DEEPHAVEN CITY COUNCIL MEETING
MONDAY, MARCH 4, 2019
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 Melissa McNeill, Steve Erickson, Kent Carlson, and Tony Jewett

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

A. Approve February 4, 2019 Council Minutes
B. Approve Verifieds
C. Approve 2019 Street Sweeping Bid
D. Approve 2019 Street Striping Bid
E. Approve Use of Robinson's Bay Beach for Yoga Classes
F. Approve January 2019 Treasurer's Report
G. Reappoint Wendy Duren to Park Committee
H. Appoint Josh Wilcox to Planning Commission
I. Appoint John Studer and Cindy Hunt Webster as Planning Commission Chair & Vice-Chair
J. Authorize Final Payment to Pipe Services for 2018 Sewer Main Cleaning & Televising Project ($2,235.73)
K. Reappoint Cindy Hunt Webster to Planning Commission

Seconded by Councilmember McNeill. Motion carried 5-0.

4. MATTERS FROM THE FLOOR

LMCD Representative Jake Walesch, 19825 Cottagewood Avenue, was present to provide an update on recent activities of the Lake Minnetonka Conservation District (LMCD) Board. He stated that the LMCD has suspended harvesting operations until: 1) the LMCD contracts with an AIS trained specialist to review the harvesting program, review the harvesting acreage and

delineation, develop a monitoring program and response program, 2) Initiate an independent and outside review of the operation of the program, which would include personnel qualifications and cost, training and safety procedures, equipment, and professional certifications that would be applicable; 3) Initiate a cost analysis to determine the cost of the program and identify funding sources.

He stated that this review will be performed over the course of 2019 and possibly into 2020. He stated that the LMCD Board is still considering options for this year, including contracting out to the cities. He reiterated that the LMCD can't run the harvesting program this year due to permitting issues.

Mayor Skrede asked if the Lake Minnetonka Association and the LMCD are in conflict over this issue.

Jake Walesch stated that there is some disagreement over the program, including concern over the spread of aquatic weeds.

Councilmember Carlson asked if a permit is needed from the Department of Natural Resources for harvesting.

Jake Walesch stated that the DNR would require a permit fee and may require a vegetation survey along with the permit application. He noted that anyone can harvest 15' around boats without a permit.

Councilmember Carlson asked if the LMCD has surveys that we could use.

Jake Walesch stated that there are likely surveys available through the LMA that are needed for the treatment of Carson's Bay and St. Louis Bay. He stated that it would cost around $600-$1,300 per acre to harvest.

Councilmember Jewett asked how this cost compares with chemical treatment.

Jake Walesch stated that chemical treatment is much more expensive.

Mayor Skrede asked, after the research has been completed, if the LMCD could decide to discontinue harvesting.

Jake Walesch stated that it could be a possibility. He stated that interested cities would have to hire private contractors to harvest this year.

Mayor Skrede stated that we would have to survey our lakeshore owners to see if they would want the City to harvest. He noted that the results may be split. He added that residents who use the City docks may have a right to expect to have better access to the lake.

Jake Walesch stated that he should know where things stand for this year within the next 30-45 days.

Councilmember Jewett asked if the LMCD ever hears from the Robinson's Bay Association on harvesting.

Jake Walesch stated that they do not as Robinson's Bay is a very deep bay.

Mayor Skrede thanked Jake for coming this evening and asked him to stay in touch.

Wayne Vigor, 18880 Minnetonka Blvd, was present to provide an update on the status of his house. He stated that his house is dilapidated and described the circumstances that lead to the present condition of his house. He stated that Minnetonka Building Officials inspected his home 18 months ago and stated that it was livable but in rough shape. He stated that following a recent inspection, Minnetonka Building Officials declared the house hazardous. He stated that he is a second generation contractor and was completely unaware of this situation up to 30 days ago. He stated that the partial list of improvements is almost complete.

