

**DEEPHAVEN CITY COUNCIL
SPECIAL MEETING
MONDAY, SEPTEMBER 25, 2017
MINUTES**

1. **CALL MEETING TO ORDER:** Mayor Paul Skrede called the meeting to order at 9:00 a.m.

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

ABSENT: Councilmember Darel Gustafson

STAFF: Zoning Coordinator Dale Cooney and City Administrator Dana Young

2. **NEW BUSINESS**

- A. **Consider authorizing an easement over city property to allow for driveway access to the property at 19380 Lake Avenue.**

Mayor Skrede introduced the agenda item.

Zoning Coordinator presented the staff report. Cooney said that the property at 19380 Lake Avenue is in the process of being sold, and that staff was informed by Midland Title Company that the existing driveway access for the property is via city property at Deephaven Beach with the address 19390 Lake Avenue. He said that this is not public right-of-way.

Cooney said that the house was sold in 2010 and the issue was not raised at that time. Cooney said that the configuration of the driveway appears to, at minimum, pre-date the construction of an addition in 1996.

Cooney concluded his staff report.

Skrede asked about a survey for the property. Cooney said that a survey will be provided as part of the easement agreement. Skrede said that he wants to ensure that the driveway in its current configuration is shown on the survey.

Skrede said that the city will be providing mitigation near Lake Street and asked to confirm the location of the collection basin near the tennis courts. Councilmember Jewett said that that property was owned by John and Nancy Woelffer.

Ashish Aggarwal of 16135 55th Avenue North, Plymouth, Minnesota said that he is the buyer of the property. He said that he speculates that the driveway was part of a swap of land related to the cabin that used to be in the back yard.

Steve Arundel, previous owner of 19380 Lake Avenue, said that the driveway has been in its current configuration since before he owned the property which was over 20 years ago. Cooney asked if the council's decision on granting the easement would be impacted if the house is to be torn down. Erickson said that he would want the easement up for debate if there was to be a new house. Carlson said that the easement would run with the land and could not be revoked if a new house were to be built. Skrede said that the city needs to put on blinders about the future use of the property and just look at the situation today. Erickson agreed.

Aggarwal said that he was unsure about the future use of the property, but that the easement was important regardless. He said that the slope of a driveway on the property would be difficult. He said that, since the area is permit parking only, there needs to be room for guest parking.

Jewett said that, if a new house were to be built that needed a variance, the issue could be examined at that time. Erickson agreed that would be the best time to evaluate the situation.

Motion by Erikson to adopt Resolution 44-17 authorizing the creation an easement allowing driveway access to private property at 19380 Lake Avenue (PID No. 13-117-23-44-0086) that traverses City of Deephaven property at 19390 Lake Avenue (PID No. 13-117-23-44-0002). Motion was seconded by Carlson. Motion carried 4-0.

B. Other

Skrede said that he is aware that the city will be required to obtain a watershed district permit for the warming house project at Thorpe Park. He said that he wants to know for certain which watershed district this is within. He said that the city should have been made aware of any watershed district requirements prior to installing the hardcover for the hockey rink.

Carlson said that he believed that the requirements would only be for erosion control. Skrede said if that is the case, it is not a big deal. He said that if it is more, the city needs to meet the letter of the law including the area paved for the hockey rink.

3. ADJOURNMENT

Motion to adjourn by Erickson. Motion was seconded by Jewett. Motion carried 4-0. The meeting adjourned at 9:25 a.m.

Respectfully submitted,
Dana H. Young
City Administrator