

**DEEPHAVEN CITY COUNCIL MEETING  
MONDAY, JULY 2, 2018  
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, Darel Gustafson, and Kent Carlson

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 Gustafson to approve the Consent Agenda, consisting of the following items:

- A. Approve June 18, 2018 Special & Regular Council Minutes
- B. Approve Verifieds
- C. Adopt Resolution No. 26-18, Appointing Absentee Ballot Board
- D. Adopt Resolution No. 27-18, Appointing Election Judges
- E. Adopt Resolution No. 28-18, Approving 2019 Woodland Contract
- F. Approve Sun Arbor Repair

Seconded by Councilmember Erickson. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

There were no Matters from the Floor this evening.

5. **PLANNING & ZONING REQUESTS**

- A. **Conditional Use Permit request of Quick Hit Fitness Lab to operation a physical fitness establishment and install a sign at 18128 Minnetonka Blvd**

Zoning Coordinator Cooney presented the staff report. He said that Tim Regan is leasing space at 18128 Minnetonka Boulevard in order to operate an appointment-only, one-on-one fitness facility. Cooney said the business will be located in the C-1 (Commercial District 1) zoning

district, and physical fitness establishments are regulated as a conditional use. He said that the applicant is also requesting a conditional use permit to install a sign for the business.

Cooney said that per Section 1302.01 (Subd. 2) physical fitness establishments are a conditional use within the C-1 zoning district. He said that he does not foresee any unique impacts (light, noise, odor, etc.) based on the proposal submitted by the applicant.

Cooney said that Section 1305.03(1) limits the hours a business can sell goods and services to consumers to only between the hours of 6 AM and 9:30 PM and that the applicant proposes the hours of 6 AM to 8 PM, Monday through Friday, 8 AM to 11 AM on Saturday, and closed Sunday. He stated that the proposed hours meet the regulations in the zoning code.

Cooney said Section 1310.04 regulates off-street parking requirements and that physical fitness establishments are not regulated specifically by off-street parking requirements and would fall within the "other commercial" category which requires 1 space for each 300 square feet of parking. He said that he estimates the building footprint at 700 square feet and city code requires two parking spaces. Cooney said that the applicant has stated that their lease agreement provides for two parking spaces.

Cooney said that Section 1115.04(2) states that no sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a Conditional Use Permit. He said that it further states the content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

He said the applicant is proposing a sign of 11 square feet for the front façade and the sign would be externally illuminated. Cooney said Section 1115.09(a) sets the maximum sign area for wall signs at 15% of the wall area of the front façade. He noted that the façade of the applicant's structure is approximately 325 square feet and the proposed sign equals approximately 3% of the front façade area.

Cooney said the proposal would illuminate the sign externally with an overhead light near the roof peak and said the code states that interior and exterior lighted signs permitted to businesses may operate during business hours only.

Cooney said that he recommends approval of the conditional use permit request of Quick Hit Fitness Lab to operate a physical fitness establishment and to install an 11 square foot business sign at 18128 Minnetonka Boulevard as presented based on the following findings:

Upon review of the application, it was determined there would be no negative impact on development of the community, the character and development of the neighborhood, the health, safety, and welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities, on adjacent streets, and the effect on property values of the subject premises and in the surrounding area.

Cooney said his recommendation is conditioned that (a) the hours of operation of the business and illumination of the sign be as outlined in Section 1305.03 of the ordinance.

Cooney said that the Planning Commission held a public hearing on the request at their June 19 meeting and, on a 7-0 vote, recommended approval of the request based on the findings and conditions of staff.

Cooney concluded his staff report.

Mayor Skrede asked if the business hours in the ordinance also applied to weekends. Cooney said that he believed so but would recheck the ordinance to confirm.

Tim Regan, applicant, said that he was opening a personal training fitness business in September.

Motion by Councilmember Jewett to approve the request based on the recommendation, findings and conditions of the Planning Commission. Motion was seconded by Councilmember Carlson. Motion carried 5-0.

