

**DEEPHAVEN CITY COUNCIL MEETING  
TUESDAY, JANUARY 7, 2019  
MINUTES**

**1. OATH OF OFFICE**

Mayor Paul Skrede, Councilmember Tony Jewett, and Councilmember Melissa McNeill were administered the Oath of Office.

**2. CALL MEETING TO ORDER:** Mayor Paul Skrede called the meeting to order at 7:0 p.m.

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

STAFF: Police Chief Cory Johnson, Zoning Coordinator Dale Cooney, and City Administrator Dana Young

**3. PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

**4. APPROVE CONSENT AGENDA**

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

- A. Approve December 3, 2018 Council Minutes
- B. Approve December 4, 2018 Special Council Work Session Minutes
- C. Approve Verifieds
- D. Adopt Resolution No. 01-19, Appointments & Assignments for 2019
- E. Adopt Resolution No. 02-19, Est. Schedule of Administrative Fees
- F. Adopt Resolution No. 03-19, Authorizing Submittal of Comp Plan
- G. Approve April 15, 2019 as Date for Board of Review
- H. Approve November 2018 Treasurer's Report

Seconded by Councilmember Carlson. Motion carried 5-0.

**5. MATTERS FROM THE FLOOR**

City Engineer David Martini thanked the City Council for reappointing Bolton & Menk as the City Engineer for 2019.

Jim Sulciner, 19720 Vine Street, congratulated Mayor Skrede, Councilmember Jewett and Councilmember McNeill on their election to the City Council. He stated that he is here this evening to ask about the status of the Request for Proposals for Project Engineer on the Minnetonka Blvd Resurfacing Project.

Mayor Skrede stated that several members of the City Council and staff intend to interview four firms tomorrow. He noted that once the Project Engineer has been selected, the City will hold a citywide meeting on the project.

Further discussion was held on the contents of the Request for Proposal and the public meeting to solicit public comments.

Jim Sulciner asked when the public meeting will be held.

Mayor Skrede stated that it will be held in February or March. He stated that burying the electric lines would be done separately from this project since the lines would be potentially buried outside the resurfaced portion of the street. He stated that the engineers would advise us on dry water lines and sidewalks.

Jim Sulciner asked if sidewalks were a realistic expectation.

Administrator Young stated that we would certainly get the engineer's opinion on the matter, which would include a discussion on an at-grade sidewalk or an elevated sidewalk. He noted that power lines would not be included in this project and dry water lines cause significant funding problems.

Jim Sulciner asked if Minnetonka Blvd could be given back to Hennepin County.

Mayor Skrede stated that Hennepin County would require the street to be bought up to an acceptable condition, similar to requests the City receives regarding private roads in Deephaven.

Jim Sulciner noted that there was a petition with 600 signatures requesting elevated sidewalks.

Jim Friedlander, 4167 Heathcote Road, asked if we could see the Request for Proposal.

Administrator Young stated that he could post it on the website.

Jim Friedlander stated that he thinks this would be a good idea. He stated that the Minnetonka Blvd project needs to be more than just resurfacing. He stated that they would like a long term plan on Minnetonka Blvd. He stated that they would like to have five internet providers and want to make sure that the Council is not reactionary.

Gabriel Rohde, 18400 Minnetonka Blvd, stated that she agrees with Jim's comments. She stated that she is concerned with what she has heard. She stated that we have to have an objective and noted that Deephaven is not a Third World country.

Mayor Skrede stated that he is tired of hearing these Third World country comments and is tired of being second guessed. He stated that we have committed to holding a public hearing to obtain public input on this project.

Gabriel Rohde stated that they would like to see timing and action. She stated that they are speaking for a lot of people and noted that things haven't been done. She asked how the Council can look at engineering firms without knowing what's going to happen. She stated that we have to bury power lines and have fiber optics. They would like to know whether this is going to happen within 5 years, 10 years or exactly when. She stated that she still thinks that the power lines have to be buried at the

same time. She stated that we need a master plan, and we have a lot of people that can help, that determines what things are going to cost, how we pay for it and when.

