

**DEEPHAVEN CITY COUNCIL MEETING  
MONDAY, JUNE 1, 2015  
MINUTES**

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

PRESENT: Mayor Paul Skrede, Councilmembers Darel Gustafson, Tony Jewett, Keith Kask and Steve Erickson

STAFF: Police Chief Cory Johnson, Zoning Coordinator Dale Cooney 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 May 18, 2015 Closed Executive Session and May 18, 2015 Regular Minutes
- B. Approve Verifieds
- C. Approve April 2015 Treasurer's Report
- D. Accept Resignation of Doug Ruble from Boat Committee

Seconded by Councilmember Gustafson. Motion carried 4-0.

4. **MATTERS FROM THE FLOOR**

Gary Samson and Lisa Yunxiu Li (4430 Chowen Avenue South, Minneapolis) were present to request that the City Council consider the possibility of allowing them to open an "acupressure spa" in Deephaven Court. He stated that this is a form of massage that would provide a great service to the community. It has been a technique that has been used in China for 2,000 years and provides relief from pain. He stated that he knows that there have been issues with other massage parlors and Deephaven currently considers them a prohibited use and the Council would have to amend the ordinance to allow this as a conditional use.

Mayor Skrede stated that massage parlors were listed as a prohibited use because we didn't know if we could establish the necessary controls over this type of operation.

Councilmember Kask stated that we visited this issue last year and came up with revisions to our Zoning Code on conditional use permits, including designating massage parlors as a prohibited use. He stated that nothing has changed his mind to revise the ordinance.

Councilmember Gustafson agreed with Councilmember Kask and didn't see the necessity to revisit this issue.

Councilmember Jewett stated that he was not on the Council at the time but would defer to those members of the City Council who have already reviewed this issue.

Mayor Skrede stated that he agreed with the Council that we have already carefully reviewed what merited being a condition use vs. a prohibited use.

## **5. PUBLIC HEARING**

### **A. Conduct a public hearing on the proposed project on behalf of Eagle Ridge Academy Affiliated Building Company and the issuance of revenue bonds under the MN Municipal Industrial Development Act through the adoption of Resolution No. 30-15**

Jason Ulbrich, Executive Director of Eagle Ridge Academy, and Jay Hromatka, Piper Jaffray & Company, were present to provide an update on the recent growth and achievements of Eagle Ridge Academy and to request that the City of Deephaven issue Charter School Lease Revenue Bonds on behalf of the Eagle Ridge Building Company in order to:

- Finance the purchase of a 210,000 s.f. building located in the Opus Complex in Minnetonka in the amount of \$7.5 million,
- Renovate the building for use as a school facility in the amount of \$8-9 million, and
- Use the balance of the proceeds to pay off the outstanding bonds issued by the City of Deephaven in 2013.

Jay Hromatka stated that adoption of the proposed resolution would allow for the issuance of the bonds. He stated that meetings with the cities of Eden Prairie and Minnetonka have been scheduled to obtain local host approval of the project.

Mayor Skrede noted that the proposed resolution is missing several exhibits.

Jay Hromatka stated that the attorney is still working on these documents and recommended adoption of the resolution subject to the submittal of the required exhibits and the satisfactory review by Dorsey Whitney, the City's attorney.

Councilmember Erickson enters at 7:15 p.m.

Discussion was held on the current and proposed bond rating.

Mayor Skrede provided a summary of how conduit financing works and noted that the applicant uses the city's name but the city has no responsibility or liability for the repayment of the bond.

Jay Hromatka agreed that the City has no legal, financial or moral obligation to repay the bond issue. He added that one portion of the bond issue would be tax exempt and the other portion would be taxable.

Councilmember Jewett asked about the size of the proposed bond issue.

Jay Hromatka stated that the bond issue is estimated at \$31 million and noted that they had listed a much higher estimate so they don't have to come back to the City if the bond issue ends up exceeding \$31 million.

Councilmember Jewett asked about the proposed sale of their existing facility in Eden Prairie.

Jason Ulbrich stated that there are currently four brokers interested in the building. He stated that they don't have to be out of this building until next June and any proceeds from the sale could go towards future phase two renovations or towards repayment of the bonds.