**B. Variance request of Jeanne Hamilton, property owner, to encroach into the side yard setback for a home addition at 18385 Northome Boulevard**

Cooney presented the staff report. He said that Jeanne Hamilton (J Hamilton Design LLC), property owner at 18385 Northome Boulevard, is requesting a variance to build a home addition onto a legal non-conforming house. He said the 1-story addition creates the need for a variance from the minimum side yard setback. Cooney said the footprint of the house will increase by 255 square feet, bringing the house footprint to a modest 1,122 square feet. He said that the property is an 8,751 square foot R-3 lot, which is 44% of the minimum lot size for the zoning district.

Cooney said that Section 1302.05(3) of the zoning ordinance requires combined side yard setbacks of 25 feet, with a minimum of 10 feet. He said the applicant proposes a side yard setback of 6.4 feet and is seeking a variance of 3.6 feet from the minimum required side yard setback. He noted that the house is legal nonconforming and was constructed in 1910 according to Hennepin County records. Cooney said the existing house is 6.4 feet off of the side property line and the house addition maintains the existing line of the house. He said the addition is a one-story addition of a master bedroom, mudroom, and bathroom, and that the addition would expand the footprint of the house from 867 square feet to 1,122 square feet.

Cooney noted that the property is outside of the Shoreland Management District, and is not subject to an impervious surface variance.

Cooney said that he recommends approval of the variance requests to encroach 3.6 feet into the minimum required side yard setback for the proposed home addition at 18385 Northome Boulevard, as proposed, based on the following findings:

(a) Is the variance in harmony with the purpose and intent of the ordinance?

The purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. The applicant is seeking to vary from the stated setback

and dimensional standards of the ordinance in order to modify a non-conforming house built in 1910, according to Hennepin County records.

(b) Is the variance consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.

(c) Does the proposal put property to use in a reasonable manner?

The proposal puts the property to use in a reasonable manner. But for the existing non-conforming setback, the scale of the house is consistent with zoning limitations for the property. The expanded footprint of the home remains very modest at 1,122 square feet.

(d) Are there unique circumstances to the property not created by the landowner?

Yes. The 1910 house was built prior to the city's zoning requirements. The narrow side yard setback prevents expansions to much of the house without requiring the need for a variance.

(e) Will the variance, if granted, alter the essential character of the locality?

The proposal would not alter the essential character of the locality. The proposal is consistent with the single-family character of the neighborhood.

Cooney said that the Planning Commission held a public hearing at their June 19 meeting and on a 7-0 vote recommended approval of the request based on the recommendation and findings of staff.

Cooney concluded his staff report.

Councilmember Carlson noted the large gravel driveway on the property. Councilmember Erickson said that the rear yard is all driveway.

Mark Paulek, of 18385 Northome, said that the parking area is too large on the property.

Councilmember Jewett said that the property is 55% hardcover which is going up with the expansion, but the code does not require mitigation. He said that the property owners should be mindful about paving the driveway.

Councilmember Carlson said that he might want to see a conditional approval to review if there is a drainage problem. Councilmember Erickson said that there are gutters and downspouts on the house which would not be difficult to redirect. Councilmember Carlson said that the proposal was a nice addition.

Mayor Skrede said that he was reluctant to put conditions on the approval.

Councilmember Erickson said that he does not see the stormwater being impacted by this addition.

Motion by Councilmember Jewett to approve the request based on the recommendation and findings of the Planning Commission. Motion was seconded by Councilmember Carlson. Motion carried 5-0.

**C. Variance requests of Greg Holde, property owner, to encroach into the minimum required side yard setback for a house addition, and to encroach into the minimum required rear yard setback and exceed the maximum allowable accessory structure footprint for a garage addition at 3835 Monaltrie Avenue**

Cooney presented the staff report. He said that the property owner has applied for variances to encroach into the minimum required side yard setback for a house addition, and to encroach into the minimum required rear yard setback and exceed the maximum allowable accessory structure footprint for a detached garage addition at 3835 Monaltrie Avenue. Cooney said that the property is a 15,000 square foot R-3 property, which is assembled from two 50 x 150 lots. He said that the house was built in 1938 according to Hennepin County records. Cooney noted that the newer detached two-car garage was granted a variance in 1999 to encroach into the rear yard setback.