Administrator Young stated that we have a disconnect on this issue. He stated that there is a clear direction where the City Council is heading and the intent is to resurface Minnetonka Blvd, from the Vine Hill Bridge to the eastern border, at an anticipated cost of \$1.3 million. He stated that the plan does not include a sidewalk with a separate grade and clearly not dry pipes or power lines. The Request for Proposals is fairly clear on what is proposed. He noted that there is a clear difference between what you are looking for and the City Council's intent.

Jim Sulciner stated that Minnetonka Blvd has changed a lot in the last five years and there is a strong interest in installing a sidewalk on Minnetonka Blvd.

Administrator Young noted that this is your answer for Minnetonka blvd and there is no mechanism to hold a specific public vote to include sidewalk or other amenities.

Jim Friedlander asked Councilmember Jewett what the planning was for the new warming house and stated that this relates to the Minnetonka Blvd discussion.

Councilmember Jewett stated that the new warming house was identified as a need to be filled and the Park & Recreation Strategic Plan was used to assist in this determination.

Jim Friedlander asked how feedback was obtained on the warming house project.

Councilmember Jewett stated that feedback was obtained from a survey included in the Park & Recreation Strategic Plan.

Mayor Skrede stated that a planning firm was hired on the recommendation of the Park Committee to develop a strategic plan on projects for our parks and beaches. He stated that there was a citywide meeting held at Minnetonka Community Ed, just like there will be for this project, that included separate tables where the public could give their input on specific projects and what they felt were the most important projects. Unfortunately, it was attended by less than two dozen people.

Jim Friedlander stated that the community had their input prior to the warming house project. He stated that you have already made up your mind on this project and we are concerned that the City Council is out of step. He asked where is the community input on this project.

Mayor Skrede stated that this is what we will find out at the public meeting. He stated that we have to have an engineering firm in place, regardless of what the scope of work will be.

Gabriel Rohde stated that she would like to see the terms of the Request for Proposal.

Julie Swanke, 4640 Old Kent Road, stated that she has been here before the City Council and nothing happened. She stated that she is ashamed at the level of hostility at this meeting and noted that we are only talking about a road. She stated that the Request for Proposal is focused on the road when there is a bigger community wanting sidewalks.

Councilmember Erickson stated that he is frustrated that we had this conversation only four weeks ago. He stated that since then we have released an RFP to solicit engineering firms to perform the work.

Julie Swanke stated that we are your boss. She stated that you can't tell us or articulate what's in the RFP.

Administrator Young stated that, in all fairness, if he had known there was an interest in reviewing the RFP, he would have provided copies this evening. Anyone could have called or emailed him with this request.

Jim Sulciner stated that they have offered to help by doing a community survey to go with the RFP and check on power lines, yet nothing has been done. The RFP hasn't been posted nor have the minutes of the December 3<sup>rd</sup> Council meeting. He stated that he doesn't see anything being done.

Administrator Young stated that the December 3<sup>rd</sup> Council minutes get posted after they are approved this meeting. He stated that when you are developing an RFP on a street project, you don't usually have significant involvement in a document that proposes the resurfacing of a street. He stated that there obviously appears to be interest in the Minnetonka Blvd project.

Gabriel Rohde stated that we want to address all these things discussed at the last meeting. She stated that they left the last meeting with the understanding that all these issues were to be addressed.

Julie Swanke asked how do we move this forward and what would be the next step after resurfacing. How can this committee help so that we never have to have this kind of meeting again.

Councilmember Jewett asked if the public meeting we are planning wouldn't address these concerns.

Julie Swanke stated that the RFP only concerns the resurfacing of the street. These people here tonight want to have a discussion outside of the resurfacing. She suggested having community involvement in tandem with the resurfacing. She suggested picking a date tonight for the public meeting. Otherwise, it appears that we don't care.

Administrator Young stated that it is difficult to pick a date right now until the engineer starts getting involved in the work, including having had the opportunity to determine the cost of the sidewalk.

Julie Swanke stated that you're not really talking to them about sidewalk.

Administrator Young stated that of course we are. He stated that each one of the firms to be interviewed are some of the largest in the state and are more than capable of looking at sidewalks or any other issue.

Julie Swanke asked to set the meeting for March 12<sup>th</sup>.