Councilmember Erickson noted that the sale of the bonds is unaffected by the potential sale of their building.

Jason Ulbrich acknowledged that their financing is not dependent on the sale of their existing building and that the Department of Education may specify how the proceeds from the sale of their building are used.

Mayor Skrede opened up the public hearing for public comment. Hearing no comments, the public hearing was declared closed.

Motion by Councilmember Jewett to adopt Resolution No. 30-15, A Resolution Authorizing and Approving the Issuance and Sale of Revenue Bonds on behalf of the Eagle Ridge Academy Affiliated Building Company, subject to the successful completion of the local host requirements, finalization of the loan documents, and the approval of the documents by the City Attorney. Seconded by Councilmember Erickson. Motion carried 5-0.

## **6. PLANNING & ZONING REQUESTS**

### **A. Subdivision/Combination - Request by John McGary for a lot line adjustment between 19350 Park Avenue and 3850 Day Lane. Both lots are currently in compliance with lot area requirements.**

Mayor Skrede asked for the staff report on the request.

Administrator Young stated that John McGary (3850 Day Lane) is proposing to subdivide a portion of 19350 Park Avenue and attach 8,702 s.f. to 3850 Day Lane. Both lots meet the minimum lot area requirement of 20,000 s.f.

He stated that 19350 Park Avenue is a conforming lot in terms of lot area and setbacks. The conveyance would require the existing garage on the east side of the property to be removed. Other than the demolition of the existing garage, no other structural changes are proposed. This property would continue to be a conforming lot if the conveyance were approved.

He stated that 3850 Day Lane is a conforming lot in terms of lot area but is currently only 6' off of the south side property line. The conveyance will increase the south side setback to 10', which is the approved side yard setback within an R-3 District. The property also only has a 12.5' front yard setback off of Day Lane. An argument could be made that the new setback from Park Avenue would now constitute the front yard since the applicant is proposing a new driveway access off of Park Avenue. In addition, lots within the R-3 Zoning District also require a minimum street width of fifty feet. The current street width on Day Lane is only 20'. The proposed conveyance would allow an acceptable street width of 54.4' onto Park Avenue. The applicant proposes to close access to Day Lane so that there would be no possibility of through traffic from Day Lane to Park Avenue.

He stated that staff recommended approval of the proposed subdivision/combination as presented for 3850 Day Lane and 19350 Park Avenue. He stated that the Planning Commission unanimously accepted the recommendation and findings of Staff and recommended that the Council approve the application of John McGary for a subdivision combination to subdivide a portion of 19350 Park Avenue and attach 8,702 s.f. to 3850 Day Lane as required by Section 1200 of the City Code.

Mayor Skrede asked if there were any questions of staff or the applicant.

Councilmember Jewett asked if the front yard setback would be off of Park Avenue.

Administrator Young stated that in his opinion, the front setback would be off of Park Avenue.

Councilmember Kask stated that we need to have clarity as to where the front yard is located. He stated that Day Lane is not a real suitable access and we need to determine or clarify the front yard setback.

Councilmember Erickson asked if an address change would be needed and noted that this property would have over 50' access off of Park Avenue, so he would consider the front setback to be off of Park Avenue.

Councilmember Kask stated that we don't want property owners to determine what the front setbacks should be.

John McGary stated that this subdivision combination request is his intent to bring the Day Lane property into compliance, which helped to keep an additional lot from being proposed. He stated that he considers the east side to be the front lot line and the area abutting Day Lane would be the side lot line.

Motion by Councilmember Kask to accept the recommendation and findings of Staff and the Planning Commission to approve the subdivision/combination request of John McGary to subdivide 8,702 square feet from 19350 Park Avenue and attach it to 3850 Day Lane as presented, subject to the understanding that the east side of 3850 Day Lane shall be considered the front yard and to the removal of the existing garage. Seconded by Councilmember Erickson. Motion carried 5-0.

**B. Subdivision/Combination - Request by David Mitchell Lyman Trustee and Ronald Poole for a lot line adjustment between 20550 Lakeview Avenue and 20430 Lakeview Avenue. The property at 20430 Lakeview Avenue is in compliance with lot area requirements. The property at 20550 Lakeview Avenue is currently non-conforming in lot area and the proposed lot line adjustment would not bring this property into compliance.**

Mayor Skrede asked for the staff report on the request.

