

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, JULY 6, 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, Melissa McNeill, and Kent Carlson

STAFF: Police Chief Cory Johnson, 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 June 15, 2020 Special Council Work Session Minutes
- B. Approve June 15, 2020 Regular Council Minutes
- C. Approve June 29, 2020 Special Council Minutes
- D. Approve May Treasurer's Report
- E. Approve Verifieds

Seconded by Councilmember McNeill. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

Mayor Skrede asked if there was an interest in having candidates for the upcoming elections meet with the Council. He stated that he personally would not be interested.

Councilmember Carlson stated that council meetings have historically been conducted for city business and not for candidates to promote themselves.

Councilmember McNeill stated that she is not confident that a city council meeting is the right forum.

Councilmember Erickson agreed with Councilmember Carlson and McNeill.

Mayor Skrede asked if we should continue to allow elected officials to come to a council meeting to provide legislative updates.

Councilmember McNeill stated that we have historically allowed this and would love to continue to hear updates from our elected officials.

5. PLANNING & ZONING REQUESTS

A. Present Ordinance No. 13-80, Amending Construction Management

Planning Director Smith presented the staff report. A contractor working on a new house at 19000 Easton Road damaged the recently paved street. Currently, the City of Deephaven does not have a formal mechanism for requiring developers to repair damage to public property, specifically local streets. The City Council directed the Planning Commission to discuss and make a recommendation to the City Council on requiring an escrow for road repairs and general construction management items that may be needed.

On June 16, 2020, the Planning Commission discussed the proposed escrow and revised construction management agreement.

Councilmember Carlson asked about developers meeting with neighbors. Mayor Skrede stated he thought that was required for variances. Councilmember Carlson would rather see the developer meet with the property owners within 300 feet.

Mayor Skrede preferred having the threshold being if the homeowner is present or not. Councilmember Erickson agreed. Councilmember Erickson asked about major landscaping projects. Erickson recommended putting the documents on the website. Councilmember Carlson wants the cell phone number of the field superintendent on the construction sign. Councilmember Jewett is concerned about sending out plans that may be copyrighted. Councilmember McNeill stated that landscaping projects do not require permits and are difficult to manage because of that.

Councilmember McNeill stated that the ordinance should include a statement mentioning the construction management agreement. Councilmember's McNeill and Carlson recommended a flat fee of \$5,000 and the rest of the Council agreed. Councilmember Carlson recommended having a watering truck for demolition during summer months to cut down on dust.

Smith stated that he will make changes and bring the ordinance back to the City Council in August.

B. Approve Luxury Home Tour at 3244 Robinson's Bay Road, August 14-16, 2020

Smith presented the staff report. The property located at 3244 Robinsons Bay Road is a newly constructed single-family home. The project is nearing completion and the builder and architect would like to include it in the Luxury Homes Tour which is being held Friday, August 14

through Sunday, August 16 from noon to 6 p.m. each day. The zoning ordinance permits the public showing of residential structures with the issuance of a Showcase Event Permit.

Police Chief Johnson stated that the public street is already signed for no parking. The parking lot at the Robinsons Bay is parking by permit only.

Mayor Skrede opened the public hearing.

Joy Ankeny, 3342 Robinsons Bay Road, addressed the City Council. She is concerned with the current coronavirus pandemic. She wondered if there is a process to withdraw the application if the State required citizens to stay at home. She is concerned guests will drive their own automobiles instead of taking the shuttle and how that will be enforced. Ms. Ankeny is concerned about losing the character of the private street.

Sarah Michielson and Gary Aulik, Aulik Design Group, addressed the City Council. Michielson stated that the state mandates Covid regulations for private home tours that they will follow. Shuttle will be about the same size as a metro mobility shuttle. Seats 14 but will not be seated at capacity. Michielson has no idea how many people will show up during the coronavirus pandemic. All guests will have to wear a mask and use hand sanitizer before entering the shuttle and also after leaving the house. There will be a 10-guest limit for the house. Guests waiting can use a guest house adjacent to the house. Employees at the site will not allow guests to enter the house if they arrive in a private automobile.