Cooney said that Section 1302.05(3) of the city ordinance requires combined minimum side yard setbacks of 25 feet with a minimum side yard of 10 feet. He said that the proposed north side yard setback would be 4.9 feet and applicant is seeking a variance of 5.1 feet from the minimum required side yard setback.

Cooney stated that the house addition would increase the elevation by over 7 feet to create a livable second story on the house. He said that the house will also expand its footprint from a small 992 square feet (including porches), to a still modest 1,503 square feet (including porches). Cooney said that the applicant has stated that it is not his intention to tear down the house, but to keep the existing main level of the structure.

Cooney noted that the house addition maintains the existing line of the house and that the height increase is also relatively modest since the house already has an attic area and the expansion is not a full two stories. He said that, while the increase does occur only 4.9 feet from the existing property line, the garage area of the new house on the lot immediately to the north is 28 feet away and angled away from the applicant's property in such a way that the impact on that property would be minimal. He said that for those reasons, staff is supportive of the variance request for the house.

Cooney said that Section 1302.05(3) of the city ordinance requires rear yard setback of 15 feet. He said that the proposed rear setback would be 3.2 feet and applicant is seeking a variance of 11.8 feet from the minimum required rear yard setback. Cooney he existing setback was approved by the city in 1999.

He said Section 1310.10(Subd. 1(f)) of the city ordinance limits the accessory structure footprint for R-3 properties to 700 square feet. Cooney said that, as proposed the garage footprint would be 820 square feet and applicant is seeking a variance of 120 square feet from the maximum allowable accessory structure footprint. Cooney said that it is his opinion that the applicant has

not met the practical difficulty standard demonstrating why the additional square footage is anything other than the desire of the property owner, and why he should be afforded the extra square footage not permitted to other R-3 property owners. Cooney said that he would be supportive of an addition that encroached into the setback, but abided by the square footage limitation.

Cooney said that the location of the proposed garage expansion would be within an existing drainage easement and the city would have to restate the easement to permit such an encroachment. He said that the city did permit the modification of the easement in 2013, and based on the topography of the drainage area, the garage addition is unlikely to impact the holding capacity of the drainage area.

Cooney said that he recommends approval of the variance request to encroach into the minimum required side yard setback by 5.1 feet for the house addition at 3835 Monaltrie, as proposed, based on the following findings:

(a) Is the variance in harmony with the purpose and intent of the ordinance?

The purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. The applicant is seeking to vary from the stated setback and dimensional standards of the ordinance in order to modify a non-conforming house built in 1938, according to Hennepin County records. The objective is in harmony with the purpose and intent of the ordinance.

(b) Is the variance consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.

(c) Does the proposal put property to use in a reasonable manner?

The proposal puts the property to use in a reasonable manner. But for the existing non-conforming setback, the scale of the house is consistent with zoning limitations for the property.

(d) Are there unique circumstances to the property not created by the landowner?

Yes. The 1938 house was built prior to the city's zoning requirements. The narrow side yard setback prevents expansions to much of the house without requiring the need for a variance.

(e) Will the variance, if granted, alter the essential character of the locality?

The proposal would not alter the essential character of the locality. The proposal is consistent with the single-family character of the neighborhood.

Cooney said that he recommends denial of the variance request to encroach into the minimum required rear yard setback by 11.8 feet and to exceed the maximum allowable accessory structure footprint by 120 square feet for a detached garage addition at 3835 Monaltrie Avenue, as proposed, based on the following findings:

(a) Is the variance in harmony with the purpose and intent of the ordinance?

The purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. The intent of the ordinance is to limit the excessive size or number of accessory structures, and the applicant has not demonstrated that the proposal is in harmony with that intent.

(b) Is the variance consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.

(c) Does the proposal put property to use in a reasonable manner?

In the context of the zoning district, the excessive size of the garage is not a reasonable use of the property.

(d) Are there unique circumstances to the property not created by the landowner?

No. The property owner has not demonstrated that the request for the expanded footprint is more than a desire for extra garage square footage, nor why he should be afforded the extra square footage not permitted to other R-3 property owners.