Zoning Coordinator Dale Cooney stated that there are a couple of issues regarding this house. First, projects were started in the home without a building permit. This lead to an inspection of the home to resolve the outstanding issues. He stated that, as a result of the inspection, Minnetonka Building Officials have determined that the house is hazardous. He stated that the City has to pursue this course of action to remove the occupants from the hazardous home unless told otherwise by a judge. He stated that he doesn't know if the Council has any latitude once the determination has been made that a home is hazardous.

Wayne Vigor stated that he developed a list with Minnetonka, which is only a partial list, in the attempt to work through this process. He stated that he would like to see it resolved when he meets with the building official and his electrician later this week. He noted that he would be willing to shrink his footprint in order to establish a livable area in his house.

Mayor Skrede stated that the items that make the house uninhabitable have to be completed in order for the home to be considered as habitable. He stated that Minnetonka may be somewhat limited in what they can say to Mr. Vigor as they have to work through Dale Cooney on this issue.

Wayne Vigor stated that he needs to get a list of what needs to be done.

Dale Cooney stated that this is a tough situation in that Wayne wants to continue to live in his house while the work is being done. He stated that he didn't think that Minnetonka would be giving him a proscriptive list.

Mayor Skrede stated the problem is that Mr. Vigor needs to get the house in a livable condition before we proceed further with other phases of the projects.

Wayne Vigor stated that he thought he had time after the first inspection to make these improvements. He stated that what is causing the problem is that this is happening so quickly.

Councilmember Erickson stated that we have to follow the statutory process. He stated that he has to work through Dale Cooney to get the Certificate of Occupancy.

Councilmember Jewett asked how much time do you need.

Wayne Vigor stated that it's not the time; it's trying to figure out what needs to be done. He stated that Minnetonka needs to give more specific direction. If he is forced to move out, he would have to sign a 6-month lease, which would cost $18,000.

Councilmember Carlson asked if he intended to take the roof off and if he intended to live in the house while this was happening.

Wayne Vigor stated that he would not live in the house under that condition.

Councilmember Carlson asked if any detailed plans have been submitted. He noted that there has been a lot of work done without a permit. He stated that the City doesn't want to expose him to a dangerous situation. He suggested having his contractor meet with Minnetonka.

Wayne Vigor stated that his issue is that he was compliant 18 months ago and is now not compliant.

Councilmember McNeill stated that Minnetonka may have thought you were tearing the house down 18 months ago but that discussion has past. She stated that discussions and design plans have to be submitted to Dale Cooney. She stated that the process is to submit what you are intending to do to your house to Dale.

Councilmember Erickson stated that we don't design a house. Every major renovation requires someone to move out of the house. He noted that there have been past issues with the property, including living in a motor home connected to city sewer and storage containers that have not been removed. He stated that he wishes him luck but the Certificate of Occupancy has been pulled.

Wayne Vigor stated that he is looking for flexibility.

Mayor Skrede stated that he appreciates the update on the situation and, in regards to flexibility; he would have to defer to the legal requirements. He stated that he doesn't see us legally being able to do anything.

Dale Cooney stated that the first thing Mr. Vigor has to do is get out of the house.

Mayor Skrede noted that this issue would be going before the courts.

Dale Cooney asked about the set of plans that Wayne planned to submit. Cooney stated that the building official has said that you can live in that portion of the house that has been made code compliant until construction is completed that makes the remainder of the home code compliant.

5. PLANNING & ZONING REQUESTS

A. Consider the Conditional Use Permit request of Hughes Dental to install an externally illuminated monument sign at 18305 Minnetonka Boulevard

Zoning Coordinator Cooney presented the staff report. He said that the applicant is proposing to install an externally illuminated monument sign for their business. H e said the business currently has a sign located on the Deephaven Court property at 18279 Minnetonka Boulevard which will need to be removed as a condition of this request.

