

DEEPHAVEN CITY COUNCIL WORKSHOP
COUNCIL CHAMBERS, CITY HALL
2025 COTTAGEWOOD ROAD
5:30 P.M. Monday, August 4, 2025

AGENDA

5:30 P.M. WORKSHOP

1. Dan Rogan and Josh Hoogland, Workshop with Council
2. Budget Review

DEEPHAVEN CITY COUNCIL WORKSHOP MEMORANDUM
20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, August 4, 2025
5:30 p.m. Council Workshop
Hennepin County Assessment Services
Asst. Hennepin County Administrator Dan Rogan
Hennepin County Assessor, Josh Hoogland

No formal Council action is recommended as this matter is set on for general discussion purposes only.

The City Council authorized posting for a City Assessor position at the June 2, 2025 Council Meeting. During the pendency of the search process, Hennepin County Administrator David Hough requested that Staff meet with him, Assistant Hennepin County Administrator Dan Rogan and Hennepin County Assessor Josh Hoogland to discuss the City's interest in hiring our own assessor. Staff met with Administrator Hough, Asst. Administrator Rogan and Assessor Hoogland on June 17th and reviewed the Council's discussions and policy considerations involved in the city's interest in exploring the City Assessor opportunity.

Staff explained our understanding that there were several factors that led to the Council's interest in exploring a city assessor position with the City of Deephaven. Staff shared that Deephaven had always had their own assessor, Dan Distel. His retirement led to the city using Hennepin County this past year. Staff also shared the discussion surrounding a Deephaven assessor and how they may be better positioned to get to know our residents, respond to their concerns and have time dedicated to understanding the nuance of lake and non-lake properties in Deephaven. Staff also shared the concern that there were numerous assessors from Hennepin County that worked on valuations and how that process could lead to valuations that were different and arbitrary based upon individual experiences. Staff also discussed the concern with timing and noticing of the next year's valuations, with those being received by our residents with only a few weeks' notice to schedule a review and / or appeal the valuation to the Local Board of Appeal and Equalization.

Asst. Administrator Rogan and Assessor Hoogland asked to meet with the City Council after our June 17 meeting to address the thoughts and discussion shared with them directly with the Council. Asst. Admin. Rogan and Assessor Hoogland also submitted the attached Memorandum wherein they attempted to address the concerns shared with them about assessment services in Deephaven.

Subsequent to this meeting, Staff sent a list of four questions to Hennepin County Staff related to property tax payments and levy information at Hennepin County. Property Tax Manager Ken Rowe sent the spreadsheet included in your Council Packets that provides answers to those questions.

Members of the Council and Staff will meet with Asst. Administrator Rogan and Assessor Hoogland at 5:30 on Monday in Council Chambers and can review all of these matters at that time.

Sincerely,

Dan Madsen
City Administrator / Special Counsel
Deephaven, Minnesota

HENNEPIN COUNTY

MINNESOTA

June 27, 2025

To: Dan Madsen, Deephaven City Administrator

From: Daniel Rogan, Assistant County Administrator – Resident Services
Josh Hoogland, County Assessor

CC: David J. Hough, County Administrator

RE: Meeting Follow Up

Thank you for meeting with David, Josh, and me last week. This memorandum responds to the concerns you raised regarding Hennepin County's local assessment process and results of the City of Deephaven 2025 assessment. As you know, this was the County's first year acting as the local assessor in Deephaven. The County contracted with Deephaven beginning on July 29, 2024, with work beginning in September 2024, provided valuation notices to all property owners in March 2025, and presented at the Local Board of Appeal and Equalization on April 7th and April 21st.

The concerns raised fell into the following categories:

- Procedure and role of the Local Board of Appeal and Equalization;
- The number of staff working in the City of Deephaven;
- The volume of Appeals in 2025;
- Experience and expertise of County staff; and
- Quality of the 2025 assessment.

Below is a discussion of each of these concerns. We are hopeful that Deephaven will continue to contract with Hennepin County for local assessor services. We believe we performed well this past year and are committed to meeting the city's needs and are happy to meet with city staff and council to discuss this memorandum, the 2025 assessment, our performance, and discuss how we can meet the expectations of the Council and residents going forward.

Hennepin County Resident Services
300 S. 6th Street
Minneapolis, MN 55487
612-348-3000 | hennepin.us



Procedure and role of the Local Board of Appeal and Equalization

A concern was raised regarding the role of the Local Board of Appeal and Equalization, particularly related to appeals within the 10-day notification period specified by statute. According to Minn. Stat. §273.121, valuation notices must be mailed at least 10 days before the Local Board of Appeal and Equalization convenes. The Department of Revenue (DOR) has instructed assessors to bring any necessary changes within this 10-day period to the board, as compliance with this requirement is not feasible. Each board has different preferences on handling agreed-upon value changes that must be brought to the board. Most boards rely on the agreement between the assessor and the taxpayer and prefer a straightforward presentation to approve the changes. Generally, the assessor presents the changes on behalf of the taxpayer, as there is no longer any dispute.

At the 2025 Deephaven Local Board of Appeal and Equalization meeting, 16 residents requested a review of their property valuations. Of these, 13 had valuation changes agreed upon with the assessor within 10 days prior to the meeting. The assessor recommended the new values to the board, explaining the initial value, the revised value, and the reason for the change. This limited presentation is the method preferred by most local boards.

The Local Board of Appeal and Equalization has the authority to request any method for conducting the proceedings, and our assessor will comply with these requests. This may include providing a more detailed presentation of changes or specifics that more fully explain the reason for the change in value. The assessor's role at the Local Board of Appeal and Equalization is to support the board during the meeting. We are happy to discuss how the Local Board of Appeal and Equalization wants these agreed-upon values presented going forward.

The number of staff working in Deephaven

A concern was raised regarding the number of different appraisers working in the City of Deephaven. We did have a number of staff engaged in Deephaven for quintile data collection to fulfill the statutorily required tasks. This was largely due to the start date of the agreement between the city and the county. This is not representative of how county assessor staff operate during appeals or how we plan to provide services to the city in the future.

Although several staff members were involved in Deephaven in 2024, only two individuals responded to appeal calls. In total, there were 49 appeal calls in the city during the 2025 cycle, with 44 handled by the lead appraiser for the city, Mike Smerdon. Mike also oversaw and approved the results of the remaining 5 appeal calls, which were managed by Shane Larsen, the backup appraiser for the city. For 2025, the plan is for Mike and Shane to be the sole individuals conducting quintile inspections in the city. Of the 49 appeal calls, 29 were from sections of Deephaven where the quintile occurred. 20 of those 29 were not granted interior inspections at the time of the quintile visit.

The quintile work done by Hennepin County this past year has resulted in increased accuracy of the assessment. The Hennepin County Assessor's Office sets standards and provides instructions to both county and city staff throughout the year in an attempt to ensure equitable treatment of properties and consistent data collection across the county. This is done to maintain accuracy within and across jurisdictions within the county. The county has limited control over the information entered into the record for individual properties by external assessing staff. Historically, after taking a more direct role in assessing, the county has needed to correct and supplement individual property data, including both objective and subjective data elements. That appears to be the case for Deephaven.

For example:

- Over 300 bathrooms in homes throughout the city had their type of bathroom overstated in property records, resulting in overvaluation of their home.
- 271 single family properties have required corrections to gross building area. While some updates are expected and some changes were minor corrections, more than 2/3 of those updates are greater than 100 square feet.
- 69 properties required correction to basement finished square footage.
- 68 properties were discovered to have overall quality rating overstated in the system generating a higher structure value than appropriate for those parcels.
- Other reasons for changes included inaccurate property condition, undefined functional obsolescence factors and other attributes such as bathroom types and counts.

These data errors and condition estimates were updated by the county assessor appraisal staff. We anticipate more data changes as more property records are reviewed in the upcoming cycles. This more accurate and consistent data will ensure greater accuracy of the assessment and should result in fewer appeals.

[The volume of appeals for 2025](#)

A concern was raised regarding the number of appeals at the local board level. The five-year average (2021-2025) for the number of appeal calls for the City of Deephaven is 73 and the five-year average for the number of assessor changes and appearances before the board is 36. In 2025, there were 49 total appeal calls logged in the city (24 fewer than the five-year average) and there were 41 appealed property values with valuation changes or appearances (5 more than the five-year average). There were a total of 11 appeal calls that resulted in no change in valuation by the assessor.