Administrator Young stated that he would like to think that the engineer will have a pretty good idea of what the right-of-way is going to look like at that time but we don't know that for sure right now.

Julie Swanke stated that our job in hiring a firm is to set expectations, so let's pick the date of March 12<sup>th</sup>. She stated that our expectation is that you will facilitate a meeting by this date seems perfectly acceptable.

Councilmember Erickson stated that when we pick an engineering firm, which everyone seems up in arms about, one of the first things they will do is survey and document the sites. We don't know as we sit here today where sidewalks will or can go. He stated that when the firm is selected, the first thing they will do is go through a design phase and identify encroachments. He stated that he has asked both firms that he met with to examine what it would take to feasibly install sidewalks, how much land alteration would it take, what is the cost, and to learn whether there is adequate space. He stated that this is the design phase.

Julie Swanke stated that there is also a discovery phase where the engineer learns more about what the community wants, to work with the community and to design the project in tandem with this process. She asked the Council to not be hostile to this suggestion.

Councilmember Erickson stated that he is not hostile but noted that he's told her what the process is going to be and you keep reiterating the same position. He stated that we have four engineering proposals and each one proposes to take a preliminary look at the street and hold a community meeting.

Administrator Young asked why is it necessary to have to pick a date tonight before we know when the engineer will be ready with the information.

Mayor Skrede stated that the five minutes given to residents under Matters from the Floor is over as this has already taken 40 minutes. He stated that we are done and thanked those in attendance.

Julie Swanke asked if that's how you talk to people.

Mayor Skrede stated that no, it's how I'm talking to you since you haven't been listening to what we have been saying. We have already agreed that there are two separate projects here. He provided an overview of the RFP>

Julie Swanke stated that the RFP has nothing to do with what is being asked for here. She stated that people want resurfacing, of course, but some are asking for other things.

Mayor Skrede stated that those other things might be phase 2, 3 or 4. He stated that we understand that there are some amenities you want us to address over and above the resurfacing of the road. This Council is more than happy to do that. However, we didn't consider these amenities to be an integral part of resurfacing the road. We need to know how much room exists on Minnetonka Blvd outside the fog lines. The other projects don't have to be done concurrently with this project. Our intention is to get Minnetonka Blvd resurfaced, whether that be with a mill & overlay or a reconstruction or a combination of the two.

Julie Swanke asked if the Council would like to set a meeting date to demonstrate that we are moving forward.

Mayor Skrede stated that he doesn't know if we can give you that date this evening. It's not our intent to avoid this request, it's our intent to prioritize the resurfacing portion of the project. We still need to figure out how to fund this project. It is not our intention to drag our feet on any project, we just don't want to give anyone misleading information on a meeting date. He stated that we really can't give you an answer today.

Julie Swanke asked what type of planning will occur outside the RFP.

Mayor Skrede stated that he is not sure as he didn't come here tonight with those answers. He stated that he will schedule future discussion and give everyone proper notice. He stated that he doesn't mind people looking over our shoulder but right now we are not planning on amenities outside of the resurfacing of the street.

Councilmember Erickson stated that we met with all of you on December 3<sup>rd</sup>. He stated that the very next day, on December 4<sup>th</sup>, the Council held a worksession and set the following four goals the day after we met with you:

1. Conduct a community survey to solicit the thoughts, concerns and opinions of the residents on a wide-variety of topics as an important tool to enhance community outreach.
2. Research outage history characteristics, cost ramifications and other implications of having Xcel Energy bury power lines in Deephaven.
3. Hold a town hall meeting, the first one on the Minnetonka Blvd Resurfacing Project, to promote community engagement on this important and impactful project.
4. Update City Webpage to make it more relevant and interactive for the public.

He stated that the Council discussed what we got out of our meeting on December 3<sup>rd</sup>, which resulted in these four goals. He noted that we have already received a proposal from a web firm to revamp our webpage and have four proposals from engineering firms to provide project engineering on Minnetonka Blvd. He stated that all the engineering proposals include the public meeting that everyone here is asking for. He stated that we haven't yet put together a survey tool, since that will be part of the webpage design. He stated that he is leaving the discussion with Xcel on burying power lines with staff. He stated that all of this has happened since December 3<sup>rd</sup> along with Christmas, New Year's, and surgeries for both the Mayor and the Administrator. He stated that they need to remember that this is a part time job for all of the Council and is not what he does for a living.