Cooney said that city code 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 the code further states the content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

Cooney said that city code Section 1115.09 (a) states that "the size of a sign may not exceed 15 percent of the wall area of the front façade of the structure in which it is located and in no case exceed 100 square feet for all other types of signs." He said that the applicant is proposing a 2-sided sign with 45 square feet per sign face. He noted that the base of the sign is 30 inches tall and includes the property address. Cooney said the 90 square feet of signage are within the limits of the above criteria for site signage.

Cooney said that city code Section 1115.09 (a) states that "Monument signs shall not exceed one hundred (100) total square feet of display area and shall not exceed eight (8) feet in height as measured from grade five (5) feet from the base of the monument or V-shaped sign. The total permitted square foot display area includes all faces of a monument or V-shaped sign." He said the sign meets the above criteria.

He stated that city code Section 1115.03(22) defines Illuminated Sign as "Any sign, whether exterior or interior, which contains an element designed to emanate artificial light internally or externally." Cooney noted that the proposal would illuminate the sign externally with not more than two ground mounted lights per side.

Cooney said that Section 1305.03 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 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 request to install a 90 square foot externally illuminated monument sign as proposed for the property at 18305 Minnetonka Boulevard. He said that there is a need to advertise the businesses and upon review of the application, it was determined that (a) the proposal will have no impact on the overall development of the community; (b) there will be no impact on the character and development of the neighborhood; (c) there will be no impact on the health, safety and welfare of the occupants of surrounding lands; (d) there will be no impact on traffic or parking conditions due to this signage; and (e) there will be no negative impact on property values on the subject property or those in the surrounding area.

Cooney said that the recommendation is made with the following conditions:
that the hours of illumination for the sign be as outlined in Section 1305.03 of the ordinance (only illuminated between the hours of 6 AM and 9:30 PM)
that the location of the sign remains beyond the nearby utility and drainage easement.
the Hughes Dental sign located on the Deephaven Court property at 18279 Minnetonka Boulevard shall be removed as a condition of this request.

Cooney said that the Planning Commission held a public hearing at their February 19th meeting and on a 5-0 vote recommended approval based on the recommendation, findings, and conditions of staff.

Cooney concluded his staff report.

Mayor Skrede said that the sign would be located at an angle visible to traffic from both directions but set back beyond the utility easement.

Councilmember McNeill asked about the sign at Deephaven Court. Rich Hughes, owner of the property, said that sign would be removed but that there might be a small notice on the Deephaven Court sign.

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

B. Consider the variance request of Paul and Kathy Asao to exceed the maximum permitted accessory structure height in conjunction with the construction of a new garage/accessory dwelling unit at 4748 Vine Hill Road

Cooney presented the staff report. He said that Paul and Kathy Asao, property owners, are requesting a variance to exceed the maximum permitted accessory structure height to build a new garage with an accessory dwelling unit on the second level. He said that the applicants have an adult son with autism and are seeking a semi-independent living arrangement for him. Cooney said the property is zoned R-2 and is 26,432 square feet in size. He stated that Section 1302.04(4) of the zoning ordinance limits accessory structure height to 15 feet. The applicants are proposing an accessory structure height of 26 feet.

Cooney noted that accessory dwelling units are prohibited by city code; therefore the height variance is only one of a several aspects of this request that would require city approval. He said that the city council would also need to authorize a sewer connection to the accessory structure. He stated that Per Section1005.10 of the city code, “not more than one house or building may be supplied from one sewer connection, except through the action of the Deephaven City Council.”

Cooney said that accessory dwelling units are not a permitted use for accessory structures. He noted that Section 1310.10(1) (h) states that no detached accessory structure shall be used for human habitation. He also noted that, per Section 1315.02, granting an exception to this

regulation is beyond the scope of a variance request. He said the only way to permit the request would be to amend the city code to permit accessory dwelling units by some mechanism such as a conditional use permit or an interim use permit. Cooney said that, if the city wanted to go in that direction, the city attorney has offered input into this request and has recommended interim use permits as the best mechanism for this particular purpose.

