

**DEEPHAVEN CITY COUNCIL MEETING  
MONDAY, SEPTEMBER 21, 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, Kent Carlson, Steve Erickson, and Melissa McNeill

STAFF: 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 September 8, 2020 Council Minutes
- B. Approve August 2020 Treasurer's Report

Seconded by Councilmember McNeill. Motion carried 5-0.

4. **MATTERS FROM THE FLOOR**

Hennepin County Sheriff Hutchinson was present to meet with the City Council. He stated that this has been a challenging year for all of us particularly with COVID-19, the George Floyd incident, and demonstrations. He thanked Police Chief Johnson and the Deephaven Police Department for all their excellent work.

He stated that his department's involvement with Deephaven is mainly with the Sheriff's water patrol. He stated that there have been 50 water incidents reported in Deephaven this year with only three injuries. He stated that his department is now turning to ice safety issues with the weather turning cooler. He noted that the number of COVID cases at the county jail has been remarkably low considering the size of the jail.

Sheriff Hutchinson stated that his department supports peaceful protest but rioting, looting and violence will not be tolerated. He stated that protesting for better police is a goal for us all. He stated that as we work on meaningful police reform, we have to start coming together. He asked if the Council had any questions.

Mayor Skrede asked if the Sheriff's Department had standard operating procedures for providing backup assistance to local communities in the event of protests.

Sheriff Hutchinson stated that Chief Johnson knows that his department would be available for backup. He stated that they have a system in place where up to 50 deputies could respond very quickly.

Councilmember Jewett asked if he had enough officers to get people to feel more comfortable going back downtown.

Sheriff Hutchinson stated that they could use up to 100 more deputies. He stated that they are one of the top 20 largest Sheriff's offices in the county and other comparable departments have many more deputies.

Councilmember Carlson asked if he has had to reallocate more resources to the lake this year due to the fact that the lake has been extraordinarily busy.

Sheriff Hutchinson stated that they were able to add a couple of more officers to the Water Patrol this year.

## **5. PUBLIC HEARING**

### **A. Adopt Resolution No 30-20, Authorizing the Issuance of Senior Living Revenue Bonds**

Nate Canova, with Dorsey & Whitney, stated that the borrower is requesting a conduit bond issuance from the City of Deephaven, in which the City provides a revenue bond but has no risk with the issuance. He stated that they still need to receive host city approvals from those five cities where the projects will be occurring.

Mayor Skrede noted that the City will receive a bond administration fee for the proposed issuance. He reiterated that the City lends its name to the issue but has no outstanding liability in case of default. He stated that that the project will benefit five other cities.

Councilmember Carlson stated that the one question he had on whether there was any liability on behalf of the city in event of default has been answered.

Mayor Skrede asked when is the bond scheduled to be closed.

A representative of the borrower stated that the bond will close around October 17<sup>th</sup>. He noted that the project includes 32-unit high acuity and assisted living facilities in Inver Grove Heights, Little Canada, North St. Paul, Roseville and Vadnais Heights. He stated that they are looking for similar opportunities throughout the state. He stated that the total bond issue will be \$51 million.

Mayor Skrede asked if there are any questions from the public. Hearing none, the public hearing was declared closed at 7:35 p.m.

Motion by Councilmember Carlson to adopt Resolution No. 30-20, a Resolution Authorizing the Issuance of Senior Living Revenue Bonds. Seconded by Councilmember Jewett. Motion carried 5-0.

## **6. PLANNING & ZONING REQUESTS**

### **A. Consider a Variance Request to Exceed the Maximum Impervious Surface at 4265 Northern Road**

Planning Director Smith presented the staff report. John McGary, Lucid Builders, is requesting a variance to exceed the total hardcover limit in conjunction with constructing a new home at 4265 Northern Road. The proposed house meets all other zoning requirements. The zoning ordinance limits total hardcover to 25%. The variance request is for 35.3%.

The existing house has a footprint of 1,150 square feet and a 219-square-foot one-car garage. The proposed house has a footprint of 1,609 square feet with a 506-square-foot attached garage. The proposed house has five bedrooms and three bathrooms on the second floor, an outdoor kitchen on the rear of the house, a sunroom, great room lounge, and study on the main floor.