Administrator Young stated that David M. Lyman Trustee (20430 Lakeview Avenue) and Ronald Poole (20550 Lakeview Avenue) are proposing to subdivide a portion of 20430 Lakeview Avenue and attach 630 s.f. to 20550 Lakeview Avenue. 20430 Lakeview Avenue is in full compliance with R-2 District setbacks and lot area. 20550 Lakeview Avenue is in the R-3 District and is non-conforming in terms of setbacks and lot area. However, the property would become less non-conforming after the conveyance of land.

He stated that 20550 Lakeview Avenue is non-conforming in terms of the following requirements:

- lot area (20,000 s.f. requirement vs. 16,040 sq. ft.)
- rear yard setback (15' required setback vs. 5')
- front yard setback (35' required setback vs. 15')
- maximum impervious surface area (25% maximum impervious surface vs. 48.27%), and
- minimum lake frontage (100' requirement setback vs. 40').

He stated that the conveyance would decrease the existing maximum impervious surface area from 48.27% to 46.45% and add 25' of additional lakeshore frontage to the property.

He stated that staff recommends approval of the proposed subdivision/combination as presented for 20430 Lakeview Avenue and 20550 Lakeview Avenue. He stated that the Planning Commission accepted the recommendation and findings of Staff and recommend unanimous approval of the application of David Mitchell Lyman Trustee and Ronald Poole for a subdivision combination to subdivide a portion of 20430 Lakeview Avenue and attach 630 s.f. to 20550 Lakeview Avenue.

Mayor Skrede asked if there were any questions of staff or the applicant.

Motion by Councilmember Kask to approve the recommendation and findings of staff and the Planning Commission to approve the subdivision/combination request of David M. Lyman Trustee and Ronald Poole to subdivide 630 square feet from 20430 Lakeview Avenue and attach it to 20550 Lakeview Avenue as presented. Seconded by Councilmember Jewett. Motion carried 5-0.

**C. Variance – John Kraemer & Sons, 20550 Lakeview Avenue – Request to demolish an existing deck and reconstruct a new deck in a similar footprint that will reduce the current impervious surface coverage by 1.09% from 46.45% to 45.35%. A variance to exceed the maximum impervious surface area by 20.36% is being requested.**

Mayor Skrede asked for the staff report on the request.

Administrator Young stated that Ronald Poole (20550 Lakeview Avenue) is proposing to remove portions of an existing deck, including the removal of an existing wood rail, and replace it with a stone wall, and install a new deck in a smaller footprint, which will reduce the current impervious surface coverage by 1.09% from 46.45% to 45.36%. The property is non-conforming in regards to the required lot area and the house and proposed attached deck are non-conforming in regards to most setback standards of an R-3 District. Approval of the new attached deck would require variances of the front yard setback, lake yard setback, maximum building coverage and impervious surface cover percentage.

He stated that this lot is non-conforming lot in terms of the its lot area 16,670 s.f. and the house and existing attached deck are non-conforming structures in terms of the following setbacks and standards:

- rear yard setback (15' required setback vs. 5' existing)
- front yard setback (35' required setback vs. 15' existing)
- maximum impervious surface area (25% maximum impervious surface vs. 46.45% existing)
- minimum lake yard setback (100' requirement vs. 33'-6" existing), and
- maximum building coverage area (4,500 s.f. requirement vs. 5,382 s.f. existing)

He stated that the construction of the new attached deck would enable the new deck to establish an additional 5' setback from the rear yard setback, establish an additional 5' setback from the front yard setback, increase the lake yard setback by 2'-6", reduce the maximum impervious surface area by 1.09%, and reduce the maximum building coverage area by 181 s.f.

He stated that for these reasons, staff recommends approval of the variance requests to encroach 5' into the required 15' rear yard setback, 15' into the required 35' front yard setback, the variance request to encroach 64' into the required 100' lake yard setback, the variance to exceed the maximum impervious surface area by 20.36%, and the variance request to exceed the maximum building coverage area by 701 s.f. for the demolition of an existing deck and construction of a new deck as presented at 20550 Lakeview Avenue.