Gabriel Rohde thanked Councilmember Erickson for this summary. She stated that the only miscommunication she has is that the City is going forward with the resurfacing and that is not what they asked for.

Councilmember Erickson noted that this was what all 8 people at the last meeting had asked for.

Gabriel Rohde asked if you would like 1,000 signatures or whatever you need under the City Charter. She stated that she agrees with what you said but why are you going forward with the resurfacing instead of our other requests.

Mayor Skrede stated that it is a matter of prioritization. He stated that based on a number of factors, not the least of which is the fact that it takes a long time to get a street project done. Planning some of these other items can be done concurrently. He stated that what is your priority may not be our priority.

Gabriel Rohde stated that in regards to power lines or dry water lines, would buried power lines go under the road.

Mayor Skrede stated that you don't want them under the road so you are not digging up the road every time you need to make a repair. Electrical lines would be located along the side of the road.

Councilmember Erickson stated that one of the firms he met with mentioned that cities are boring utility lines under existing streets just like the gas company currently does. He stated that this is part of the reason we engage an engineer to learn these things.

Gabriel Rohde stated that she is comfortable as long as we don't need another RFP to address some of these other issues.

Councilmember Erickson noted that the guy in the back of the room is the City Engineer. He stated that we have been talking about Minnetonka Blvd for the past three years although you may only have seen it discussed last September.

Julie Swanke stated that the fear is whether we are able to see demonstrable progress, particularly since the discussion on Minnetonka Blvd has been going on for three years. She doesn't mean this as an insult but this is what people fear.

Mayor Skrede stated that Deephaven has been here for 100 years and we are not going to wreck this town. He stated that we love this town, live in this town, and pay taxes in this town.

Julie Swanke asked if he was insinuating that she wants to wreck this town.

Mayor Skrede stated that I am insinuating that you haven't given us a chance to show you what we will or will not do. He stated that the last time you appeared before the City Council was in regards to coyotes.

Julie Swanke stated that nothing was done on her issue with coyotes and she is not the first person to feel that way.

Administrator Young noted that the City did authorize our deer management contractor to shoot coyotes.

Julie Swanke stated that this was already in place before she came to the Council meeting.

Mayor Skrede stated with all due respect, it is now 8:00 p.m. and we thank you for your comments but Matters from the Floor are now closed.

## **6. UNFINISHED BUSINESS**

### **A. Adopt Ordinance No. 05-50, Sidewalk Clearing**

Administrator Young stated that Ordinance No. 05-50 was first presented to the City Council on December 3, 2018. Ordinance No. 05-50 proposes to amend Section 535.04 (a) of the Deephaven City Code by adding the following language:

- (a) All snow and ice not removed from public sidewalks within the C-1 and C-2 Commercial District 12 hours after the snow or other precipitation causing the condition has stopped falling.

He stated that the affect of the ordinance would be to no longer require public sidewalks in residential areas to be cleared within 12 hours of a snowfall or other precipitation. The reason is that public sidewalks in the Cottagewood areas were constructed such that they directly abut and are at the same elevation as the city street, which results in significant amounts of snow and ice plowed from the street onto the sidewalk. The amount of snow and ice piled onto the public sidewalk makes it extremely difficult and burdensome to require residents to clear this much snow and ice from their sidewalk.

He stated that a copy of the proposed the ordinance was posted for ten days as required by law.

Tom Erdmann, 20425 Lakeview Avenue, stated that he believes sidewalks should be cleared of snow and ice and the existing ordinance should be enforced. He stated that it is an issue of public safety. He stated that snow on sidewalks forces people into the street. He stated that it does make it tougher to remove snow due to the fact that sidewalks directly abut the street, but it is not a personal hardship for most since they use a snow removal service. He noted that most cities around Deephaven require the clearing of sidewalks. He stated that he is asking the Council to take no action and require the residents to keep their sidewalks clear. He stated that this will prevent someone from getting hurt.