(e) Will the variance, if granted, alter the essential character of the locality?

Yes. The expanded garage footprint would be out of character with the locality which is limited in accessory footprint size to 700 square feet.

Cooney said that he Planning Commission held a public hearing at their June 19 meeting and on a 7-0 vote recommended approval of the variance request for the house expansion based on the findings and conditions of staff. He said that recommendation for approval of the garage variance as proposed failed on a 2-5 vote with Eaton, Nagle, McNeill, Studer, and Webster voting against.

Cooney concluded his staff report.

Mayor Skrede said that he would like to discuss the variance requests one at a time. He asked if the house has a basement.

Greg Holde, applicant, said that it does but that he will not build a basement under the addition.

Councilmember Erickson asked if the applicant intended to remove the roof from the house in order to modify the upper level.

Holde said that was his intention. He said that he has owned the house since 2011. He said that the main level has a lot of character which he intends to preserve, but that he wants to give the house more livable space.

Councilmember Erickson said that this is an existing house and there are issues with the setbacks that cannot be avoided.

Councilmember Jewett noted that the hardcover is being reduced on the property.

Councilmember Erickson asked how far the garage was from the house. Holde said 18 feet.

Mayor Skrede said that he doubts there is a wetland on the property. He said that it is wet because of rain and drainage.

City Administrator Young said that the drainage easement predates the city owning the two adjacent lots. Mayor Skrede said that since the city owns those lots now, the drainage easement is not as necessary as it was in the past.

Councilmember Carlson said that he looked at the property after the recent rainfall and can see the city parcels with quite a bit of standing water on them. Councilmember Carlson noted that the low area shown on the survey is actually on city property.

Mayor Skrede said that there used to be a house on one of the city lots.

Councilmember Erickson asked if the garage would be over the pad that was recently permitted. Holde said yes.

Mayor Skrede said that this was a proposal for a structure over an existing pad. Councilmember Erickson said that the applicant was simply putting a cap over the pad that was previously allowed.

Councilmember Jewett said that the Planning Commission had a lot of discussion about exceeding the 700 square foot limit.

Councilmember Erickson said that a house can have a 3 car garage if it is attached to the house, but not if it is detached. He said that this restriction was not about punishing those property owners that have detached garages.

Councilmember Gustafson said that the practical difficulty standard in the ordinance has pre-defined conditions for deviation from the code and that this does not meet those conditions.

Councilmember Carlson said that the applicant is being penalized because the garage is not attached to the house.

Councilmember Erickson said that he would like to look at the regulations, but that it seems unfair that the same property could have an attached 3 car garage.

Councilmember Jewett said that he was comfortable with the proposed addition, but only if it met the 700 square foot limitation.

Councilmember Erickson said that he could concur with that. He asked Holde if he would still build it at the reduced size.

Holde said that, yes, he would build it at that size. He said that the space is shop space and not for parking. He showed the city council a model of the proposed 10x12 space.

Mayor Skrede said that he appreciates the applicant willing to modify the request.

Motion by Councilmember Carlson to approve the variance requests as proposed with the condition that the garage footprint not exceed 700 square feet. Motion was seconded by Councilmember Erickson. Motion carried 5-0.

**D. Showcase Event Permit request of Modern Oasis and Charles R. Stinson Architects to include 3675 Northome Road on the AIA Homes by Architects Tour**

Cooney presented the staff report. He said that the property located at 3675 Northome Road is a new construction single-family home. He said that the project is nearing completion and the builder and architect would like to include it in the AIA Homes by Architects Tour which is being held Saturday, September 15 and Sunday, September 16 from 10 a.m. to 5 p.m. each day.

He said that Section 1355.03 of the zoning ordinance permits the public showing of residential structures with the issuance of a Showcase Event Permit. City Code does not require Planning Commission action on Showcase Event requests.

Cooney said the ordinance limits Showcase Events to three consecutive weekends and the AIA Homes by Architects Tour is a one weekend event.

Cooney said the ordinance requires the submittal of a detailed site plan. He said the applicant has stated that there will not be any special accommodations for guests at the property itself and that a copy of the survey of the property has been provided.