Smith stated that the requested hardcover of 35.3% (41% over the 25% limit) is more than most of the new houses and additions in the immediate neighborhood. However, Deephaven also has the most restrictive impervious surface requirement of the communities around Lake Minnetonka, which is very challenging for smaller lots.

Although slightly greater than other redevelopments in the neighborhood, a maximum hardcover of 32.7% seems reasonable for a lot of this size; therefore, staff recommends approval a variance to exceed the maximum impervious surface up to 32.7% in conjunction to building a new house at 4265 Northern Road.

Councilmember Erickson gave a history of stormwater review. Developers purposefully hid elements of the plans to get around the 25% maximum limit. Councilmember Erickson then asked about how staff came to the 32.7%. Smith stated that staff took the difference between the proposed garage and the existing garage and added that to the existing hardcover to get the 32.7% that staff was recommending for approval. Councilmember Erickson stated that the proposed driveway constitutes a significant amount of hardcover.

Mayor Skrede stated that he met with adjoining neighbors who had questions of the builder. It appeared to some of them that the grade is being proposed to be raised by three feet and asked if the egress window could be moved to the east side of the house.

John McGary, Lucid Builders, addressed the City Council. The height of the house will be lower based on review by staff and will meet the 31-foot maximum height limit. Mr. McGary said that the applicants have agreed to move the window well to the rear of the house.

Councilmember McNeill stated that a CAD analysis shows that the total hardcover exceeded those of the surveys at City Hall. If the patio and outdoor kitchen were removed, the proposed house would be less than the existing conditions.

Councilmember Jewett is glad the Council is seeing the entire development package. Councilmember Jewett gave examples of owners asking for hardcover variances after the house was constructed. Water mitigation is required when hardcover variances are approved.

Councilmember Erickson stated that the applicant submitted a hypothetical situation in which a two-car garage, attached to the house, that results in a hardcover that is close to the hardcover of the proposed development.

Councilmember Carlson said that the 25% total hardcover is a challenging topic. The community wanted to keep it at 25% because the community doesn't have regional stormwater facilities. The community also doesn't have an architectural review board so all designs are welcomed in Deephaven. He stated that the Planning Commission reviewed massing for nine months and the City Council did not want a complicated ordinance.

Councilmember McNeill stated that she attended the Planning Commission meeting. The home is in character of the neighborhood. If the hardcover could be reduced a bit by eliminating the patio, then it could be done, but the proposed house is appropriate.

Councilmember Carlson moved to approve the variance request for a new house located at 4265 Northern Road subject to the installation of a stormwater mitigation measures and moving the egress window to the east side of the house. Erickson seconded. Motion carried 3-2, with McNeill and Jewett voting nay.

## **7. UNFINISHED BUSINESS**

### **A. Discuss Drainage Issues at 18725 Minnetonka Blvd (David Rova)**

Councilmember Erickson provided a brief overview of the meeting with David Rova at the last Council meeting and the meeting with the City Engineer to review potential recommendations to alleviate the amount of storm water entering through Mr. Rova's driveway. He stated that the City Engineer stated that a trench would require on-going maintenance and would not capture all of the runoff in heavy rains or during a freeze/thaw event. He stated that a rounded berm was recommended in front of the driveway.

Councilmember McNeill asked if the Rova's wouldn't have trouble driving over the berm.

Councilmember Erickson stated that there wouldn't be a hump, there would be a gradual incline.

Councilmember Carlson stated that it appears to be a good solution and asked whether a determination was made if this was a design issue.

Councilmember Erickson noted that he had run into Howie Bennis during the review of the driveway entrance and was told that there has been a drainage problem at this residence for years.

Mayor Skrede stated that he prefers a trench over the berm and noted that the maintenance could be addressed by periodically flushing the trench with water. He stated that he didn't talk with the City Engineer regarding the engineering on this portion of Minnetonka Blvd.

Councilmember Jewett noted that the property has been sold and added that it appears that the drainage issue hasn't adversely affected that market value as had been asserted at the last meeting.

Councilmember McNeill stated that she wouldn't have a problem with the installation of the trench. She also stated that she believes there might be more responsibility on behalf of the City with some of the drainage issues.

Mayor Skrede stated that he would be more than happy to settle on the trench.