Cooney said that if the city were to allow accessory dwelling units via some city code mechanism, the accessory structure height variance may be granted via the practical difficulty standard. He stated that Section 1302.04(4) of the zoning ordinance limits accessory structure height to 15 feet. He said the applicants are proposing an accessory structure height of 26 feet and are seeking a variance of 11 feet from the maximum permitted accessory structure height.

Cooney said that the granting of the accessory structure height variance request is based wholly on the city's willingness to allow accessory dwelling units under certain circumstances. He said that the practical difficulty standards found in city code Section 1315.03 state that the request should be "due to circumstances unique to the property not created by the landowner." Cooney noted that in this particular case, the request is very clearly not unique to the property since the applicant is seeking a variance due to a family medical situation. He said, for that reason alone, the city would be justified in denying the request based on the findings drafted by staff and recommended by the Planning Commission.

Cooney noted that the specific request raises the broader issue of if the city is willing to consider allowing accessory dwelling units in certain limited scenarios such as family medical situations. He said he could envision the city drafting an interim use permit ordinance that contains a very limited range of scenarios that might allow a property to qualify for such flexibility from the zoning ordinance.

He noted that one obvious drawback to any interim use permit scenario, no matter how limited, is by what means is an accessory dwelling unit abated once the family originating the request no longer owns the property? Cooney said that if abatement of the situation would be difficult, does the benefit to the city (flexibility for residents facing a medical hardship) outweigh the costs (accessory dwelling units that have outlasted their well-intentioned original purpose)?

Cooney said that the Planning Commission held a public hearing on the request at their February 19th meeting. He said the Planning Commission said that they were sympathetic to the applicant's request, but felt that the city code language which regulates when structures will be considered part of the principal structure was flexible enough to allow the property owners to provide a semi-independent living situation for their son while also meeting the limitations of the existing zoning code. Cooney said that the Planning Commission noted city code Section 1310.10(1) (d) which states that *"An accessory structure shall be considered as part of the principle structure if the connection between the accessory and principle structure is above grade, fully enclosed with a full frost footing and has a minimum width equal to twenty five percent of the longest dimension of the accessory structure to be attached. In no case shall the length of the connection exceed fifty percent of the longest dimension of the accessory structure to be attached."*

He said that the Planning Commission recommended denial of the variance request on a 5-0 vote. The recommendation was based on the following findings:

(a) Is the variance in harmony with the purpose and intent of the ordinance?
No. The purpose and intent of the ordinance is to limit excessive accessory structure height on a property to prevent accessory structures that may be overly large relative to the principal structure and to help prevent the creation of illegal accessory dwelling units. The proposed structure is to be used as an accessory dwelling unit.

(b) Is the variance consistent with the comprehensive plan?
Yes. The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which states that "The City of Deephaven may adopt land use regulations that allow the development of a variety of housing types and costs and that allow flexibility in design and site planning."

(c) Does the proposal put property to use in a reasonable manner?
No. Accessory dwelling units are prohibited by city code. Since the height variance request is made solely to further the objectives of creating an accessory dwelling unit, the request is not reasonable. There are other reasonable means of achieving the applicant's goal of creating a semi-independent living arrangement for their son within the existing constraints of the zoning code.

(d) Are there unique circumstances to the property not created by the landowner?
No. The request is strictly made to serve the purposes of the landowner and his family and is not related to the specific circumstances of the property.

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

Yes. Accessory dwelling units are prohibited by city code and creating an accessory dwelling unit would alter the essential single-family character of the locality.

Cooney concluded the staff report.

Councilmember Erickson asked Cooney about the connection requirements for accessory structures. Cooney said that the connection needed to be above grade, fully enclosed with a full frost footing and have a minimum width of 25% of the longest dimension of the structure and the length of the connection cannot exceed 50% of the longest dimension of the structure.

Paul Asao, applicant, stated that his son is graduating from a transition program and that they would like him to have as independent a life as he possibly can. He said that he would like that to build that space on their property above the detached garage. He said that a conditional use permit could require that the sewer be disconnected at the appropriate time. Asao also said that the CUP could be restricted to very specific criteria.