He said that the ordinance requires the submittal of maps showing the pick-up points and shuttle routes to the showcase property. He said he applicant shows a shuttle route to and from the public parking lot adjacent to Charles R. Stinson Architects' office.

Cooney said the ordinance requires a letter of approval from the Police Department stating that all of their conditions have been met. He said that the applicant has spoken with the Deephaven Police Department regarding their plan to provide shuttle service from the public parking lot in Chowan's Corner and the Police Department has approved the proposal.

He said the ordinance requires the applicant to provide general liability insurance to cover injury and property damage and that the applicant has submitted proof of insurance coverage that exceeds the city's required coverage amounts.

Cooney said the applicant has notified adjacent neighbors of the event via a letter.

Cooney said that he recommends approval of the Showcase Event Permit based on the following findings:

Section 1355.07(a) – the Showcase Event will not endanger the public health, safety or general welfare of its (City of Deephaven) residents: The applicant has worked with city staff to create a safe environment for including the home in the showcase event.

Section 1355.07(b) – the Showcase Event will not cause undue traffic hazards, congestion or parking shortages. The applicant has submitted the proposed parking information and has worked with the police to address potential safety issues.

Section 1355.07(c) – the Showcase Event will not impose an excessive burden on the City or its residents or cause damage to private property, parks, streets, right-of-ways or other public property. The City is within its rights to impose conditions on any approval that the applicant is responsible for the cost of any of the above-mentioned damage.

Cooney concluded his staff report.

Mayor Skrede said that the event would be bussing the attendees, but that there might be a straggler or two that shows up at the property.

Jason Stinson, applicant, said that there would be parking for five staff at the property. He said that the shuttle does a loop that also goes to a Streeter & Associates property in Woodland.

Police Chief Cory Johnson said that he would provide the applicant some no parking signs.

Motion by Councilmember Jewett to approve the Showcase Event Permit request. Motion was seconded by Councilmember Carlson. Motion carried 5-0.

#### **E. Approve Revisions to Drainage Proposal for 4300 Chimo East**

Cooney presented the staff report. He said that City Council approved the request at their April 17 meeting. He noted that the proposed hardcover areas are not changing; only the proposed mitigation plan. He said that the previously approved mitigation plan located the rain garden towards the end of the driveway. He said that the new mitigation plan locates the rain garden in the center of the carriage driveway, which preserves a number of mature trees that would have been impacted by the previous rain garden location.

Cooney said that the required mitigation volume is 110.6 cubic feet. He said that the revised mitigation volume is increasing from the previously approved 117 cubic feet to 150 cubic feet. He said that the overflow will be directed to the HOA stormsewer.

Cooney concluded his staff report.

Mayor Skrede said that the applicant should make the HOA aware of the changes.

Councilmember Carlson said that he was glad to see the overflow connection to the stormsewer and that the changes were a plus.

Motion by Councilmember Carlson to approved the changes to the drainage plan. Motion was seconded by Councilmember Gustafson. Motion Carried 5-0.

variance requests of Joe and Tracy Ryan, property owners, to encroach into the minimum required lake yard setback and exceed the maximum permitted grade alteration in order to build an accessory structure at 20430 Lakeview Avenue.

Mayor Skrede said that the variance requests of Joe and Tracy Ryan, 20430 Lakeview Avenue, to encroach into the minimum required lake yard setback and exceed the maximum permitted grade alteration in order to build an accessory structure would not be heard tonight because of a procedural error at the Planning Commission. He said at that meeting, a motion for denial was made, and that motion did not pass. He said that, procedurally, it cannot be assumed that a motion for approval would have passed. He said that an affirmative motion needs to be made. He said that the application will be heard by the City Council once the Planning Commission makes a recommendation

## **6. UNFINISHED BUSINESS**

### **A. Other**

The Council reviewed a \$5,800 change order request from B. Streeter & Company on installing additional windows on the entrance to the warming house.

Mayor Skrede stated that windows are lacking on the west side of the warming house and we might want to consider replicating the windows on the north and south sides of the building. He stated that we don't want the warming house to be too dark inside. He added that this appears to be an omission in the design.