The chart below shows a five-year history of calls and local board appearances in the City of Deephaven.

Year	Appraiser	Total Calls	Change prior to Local Board	Total Appearances	Assessor Recommended	No Assessor Recommendation
2025	Hennepin County	49	25	16	13	3
2024	Res- Local,	36	15	8	1	7
	CIA- Henn Co					
2023	Res- Local,	78	35	6	2	4
	CIA- Henn Co					
2022	Res- Local,	162	48	15	0	15
	CIA- Henn Co					
2021	Res- Local,	38	9	2	0	2
	CIA- Henn Co					

As discussed above, in 2025, there were 16 total appearances at the local board, and 13 of those had valuation changes agreed upon with the assessor within 10 days prior to the meeting.

In 2025, the most common reason for value changes of the 38 that were changed or recommended to change was correcting inaccurate gross building areas in the record. This need for a change was determined by Hennepin County staff inspecting the house, measuring the structures, and comparing that to the pre-existing record. Inaccurate gross building area was the primary basis for value changes in 33 of the 38 appeals that resulted in value changes.

32 properties out of the 49 appeal calls had no prior interior inspection on record, which is likely why the data for these properties was not accurate. Accurate and consistent data on property is the single most important goal of a uniform city assessment.

As you know, assessors cannot control call volumes from property owners each year. If a resident believes their value is not accurate and calls to appeal, there is an obligation to examine the property to see if the value is correct. As a general practice, a review of a property's characteristics is conducted and if data corrections result in an updated valuation of a property, then the updated valuation is shared with the property owner for consistency purposes across the assessment. In general, if the result is acceptable to the taxpayer, a change in the assessed valuation is submitted or recommended to the local board depending on the timing of the change. If there is no change, then a further step of appraising the property de novo occurs. There were 11 properties where the appeal resulted in no change to the property's valuation. 9 of these 11 properties were in the 2024 quintile area of the city.

An increase in the number of appeals calls in 2025 was a trend across a number of cities. For example, the City of Greenwood logged 17 total appeal calls in 2024, with only 4 reductions or recommended reductions by the assessor. In 2025, the total calls grew to 45, with 28 reductions

or recommended reductions by the assessor. This year over year trend may be a product of the current market forces that directly contribute to assessment results, particularly in communities surrounding Lake Minnetonka where residential growth persisted in the 2025 assessment.

As data is corrected for accuracy and consistency, we anticipate a reduction in the number of inaccurate assessed values that need to be corrected through the appeal process. Data errors and inconsistencies are a significant detriment to the county assessor's objective to obtain a statistically equitable countywide and city specific assessment.

Experience and expertise of appraisal staff

The Hennepin County Assessor's Office has an experienced team dedicated to the communities surrounding Lake Minnetonka to ensure acquisition of specific market knowledge and consistency across data collection and appraisal methodology. This team of appraisal staff is overseen by Mike Smerdon as their supervisor. Mike has 15 years of experience working in and around Lake Minnetonka communities, and collectively his team has many decades of experience in both the private and public sector specific to Lake Minnetonka, including multiple appraisers with 20 plus years of experience. As is the case with all cities, property and market specific knowledge is gained through data collection and sales verification for which a full cycle in the city has not yet occurred by county staff. Often, the market spans multiple communities and broadened knowledge of sales activity and trends across multiple jurisdictions is necessary and beneficial to equitability.

Quality of the 2025 assessment

The Minnesota Department of Revenue uses a sales ratio analysis to analyze the performance of the assessment and ensure all properties are valued at an equitable level of assessment. The sales ratio is calculated by dividing the sale price by the assessed value and then deriving the median or mean ratio across a set of properties. While other statistical measures targeted toward both vertical and horizontal equity are analyzed on an annual and ongoing basis, the median sales ratio is the primary measurement of an assessment's relation to the market. Hennepin County standards require the ratio be between 95 to 96% in every jurisdiction in the county. For the 2025 assessment in Deephaven, the residential median ratio is 95.1% on 44 qualified sales.

Over the last several assessments, the Deephaven assessment has had issues related to regressivity. This has required intervention from the county. Regressivity is a vertical equity statistical result that indicates either low-priced properties are valued too high or high-priced properties are valued too low, or both. This is often a symptom of a data integrity issue that requires significant review on a property-by-property basis over the course of several assessment cycles. The initial submission of the 2021 Deephaven assessment contained a Price Related Bias (PRB) statistic that indicated severe regressivity in off-water residential properties and the county required the city's assessor to immediately review and remedy the issue to avoid

intervention by the State Board of Equalization (SBE).¹ A compliant PRB range is -3% to 3% with perfect vertical equity indicated by a result of 0%, and any statistic outside of -5% to 5% requires intervention. The county's proactive response and instructions were successful for that year's assessment by bringing the Deephaven PRB statistic from roughly -6% to 0.1%. The regressive statistic persisted but was narrowly within compliance for the 2022 and 2023 assessments at -2.8% and -2.9%, respectively.

However, the 2024 assessment continued to indicate potential vertical equity issues in a statistic referred to as Price Related Differential (PRD). The compliant range for PRD is .98 to 1.03 with perfect vertical equity indicated at 1.005. In 2024, the overall residential assessment in the city indicated regressivity at 1.046. The county accepted the 2024 assessment because when bifurcating on-water and off-water sales, the statistic could be understood as in compliance. This remains evidence of a data concern, and while generally the DOR does not review assessments in this bifurcated manner, they accepted the explanation by the county and afforded the county the opportunity to remedy the issue through the normal assessment cycles into the future. This resulted in a formal watch item in the SBE summary for the 2024 assessment, but avoided any harsher intervention. In addition, the PRB in the 2024 assessment worsened to -3.4%, but did not bear statistical significance and was therefore not considered out of compliance.

Improvements to vertical equity through data collection and consistency was a significant focus for the county on the 2025 assessment for Deephaven.

This work was successful. The PRD watch item was removed by the SBE in 2025 because Hennepin County appraisers were successful in bringing that statistic back into compliance on an overall basis at 1.012. In addition, the PRB was improved considerably to -1.5% (from -3.4%) on the 2025 assessment. Continued effort is necessary to fully remedy the issue and to avoid a possible order from the state in the future.

As we look to the 2026 assessment, the current sales ratio period already contains 16 qualified improved residential sales with a median assessed value to net sale price ratio of 96.3%. With an annual target of 95 to 96% as a median ratio, this is indicative of a strong 2025 assessment as a basis for accurate market reflection by being within a respectable range of the Hennepin County targeted ratio.

¹ The SBE is a body at the state level with broad oversight authority to ensure consistent standards and assessment results across the entire State of Minnesota. They have authority to issue orders to assessors to any degree of specificity they deem necessary to cure an issue. The SBE is reliant on the DOR in issuing their action items.

Conclusion

Thank you again for meeting with us. We believe this memorandum responds to the issues discussed in our meeting and provides additional information regarding our efforts this last year. We are hopeful that we can discuss these issues with you and the Council in the upcoming weeks and that the City will continue contracting with the County for local assessing services.

Data Request: 2025 County Tax Paid by Residential Property

- 1. What's the contribution that residential properties pay in District 6 and how many residential units are there
- 2. What's the contribution that Deephaven residential properties pay to Hennepin County
- 3. What's the contribution that Greenwood residential properties pay to Hennepin County
- 4. What's the total from all residential properties in Hennepin and how many residential units are there?

	County*	Residential	Residential by Commissioner District							Residential by City	
			1	2	3	4	5	6	7	DEEPHAVEN	GREENWOOD
Properties	426,966	399,367	50,533	55,422	53,728	42,299	57,949	63,941	75,495	1,449	303
Tax	\$ 953,620,089	\$ 648,560,552	\$ 53,657,645	\$ 67,009,407	\$ 86,074,112	\$ 47,943,981	\$ 82,809,150	\$ 172,758,388	\$ 138,307,869	\$ 8,268,052	\$ 2,152,499

* Tax shown is the local tax attributable to the county and paid by real property. It does not include personal property tax or the county's share of distribution of fiscal disparities area-wide tax.

DEEPHAVEN CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL
2025 COTTAGEWOOD ROAD
7:00 p.m. Monday, Monday, August 4, 2025

AGENDA

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVE CONSENT AGENDA

- A. Approve July 21, 2025 Regular City Workshop and Council Meeting Minutes
- B. Approve Payment of Claims
- C. Approve Deephaven/Minnetonka School District Voting Equipment Contract
- D. Approve Kickball Fundraising Special Event at Thorpe Park

4. MATTERS FROM THE FLOOR

Residents may address the Council on matters not on the agenda and are required to register with the City Administrator and/or the provided sign-up sheet prior to the start of the meeting. Those wishing to speak are limited to three (3) minutes and must state their name and address for the record.