The applicant's certificate of liability would cover any damage to the public street. Mayor Skrede believes that the size of the vehicle alleviates the traffic congestion concern. Gary Aulik stated that if the state changes the requirements because of Covid-19, they will have to comply.

Councilmember Erickson appreciates that the applicants are being proactive with the Covid-19 issue. Councilmember Carlson asked about temperature checks. Michielson said the Midwest Luxury Home Tour hasn't mandated that yet. With one shuttle bus, Councilmember Carlson cannot anticipate any traffic issues.

Police Chief Johnson stated that a community officer will be keeping a close eye during the hours of the event. Councilmember Jewett stated that guests have been very considerate at other open house events. Maybe getting an officer involved would help settle some neighborhood concern. He believes the applicants' plan is solid.

Michielson stated that the address of the house is not publish anywhere, only the Grace Church address. There will not be any signs advertising the Luxury Tour along Robinsons Bay Road.

Carl Mcelroy, 3265 Robinsons Bay Road, addressed the City Council. He does not wish to bring additional attention to the street and is concerned with the safety of his children. He stated that he already has a problem with gawkers driving up and down the street.

Andrea Keller and Dan Luther, homeowners of the subject property, addressed the City Council. Ms. Keller read a text message from a neighbor Mary Mithun. Mayor Skrede asked the

homeowners if they were concerned at all with guests touring their house during the Coronavirus pandemic. Luther said the positives outweighed the negatives.

Mayor Skrede closed the public hearing.

Chief Johnson suggested having an officer to make sure private vehicles are not accessing the site at the expense of the applicant.

Motion by Councilmember Carlson to approve the Showcase Event Permit for 3244 Robinsons Bay Road as proposed with a condition that the applicant hire a community service officer for the entire duration of the tour and comply with covid-19 requirements, cancellation of the tour will be needed if State mandated. Seconded by Councilmember Erickson. Motion carried 5-0.

6. NEW BUSINESS

A. Approve Special Event Permit for September 27, 2020 Bike Ride Event

Administrator Young stated that Minnetonka Community Education is requesting permission to sponsor bike rides of 5, 18, and 30 miles on Sunday, September 27th. This event is in lieu of the 2020 Tour de Tonka, which has been cancelled. He stated that this event would be on a much smaller scale than the Tour de Tonka, as the event will be limited to only 225 participants. He stated that the event will begin and end at MCEC in Deephaven and there should be sufficient off-street parking at MCEC and Deephaven Elementary School to accommodate 225 riders. The event starts at 12:00 p.m. and ends at 3:30 p.m.

Mayor Skrede asked Police Chief Johnson if he is in favor of the request.

Chief Johnson stated that he did support the request.

Councilmember Jewett asked if the construction project at Deephaven Elementary School will be completed in time to allow the use of the parking spaces at the school for the event.

Chief Johnson stated that the project should be completed prior to the event.

Motion by Councilmember Erickson to approve the Special Event Permit sponsored by Minnetonka Community Education for the three bike rides to be held on September 27, 2020 subject to limiting the number of participants to no more 225 and containing all parking for the event on site. Seconded by Councilmember Jewett. Motion carried 5-0.

B. Other

There was no other New Business this evening.

7. **UNFINISHED BUSINESS**

A. **Authorize Final Pay Request for the 2019 Minnetonka Blvd Project (\$58,803.42)**

Administrator Young stated that the Deephaven City Council authorized entering into a contract with Bituminous Roadways on June 3, 2019 for the 2019 Minnetonka Blvd & Carsonwood Street Improvement Project. The original bid for this project was \$1,160,932.00.

He stated that the Final Payment Request from Bituminous Roadways in the amount of \$58,803.42 has been submitted for approval by the City Engineer. With this final payment, the total cost of the 2019 Minnetonka Blvd & Carsonwood Street Improvement Project is \$1,150,475.48 or \$10,456.52 under the original bid price.

