Young

Also Present

City Engineer Jeff Weyandt

Discuss Installation of Plexiglas at Counters

Discussion was held on installing Plexiglas at the City Hall counters for COVID-19 prevention and whether the installation should be temporary or a more permanent and potentially more aesthetic installation. The Commission recommended moving ahead with the temporary installation at this time and make a decision at a later date whether to make a more permanent solution.

Discuss Opening of City to Public

Dana Young stated that Executive Order 20-40, issued by Governor Walz on April 23rd, requires each business in operation during the emergency establish a COVID-19 Preparedness Plan. The plan must include the minimum requirements:

- infection prevention measures;
- prompt identification and isolation of sick persons;
- engineering and administrative controls for social distancing;
- housekeeping, including cleaning, disinfecting and decontamination;
- communications and training for managers and workers necessary to implement the plan; and
- provision of management and supervision necessary to ensure effective ongoing implementation of the plan.

Paul Skrede recommended contacting the League of MN Cities and/or City Attorney Jay Lindgren to get their opinions on the COVID-19 Preparedness Plan.

Discuss Crosswalk / Speed Limit / Stop Sign Request

Dana Young stated that he received an email from Amy Blahosky (4395 Chimo East) asking the following questions for our consideration:

1. A crosswalk at the Vine Hill Bridge would be a simple and cost effective project. It would beget the legal obligation to stop for pedestrians and would greatly increase the safety at the corner.

2. Decreasing the speed limits on Minnetonka Blvd to 30 MPH as befits at residential street.
3. Installing a stop sign at the corner for southbound right turning traffic.

The Committee made the following comments regarding the request for a crosswalk, lowered speed limit on Minnetonka Blvd, and on the installation of a stop sign at the corner for southbound right turning traffic:

- A proposed crosswalk at this location would require the existing stop sign to be moved further back, requiring vehicles to enter the crosswalk to see northbound traffic, and adding to the potential of restricted sightlines.
- Adding a marked crosswalk has shown that there is no increase in driver's attentiveness.
- Simply painting stripes in the road does not improve safety.
- The 35 mph speed limit on Minnetonka Blvd does not impact safety.
- The proposed stop sign would add confusion for southbound traffic on whether they are also required to stop.
- The proposed stop sign will increase congestion and accidents at this intersection.
- There have not been any accidents at this intersection since the installation of the Vine Hill Bridge.
- People are actually more careful turning northbound on Minnetonka Blvd because of the visibility issue.

Other

Dana Young noted that complaints have been received regarding individuals installing ramps and other encroachments with the intent to establish a mountain bike path in Burton's Park.

Motion by Dana Young to adjourn the Public Safety Committee. Seconded by Jeff Kask.
Motion carried 5-0.

Discuss 3520 Montgomerie Avenue Storm Water Issues

Jeff Weyandt stated that there are several potential solutions to the drainage issues at 3520 Montgomerie Avenue – install a pond, pipe the water elsewhere, repair the existing drainage way.

Paul Skrede stated that he has met with Grace Lutheran Church years ago on whether they would be interested in installing a pond on their property and they had no interest. He stated that he was disappointed that the pond was even presented as an option to the homeowner. He stated that he would recommend that the homeowner fix his drainage ditch first and we'll see what we can do to match up the street drainage with the ditch.

John Menzel agreed that cleaning out 1 ½ to 2 feet of depth in the ditch and adding larger rock would significantly improve the flooding in his backyard.

Discuss 18725 Minnetonka Blvd Storm Water Issues

The Committee reviewed a request from David Rova, 18725 Minnetonka Blvd, for the City to reimburse him for drainage damages caused by the resurfacing of Minnetonka Blvd in 2019 to his retaining wall (\$6,735), driveway (\$1,882), and fence (\$225). Dana Young stated that he had turned Mr. Rova's claim into the League of MN Cities Insurance Trust and Mr. Rova's claim had been denied.

Further discussion was held regarding the City's plan to improve the berm across his driveway entrance that had been installed by the contractor in 2019. It was noted that a longer berm had originally been installed along his property at the request of Mary Rova only to be removed a few weeks later by the City at the request of David Rova. Mr. Rova thought that the extended berm concentrated too much water into his driveway and that his yard was landscaped such that it could handle much of the water draining off of the road along his property.

Paul Skrede suggested having the homeowner sign off on the proposed plan to improve the berm prior to doing the work.

Further discussion was held regarding the proposed condition of the fence, retaining wall, and driveway. It was the general consensus of the Committee that the condition of the fence, retaining wall, and driveway predated the resurfacing of the street.

Motion by Paul Skrede to recommend proceeding with the proposed work subject to the Rova's signing off on the work and that the costs submitted by David Rova are not the responsibility of the City. Seconded by Jeff Kask. Motion carried 4-0.

Other

2020 Street Improvement Project Expansion

Paul Skrede recommended holding off on discussing whether to add Hillcrest Lane, Hillcrest Way, and Hillcrest Court to the 2020 improvement schedule until the costs of improvement the Chowen's Corner parking lot are received. It is estimated that adding Hillcrest Lane, Hillcrest Way, and Hillcrest Court would cost an additional \$142,550 to the existing project cost of \$351,781.

Cottagewood Children's Park Improvements

Paul Skrede stated that he met with Steven Streeter on the privately funded improvements that are being made to and around the fountain at Cottagewood Children's Park. He stated that Steven Streeter is looking to repair the brick work around the fountain and would like the City to contribute from \$2,500 - \$5,000 towards this maintenance work.

Motion by Paul Skrede to recommend that the City contribute \$2,500 - \$5,000 towards the repair and maintenance of the brick work surrounding the fountain at Cottagewood Children's Park. Seconded by John Menzel. Motion carried 4-0.

Adjournment

Motion to adjourn by Dana Young, seconded by John Menzel. Motion carried 4-0. The meeting adjourned at 4:05 p.m. The next regularly scheduled meeting of the Public Safety & Public Works Committee will be held on Tuesday, June 9, 2020.