

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, JULY 20, 2020
MINUTES**

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

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

STAFF: Planning Director Pat Smith and City Administrator Dana Young

2. **PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance.

3. **APPROVE CONSENT AGENDA**

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

- A. Approve July 6, 2020 Council Minutes
- B. Approve the extension of the use of Robinson's Bay Beach for Yoga Classes

Seconded by Councilmember McNeill. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **UNFINISHED BUSINESS**

- A. **Approve 2021 EFD Budget**

EFD Liaison Erickson provided the following overview of the 2021 EFD Budget:

- Duty crews will continue their 7 days per week schedule
- The Administrative Specialist position will move from a part-time to a full-time position
- Fiscal Agent duties will be conducted in-house
- The concrete project is scheduled for 2021, which requires diverting some funding from the Capital Equipment Fund to the Building Maintenance Fund
- The 2021 Operating Fund Budget will increase 1.8% over 2020
- Deephaven's municipal contribution in 2021 is scheduled to increase \$8,696 over this year's contribution

Councilmember Jewett had several questions regarding the firefighter's use of pagers.

Motion by Councilmember Carlson to approve the 2021 EFD Operating Fund Budget as presented. Seconded by Councilmember Erickson. Motion carried 5-0.

Motion by Councilmember Carlson to approve the 2021 EFD Capital Equipment Fund Budget. Seconded by Councilmember Erickson. Motion carried 5-0.

Motion by Councilmember Carlson to approve the 2021 EFD Building Maintenance Fund Budget. Seconded by Councilmember Erickson. Motion carried 5-0.

B. Discuss Deephaven Beach Restroom Project

Administrator Young stated that he and Mayor Skrede met with the City Engineer at Deephaven Beach to review several possible locations for a restroom. He stated that they had asked the engineer to provide survey stakes that would delineate the location of the beach property and to provide cost estimates on the installation of utilities to three separate sites - Option 1, Option 2 – the Canoe Rack location, and Option 3 – the Playground location. He stated that the estimated cost of installing utilities and other infrastructure at these three locations are as follows:

Option 1	-	\$265,210
Option 2 – Canoe Rack Location	-	\$107,310
Option 3 – Playground Location	-	\$110,660

Mayor Skrede stated that we are still waiting on the survey. He stated that he wanted to discuss the survey with five property owners on July 9th to discuss the possibility of creating a softer delineation between the properties, such as with a split rail fence. He stated that this meeting got hijacked when approximately 50 residents showed up. He informed the residents that we are continuing to gather more information on this project and resented the implication that we doing something in the cover of night on this project.

Councilmember Carlson stated that it's disappointing what Mayor Skrede went through. He stated that we were operating from a strategic plan that had been developed from public input. He stated that the strategic planning process invited Three Rivers Park District, the Minnetonka Baseball Association, Minnetonka Community Education, and residents to provide their input. He stated that a restroom at Deephaven Beach ranked high on the strategic plan survey, which was how we came up with the warming house & restroom at Thorpe Park. He added that the losers in all of this are our residents because progress on this project will slow down.

Councilmember Erickson stated that this is a good project and there is no reason to slow this down. He stated that we are executing a plan and don't have to slow roll this.

Mayor Skrede stated that we want to have a couple of city-type meetings to give residents the opportunity to discuss this project. He noted that this is why government moves so slowly. He stated that the timing for this project is now different and may not happen this year.

Councilmember McNeill asked if the survey is still forthcoming.

Mayor Skrede stated that they only asked for the cost options for tonight's meeting and are still waiting on the survey.

Councilmember Jewett stated that he has talked to a number of people on this project and really enjoys this part of working for the City. He stated that it's important to beautify the beach and there will be a lot of discussion on where the restroom should go. He added that we need to bring the beach up to the 21st century.

C. Other

There was no other Unfinished Business this evening.

6. NEW BUSINESS

A. Review Adoption of NFPA 96 Annex B, Mobile Cooking Operations

Administrator Young stated that the Council is reviewing this section of the State Fire Code this evening for potential adoption at our next meeting.

Mayor Skrede stated that he has several questions on how this provision of the Fire Code would be implemented, such as when the inspections would occur to ensure that an event wouldn't have to be cancelled. He stated that he has a concern regarding the practicality of how this code would be enforced.

Councilmember Carlson asked if a truck is inspected for an event in Bloomington, is that inspection still good in Deephaven? He asked if these inspections have been standardized.

Mayor Skrede asked if there was an inspection fee.

Councilmember Erickson stated that he will have to find out about inspection fees and will get some answers on how the inspections would work.

B. Discuss Accessory Dwelling Units

Planning Director Pat Smith presented the staff report. Aspect Design Build submitted plans for their clients to build a new house located at 18100 Honeysuckle Lane. The original building plans included a separate living quarters from the main house with an interior door connecting the two living areas. Because of the vagueness of the zoning ordinance, staff strongly recommended that the developer discuss their intentions with the City Council.

In addition, Taylor Balogh, 18855 Ridgewood Road, submitted building plans for an addition to an existing single-family residence. The addition includes a two-car garage with a kitchen, living room, two bathrooms and a bedroom above the garage. The existing house also has an attached two-car garage.

Single-family detached dwelling units are permitted in the three residential zoning districts. A “single family detached dwelling unit” is defined as a building designed or intended for occupancy exclusively by one family.” A “family” is defined as an individual person or two or more such persons related by blood, marriage or adoption living together exclusive of occasional guests or servants or a group of not more than five persons not related by blood, marriage or adoption living together in a single housing keeping unit in a single dwelling unit, exclusive of servants and occasional guests.

Staff recommends that the City Council direct staff and the Planning Commission to recommend conditions for accessory dwelling units or more clearly define a “family”.