5. PLANNING & ZONING MATTERS

- A. Conditional Use Permit to Exceed the Hardcover for a Swimming Pool at 3500 Montgomerie Avenue
- B. Front Yard Setback Variance for a Portico 18065 Berry Lane
- C. Adopt Ordinance No. 04-93 Amending Planning Fees

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. COUNCIL REPORTS:

- A. Mayor Report: Public Safety / Public Works, Planning, Weeds, Personnel & Finance
- B. Scherschligt: Park, Personnel & Finance, Events
- C. Jewett: Fire Board
- D. Studer: Public Safety / Public Works
- E. Erdmann: Planning, LMCC Board

9. DEPARTMENT REPORTS

- A. Police Department:
- B. Excelsior Fire District
- C. Public Works
- D. Administration

10. Closed Session: Union Negotiation Strategy

The Council will enter into Closed Session pursuant to Minn. Stat. 13D.0-3, Subd. 1(b) to consider strategy and review proposals submitted for labor negotiation purposes by the Police Law Enforcement Labor Services Union and the Teamsters Local 320 Public Works Union.

11. ADJOURNMENT

DEEPHAVEN CITY WORKSHOP MEETING MINUTES

6:00 P.M. Monday July 21, 2025

Attendance: Mayor Carlson, Councilmembers Jewett, Studer and Erdmann

Absent: Councilmember Scherschligt

Staff: City Administrator Dan Madsen, City Engineer Steve Hegland, and City Clerk Kimberly Lenarz-Greenwaldt, Finance Director Andrew Keller

1. 2nd Quarter Financial Review and Budget Discussion:

The City Council began the workshop with a review of the 2nd Quarter Financial Report, presented by Finance Director Andrew Keller. Following the financial update, Keller, with assistance from City Administrator Dan Madsen, presented the initial overview of the 2026 budget. Keller walked the Council through key components of the proposed budget, addressed questions, and noted items requiring follow-up or additional information. Councilmembers provided feedback and identified priorities for further discussion. Staff will incorporate Council input and return with updates at the next budget meeting on August 4, 2025.

Respectfully Typed on July 28th, 2025
By Kimberly Lenarz-Greenwaldt

DEEPHAVEN CITY COUNCIL MEETING MINUTES

7:00 P.M. Monday July 21, 2025

1. CALL THE MEETING TO ORDER: Mayor Carlson called the meeting to order at approximately 7:00 p.m.

PRESENT: Mayor Carlson, Councilmembers Tony Jewett and Tom Erdmann, John Studer

ABSENT: Emily Scherschligt

STAFF PRESENT: City Administrator Dan Madsen, Police Chief Cory Johnson, City Clerk Kimberly Lenarz-Greenwaldt, City Engineer Steve Hegland with Stantec

GUEST: Sen. Ann Johnson-Stewart

2. PLEDGE OF ALLEGIANCE:

The Council recited the Pledge of Allegiance

3. APPROVE CONSENT AGENDA:

Motion made by Jewett and seconded by Studer, to approve the consent agenda consisting of the following;

- A. Approve July 7th, 2025 City Workshop & Regular City Council Meeting Minutes
- B. Approve Payment of Claims

Motion carried, Voting in favor were Mayor Carlson, Councilmembers Studer, Jewett and Erdmann. Scherschligt absent. 4/0 Vote.

4. MATTERS FROM THE FLOOR:

None

5. UPDATE AND DECUSSION, SEN. ANN JOHNSON STEWART:

Senator Ann Johnson Stewart attended the City Council meeting and provided an update on the 2025 Legislative Session. She shared information on her priorities and initiatives for the 2025–2026 biennium, including legislative efforts that may impact cities like Deephaven. Senator Johnson Stewart also discussed topics of local interest and engaged in a productive dialogue with the Council regarding the City’s needs and concerns.

6. PLANNING & ZONING MATTERS:

NONE

7. UNFINISHED BUSINESS:

- A. Approve Village Hall Hockey Rink Project Specifications and Letting of Project for Public Bidding pursuant to Minn. Stat. §471.345, Subd. 3

At the June 16th City Council Meeting, the Council reviewed alternatives for the Village Park Hockey Rink and directed staff to move forward with preparing plans and specifications for the construction of a concrete slab for the proposed rink.

At the current meeting, staff presented the completed project plans and specifications, prepared by Stantec, and requested authorization to proceed with bidding the project. The proposed construction includes a 6-inch thick, mesh-reinforced concrete slab with necessary subgrade improvements, including geogrid reinforcement and a sand subbase. The slab will extend three feet beyond the rink boards for added support and ease of maintenance. The rink elevation will be raised approximately one foot above the existing grade, with minimal slope for proper drainage. A small filter basin is also included in the design to manage runoff and comply with Minnehaha Creek Watershed District regulations.

The Engineer's Opinion of Probable Cost (OPC) for the project is \$305,492.50. Bid advertisement is scheduled to begin following Council approval, with bids to be opened on Tuesday, August 14th. The bids will then be brought back to the City Council for review and award of contract.

Motion was made by Studer and seconded by Erdmann to approve the project plans and specifications for Village Hall Hockey Rink and authorized staff to proceed with bidding the project.

Motion carried, Voting in favor were Mayor Carlson, Councilmembers Studer, Jewett and Erdmann. Scherschligt absent. 4/0 Vote.

8. NEW BUSINESS:

- A. Personnel Committee Update, 2025 Union Negotiations

During the July 7, 2025, Council Meeting, the City Council entered a Closed Session to review and discuss union contract proposals submitted by the Law Enforcement Labor Services Union and Teamsters Local 320 Public Works Union, focusing on compensation and benefits. Follow-up meetings were held by the Personnel Committee with each Union on July 14 and 15 to further review and clarify the proposals. Staff and the Committee will now work together to draft a summary and recommendations for Council consideration at the August 4, 2025, meeting.

B. Yacht Club:

Will be using the City Hall Parking lot for the Regatta next week. Staff will have to park in the back parking lot a couple days and boat trailers will be on the ball field in Village Park.

9. COUNCIL REPORTS:

- A. **Mayor Report:** Personnel Committee met again July 21st for union follow ups
- B. **Scherschligt:** Absent
- C. **Jewett:** Excelsior Fire budget meeting on Wednesday
- D. **Studer:** Spoke with PW about the tree removal from the storms and future projects coming up and working on the Ice Rink Project
- E. **Erdmann:** Missed the last meeting at LMCC. Couple things coming up for Planning and Zoning. Working on finalizing the ordinance for signage.

10. DEPARTMENT REPORTS:

- A. **Police Department:** Nothing to report
- B. **Excelisor Fire:** Jewett already gave report
- C. **Public Works:** Pushing back crack sealing on Vine Hill until next spring sue to the construction going on now. Tennis courts hopefully to be done this fall.
- D. **Administration:** Staff met with residents about the concerns with water shed by Calvary church, looking into grants.

11. ADJOURNMENT:

Motion was made by Studer and seconded by Jewett to adjourn the Regular City Council meeting at 8:45 pm.

Motion was carried, Voting in favor were Mayor Carlson and Councilmembers Jewett, Studer and Erdmann. Scherschligt was absent. 4/0 Vote.