Councilmember Gustafson noted that he has a couple of windows that have never been used but they don't match the windows on the north and south sides of the building. He stated that they are 6' high x 4' wide double hung windows.

Mayor Skrede stated that he will take a look at them to see if they would work.

## **7. NEW BUSINESS**

### **A. Approve Consent to Sublease Letter**

Administrator Young stated that Crown Castle is requesting that the City of Deephaven allow Sprint PCS to collocate on the City Hall cell tower site, which is owned by T-Mobile and managed by Crown Castle. He stated that what is notable about this request is that it is the first request we have received that has one carrier requesting to collocate within the same ground

lease area as another carrier. With prior requests, all other carriers have requested their own separate lease area.

He stated that he and Mayor Skrede negotiated the terms of the agreement, which include a \$500.00 monthly lease fee, a 3% annual escalator, and a \$2,000.00 Expedite Fee. He stated that the original agreement only included the \$2,000.00 Expedite Fee.

Mayor Skrede stated that both Sprint and T-Mobile will likely merge at some point. He stated that Sprint doesn't need a separate lease area from the City and noted that the City will receive an extra \$6,000 per year from the agreement.

Councilmember stated that it appears that due diligence has been done on the proposed agreement.

Motion by Councilmember Gustafson to approve the Consent to Sublease Letter with Crown Castle. Seconded by Councilmember Erickson. Motion carried 5-0.

## **B. Discuss Speed Monitoring Signs on Linwood Road**

Mayor Skrede noted that are several residents here this evening and a number of other residents who would like this discussion to be held at the August 6<sup>th</sup> Council meeting. He stated that with residents present, it wouldn't be fair to them to completely postpone the discussion. He stated that he has talked with Police Chief Johnson and it has been decided to take the discussion of this issue to the next Public Safety Committee meeting. He stated that this is the way it should have happened. He stated that the Chief's memo is in the Council packet and he included a number of questions at the end of the memo that he would like to have answered.

He stated that any decision on the placement of speed monitoring signs should consider best design alternatives, temporary or fixed signs, and battery or solar powered signs. He stated that temporary signs do not require fixed posts, which some residents have objected to.

Councilmember Gustafson asked about the results of the speed trailer on Linwood Road.

Chief Johnson stated that the results showed that there were not an overwhelming number of cars exceeding the speed limit.

Councilmember Jewett asked what the speed limit is on Linwood Road. Chief Johnson stated 30 mph.

Councilmember Gustafson asked if we have a problem to fix. He stated that the results have shown very few cars are in excess of the speed limit and we have police officers to enforce our speed laws.

Chief Johnson stated that the speed trailer can only be set out at a particular location for one week. He stated that speed monitoring signs can help reinforce speed limits. He noted that

complaints on speeding are our number one issue in town. He stated that it would be helpful to demonstrate that the majority of vehicles adhering to the speed limit are the reality.

He stated that he didn't want to make anyone unhappy with the installation of the speed monitoring signs. He stated that it is very difficult to justify having patrol cars on this street and thought that the speed signs would be a speed calming device. He stated that the signs enable us to pull out long term data so we know the best times to patrol.

Mayor Skrede stated that while we can pull much off this information off of the speed trailer, Chief Johnson likes these signs because they can pull data over a much longer period of time.

Councilmember Carlson stated that these signs would provide a behavioral change as well as providing information. He stated that this would be an interesting way to approach these issues in other areas.

Chief Johnson stated that a common question is why not use stop signs in this area. He stated that stop signs are not used to slow speeds. People are either going to roll through these stop signs or speed up after they are forced to stop.

Mayor Skrede stated that he agrees that stop signs don't control speeds. He stated that he thinks that this is a procedural problem by not informing the residents.

Chief Johnson stated that he and Administrator Young simply forgot to include this issue at the Public Safety Committee.

Councilmember Gustafson asked why not just use the tools that are available, like giving speeding tickets.

Councilmember Jewett noted that the speed limits were unofficially lowered to try to slow speeds on Linwood Road and wondered why we don't officially lower speed limits when we have the authority to do so. He stated that if the average speeds on Linwood Road are 25 mph, we have the ability to write a ticket for anyone going 31 mph, assuming we give everyone a 6 mph cushion. He stated that he realizes that not everyone is in favor of lowering speed limits but he believes it needs to be considered.