Asao said that his son needs a place for semi-independent living and that the Planning Commission had suggested a compromise solution to attach the structure to the house. He said

that this was a compromise that he and his wife were not enthusiastic about and want to do what is best for their son. He said that he does not want the life of his son to be compromised. He said that his son is a vulnerable adult that Asao would like to have nearby while he learns his life skills. Asao said that a separate space is important and that they want to create an independent space for his adult son to grow.

Asao said that there is a benefit to using their private, family funds to support their son versus public funds. He said that the city should be willing to support parents with special needs children. Asao said that there are bad precedents, but also good ones. He said that this may be the first request of its kind, but it won't be the last. He said that he wants to help his son have his own living space under his own roof.

Mayor Skrede said that he was curious about the distinction between a Conditional Use Permit and an Interim Use Permit. Councilmember Erickson said that the IUP could be granted, but also removed under conditions set by the city, and it does not necessarily run with the property. Carlson said that an IUP could also be time-limited such as for a number of years or until the property is sold.

Councilmember Jewett said that allowing accessory dwelling units would be a drastic change for the code and the comprehensive plan.

Councilmember McNeill said that it seems like there are ways to get this done without altering the code so dramatically.

Asao said that a breezeway would not prevent a rental situation on a property. He said that there are a number of Deephaven properties with this kind of situation. Councilmember Erickson said that those properties did not have accessory dwelling units or were grandfathered into the situation.

Councilmember Erickson said that the entrance to the accessory dwelling could be on the far side of the garage, away from the house.

Mayor Skrede said that he appreciates Asao's heartfelt comments in support of his son's needs. He said that the code was written so that an accessory structure would not be taller than the principal structure. He said that second sewer connections in accessory buildings are the biggest issue for him.

Cooney said that the city could not give a variance for the accessory dwelling unit, but it could give a variance for the size and design of the breezeway.

Asao said that they were concerned about changing the farmhouse look of their house with the connection to the garage.

Councilmember Erickson said that Asao should withdraw the application rather than wait for the denial vote from the city council. He said that they would have to wait six months to come back if the application were to be denied.

Asao withdrew the application.

C. Consider the Showcase Event Permit request of Stonebay Builders to include the single family home located at 19035 Lake Avenue on the Parade of Homes Tour which will be held Thursday through Sunday, March 7th through 31st. The hours of the event will be noon to 6 p.m. each day.

Cooney presented the staff report. Cooney said that the property located at 19035 Lake Avenue is a new construction single-family home. He said the project is nearing completion and the builder would like to include it in the Parade of Homes Tour. Cooney said the applicant will be hosting the tour Thursday through Sunday, March 7th through 31st. The hours of the event will be noon to 6 p.m. each day.

Cooney said the zoning ordinance permits the public showing of residential structures with the issuance of a Showcase Event Permit. He said city code does not require Planning Commission action on Showcase Event requests.

He said that Showcase Events are limited to three consecutive weekends. He said the Parade of Homes Tour is a four weekend event; however the applicant is only participating for the final three weekends of the event which will be held Thursday through Sunday, March 7th through 31st. He said the hours of the event will be noon to 6 p.m. each day.

Cooney said that city code requires the submittal of a detailed site plan. He said the applicant has stated that, other than onsite parking there will not be any special accommodations for guests at the property itself. He said the applicant included a marked-up copy of the survey for the property.

Cooney said that the city code requires the submittal of maps showing the pick-up points and shuttle routes to the showcase property. He said the applicant shows a shuttle route to and from the public parking lot at Deephaven Beach and Park.

He said city code requires a letter of approval from the Police Department stating that all of their conditions have been met. He said the applicant has spoken with the Deephaven Police Department regarding their plan to provide shuttle service from the public parking lot at Deephaven Beach and Park and that the Police Department has approved the proposal.

Cooney said that city code 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.

He said that the applicant has notified adjacent neighbors of the event via the letter attached to this staff report.