Respectfully Typed on July 28th, 2025

By Kimberly Lenarz-Greenwaldt

CITY OF DEEPHAVEN

07/31/25 3:31 PM

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***Check Detail Register©**

Batch: PAY250724,PAY250731

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
10100 CASH					
41541	07/24/25	Abdo LLP			
E 101-41100-301		AUDITING	\$900.00	509284	Preparation of OSAFR form
		Total	\$900.00		
41542	07/24/25	BOND TRUST SERVICES CORPORATION			
E 501-51000-612		DEBT INTEREST	\$13,950.00	95941	2019A GO Bond interest
		Total	\$13,950.00		
41543	07/24/25	CATALYST GRAPHICS INC			
E 101-41400-213		PUBLICATIONS	\$1,315.00	45269	Summer Newsletter printing
		Total	\$1,315.00		
41544	07/24/25	Civic Systems, LLC			
E 101-41400-309		PROFESSIONAL SERVIC	\$1,740.00	INV07875	Website support
		Total	\$1,740.00		
41545	07/24/25	CLS Operating			
E 101-42100-333		VEHICLE MAINTENANCE	\$91.56	16224 6/30/2	6/2025 PD car washes
		Total	\$91.56		
41546	07/24/25	Cottagewood Store			
E 101-45100-309		PROFESSIONAL SERVIC	\$2,555.00	21138 Reimb	Contribution for park shelter plaque
		Total	\$2,555.00		
41547	07/24/25	DELTA DENTAL OF MINNESOTA			
G 101-21711		DENTAL FAMILY - NON T	\$1,785.92	CNS0001902	8/2025 dental insurance
		Total	\$1,785.92		
41548	07/24/25	DORSEY & WHITNEY LLP			
E 101-41100-304		LEGAL EXPENSES	\$1,342.00	4092756	6/2025 legal fees
		Total	\$1,342.00		
41549	07/24/25	ECM PUBLISHERS INC			
E 101-41400-351		LEGAL NOTICES	\$55.80	1056500	7/15/2025 Public Hearing - 18065 Berry Lane variance
		Total	\$55.80		
41550	07/24/25	JANEX INC			
E 101-42100-201		OFFICE SUPPLIES	\$54.18	92397	PD air freshener
		Total	\$54.18		
41551	07/24/25	JEFF KASK			
E 101-41900-307		JANITORIAL SERVICES	\$300.00	7/23/2025	Clean Deephaven City Hall/Police Dept/Public Works Dept
		Total	\$300.00		
41552	07/24/25	John Kramer and Sons			
R 101-34960		REFUNDS	\$5,000.00	20730 Lindw	Refund 20730 Linwood Rd Escrow
		Total	\$5,000.00		
41553	07/24/25	LMCIT Insurance Trust			
E 101-41100-369		CITY INSURANCE	\$50,878.02	40002956	07/ 2025 - 2026 Work Comp Insurance
E 601-49400-369		CITY INSURANCE	\$13.70	40002956	07/ 2025 - 2026 Work Comp Insurance

***Check Detail Register©**

Batch: PAY250724,PAY250731

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 602-43200-369		CITY INSURANCE	\$4,268.13		40002956 07/ 2025 - 2026 Work Comp Insurance
E 604-43150-369		CITY INSURANCE	\$37.86		40002956 07/ 2025 - 2026 Work Comp Insurance
E 605-45100-369		CITY INSURANCE	\$552.29		40002956 07/ 2025 - 2026 Work Comp Insurance
		Total	\$55,750.00		
41554	07/24/25	METRO WEST INSPECTION SERVICES			
E 101-42400-309		PROFESSIONAL SERVIC	\$17,121.16	4645	6/2025 permits and inspections
		Total	\$17,121.16		
41555	07/24/25	MINNESOTA TEAMSTERS #320			
G 101-21722		PUBLIC WORKS UNION	\$387.00	7/1/2025	7/2025 PW union dues
		Total	\$387.00		
41556	07/24/25	MORRIS ELECTRONICS INC			
E 101-41400-309		PROFESSIONAL SERVIC	\$40.00	14610	7/2/2025 Admin IT support
E 101-42100-309		PROFESSIONAL SERVIC	\$80.00	14619	7/3/2025 PD IT support
		Total	\$120.00		
41557	07/24/25	MUTT MITT			
E 101-45100-229		R&M SUPPLIES	\$3,773.30	774462	dog waste bags
		Total	\$3,773.30		
41558	07/24/25	OPTUM			
E 101-41400-309		PROFESSIONAL SERVIC	\$91.00	0001777216	2025 Q2 HSA Service Fee
		Total	\$91.00		
41559	07/24/25	QUADIENT LEASING USA INC			
E 101-41400-319		EQUIP MAINTENANCE	\$578.55	Q1938493	5/14 - 8/13 postage machine lease
		Total	\$578.55		
41560	07/24/25	SHRED-N-GO INC			
E 101-41400-201		OFFICE SUPPLIES	\$35.00	185408	7/9/2025 document destruction - Admin
E 101-42100-201		OFFICE SUPPLIES	\$35.00	185408	7/9/2025 document destruction - PD
		Total	\$70.00		
41561	07/24/25	STREICHERS			
E 101-42100-211		UNIFORMS	\$94.99	I1769182	PD uniform shirt - Janisch
E 101-42100-211		UNIFORMS	\$49.99	I1770815	PD undervest shirt - Janisch
		Total	\$144.98		
41563	07/31/25	AMAZON CAPITAL SERVICES			
E 101-42100-333		VEHICLE MAINTENANCE	\$26.88		Order 114-52 PD gas card holders
		Total	\$26.88		
41564	07/31/25	Cady Building Maintenance Inc			
E 101-45100-409		R&M CONTRACTURAL-O	\$1,060.40	4992885	Park cleaning service
		Total	\$1,060.40		
41565	07/31/25	CATALYST GRAPHICS INC			
E 101-41400-322		POSTAGE	\$516.00	44421	Quasquicentennial postcard mailing
		Total	\$516.00		
41566	07/31/25	CINTAS CORP			

***Check Detail Register©**

Batch: PAY250724,PAY250731

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 101-43900-211		UNIFORMS	\$35.66	4237451318	Uniform service
E 101-43900-211		UNIFORMS	\$45.97	4238189760	uniform service
		Total	\$81.63		
41567	07/31/25	DEAKYNES TRUE VALUE HARDWARE			
E 101-41900-229		R&M SUPPLIES	\$35.22	A460749	Hardware, broom
E 101-43100-224		MAINTENANCE	\$33.95	A461621	soap for crack sealing, nozzle
E 101-45100-229		R&M SUPPLIES	\$60.99	A461668	Weed killer
E 101-43100-226		SIGNS	\$100.62	A461732	Sign clamps
E 101-45100-229		R&M SUPPLIES	\$11.37	B430445	Keys
E 101-43900-226		SIGNS	\$19.36	B430454	Sign straps
		Total	\$261.51		
41568	07/31/25	ECONO SIGNS LLC			
E 101-43900-226		SIGNS	\$87.60	10997443	signs
		Total	\$87.60		
41569	07/31/25	Excel Lawn & Landscape			
E 101-45100-309		PROFESSIONAL SERVIC	\$4,738.75	30778	Lawn fertilization/ Irrigation system repairs
		Total	\$4,738.75		
41570	07/31/25	Foremost Promotions			
E 101-42100-217		CRIME PREVENTION	\$1,062.50	738774	Misc crime prevention promotional supplies
		Total	\$1,062.50		
41571	07/31/25	GARYS DIESEL SHOP			
E 101-43900-221		EQUIP/VEHICLE SUPPLI	\$149.00	WO # 1-5214	dot inspection
		Total	\$149.00		
41572	07/31/25	HOME DEPOT CREDIT SERVICES			
E 101-45100-229		R&M SUPPLIES	\$652.75	5020274	safety fence, staples, stakes 125th supplies
		Total	\$652.75		
41573	07/31/25	I-STATE TRUCK CENTERS			
E 101-43900-221		EQUIP/VEHICLE SUPPLI	\$135.25	C241474327	#7 brake chamber
E 101-43900-221		EQUIP/VEHICLE SUPPLI	\$358.29	C242933181	#7 brake parts
E 101-43900-221		EQUIP/VEHICLE SUPPLI	(\$94.95)	C242933915	Brake Chamber Return
E 101-43900-221		EQUIP/VEHICLE SUPPLI	(\$94.95)	C242933916	Brake Chamber Return
		Total	\$303.64		
41574	07/31/25	LAKE RESTORATION			
E 101-45100-409		R&M CONTRACTURAL-O	\$457.00	INV070646	Pond treatment
		Total	\$457.00		
41575	07/31/25	MEDIACOM			
E 101-41400-321		COMMUNICATIONS-TEL	\$359.98	8384 97 500	8/2025 internet service - CH
E 101-42100-321		COMMUNICATIONS-TEL	\$359.97	8384 97 500	8/2025 internet service - PD
		Total	\$719.95		
41576	07/31/25	METRO WEST INSPECTION SERVICES			
E 101-42400-309		PROFESSIONAL SERVIC	\$7,894.01	4666	7/2025 permits & inspection services
		Total	\$7,894.01		