Mayor Skrede noted that the MN Department of Transportation use to have the sole authority to raise or lower speed limits in cities.

Chief Johnson stated that the decision was made by the Public Safety Committee to recommend lowering the speed limits on Linwood Road in the attempt to reduce speeding complaints.

Councilmember Jewett stated that higher speed limits on Vine Hill Road and Minnetonka Blvd are fine but we should reconsider the speed limits in other areas of the city.

Mayor Skrede stated that he felt that speed monitoring signs are a question of permanent vs. temporary signs. He stated that we need a maintenance agreement to cover this arrangement to

avoid questions on what happens to a sign if it is hit. He added that a letter should have been sent to residents explaining the intent of these signs.

Marsha Jolstad, 20770 Linwood Road, asked about the placement of the signs. She stated that they are not located at the beginning or end of Linwood Road; they are located in front of one house. She stated that the signs come across as too aggressive with their flashing lights.

Mayor Skrede agreed that the signs might be too aggressive.

Chief Johnson agreed but noted that times have changed.

Marsha Jolstad asked why the signs aren't further apart.

Chief Johnson stated that he can't install the signs on a corner because they won't read accurately. He stated that he put them where they are because they need the sun. He noted that a battery operated sign would need new batteries every 14 days. He stated that they were not placed where they are currently located because of one individual.

Mayor Skrede stated that he would like to re-evaluate the location of the signs and whether battery or solar powered is more appropriate.

Jim Engstrom, 20665 Bayview Court, stated that he is the recipient of the pole with the concrete base. He stated that the pole is located right in front of his gate. He stated that the location of the signs is only part of the problem. He stated that he has lived there a long time and speeds have not changed appreciably. He noted that the speed limits have been changed to 25 mph. He stated that he does have a problem with the new residents. He stated that he is trying to sell his house but is having problems with all the recent construction along Linwood Road.

He agreed that people traveling 30 mph through all this construction traffic is problematic. He stated that he has never had a problem after living here 30 years and is trying to be reasonable. He stated that changing the speed limit to 25 mph would be fine and putting a stop sign on his property would be helpful. He stated that he has a real problem with the Otis's owing the data off of the speed signs.

Councilmember Erickson asked if the speed signs take pictures.

Chief Johnson stated that they do not. He stated that there would be no lights or reflections from the sign into Mr. Engstrom's house.

Mayor Skrede stated that more discussion will be held on this issue at the August 6<sup>th</sup> Council meeting.

Councilmember Gustafson stated that a recommendation from the Public Safety Committee should come with data and actionable items.

Councilmember Carlson stated that we need to evaluate other locations for lowering speed limits throughout the city.

**C. Other**

There was no other New Business this evening.

**8. DEPARTMENT REPORTS**

**A. Police Department**

Police Chief Johnson provided a review of the June Incident Report and provided an update on the hiring process.

**B. Excelsior Fire District**

Councilmember Erickson provided an update on the June 27<sup>th</sup> EFD City Budget 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:

- Election preparations
- New utility pole installations
- Drainage review of Lake Avenue
- Campaign sign regulations
- Staff succession planning
- Completion of I & I Workplan

**9. ADJOURNMENT**

Motion by Councilmember Jewett to adjourn the Regular Council meeting. Seconded by Councilmember Gustafson. Motion carried 5-0. The meeting adjourned at 9:26 p.m.

**10. SPECIAL BUDGET WORK SESSION**

Administrator Young presented the 2019 General Fund Budget for Council review.

Further discussion was held on the 2018 Street Improvement Project and on the resurfacing of that portion of Minnetonka Blvd from the Vine Hill Bridge to the Minnetonka City border.

**11. ADJOURNMENT**

Motion to adjourn the Special Council Work Session by Councilmember Jewett, seconded by Councilmember Carlson. Motion carried 5-0. The meeting adjourned at 10:00 p.m.

Respectfully submitted,  
Dana H. Young  
City Administrator