Wendy Duren, 18454 Azure Road, stated that she has worked on transportation issues for years and agrees with Tom Erdmann. She stated that the Park & Recreation Master Plan developed by Confluence discussed the importance of sidewalks and developing neighborhood connections.

Mayor Skrede asked about the procedure that the City would follow to ensure the sidewalks are cleared of snow and ice.

Administrator Young stated that the City would send a letter to those property owners who did not clear the sidewalks within the 12 hour limit to let them know they were in violation of the ordinance and had a certain amount of time to clear their sidewalk. If the sidewalk wasn't cleared, the City crew would clear the sidewalk and bill the property owner. If the bill weren't paid, the cost of the improvement would be placed as a special assessment on the property.

Mayor Skrede stated that the C-1 and C-2 Commercial Districts would still be required to clear their sidewalks in the proposed ordinance due to the fact that they are in a commercial district. He noted that the City has been asked by a number of homeowners in the Cottagewood area that they would like to remove their sidewalk due to its condition.

He stated that whoever does install sidewalk in different locations throughout the city should install the sidewalk separate from the street. He stated that we also don't have a real good plan on how to involve the public works crew in sidewalk clearing since they already have their hands full with clearing streets, ice rinks and trails. He noted that we could have a discussion with the affected property owners.

Tom Erdmann stated that he didn't think this was a real hardship for property owners and noted that we would be the exception if we didn't enforce this ordinance.

Wendy Duren stated that she didn't believe sidewalk should be removed as they are an amenity. She stated that it is not safe to force people off the sidewalk.

Councilmember Erickson stated that he would be fine if we left the ordinance as is. He noted that the ordinance could be amended to require raised curb sidewalks to be cleared. He stated that if we do add sidewalks in residential areas, we would want to have the snow cleared.

Councilmember Jewett asked if we could have our crew clear the snow on the sidewalk from the tennis courts to the Cottagewood store. He added that we don't really enforce the ordinance.

Councilmember McNeill stated that she would be hesitant to remove any enforcement provisions from the ordinance.

Councilmember Carlson stated that he likes Councilmember Erickson's comments. He stated that the existing design is not tenable. He stated that the only place it is tenable is at Chowen's Corner. He suggested having our Park Committee or some other committee take a look at the ordinance or hold a neighborhood meeting.

The Council decided to table any further action on this ordinance and contact the property owners with sidewalk on the section of Cottagewood Road from Carson Road to the Cottagewood Store on the ordinance requiring the clearing of snow and ice within 12 hours.

**B. Adopt Ordinance No. 04-64, Amending Sewer, Heating & Electrical Permit Fees**

Administrator Young stated that Ordinance No. 04-64 was first presented to the City Council on December 3, 2018. He stated that Ordinance No. 04-64 proposes to amend the following minimum fees for Sewer Installer, Electrical Permits & Heating Permits:

<u>Item</u>	<u>Current Minimum Fee</u>	<u>Proposed Minimum Fee</u>
Sewer Installer Fee	\$20.00	\$50.00
Heating Permit Fee	\$40.00	\$50.00
Electrical Permit Fee - Commercial	\$35.00	\$50.00
Electrical Permit Fee – Residential	\$40.00	\$50.00

He noted that a copy of the proposed the ordinance was posted for ten days as required by law

Motion by Councilmember Erickson to adopt Ordinance No. 04-64, Amending the Sewer Installer Fee, Electrical Permit Fee & Heating Permit Fee. Seconded by Councilmember Carlson. Motion carried 5-0.

**C. Authorize Committee to Select Project Engineer for the 2019 Minnetonka Blvd Project**

Mayor Skrede stated that in an effort to move the process of selecting a Project Engineer along for the Minnetonka Blvd Project, he would like authorization from the Council for the Interview Committee to not just interview the perspective firms but to also select the firm. He stated that this would certainly move things along more quickly.

Councilmember Jewett stated that he was fine with the Interview Committee making that decision.

Councilmember McNeill stated that she doesn't have a problem with this but asked the Interview Committee to keep in mind what was discussed. She also asked for a detailed explanation of the Committee's final decision.