***Check Detail Register©**

Batch: PAY250724,PAY250731

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
41577	07/31/25	Minnetonka Glass & Mirror Inc			
E 101-45100-223		BUILDING REPAIR	\$2,900.00	61971	Thorpe window replacement
		Total	\$2,900.00		
41578	07/31/25	MORRIS ELECTRONICS INC			
E 101-41400-309		PROFESSIONAL SERVIC	\$40.00	14767	Admin IT support 7/14/2025
E 101-42100-309		PROFESSIONAL SERVIC	\$80.00	14864	PD IT support 7/21/2025
		Total	\$120.00		
41579	07/31/25	MTI DISTRIBUTING INC			
E 101-43900-221		EQUIP/VEHICLE SUPPLI	\$229.61	148359701	Toro parts
		Total	\$229.61		
41580	07/31/25	NORTHERN TOOL & EQUIPMENT			
E 101-43100-224		MAINTENANCE	\$149.97	54060107725	Sprayers, asphalt trailer coupler
		Total	\$149.97		
41581	07/31/25	OREILLY AUTOMOTIVE INC			
E 101-43900-221		EQUIP/VEHICLE SUPPLI	\$250.16	3251437277	Filters/ shop supplies
E 101-43900-221		EQUIP/VEHICLE SUPPLI	\$346.32	3251437334	filters/ shop chemicals
		Total	\$596.48		
41582	07/31/25	ProTree			
E 101-43100-309		PROFESSIONAL SERVIC	\$4,023.75	110007630	Ash tree removal
E 101-45100-409		R&M CONTRACTURAL-O	\$633.75	110007632	Ash tree removal
		Total	\$4,657.50		
41583	07/31/25	REPUBLIC SERVICES #894			
E 603-49520-409		R&M CONTRACTURAL-O	\$235.34	08940072066	8/2025 organics disposal
		Total	\$235.34		
41584	07/31/25	STANDARD INSURANCE COMPANY			
G 101-21715		LIFE INSURANCE-NON T	\$302.88	00 772587 00	Life insurance premiums
		Total	\$302.88		
41585	07/31/25	U.S. BANK EQUIPMENT FINANCE			
E 101-42100-309		PROFESSIONAL SERVIC	\$280.63	560195927	PD copier contract 7/10/2025-8/10/2025
		Total	\$280.63		
41586	07/31/25	UNITED LABORATORIES			
E 101-43900-221		EQUIP/VEHICLE SUPPLI	\$342.24	INV440012	Degreaser
		Total	\$342.24		
41587	07/31/25	VERIZON WIRELESS			
E 101-42100-321		COMMUNICATIONS-TEL	\$395.02	6118395764	PD cells & hotspots
E 101-43900-321		COMMUNICATIONS-TEL	\$177.24	6118395764	PW lpads & beach patrol phones
		Total	\$572.26		
41588	07/31/25	Viking Land Tree Care Inc			
E 101-43100-309		PROFESSIONAL SERVIC	\$825.00	5382	Ash tree removal
		Total	\$825.00		
41589	07/31/25	WM MUELLER & SONS INC			

***Check Detail Register©**

Batch: PAY250724,PAY250731

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 101-43100-224		MAINTENANCE	\$257.55	314462	Asphalt
		Total	\$257.55		
		10100	\$136,606.53		

Fund Summary

10100 CASH

101 GENERAL FUND	\$117,549.21
501 BONDED DEBT FUND	\$13,950.00
601 WATER FUND	\$13.70
602 SEWER FUND	\$4,268.13
603 RECYCLING FUND	\$235.34
604 STORM WATER MGMT FUND	\$37.86
605 MARINA FUND	\$552.29
	\$136,606.53

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM
20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, August 4th, 2025
7:00 p.m. Council Meeting
2025 Election Equipment Contract with Minnetonka School District #276

Dear Mayor Carlson and Councilmembers,

The City of Deephaven currently rents election equipment to Minnetonka School District #276 for use in their annual school board elections. Under this agreement, the School District rents the following equipment from the City:

- Two (2) Poll Pads
- Three (3) ExpressVote Tablets
- Two (2) DS200 Ballot Tabulators

As part of the agreement, the City is responsible for all necessary equipment updates, maintenance, and secure storage throughout the year.

The cost of the rental has remained unchanged at \$824.40 since 2023. In evaluating the continued use of City resources and the costs associated with maintaining and storing the equipment, City staff recommends a modest 10% increase to the rental rate, bringing the new total to \$906.84.

Staff believes this increase reflects a fair adjustment for ongoing service and maintenance without placing undue burden on the School District. If approved, this rate will go into effect for the 2025 election cycle.

Please let staff know if additional information is needed prior to consideration.

Sincerely,

Kimberly Lenarz-Greenwaldt
City Clerk
Deephaven, MN

**City of Deephaven and Minnetonka School District 276
LEASE AGREEMENT**

THIS AGREEMENT, made by and between the City of Deephaven and the Minnetonka Independent School District # 276, both political subdivisions of the State of Minnesota, hereinafter referred to as the "City" and the "School District" respectively. For purposes of this Agreement, the address of the City is 20225 Cottagewood Road, Deephaven, MN 55331 and the address of the School District is 5621 County Road 101, Minnetonka, MN 55345.

WITNESSED

WHEREAS, the City entered into a lease with Hennepin County ("County") dated August 12, 2013, in which the City leased from the County Assisted Voting Technology (AVT) equipment, digital scan voting equipment, and election hardware and services ("County Lease").

WHEREAS, the County Lease provides that the City may sublease to the School District the Digital Scan Voting equipment and AVT equipment, as defined in Section 1, for use in School District elections.

WHEREAS, the School District desires to sublease from the City some of the Election Equipment and AVT Equipment, as defined in Section 1, for use in School District elections.

NOW THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the City and the School District agree as follows:

Section 1

SCOPE OF AGREEMENT

- 1.1 The City hereby leases to the School District at the cost identified below and subject to the terms and conditions of this Agreement, and the School District hereby agrees to lease from the City election equipment identified as: two (2) DS200 Digital Scan Precinct Count Units and two (2) DS200 Plastic Ballot Boxes (the "Election Equipment") for polling places contained within the School District.
- 1.2 The City hereby leases to the School District subject to the terms and conditions of this Agreement, and the School District hereby agrees to lease from the City AVT Equipment identified as: three (3) ExpressVotes Tablet + Case, and two (3) ExpressVotes Printer ("AVT Equipment") for polling places contained within the School District.
- 1.3 The City hereby leases to the School District subject to the terms and conditions of this Agreement, and the School District hereby agrees to lease from the City (2) Poll Pads.

- 1.4 Subject to the terms and conditions of this Agreement, the parties may agree by written addendum executed by all the parties to increase or decrease the Election Equipment and AVT Equipment included within the scope of this Agreement.
- 1.5 In exchange for use of the Election Equipment and AVT Equipment the School District shall pay to the City, for the first year of this Agreement, a lump sum of \$824.40 due and payable on October 1, 2025. At the beginning of each subsequent Agreement year, on October 1, the School District shall pay to the City a lump sum amount equal to the annual maintenance fee the City pays for each piece of equipment leased by the School District.

Section 2

OWNERSHIP

- 2.1 The School District acknowledges that the County owns the Election Equipment and AVT Equipment and that the School District is authorized to use said Election Equipment and AVT Equipment for official election related purposes. Use of the Election Equipment and AVT Equipment for any other purpose is strictly prohibited absent express written consent of the City.
- 2.2 The School District acknowledges and agrees that the Election Equipment and AVT Equipment may contain proprietary and trade secret information that is owned by a third party and is protected under state and federal copyright law or other laws, rules, regulations and decisions. The School District shall protect and maintain the proprietary and trade secret status of the Election Equipment and AVT Equipment.

Section 3

HANDLING OF EQUIPMENT AND INDEMNIFICATION

- 3.1 The School District shall be responsible for the Election Equipment and AVT Equipment while it is in the School District's custody, possession or control. The School District, either through insurance or a self-insurance program, shall be responsible for all costs, fees, damages and expenses including but not limited to personal injury, storage, damage, repair and/or replacement of the Election Equipment and AVT Equipment while it's in the School District's custody and this Agreement is in effect, consistent with the School District's defense and indemnity obligations contained in Section 7.6 herein.
- 3.2 The School District shall be responsible for the transporting of the Election Equipment and AVT Equipment from and to the City. The School District shall be responsible for all costs, including but not limited to shipping, related to the repair or replacement of lost, stolen, destroyed or damaged Election Equipment and AVT Equipment.