Mayor Skrede stated that a similar request occurred last year for an accessory dwelling unit in a detached garage. The City Council did not favor that request. City Administrator Young mentioned that historically staff has viewed accessory dwelling units as not conforming to the zoning code.

Mayor Skrede said he likes the idea of accessory dwelling units going through the conditional use process. It is a different time than 18 years ago when the City Council discussed at this issue last. Councilmember Carlson said the City may not want to restrict assistance as residents get older.

Mayor Skrede stated he would prefer any accessory dwelling unit not be a detached structure but under one contiguous roof. Councilmember McNeill stated that a resident recently tried renting a single-family residence as a duplex. Councilmember Erickson stated accessory dwelling units should be built as a single-family residence and not look like a duplex and believes the Conditional Use is the best process.

Smith suggested one of the conditions may be that one of the units be owner occupied like the City of Minnetonka requires. Councilmember Jewett asked about homesteading. Councilmember Carlson stated someone might own the property, rent the ADU but still not homestead the property. Councilmember McNeill is not opposed to the concept, but wants to make sure it does not get abused in the future.

Councilmember Erickson said this is a trend that he believes will continue and that the ADU needs to be proportionate. Councilmember McNeill stated she would be more comfortable having rules in place before approving any current plans to ensure the City is not creating any non-conforming structures. Councilmember Erickson is in favor of expediting these plans while the City worked out the details of any new ordinance. Councilmember Carlson agreed to expedite the review of these two plans and discuss the possible regulations with the Planning Commission.

Mayor Skrede would prefer having any new regulations in place so as not to create any non-conforming structures or uses. He would like the Planning Commission discuss the idea and report back to the City Council before approving the current building permits.

C. Authorize Walden Storm Water Improvement Project

Discussion was held on the overall scope of the project that proposed to replace two existing catch basins along Walden Trail with three catch basins and install a new storm water line to connect to the existing storm water line under Minnetonka Blvd. Administrator Young stated that the storm water line and two catch basins on Walden Trail are in poor condition and have not been functioning well for years. He stated that like many of our older storm water lines, the pipes consist of old water heater shells that was installed 30-40 years ago.

Motion by Councilmember Erickson to authorize the bid submitted by Schneider Excavating in the amount of \$27,933.00 for the Walden Trail Storm Water Project. Seconded by Councilmember Jewett. Motion carried 5-0.

D. Other

Discussion was held regarding the Street Improvement Schedule. Administrator Young stated that the condition of each street is graded each year and the schedule of when to resurface each street is determined based on their condition and the constraints of our annual street improvement budget.

He stated that the reason that Linwood Lane dropped in the schedule is due to the fact that the resurfacing of this street, which is in generally poor condition, was combined with Linwood Road, which is in relatively decent condition. He stated that the condition of the majority of streets still needing resurfacing are in generally rough condition and that a street scheduled to be resurfaced in 2030 is in roughly the same condition as a street that is scheduled for resurfacing next year. He stated that the real importance of the Street Improvement Schedule is to determine which streets to resurface for the upcoming year in order to give the Council the opportunity to review the streets prior to the drafting of plans & specifications and to give CenterPoint Energy the opportunity to schedule these streets for upgrades well in advance.

Suzanne Blackburn, 4520 Linwood Lane, stated that pushing Linwood Lane out to 2032 doesn't take into account all the years that it hasn't been resurfaced. She stated that the road is small but is in very rough shape. She stated that it is unacceptable that they have to wait until 2032 for the road to be resurfaced.

Jay Tucker, 4550 Linwood Lane, stated that Linwood Lane was actually scheduled for resurfacing back in 2018 and now its been moved back to 2032. He stated that the roads appear to be getting away from us, particularly when you add the cost of inflation to the cost of roads. He noted that infrastructure needs improvement all over the state and recommended doing all of the roads at once.

Mayor Skrede stated that bids this year came in much less than the \$509,000 that was budgeted, which enabled the Council to add the Chowen's Corner parking lot to the resurfacing schedule. He stated that borrowing another \$1.5 million for street resurfacing is not off the table.

7. REPORTS FROM STANDING COMMITTEES

A. Park Committee

Administrator Young presented a brief review of the Park Committee meeting held on July 7, 2020, which included discussion on the following items:

- Reviewed the Deephaven Beach Restroom Project survey results
- Discussed the Deephaven Beach Restroom Project
- Discussed the possibility of scheduling the use of park facilities
- Reviewed an offer of a free tennis court backboard

Councilmember McNeill noted that the meeting was very cordial, with not a single Committee member opposing the project. She stated that this the hostile takeover of the meeting the Mayor attended is hard to reconcile.

Mayor Skrede noted that Stephen Streeter had offered to provide a new sign at Shuck Park at no cost to the City.

B. Public Works Committee

Administrator Young presented a brief review of the Public Works Committee meeting held on July 14, 2020, which included discussion on the following items:

- Reviewed a request to add two stop signs at the intersection of Lake & Virginia
- Reviewed the proposed storm water plan at 20664 Linwood Road
- Discussed a request for a comprehensive drainage review of the storm water system from Montgomerie Avenue to Hamilton Avenue to Lake Louise
- Discussed the condition of sidewalks in the Cottagewood area
- Recommended the removal of the dry fire hydrants along Minnetonka Blvd
- Reviewed garbage pickup service at parks & beaches
- Recommended approval of a new Shuck Park sign from Steven Streeter

8. ADJOURNMENT

Motion to adjourn by Councilmember Erickson, seconded by Councilmember Carlson.
Motion carried 5-0. The meeting adjourned at 10:36 p.m.

Respectfully submitted,
Dana H. Young, City Administrator