Further discussion was held on also installing the addition bituminous swale off of the trench.

**B. Other**

There was no other Unfinished Business this evening.

**8. NEW BUSINESS**

**A. Present Ordinance No. 02-20, Amending Committee Term Limits**

Administrator Young stated that Mayor Skrede asked staff to prepare an ordinance for Council review that would eliminate term limit requirements for both Planning Commission and Park Committee members. The elimination of term limits would allow the City Council greater flexibility in retaining valuable Commission and/or Committee members. The ability to retain experienced Planning Commission members is particularly important to the city.

He stated that Ordinance No. 02-20 is presented for Council review this evening and available for potential Council approval on October 5<sup>th</sup> following the ten-day posting requirement.

The Council agreed that there should be an initial three-year term followed by the extension of a term at the discretion of the City Council. The Council requested that the ordinance be revised and brought back for Council review on October 5<sup>th</sup>.

**B. Discuss Frisbee Golf Recommendation at Thorpe Park**

Councilmember McNeill stated the Deephaven Park Committee has recommended that the City Council consider the installation of a six-hole frisbee golf course at Thorpe Park. She stated that the Committee looked at Thorpe Park, Burton Park and the Parkway as three potential sites. She noted that frisbee golf had been presented as an option in the Park Strategic Plan.

She stated that during the discussions on these three sites, Thorpe Park was considered the best option, Burton Park had too many trees, and the Parkway was too straight. Further discussion was held on the potential weight of a frisbee and the potential liability of someone getting hit by a frisbee.

Mayor Skrede stated that he is concerned with someone getting hit with a frisbee while walking on the pathway.

Councilmember McNeill recommended gauging public support by installing a survey on the webpage.

Mayor Skrede noted that the installation of a frisbee golf course could be an Eagle Scout project. He stated that it could start as a three-hole course. He stated that he would like to look at a three-hole course with a better design than what has been proposed.

Councilmember McNeill stated that she would suggest posting a survey, if the Council was even in favor of this request.

Councilmember Jewett stated that he would like to see how one hole would work. He stated that he thought a six-hole course would take up too much of the park. He added that if we would ever thin out Burton Park, it could become more usable. He suggested walking through Burton Park to see if it would work.

**C. Other**

Mayor Skrede stated that a meeting has been scheduled with Hennepin County representatives to discuss the Northome Bridge project.

Mayor Skrede stated that he had a discussion with Jim Lundberg with the Lake Minnetonka Communications Commission about taping our Planning Commission meetings for approximately \$75 per month. He stated that a link could be provided on our webpage that would enable interested residents to connect directly to the LMCC and the recorded meeting.

Motion by Councilmember Erickson to approve the taping of Deephaven Planning Commission meetings by the LMCC. Seconded by Councilmember McNeill. Motion carried 5-0.

## **9. REPORTS FROM STANDING COMMITTEES**

### **A. Park Committee**

Administrator Young presented a review of the Public Works Committee meeting held on September 1, 2020 on the following items:

- Discussed the Deephaven Beach meeting with Mayor Skrede
- Discussed the Deephaven Beach Restroom Infrastructure Analysis provided by the City Engineer.
- Recommended the Frisbee Golf proposal at Thorpe Park.
- Discussed establishing an amenities list for each park & beach.

### **B. Public Works & Safety Committee**

Administrator Young presented a review of the Public Works & Safety Committee meeting held on September 8, 2020 on the following items:

- Discussed a request for crosswalk lights at Heathcote & Minnetonka Blvd.
- Reviewed a request for greater City oversight over mosquito control applications and education.
- Updates provided on the Xcel LRT Project, the installation of the new plaque on the Stone Arch, and discussed two storm water requests.
- Discussed the condition of the sidewalk on Western Road and in the Cottagewood area.
- Reviewed the six roads scheduled for resurfacing in 2021 – Carson Road, West Easton Road, Eastwood Road, Hamilton Avenue, Maple Ridge Road, and Maplewood Road.

## **10. ADJOURNMENT**

Motion to adjourn by Councilmember Carlson, seconded by Councilmember McNeill.  
Motion carried 5-0. The meeting adjourned at 9:55 p.m.

Respectfully submitted,  
Dana H. Young  
City Administrator