- 3.3 The Election and AVT Equipment shall be stored at the City. The School District shall arrange to pick up the Election and AVT Equipment, with a 24 hour notice, prior to its use of the equipment for each election. The School District shall return the Election and AVT Equipment to the City no more than 24 hours after the end of School District voting for each election. The School District may arrange to pick up one set of voting equipment, (2) Poll pads, (2) DS200 Digital Scan Precinct Count Units, (2) DS200 Plastic Ballot Boxes, (3) ExpressVotes Ballot Tablet + Case Voter Assist Terminals, and (3) ExpressVotes Printer, approximately six weeks prior to each election to be used for absentee voting. The equipment picked up for absentee voting must be returned within 24 hours of the end of School District voting for each election.

Section 4

TERM, TERMINATION

- 4.1 This Agreement commences October 1, 2025, and expires September 30, 2026. Thereafter, this Agreement shall automatically renew for additional one-year periods unless either party notifies the other party, on or before August 1st of that year, of its intention not to renew. Termination of this Agreement by the School District shall not relieve the School District of any duties or obligations hereunder including but not limited to the obligation to pay amounts due and payable. Upon expiration or any termination of this Agreement, the School District shall return the Election Equipment and/or AVT Equipment within a reasonable time and in good operating condition except for routine wear and tear.

Section 5

MAINTENANCE

- 5.1 **Maintenance.** The City has entered into agreements for the maintenance of the Election Equipment and the AVT Equipment. The School District shall immediately report any maintenance issues to the City. The City shall arrange for the performance of all maintenance for the Election and AVT Equipment.
- 5.2 The School District agrees not to make any repairs, changes, modifications or alterations to the Election Equipment or AVT Equipment.
- 5.3 After reasonable notice, the City shall have the right to enter into and upon the premises where the Election Equipment and AVT Equipment is located for the purposes of inspecting the same or observing its use. On an annual basis, during the term of this Agreement, the School District shall comply with the City's request for verification of Election Equipment and AVT Equipment inventory.

Section 6

PROGRAMMING AND ACCUMULATION

- 6.1 **Programming.** The School District will work directly with the County in regards for programming. The City will not be responsible for programming the Election Equipment or AVT Equipment for School District use. The School District is responsible for any programming costs.

Section 7

OTHER TERMS AND CONDITIONS

- 7.1 **No Waiver.** No delay or omission by either party hereto to exercise any right or power occurring upon any noncompliance or default by the other party with respect to any of the terms of this Agreement shall impair any such right or power or be construed to be a waiver thereof unless the same is consented to in writing. A waiver by either of the parties hereto of any of the covenants, conditions, or agreements to be observed by the other shall not be construed to be a waiver of any succeeding breach thereof or of any covenant, condition, or agreement herein contained. All remedies provided for in this Agreement shall be cumulative and in addition to, and not in lieu of, any other remedies available to either party at law, in equity, or otherwise.
- 7.2 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.
- 7.3 **Entire Agreement.** It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof.

All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement. Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties hereto.

- 7.4 **No Assignment.** Neither party shall assign, sublet or transfer this Agreement, either in whole or in part, without the prior written consent of the other party, and any attempt to do so shall be void and of no force and effect.
- 7.5 **No Warranty.** CITY IS PROVIDING THE ELECTION EQUIPMENT AND AVT EQUIPMENT ON AN AS-IS BASIS WITH NO SUPPORT WHATSOEVER. THERE IS NO WARRANTY OF MERCHANTABILITY, NO WARRANTY OF FITNESS FOR PARTICULAR USE, NO WARRANTY OF NON-INFRINGEMENT, NO WARRANTY REGARDING THE USE OF THE INFORMATION OR THE RESULTS THEREOF AND NO OTHER WARRANTY OF ANY KIND, EXPRESS OR IMPLIED.

Pursuant to the foregoing, the School District agrees that the City is furnishing the Election and AVT Equipment on an "as is" basis, without representation or

any express or implied warranties, including but not limited to, fitness for particular purpose, merchantability or the accuracy and completeness of the Election Equipment or AVT Equipment. The City does not warrant that the Election Equipment and/or AVT Equipment will be error free. The City disclaims any other warranties, express or implied, respecting this agreement or the Election or AVT Equipment.

The School District's exclusive remedy and the City's sole liability for any substantial defect which impairs the use of the Election Equipment and/or AVT Equipment for the purposes stated herein shall be the right to terminate this Agreement.

- 7.6 IN NO EVENT SHALL THE CITY BE LIABLE FOR ACTUAL, DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL DAMAGES (EVEN IF THE CITY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE) OR LOSS OF PROFIT, LOSS OF BUSINESS OR ANY OTHER FINANCIAL LOSS OR ANY OTHER DAMAGE ARISING OUT OF PERFORMANCE OR FAILURE OF PERFORMANCE OF THIS AGREEMENT BY THE CITY.

The City and the School District agree each will be responsible for their own acts and omissions under this Agreement and the results thereof including but not limited to the acts or omissions of the party's subcontractors, employees and other personnel and shall to the extent authorized by law defend, indemnify and hold harmless the other party from any liability, claims, causes of action, costs or expenses resulting directly or indirectly from such acts and/or omissions. Each party shall not be responsible for the acts, errors or omissions of the other party under the Agreement and the results thereof. The parties' respective liabilities shall be governed by the provisions of the Municipal Tort Claims Act, Minnesota Statutes Chapter 466, and other applicable law. The statutory limits of liability for some or all of the parties may not be added together or stacked to increase the maximum amount of liability for any party. This paragraph shall not be construed to bar legal remedies one party may have for the other party's failure to fulfill its obligations under this Agreement. Nothing in this Agreement constitutes a waiver by the School District or City of any statutory or common law defenses, immunities, or limits on liability.

- 7.7 **Notice.** Any notice or demand shall be in writing and shall be sent registered or certified mail to the other party addressed as follows:

To the City: City of Deephaven
20225 Cottagewood Road
Deephaven, MN 55331

To the School District: Minnetonka ISD # 276
5621 County Road 101
Minnetonka, MN 55345

- 7.8 **Audit Provision.** Both parties agree that either party, the State Auditor, or any of their duly authorized representatives at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the other party and involve transactions relating to this Agreement. Such materials shall be maintained, and such access and rights shall be in force and effect during the period of the contract and for six (6) years after its termination or cancellation.
- 7.9 **Whereas Clauses.** The matters set forth in the "Whereas" clauses on page one of this Agreement are incorporated into and made a part hereof by this reference.
- 7.10 **Survival of Provisions.** It is expressly understood and agreed that the obligations and warranties of the School District and City hereof shall survive the completion of performance and termination or cancellation of this Agreement.
- 7.11 **Authority.** The person or persons executing this Lease Agreement on behalf of the School District and City represent that they are duly authorized to execute this Lease Agreement on behalf of the School District and the City and represent and warrant that this Lease Agreement is a legal, valid and binding obligation and is enforceable in accordance with its terms.
- 7.12 The parties shall comply with applicable law including but not limited to the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 (MGDPA).

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AUTHORIZATION

**CITY OF DEEPHAVEN
STATE OF MINNESOTA**

MAYOR

ADMINISTRATOR

MINNETONKA ISD # 276

EXECUTIVE DIRECTOR OF FINANCE AND OPERATIONS



INVOICE

**CITY OF DEEPHAVEN
20225 Cottagewood Road
Deephaven, MN 55331**

**Bill To: Minnetonka School District #276
5621 County Road 101
Minnetonka, MN 55345**

Invoice Date: November 9, 2023

ITEM NO.	FEE DESCRIPTION	AMOUNT
1	Fee for the use of (2) Poll Pads, (3) OmniBallots, and (2) DS200's as per 2023 Election Equipment Agreement	\$824.40
Total		\$824.40

Please make all checks payable to:

**City of Deephaven
20225 Cottagewood Road
Deephaven, MN 55331**

Thank you!

01 005 199 199 * 335

[Handwritten signature]
11/14/23



City of Deephaven, Minnesota

20225 Cottagewood Road, Deephaven, MN 55331 | www.cityofdeephaven.org | (952) 474-4755

INVOICE

CITY OF DEEPHAVEN
20225 Cottagewood Road
Deephaven, MN 55331

Bill To: Minnetonka School District #276
Attn: Eloise Weibel
5621 County Road 101
Minnetonka, MN 55345

Invoice Date: July 21, 2025

ITEM NO.	FEE DESCRIPTION	AMOUNT
1	Fee for the use of (2) Poll Pads, (3) ExpressVotes Tablet, and (2) DS200's as per 2025 Lease Agreement	\$906.84
Total		\$906.84

Please make all checks payable to:

City of Deephaven
20225 Cottagewood Road
Deephaven, MN 55331

Thank you!