He stated that the Planning Commission unanimously accepted the recommendation and findings of Staff and recommended that the Council approve the application of John Kraemer & Sons to demolish an existing deck and reconstruct a new deck in a similar footprint that will reduce the current impervious surface coverage by 1.09% from 46.45% to 45.36% and exceed the maximum impervious surface area by 20.36% as is being requested at 20550 Lakeview Avenue.

Mayor Skrede asked if there were any questions of staff or the applicant.

Councilmember Erickson asked if the setbacks included in the staff report for this request assumes that the subdivision combination request is approved.

Administrator Young stated that this is the case.

Mayor Skrede referenced the comment made by Planning Commissioner Bob Werneiwski in the minutes that he reviews this request as a maintenance project. He asked Zoning Coordinator Dale Cooney to check whether decks are considered to be part of an “original footprint” under State Statutes as non-conforming structures similar to homes, garages and other more substantial structures.

Councilmember Jewett asked if the Watershed District had reviewed this request.

Administrator Young stated that the Watershed District would review this request when it was submitted for a building permit. He stated that they will likely comment on erosion control requirements for this project.

Councilmember Jewett noted that the School District had to obtain Watershed District approval for their outdoor classroom.

Mayor Skrede stated that this was likely required as part of the grant the School District had received from the Watershed District for that project.

Motion by Councilmember Kask to accept the recommendation and findings of Staff and the Planning Commission to approve the variance request of Ronald Poole to encroach five (5) feet into the minimum required fifteen foot rear yard setback, fifteen (15) feet into the minimum required thirty-five foot front yard setback, sixty-four (64) feet into the lake yard setback, exceed the impervious surface standard by 20.36%, and exceed the maximum building by 701 square feet for the construction of a new deck as presented at 20550 Lakeview Avenue

**The motion for approval is based on the following findings:** (a) the proposal meets the intent of the ordinance and is in harmony with the orderly development of the city. The applicant is seeking to demolish an existing non-conforming deck and replace it with a new deck in a slightly smaller footprint, which would not increase the degree of dimensional encroachment; (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; (c) the proposal is a reasonable use of the property and only seeks to continue the existing use currently on the property, by replacing an existing dilapidated deck with a new deck; (d) The construction of the new attached deck would enable the new deck to establish an additional 5’ setback from the rear yard setback, establish an additional 15’ setback from the front yard setback, increase the lake yard setback by 2’-6”, reduce the maximum impervious surface area by 1.09%, and reduce the maximum building coverage area by 181 s.f.; and (e) the proposal would not alter the essential character of the neighborhood. The proposed structure setbacks are consistent with those currently in place on the property.

Seconded by Councilmember Erickson. Motion carried 5-0.

**D. Variance – Charles Cudd De Novo, 19825 Cottagewood Avenue – Request for variance of the minimum permitted front yard setback, the lake yard setback and to exceed the maximum impervious surface coverage for the construction of a new single family home is being requested.**

Mayor Skrede asked for the staff report on the request.

Administrator Young stated that Jacob & Nicole Walesch are proposing to demolish their existing non-conforming home, which currently encroaches into the minimum required northeast side yard setback and lake yard setback, and construct a new home, which proposes to encroach into the required front yard setback, lake yard setback, and exceed impervious surface area requirements.

He stated that the applicant first approached the Planning Commission on September 16, 2014 and the City Council on October 20, 2014 with a similar application as the one we are reviewing tonight but, in response to the concerns expressed both by the Planning Commission and City Council regarding off street parking, the applicant has returned with an application that proposes an increased setback from the front property line that would require a variance of 6'-11" from the front yard setback requirement of 35'.

He stated that with the shift of the proposed house further back from the street, the encroachment into the lake yard setback has increased to 39'-8". Increasing the front yard setback and the addition of driveway surface increases the overall hardcover, so the revised request also includes a variance of 6.5% from the maximum impervious surface area.