Cooney said he recommends approval of the Showcase Event Permit for Stonebay Builders for the property located at 19035 Lake Avenue to participate in the Parade of Homes Tour which is being held Thursday through Sunday, March 7th through 31st 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 the staff report.

Mayor Skrede said that the dates provided show a 4 week event.

Councilmember Erickson said that parking should be restricted on the side streets as well. Police Chief Johnson said that there was not expected to be a large volume of traffic.

Tom Osfar of Stonebay Builders, applicant, said that there are 5 spaces available for guest parking on site, plus two for staff. He said that they would also have the shuttle. He said that he scheduled the tour to be on the second Saturday in March and thought that would meet the 3 week limitation.

Ashish Aggarwal, property owner, said that they would be happy with any three weekends of the tour in order to meet the code requirements.

Mayor Skrede said that there have been a number of complaints about parking on this street throughout the building process. He said that the Parade of Homes has also been a problem for Deephaven. He said that this is not the safest or most desirable street to have this event.

Aggarwal said that he understood the issues and that is why they are providing a shuttle. He said that they want to be good neighbors. He said that without a permit that they could host open houses and that would generate a comparable amount of traffic. Aggarwal said that the entry was 6 months ago. He said that they will control the parking and traffic issues.

Bill Gleason, of 215 Barry Avenue, Wayzata, said that the majority of the traffic will be on Saturday and Sunday only. He said that he apologizes for the situation, but the listing is already in the Parade of Homes Tour book and that people will be coming by the house.

Mayor Skrede said that is not his issue and that they had 6 months to figure this out. He said that this house is also required to install gutters and draintile and those are not installed. He said that he does not appreciate the threat of hosting an open house if the applicant is denied a permit, but that the City would post no parking signs on both sides of the street in that event. Mayor Skrede said that the streets are already 6 to 8 feet narrower because of the snow.

Osfar said that they have gutters, draintile, landscaping, and the driveway yet to complete in the spring. He said that the house is not done yet and they will install the required drainage system.

Councilmember McNeill asked if they would need to post all of Deephaven Park. Councilmember Carlson said that people will park on the side streets as well.

Chief Johnson said that he does not want to see the shuttle parked in the street for loading and unloading.

Mike Kelly of 19045 Lake Avenue said that there have been a lot of parking issues during construction. He said that the postal inspector has told him it has led to him not getting his mail.

Gleason said that the neighbors he talked to were fine with the proposal. He said that it is a difficult street to park on. He said that the parking issues are related to the contractors and sometimes contractors are idiots.

Councilmember Erickson asked if there were to be an open house versus the Parade of Homes Tour, what would be the least invasive for the neighborhood.

Mayor Skrede said that he does not like the ultimatum posed by hosting open houses. He said that there are two other houses by this developer in town.

Gleason said that the traffic will come regardless of approval. He said that the shuttle has worked in other situations.

Osfar said that he has tried to accommodate the parking situation based on the ordinance requirements.

Aggarwal said that they were not trying to threaten the city with the open house comment; they are trying to be transparent. H e said that there are also parking issues at the Park Avenue house he is building. He said the streets are narrow throughout the neighborhood.

Motion by Councilmember Erickson to deny the request. Motion was seconded by Councilmember Carlson. Motion carried 5-0.

6. NEW BUSINESS

A. Approve Special Event Permit for the Firecracker Run

Administrator Young stated that Minnetonka Community Education and the Excelsior Chamber of Commerce are co-sponsoring the 2019 Firecracker Run on Thursday, July 4, 2019. He stated that the event includes a 1-mile, 5K and 10K events, but only the 10K event enters into Deephaven. He stated that runners for the 10K event will head north on Minnetonka Blvd, turn right onto Cottagewood Road, and then turn right onto Manor Road to head into Shorewood. He stated that Police Chief Johnson didn't have any concerns regarding the event.

Motion by Councilmember Carlson to approve the Special Event Permit for the Firecracker Run held on July 4, 2019 sponsored by Minnetonka Community Education and the Excelsior Chamber of Commerce. Seconded by Councilmember McNeill. Motion carried 5-0.