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM
20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting

Monday, August 4th, 2025

7:00 p.m. Council Meeting

Kickball Tournament Fundraiser for Children's Cancer Research at Thorpe Park

Dear Mayor Carlson and Councilmembers,

The City has received a request from a group of Minnetonka community students in grades 8 through 10, accompanied by their parents, seeking approval to host a kickball tournament fundraiser at Thorpe Park. The event is proposed for September 7, 2025, from 10:00 a.m. to 4:00 p.m. The purpose of the tournament is to raise funds for Children's Cancer research, which will also include a silent auction as part of the fundraising activities.

The organizers anticipate approximately 10 to 16 teams participating, with a total estimated attendance of 100 to 160 individuals. A registration fee of \$250 per team is planned. The tournament would utilize the two existing baseball fields within Thorpe Park, with the addition of a third temporary field to accommodate all teams.

Recognizing the potential impact on parking and traffic, event coordinators will encourage carpooling among participants, many of whom are families, to alleviate congestion within the neighborhood.

Both Police Chief Johnson and Public Works Director Kask have reviewed the proposal and expressed their support, contingent upon participants parking on one side of the street and maintaining respectful conduct towards the neighborhood and park property. They also emphasized the necessity of cleaning the park following the event.

The organizers have requested that the City Council waive the event insurance requirements, citing financial constraints associated with obtaining coverage. Regarding food service, the event may feature pizza or a food truck vendor; in the latter case, all required permits and proof of insurance would be submitted to the City prior to the event.

Additionally, the public restrooms located within the warming house would be made available for participant use.

Staff recommends that the City Council consider approval of the event, including use of park facilities, waiver of insurance requirements, and conditional approval of food service pending receipt of necessary vendor documentation.

Sincerely,

Kimberly Lenarz-Greenwaldt
City Clerk
Deephaven, MN



SPECIAL EVENT PERMIT APPLICATION

CITY OF DEEPHAVEN
20225 COTTAGEWOOD ROAD
DEEPHAVEN, MN 55331
952-474-4755

Filing Fee
\$50.00

Name of Sponsoring Entity: _____

Contact Person: _____ Phone Number: _____

Address: _____ Email: _____

Date and Time of the Special Event: _____

Describe and List all Activities at the Special Event: _____

Proposed Location of the Special Event, please attach a map of the proposed area to be used which shows any barricades, street route plans or perimeter/security fencing.

Estimated number of: Staff _____ Participants _____ Spectators _____

List All Special Considerations: Parking, Security Plans, Fire & Emergency Medical Services, Safety Provisions, Traffic Control, Pedestrian Access, Garbage Collection, Water Service, Electric Service, Public Restrooms: (Please list on separate sheet, if necessary)

Please list the admission fee, donation or other consideration to be charged or requested for admission to the special event, if applicable: _____

Will food or alcohol be served or sold at the special event: _____

Applicant's Signature: _____ Date: _____

SPECIAL EVENT REQUIREMENTS

Special Event - means any concert, parade, fair, show, festival, carnival, rally, party, filming of a movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walk, athletic event or other attended outdoor entertainment or celebration that is to be held in whole or in part upon publicly owned property or public right-of-way.

Permit Application - Any person or organization desiring to conduct or sponsor a special event in the City shall first obtain a special event permit from the City and must submit a fully completed Permit Application for review and approval by the Deephaven City Council. The application must be submitted twenty (20) days prior to the next available Council meeting. The Council may approve, deny, or amend the application.

Indemnification Agreement - If the event, or any portion of the event is to be held on City property or right-of-way, prior to the issuance of a special event permit, the permit applicant and authorizing officer of the sponsoring organization, if any, have agreed by signing the Permit Application to indemnify, defend and hold the City, its officials, employees and agents harmless from any claim that arises in whole or in part out of the special event, except any claims arising solely out of the negligent acts or omissions of the City, its officials, employees and agents.

Liability Insurance Required - The applicant or sponsor of a special event must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the special event. A certificate of insurance must be filed with the City prior to issuance of the special events permit. The certificate of insurance must name the City of Deephaven as additional insureds. Insurance coverage must be maintained for the duration of the special event. Insurance coverage must be a commercial general liability policy. The minimum limits must be at least \$1,000,000. If alcoholic beverages are to be sold or distributed at the special event, the policy must also include an endorsement for liquor liability. The City Council may require additional endorsements depending upon the type of special event and proposed activities. The City may waive or reduce the insurance requirements if the City Council determines that the insurance requirements are in excess of the reasonable risk presented by the proposed special event.

Cleanup Deposit - The applicant or sponsor of the special event involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals, water aid stations or another activity likely to create a substantial need for cleanup may be required by the City to provide a cleanup deposit prior to issuance of the special event permit. The cleanup deposit shall be in an amount set by the City Council. The cleanup deposit will be returned to the applicant/sponsor if the area used for the special event has been cleaned and restored to the same condition as it existed prior to the event. If the property used for the event has not been properly cleaned or restored, the applicant/sponsor will be billed for the actual cost by the City for the cleanup and restoration. The cleanup deposit will be applied toward payment of the bill.



Hamilton Ave

Westview Dr

zure Rd

Thorpe Park

Field 1

Additional (3rd) Field

Silent Auction Table

Parking

Field 2

Westview Dr

e Ave

Lake

STAFF REPORT
Pat Smith, Planning Director
Deephaven City Council
August 4, 2025



APPLICATION INFORMATION

APPLICANT: Dan Scholtec, Red Sky Building

PROPERTY OWNER(S): Oak Mount Holdings

LOCATION: 18065 Berry Lane (please see attached Location Map)

ZONING: R-3, Residential

SYNOPSIS: Applicant is requesting a front yard in conjunction with adding a portico to the house (attached narrative)

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION RECOMMENDATION: Recommended Approval

120-DAY REVIEW DEADLINE: September 27, 2025

BACKGROUND/REQUEST

According to Hennepin County records, the subject house was constructed in 1968. The house was constructed with a front yard setback of 34.3 feet making the house a legal non-conforming structure (see attached survey).

The applicant is proposing to add a six-foot by six-foot portico over the front door, which would result in a front yard setback to 28.5 feet.

Zoning Analysis

The property is 20,780 square feet in area and zoned R-3, Single Family Residential. The table below compares the required, existing and proposed setbacks and hardcover.

	Permitted/ Required	Existing	Proposed
Front Yard Setback	35 feet	34.3 feet	28.5 feet
Side Yard Setback - West	10 feet	19.5 feet	19.5 feet
Side Yard Setback - East	15 feet	54.8 feet	54.8 feet
Rear Yard Setback	15 feet	72.1 feet	72.1 feet
Hardcover (max.)	25%	19.5%	19.9%
Building Coverage (max.)	4,500 SF	1,634 SF	1,634 SF

Variance Request

Front Yard Setback

Section 1302.05(4) of the zoning ordinance requires a front yard setback of 35 feet.

The applicants are seeking a variance of 6.5 feet from the minimum required front yard setback. The current house has a front yard setback of 34.3 feet.

Variance Review Criteria

Minn. Stat § 462.357, subd. 6(2) states that variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. The City's Board of Appeals and Adjustments evaluating a variance request is required to make the following inquiries:

1) *Is the variance in harmony with the purpose and intent of the ordinance and Comprehensive Plan?*

Staff Comment: The applicant is seeking to vary from the stated setback standards of the ordinance to improve an existing non-conforming house constructed in 1970, per Hennepin County tax records. The expanded conditions are minor and remain in harmony with the purpose and intent of the ordinance. The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which encourage residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.

2) *Does the proposal put property to use in a reasonable manner?*

Staff Comment: It is reasonable to have a small covered entry for a front door.

3) *Are there unique circumstances to the property not created by the landowner?*

Staff Comment: The house was constructed in 1968 and has a legal non-conforming front yard setback of 34.3 feet making it impossible to add a portico without a variance.