He added that the applicant also proposes to resurface an unimproved portion of Cottagewood Road where the existing bituminous ends in to order to add a hammerhead for public safety and emergency access reasons, as well as to help with parking. This unimproved portion of Cottagewood Road would be built to city standards. He stated that the Council could treat this as a simple improvement to an existing street or require a License Agreement from the applicant to improve and maintain the street.

He stated that staff recommends approval of the variance requests to encroach 6'-11" into the required 35' front yard setback, the variance request to encroach 39'-8" into the required 100' lake yard setback, and the variance request to exceed the maximum impervious surface standard by 6.5% as presented at 19825 Cottagewood Avenue for the following reasons:

- The front yard variance of 6'-11" is necessary in order to establish sufficient off-street while maintaining a reasonable setback from the lakeshore setback requirements.
- The lake yard setback of 39'-8", while significant, enables the applicant to maintain a rear building line that is consistent with the average building setback line of neighboring properties.

- The request to exceed the maximum impervious surface standard by 6.5% is reasonable with a total lot area of 11,516 s.f., which totals 58% of the minimum 20,000 s.f. lot area of an R-3 District.

He stated that the Planning Commission unanimously accepted the recommendation and findings of Staff and recommended that the Council approve the application of Charles Cudd De Novo for variances of 6'-11" of the minimum permitted front yard setback, the lake yard setback of 39'-8", and to exceed the maximum impervious surface coverage by 6.5% for the construction of a new single family home as requested at 19825 Cottagewood Avenue, subject to the following conditions:

- Review of the storm water management plan by the City Engineer, which includes the mitigated reduction in impervious surface
- Conduct a soil boring test
- Provide an updated survey showing the impervious surface calculations for the current structures, and
- Require a storm water maintenance agreement with the City.

Mayor Skrede asked if there were any questions of staff or the applicant.

Councilmember Gustafson stated that the section of the Maintenance Agreement pertaining to reporting requires a letter to be sent to the City Engineer by September 1 of each year confirming the inspection of the storm water system. He stated that this date is too close to the winter months by the time correspondence goes back and forth and recommended that the date be moved back.

John Sonnek, with Charles Cudd De Novo, stated that the maintenance agreement has been approved in other cities such as Orono and Tonka Bay.

Mayor Skrede stated that he would prefer the date of August 1<sup>st</sup>. He added that he is not prepared to say this the final agreement that we will always use but it works in this situation and could serve as a template for the review of the Planning Commission.

Councilmember Kask stated that while this might not be the ultimate and final agreement, he was comfortable with using this agreement for this request.

John Sonnek stated that these systems are very easily maintained. He stated that he located this system in the lowest area of the property, which happened to be in the rear yard. With recent soil borings showing a sand subsurface, he stated that this system could take up to 11" rainfall.

Mayor Skrede stated that he would love to see pictures of this system in operation as we are currently looking into a number of storm water solutions.

Councilmember Erickson stated that every system we have looked at have been a little bit different.

John Sonnek stated that he has done a lot of water mitigation and that the Watershed District would prefer storm water to go underground. He stated that this system is a preferred option since there is such a large backyard.

Councilmember Jewett asked about any difficulties in snow clearing with the installation of a hammer head in Cottagewood Avenue.

Mayor Skrede stated that it really shouldn't be that much different from the existing clearing efforts.

Councilmember Erickson stated that he liked the revised plan, which addressed the front setback for additional off-street parking.

Councilmember Kask stated that any motion should include the need to have the City Engineer review and approve the hammer head design.

Councilmember Jewett noted that the maintenance agreement would require Jacob Walesch's signature.

Jacob Walesch stated that he's read the agreement and is fine with it. He stated that this is an expensive feature which will cost upwards of \$15,000 to install and added that he wants it to work as well.

Motion by Councilmember Kask to accept the recommendation and findings of staff and the Planning Commission to approve the application by Charles Cudd De Novo for the variance request of Section 1303.05 (4) of the zoning ordinance to encroach six feet, eleven inches (6'-11") into the minimum front yard setback, Section 1302.05 (3) of the zoning ordinance to encroach thirty-nine feet, eight inches (39'-8") into the minimum required one hundred (100) foot lake yard setback, and Section 1350.04 (3) of the Shoreland Management District to exceed the maximum impervious surface area by 6.5% for the construction of a new single family house as presented at 19825 Cottagewood Avenue, subject to the following conditions:

- Review of the storm water management plan by the City Engineer,
- Conduct a soil boring test,
- Provide an updated survey showing the impervious surface calculations for the current existing structures,
- Enter into a storm water maintenance agreement with the City, and
- Comply with all requirements of the City Engineer pertaining to the proposed street improvements to Cottagewood Avenue.