B. Approve Special Event Permit for Gear Up

Administrator Young stated that Minnetonka Community Education will be sponsoring the 2019 Gear Up Event on Wednesday, July 17, 2019 from 5:00 p.m. – 7:00 p.m. The event includes a 9-mile road and trail ride and activities at MCEC, including a bike mechanic, bike rodeo obstacle course, food and music. He stated that Police Chief Johnson's only comment regarding the event is that he will not have extra officers working the event and MCE will have to provide staff to direct the race participants.

Motion by Councilmember Carlson to approve the Special Event Permit for the Gear Up Event held 5:00 p.m. – 7:00 p.m. on July 17, 2019 sponsored by Minnetonka Community Education, subject to MCE providing staff for the race. Seconded by Councilmember Erickson. Motion carried 5-0.

C. Adopt Resolution No. 09-19, Approving Bid on Sewer Cleaning & Televising

Administrator Young stated that there were a total of two quotes submitted for this project by Pipe Services Corporation and American Environmental. He stated that the low bid was submitted by Pipe Services Corporation in the amount of $45,060.25. :

Company	Bid
Pipe Services Corporation	$ 45,060.25
American Environmental	$ 67,483.50

He stated that the 2019 budget for this project is $30,000 and the cost for the project has come in well above budget due to the need to televise significant portions of Minnetonka Blvd prior to the 2019 Minnetonka Blvd Resurfacing Project.

Councilmember Jewett asked if this work will include televising the storm sewer at Chowen's Corner all the way to Shaver's Lake.

City Engineer David Martini stated that we need to take a look at the whole system, including the storm water system at Chowen's Corner, but right now we are just looking at the system underneath Minnetonka Blvd.

Motion by Councilmember Erickson to adopt Resolution No. 09-19, A Resolution approving the bid submitted by Pipe Services Corporation in the amount of $45,060.25 for the 2019 Sewer Main Cleaning & Televising Project. Seconded by Councilmember McNeill. Motion carried 5-0.

D. Approve Special Event Permit for Minnetonka Yacht Club

Administrator Young stated that the Minnetonka Yacht Club (MYC) will be hosting two regattas this year - the X Inland Regatta on July 24-27 and the MC Nationals Regatta on August 22-25. Neither regatta is considered to be particularly large. Registration and set-up will be at the MYC facility on Carson's Bay. He stated that the MYC is requesting permission to park trailers in the parking lot next to the platform tennis courts and will meet with Police Chief Johnson prior to each event to coordinate parking.

In addition, he stated that they would also like to use Cottagewood Children's Park for the award ceremony for the MC Nationals Regatta on Sunday, August 25th. Food and beer will be provided at the ceremony.

Mayor Skrede stated that we need to make them aware of the Minnetonka Blvd Project this summer.

Councilmember Jewett suggested that MCE will send participants down Manor Road after they trailer at the Elementary School.

Motion by Councilmember Carlson to approve the Special Event Permit for the Minnetonka Yacht Club, which includes the use of the Village Hall hockey rink and the parking lot at Haralson Park for trailer storage, the use of Cottagewood Children's Park, and permission to consume beer at the park. Seconded by Councilmember McNeill. Motion carried 5-0.

E. Other

There was no other New Business this evening.

7. UNFINISHED BUSINESS

A. Approve Probationary Period for Sara Skalle

Administrator Young stated that the City of Deephaven hired Sara Skalle on September 5, 2018 to replace Kathryn McCullum as Woodland's City Clerk. Sara was hired to work 32 hours per week - 24 hours per week as the Woodland City Clerk and 8 hours per week for the City of Deephaven. He stated that over the course of the last six months, Sara has learned a great deal

about the duties and responsibilities of serving as a city clerk and is well-respected by both Woodland residents and the Woodland City Council.