Motion by Councilmember Jewett to authorize the Interview Committee to select the Project Engineer for the 2019 Minnetonka Blvd Project. Seconded by Councilmember McNeill. Motion carried 5-0.

**D. Other**

There was no other Unfinished Business this evening.

**7. NEW BUSINESS**

**A. Approve Resignation of Police Officer Troy Carlson**

Motion by Councilmember Erickson to approve the resignation of Police Officer Troy Carlson effective December 28, 2018; to authorize the Police Chief to post the opening, interview and to make a conditional offer to a candidate; and to authorize the Police Chief to immediately post a job opening, conduct the interview process, and make a conditional offer to a candidate following the future resignation of a police officer. Seconded by Councilmember Carlson. Motion carried 5-0.

**B. Authorize Attendance at Newly Elected / Experienced Officials Conference**

Mayor Skrede stated that the City of Deephaven has traditionally paid for newly elected Council members to attend the Leadership Conference for Newly Elected Officials sponsored by the League of Minnesota Cities. He stated that the cost of the conference is \$225.00, which has been included in the 2019 Budget. He added that he would also have an interest in attending the Experienced Officials Conference as well, which also costs \$225.00 to attend.

Motion by Councilmember Erickson to authorize the attendance of Councilmember Melissa McNeill to attend the Newly Elected Officials Leadership Conference and Mayor Skrede to attend the Experienced Officials Leadership Conference for a total cost of \$450.00. Seconded by Councilmember Carlson. Motion carried 5-0.

**C. Adopt Resolution No. 04-19, Establishing Speed Limit on Cottagewood Road**

Mayor Skrede stated that he and Police Chief Johnson met with approximately a dozen residents of Cottagewood Road on December 6, 2018 to discuss concerns and potential solutions to speeding and traffic issues on this portion of Cottagewood Road. He stated that this is the portion of Cottagewood Road that borders the Back Bay between Minnetonka Blvd and Vine Hill Road.

He stated that the discussion with this group of residents was very productive and it was suggested that lowering the speed limit on this portion of Cottagewood Road from 30 mph to 25 mph would be beneficial. The reduced speed limit would help reduce speeding, would be similar to the designated speed limit for the southern portion of Cottagewood Road, and makes sense due to the width and poor traffic sightlines along this portion of Cottagewood Road.

Councilmember Carlson asked Chief Johnson about the speed of traffic on this stretch of Cottagewood Road.

Chief Johnson noted that there are times when there have been speeding issues. He stated that this portion of Cottagewood Road has been used as a short cut, which has lead to an increase in traffic.

Mayor Skrede stated that it was noted at their meeting that high tech companies will stop routing traffic down Cottagewood Road once this area is posted at 25 mph.

Councilmember Erickson asked if the reduced speed would be in effect after the intersection of Cottagewood Road at Manor Road.

Mayor Skrede stated that the reduced speed would be in effect beginning at the Cottagewood Road and Vine Hill intersection.

Councilmember Carlson noted that this appears to be a traffic control effort as well.

Motion by Councilmember Erickson to adopt Resolution No. 04-19, establishing a 25 mph speed limit on Cottagewood Road. Seconded by Councilmember Carlson. Motion carried 5-0.

**D. Other**

There was no other New Business this evening.

**8. DEPARTMENT REPORTS**

**A. Police Department**

Police Chief Johnson presented the December 2018 Incident Report for Council review. He stated that the applications for the new police officer will be accepted until January 14<sup>th</sup>.

**B. Excelsior Fire District**

Councilmember Erickson stated that the bid opening on the station remodeling project has been held and the next meeting of the EFD Board will be held on January 23<sup>rd</sup>.

**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:

- Certificate of Achievement for Excellence in Financial Reporting
- The upcoming audit schedule for the 2018 Financial Statements
- The 2018 Ranking of Deephaven as the #5 Best Place to raise your family in Minnesota
- The receipt of grant funds from the Hennepin County Youth Sports Grant Program

**9. ADJOURNMENT**

Motion to adjourn by Councilmember Erickson, seconded by Councilmember Carlson. Motion carried 5-0. The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Dana H. Young  
City Administrator