He added that the total engineering cost for this project was \$127,572.27, which represents 11.1% of project cost.

Mayor Skrede stated that he reviewed the road with the City Engineer and noted that the ripple in the road by Walden has been ironed out by the contractor. He stated that he is expecting to receive a quote from Schneider Excavating on improving the overall drainage from the Walden area.

Motion by Councilmember Carlson to authorize Final Pay Request to Bituminous Roadways in the amount of \$58,803.42 for the 2019 Minnetonka Blvd & Carsonwood Street Improvement Project. Seconded by Councilmember McNeill. Motion carried 5-0.

B. **Adopt Resolution No. 23-20, Extending Local Emergency Declaration**

Administrator Young stated that Mayor Skrede declared a local emergency to address COVID-19 on March 23, 2020. He stated that same day at a Special Emergency Council meeting, the City Council adopted Resolution No. 14-20 to extend the Mayor's declaration to July 6, 2020.

He stated that with the local emergency declaration expiring today, the Council will have to adopt Resolution No. 23-20 in order to extend the Mayor-declared local emergency to October 5, 2020.

Motion by Councilmember Erickson to adopt Resolution No. 23-20, Extending the Period of a Mayor-Declared Local Emergency to October 5, 2020. Seconded by Councilmember McNeill. Motion carried 5-0.

C. **Discuss Deephaven Beach Restroom Project**

Mayor Skrede stated that he plans on meeting with some neighbors on Thursday to discuss property lines and potentially delineating property lines with a split rail fence.

Councilmember Erickson noted that we need to have an updated survey of the beach area.

Councilmember Jewett stated he met with the Mayor and Cory Lepper to review the beach concept plan that had been provided in the Master Park & Beach Plan. He stated that Cory would be happy to partner with another local builder to construct the restroom. He stated that it makes sense to locate the restroom on the other side of the parking lot.

Mayor Skrede stated that he also talked with Stephen Streeter, who along with Cory Lepper would be willing to help with the design of the restrooms.

Further discussion was held on whether the restrooms would be installed on a concrete slab or wood, project timelines, seasonal vs. year-round use and the net increase in new parking spaces.

Councilmember McNeill asked if the restroom might increase boat traffic, particularly since there is no place for transient boats to park.

Mayor Skrede stated that he was more concerned with vehicle traffic and with public safety.

Discussion was held regarding the Park Committee's role in this project.

Mayor Skrede stated that he would like the Park Committee to agree on the location of the restroom and on the fact that the sports court will be reconstructed as a driveway.

D. Other

There was no other Unfinished Business this evening.

8. DEPARTMENT REPORTS

A. Police Department

Police Chief Johnson provided a review of the June Incident Report.

B. Excelsior Fire District

EFD Liaison Erickson stated that the majority of the discussion at the June 24th EFD Board centered on the 2021 EFD Budget. A second budget meeting will be held on July 8th.

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:

- 2020 Presidential Nomination Primary Reimbursement
- Election Judge Update
- Other Election News

- Sale of Non-Resident Parking Permits
- Paddleboard Rack Update
- Shuck Park Project Update

9. ADJOURNMENT

Motion to adjourn the Regular Council meeting by Councilmember Erickson. Seconded by Councilmember McNeill. Motion carried 5-0. The meeting adjourned at 10:00 p.m.

10. SPECIAL BUDGET WORK SESSION

A. Review 2021 Budget

Administrator Young presented revisions to the 2021 General Fund Budget for Council review and comment.

B. Review 2021 Marina Fund Budget

Administrator Young presented the 2021 Marina Fund for Council review and comment.

C. Discuss Coronavirus Relief Fund

Discussion was held regarding the proceeds and qualifications for obtaining funding from the Coronavirus Relief Fund.

11. ADJOURNMENT

Motion to adjourn the Special Council Work Session by Councilmember Carlson. Seconded by Councilmember Erickson. Motion carried 5-0. The meeting adjourned at 10:20 p.m.

Respectfully submitted,
Dana H. Young
City Administrator