He stated that Staff recommends that the Deephaven City Council approve the six-month probationary period of Sara Skalle and authorize an increase in her hourly wage from $23.59 per hour to $24.83 per hour for the successful completion of her probationary status. The proposed wage increase would lift Sara to Step 1 of the Deputy Clerk's wage classification.

Motion by Councilmember Erickson to approve the six month probationary period of Sara Skalle and authorize an increase in her hourly wage from $23.59 per hour to $24.83 per hour for the successful completion of her probationary status. Seconded by Councilmember Jewett. Motion carried 5-0.

B. <u>Authorization to Hire Jace Rosenfeld as Deephaven Police Officer</u>

Police Chief Johnson stated that he is recommending hiring Jace Rosenfeld as a Police Officer with the Deephaven Police Department. He stated that Jace did an excellent job when he was with the Deephaven Police Department and, when he left for the Buffalo Police Department, did an excellent with them. He stated that Jace is a good guy and did a great job for us. He stated that Jace could start as early as next Monday.

Mayor Skrede stated that this is the second time he can recall an officer returning to serve with the Deephaven Police Department. He stated that he looks forward to having him come back.

Motion by Councilmember McNeill to approve the hiring of Jace Rosenfeld as Full Time Probationary Police Officer at a starting salary of $5,065.00 per month. Seconded by Councilmember Carlson. Motion carried 5-0.

Mayor Skrede administered the Oath of Office to Jace Rosenfeld.

C. <u>Minnetonka Blvd Resurfacing Project Update</u>

City Engineer David Martini stated that the survey work documenting the pavement is done and they have determined the existing width of the bituminous surface as varying between 30'-34' wide. He stated that Braun Intertec is doing the soil boring and ground penetrating radar to determine geotechnical conditions and noted that February has not been a great month for this type of work. He stated that he will have their findings by the end of the week. He stated that they are a little behind due to the weather conditions.

He stated that televising the sewer and culvert crossings may have to wait until after the snow melts and will likely be the last thing they do. He stated that he will provide the findings from Braun Intertec to the Council representatives and will look at how to fit in the proposed trail widths with the available street widths. He stated that they may consider 11' lane widths in order to get the extra space alongside the road. He stated that they intend to pull the information together by the end of the month and will have 80% of the design work done.

Mayor Skrede provided additional clarification on the proposed location of curb & gutter along Minnetonka Blvd.

David Martini reiterated the following schedule:

- Schedule a meeting with the Council representatives to review the Braun report
- 80% of plan completion by the end of March
- Open House on April 4th
- Revisit feedback from the Open House one week later
- Storm water information should be available by this point to discuss storm water designs and plans
- May 14th bid opening

Councilmember Carlson asked if the bid package would include the project schedule.

David Martini stated that they typically provide a sliding window for completion.

Mayor Skrede asked if they planned to start on the north or south end first.

David Martini stated that they don't know yet.

Mayor Skrede noted that the Deephaven Court project will have quite a bit of traffic and asked staff to contact Maggie on potential timelines.

Councilmember Carlson asked if they have heard from any of the utility companies yet.

David Martini stated that they have not.

Councilmember Erickson asked to have the project website put up on the City website prior to the April 4th Open House.

D. <u>Other</u>

There was no other Unfinished Business this evening.

8. <u>DEPARTMENT REPORTS</u>

A. <u>Police Department</u>

Police Chief Johnson presented the February 2019 Police Report for Council review.

B. <u>Excelsior Fire District</u>

Fire Board Liaison Steve Erickson stated that Fire Chief Gerber has officially submitted his resignation effective at the end of March and the Operating Committee has been working on a job description, posting the job notice, and recommending the hiring of an interim chief.

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:

- April Newsletter
- Annual Financial Audit
- Engineering & Inspection Service Costs

9. ADJOURNMENT

Motion to adjourn by Councilmember Erickson, seconded by Councilmember Jewett. Motion carried 5-0. The meeting adjourned at 10:27 p.m.

Respectfully submitted,

Dana H. Young
City Administrator