**The motion for approval is based on the following findings:** (a) the proposal meets the intent of the ordinance and is in harmony with the orderly development of the city. The applicant is seeking to demolish an existing non-conforming home and replace it with a new non-conforming home; (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; (c) the proposal is a reasonable use of the property and a front yard setback of 6'-11" is necessary in order to establish adequate off-street parking while maintaining an adequate lake

yard setback, that is consistent with the average building setback line of neighboring properties; (d) the request to exceed the maximum impervious surface standard by 6.5% is reasonable due to the fact that the total lot area is 11,516 s.f., which equals only 58% of the minimum 20,000 s.f. lot area of an R-3 District; and (e) the proposal would not alter the essential character of the neighborhood.

Seconded by Councilmember Erickson. Motion carried 5-0.

## **7. UNFINISHED BUSINESS**

### **A. Authorize Hiring Elizabeth McColl as Police Secretary**

Police Chief Johnson stated that he and Sgt. Whiteside interviewed 21 candidates for the Police Secretary Position on May 26 & 27. He stated that although many had good backgrounds and experience, Elizabeth McColl stood out from the rest. He stated that she had worked previously in California as a Military Police Secretary and that she and her husband moved back to Minnesota in 2012 after he completed his military obligations. He stated that Libby has a dynamic personality, excellent communication skills and a strong desire to work for our Police Department. He stated that we believe she will be an excellent fit for our department and City. He stated that we would like to have her to begin on June 8, 2015 and train with Pat for three weeks before Pat retires.

Motion by Councilmember Jewett to approve the hiring of Elizabeth McColl as Police Secretary effective June 8, 2015 at the approved 2015 salary schedule. Seconded by Councilmember Gustafson. Motion carried 5-0.

### **B. Review the 2016 Budget Schedule**

City Administrator Young presented the following proposed schedule for the Council's review of the 2016 Deephaven City Budget:

Monday, June 15<sup>th</sup> - 2016 Budget Overview, 2016 Salaries, General Fund Revenues, General Fund Expenditures, Capital Improvement Fund, General Government, Elections, Administration, City Hall, Police Budget, Fire Budget, Planning & Zoning, Streets & Roads, Public Works, Parks & Recreation, Wildlife Management

Monday, July 6<sup>th</sup> - Budget Review & Revisions

Monday, August 17<sup>th</sup> - Budget Review & Revisions

Tuesday, September 8<sup>th</sup> - Final Budget Review, Adopt Preliminary Tax Levy

Monday, October 19<sup>th</sup> - Park Improvement Fund, Marina Fund, Recycling Fund

Monday, November 16<sup>th</sup> - Water Fund, Sewer Fund, Storm Water Fund

Monday, December 7<sup>th</sup> - Truth in Taxation Hearing, Adopt Final 2016 Tax Levy, Adopt 2016 Budget

The Council approved the proposed 2016 Budget Schedule.

**C. Adopt Resolution No. 31-15, Calling for a Public Hearing**

Administrator Young stated that at the May 18<sup>th</sup> Closed Executive Session, the City Council decided that the most appropriate course of action was to vacate the entire portion of St. Louis Avenue between Virginia Avenue and Monaltrie Avenue by Council action. He stated that Resolution No. 31-15 would establish July 20<sup>th</sup> as the date of the public hearing to consider the vacation of St. Louis Avenue.

Motion by Councilmember Gustafson to adopt Resolution No. 31-15, A Resolution Calling for a Public Hearing on July 20, 2015 to consider the vacation of St. Louis Avenue. Seconded by Councilmember Jewett. Motion carried 5-0.

**D. Authorize Final Payment for the Summerville Storm Sewer Project**

City Engineer David Martini was present to review the final payment submitted by Barber Construction for the Summerville Storm Sewer Project. He stated that the City Council authorized the project last year and the contractor moved forward with the project until it snowed. He stated that the contractor had installed high back curbs and both the curbs and the overall project was reviewed this spring by Mayor Skrede, Administrator Young, Public Works Foreman Menzel and himself to determine the final work plan. He stated that a portion of the curbs were removed to accommodate additional water storage and additional blacktop and landscaping were added to the project. He noted that a portion of the curbing was paid by Bolton & Menk due to the error regarding the type of curb requested.

Mayor Skrede thanked David for the good job and asked if some of the rock had been removed at the inlet to the culvert.

David Martini stated that some of the rock had been removed and he had direct conversations with the property owner, who seemed happy with the restoration work.

Councilmember Kask asked about the quantities of blacktop material that had been used.

David Martini stated that the depth of the blacktop required more blacktop material than had been originally thought.

Councilmember Jewett asked how long the project has been completed.

David Martini stated that it has been done for a couple of weeks.

Mayor Skrede stated that he had been reviewing the site during the last three rain events and everything seemed to be working well but noted that we haven't received a significant rainfall

yet.

Motion by Councilmember Kask to authorize Final Payment to Barber Construction in the amount of \$13,372.55 for the Summerville Road Storm Sewer Project. Seconded by Councilmember Erickson. Motion carried 5-0.

**E. Southshore Center Proposal from the City of Shorewood**

Mayor Skrede stated that the Council had asked him to research the easement agreement, which purported to expire in 2021. He stated that the easement is attached for the Council's review, and it does list 2021 as its expiration date. He noted that the easement had been filed two years after the Southshore Center agreement had been signed and noted that the original agreement discussed the easement as being permanent. He stated that he shared the findings on the easement with the other member cities, who stated that they intend to address this issue in closed session. He stated that his intent this evening is simply to report back to the Council on the status of the easement and to not make a final decision regarding Shorewood's proposal at this time. He added that a meeting with the other mayor's will be held next week.

Councilmember Kask stated that we can table further discussion on this issue until our next meeting on June 15<sup>th</sup>.

**F. Other**

Councilmember Jewett stated that in regards to our discussion last month regarding the condition of the sidewalk along Park Place and Western Road, he noted that the sidewalk along Park Place is separated by a grass strip and the sidewalk along Western is located right along the street. He stated that this might impact how we remove and replace this sidewalk.

Mayor Skrede stated that this would be reviewed by the Public Works Committee.

**8. NEW BUSINESS**

**A. Approve 2015 Amended LMCC Bylaws**

The Council reviewed the proposed Lake Minnetonka Communications Commission Bylaw Amendments.

Motion by Councilmember Jewett to approve the 2015 Amended Lake Minnetonka Communications Commission Bylaws. Seconded by Councilmember Gustafson. Motion carried 5-0.

**B. Other**

Councilmember Gustafson noted that he has driven around Deephaven and noted a number of properties with tall grass or excessive weeds. He recommended placing a notice to mow your property in the City Newsletter.

Mayor Skrede stated that he would encourage any affected neighbor to call the City about any problems with someone not properly maintaining their property.

Councilmember Gustafson also noted that he has received quite a few complaints about the condition of the city streets. He stated that he would like to publicize our future street improvement plan so that the public feels that action is taking place.

**9. DEPARTMENT REPORTS**

**A. Police Department**

Police Chief Johnson provided an update on the April Incident Report, speed trailer results, and the hiring of a new CSO Officer.

**B. Excelsior Fire District**

EFD Liaison Erickson stated that he will provide a report on the May 27<sup>th</sup> Fire District Board meeting at our next Council meeting.

**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:

- Population & Household Estimates
- AIS Inspections at the Carson's Bay Launch
- 2016 City Budget
- July Newsletter
- 2016 Woodland Contract Negotiations

**10. ADJOURNMENT**

Motion to adjourn by Councilmember Erickson, seconded by Councilmember Gustafson.  
Motion carried 5-0. The meeting adjourned at 9:37 p.m.

Respectfully submitted,  
Dana H. Young  
City Administrator