4) *Will the variance, if granted, alter the essential character of the locality?*

Staff Comment: No, the proposal would not alter the essential character of the locality. The house next door at 10845 Berry Lane has a similar portico that was approved in 2006 without a survey. The house across the street at 18080 Berry Lane has an open porch.

PUBLIC COMMENT

Staff sent a public notice to all property owners within 350 feet of the subject site prior to the Planning Commission meeting of July 15, 2025. No public comments have been received.

STAFF RECOMMENDATION

Staff recommends approval of a variance to encroach 6.5 feet into the minimum required front yard setback to construct a portico over the front door, subject to the following conditions:

1. The proposed portico shall be developed in substantial conformance with the plans as approved and as conditionally revised by the City Council.
2. All applicable permits are applied for by the applicants with all supporting documentation and issued prior to the start of construction.
3. The variance shall expire one year from the date of adoption of the resolution if not acted upon; City approval will be required for any subsequent extension.

PLANNING COMMISSION ACTION TAKEN ON 7/15/25 (6-0 vote)

Moved to accept the recommendation and findings of staff recommend the City Council **approve** a variance to encroach 6.5 feet into the minimum required front yard setback in conjunction with the construction of portico to the house located at 18065 Berry Lane, as proposed.

CITY COUNCIL ACTION REQUESTED

Possible motions include:

- 1) I move the City Council accept the recommendation and findings of staff and the Planning Commission and **approve** a variance to encroach 6.5 feet into the minimum required front yard setback in conjunction with the construction of portico to the house located at 18065 Berry Lane, as proposed.

OR

- 2) I move the City Council **deny** the variance to encroach 6.5 feet into the minimum required front yard setback in conjunction with the construction of portico to the house located at 18065 Berry Lane. The motion is based on the following findings: _____.

Attachments:

- 1) Location Map
- 2) Applicant's Narrative
- 3) Photo of Residence
- 4) Photo of 18045 Berry Lane
- 5) Photo of 18080 Berry Lane
- 6) Proposed Survey
- 7) Proposed Elevations
- 8) Draft Resolution

LOCATION MAP

18065 Berry Lane



- 1) Why is the variance request needed to relieve practical difficulties in complying with the zoning ordinance and how will the variance request result in a reasonable use of the property?

When house was built originally in 1968 the footprint of the existing structure was constructed slightly within today setback requirements. This does create challenges without a variance to provide for a front entry way that offers better protection from the elements and provide for a reasonable entryway into the home.

- 2) Compared to similarly sized lots in the neighborhood, what is unique about the size, shape, topography or location of your lot that prohibits reasonable use of the property?

Square footage of this property is slightly larger than the average property located in the R3 zone and in itself doesn't hold much in the way of uniqueness. As mentioned previously, the house was originally constructed within the setback. However, the proposed portico would match very closely the design and setback distance as many of the neighboring properties in the vicinity.

- 3) How is the requested variance the minimum necessary to provide your property reasonable use?

The requested variance provides for a reasonable upgrade to today's construction standards to aid in prevention of moisture collecting in or around the foundation. Additionally, a covered portico provides better weather and snow protection in the winter months. Often homes without this shelter will see periods where snow can drift up against the main egress door, this can be construed as a safety hazard.

- 4) What alternatives to a variance have been considered? Why are these alternatives not acceptable?

Existing conditions has the structure encroaching within the setback at the area of the proposed portico has the exterior sidewall between 34 ft 3 inches and 34 ft 8 inches. The soffit overhang extends 3 ft into the setback, which would measure approximately 31 ft 5 inches. An alternate could be to simply install the front door in accordance to the existing plan without the portico. This wouldn't allow for the additional weather protection that a covered portico offers. Another alternative would be to extend the overhang with a gable

end facing the street as drawn, however to remove the small columns and install corbels for support. This construction technique would be inferior to the portico as drawn in the proposal. Additionally, a variance would still be required due to the existing structures position and current setback.

- 5) Has the property owner created the situation necessitating the need for a variance? Explain in detail.

No, this was an existing condition prior to the purchase of the home.

- 6) Will the variance alter the essential character of the neighborhood? Explain in detail.

No, this will bring the house up to the standards of today's construction techniques and match many of the exterior aesthetics of houses in this neighborhood. Neighboring properties have porches or porticos that approach or extend into the setback today.

- 7) Describe why the needed variance is not solely based on economic considerations.

As mentioned previously, covered entryways do provide for safer entrance and exit from the structure.

Subject House - 18065
Berry Lane



18045 Berry Lane



18080 Berry Lane



LEGAL DESCRIPTION:

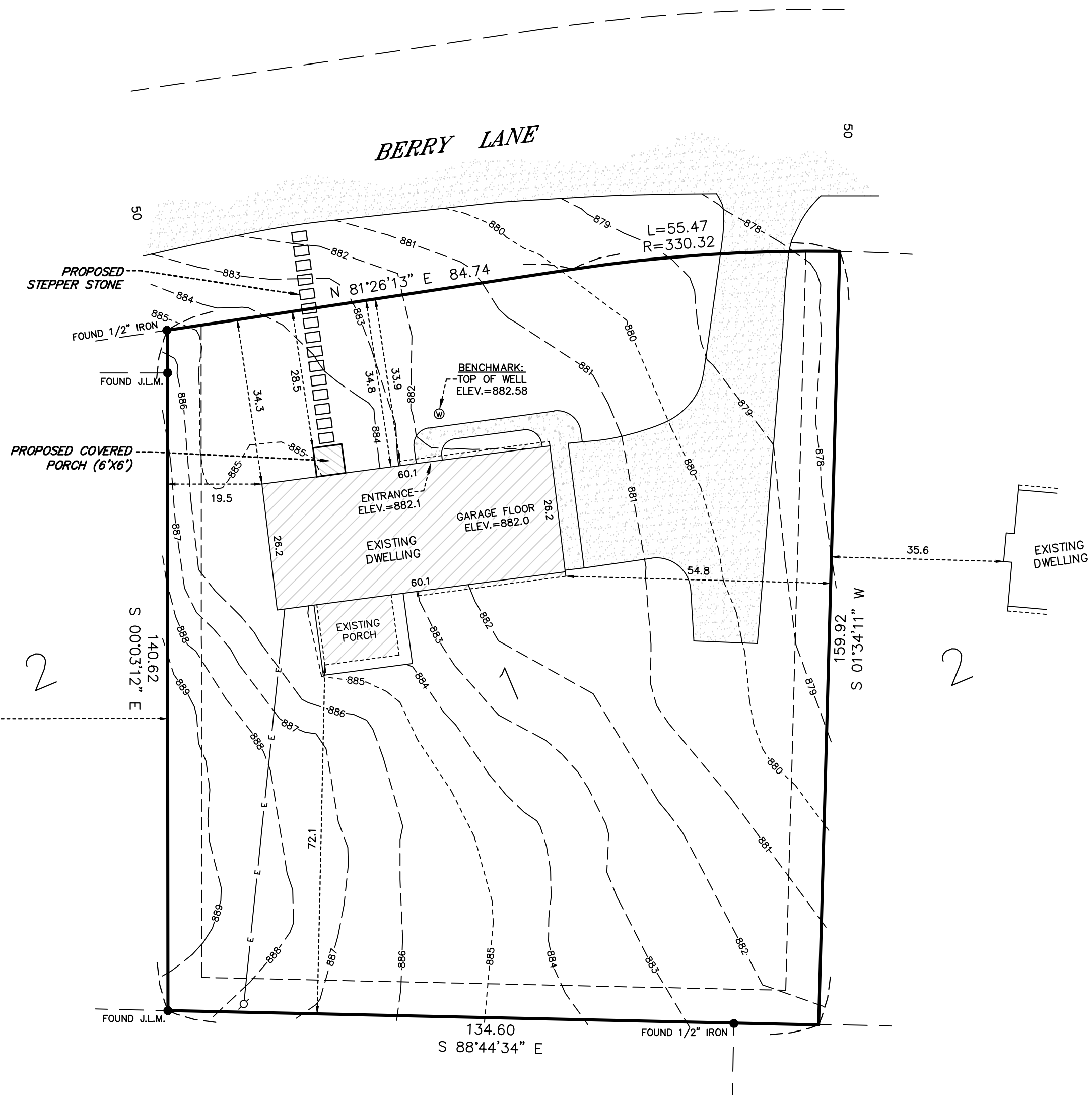
Lot 1, Block 1, Boyer's Second Addition, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Existing building dimensions and setbacks measured to outside of siding or stucco.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.

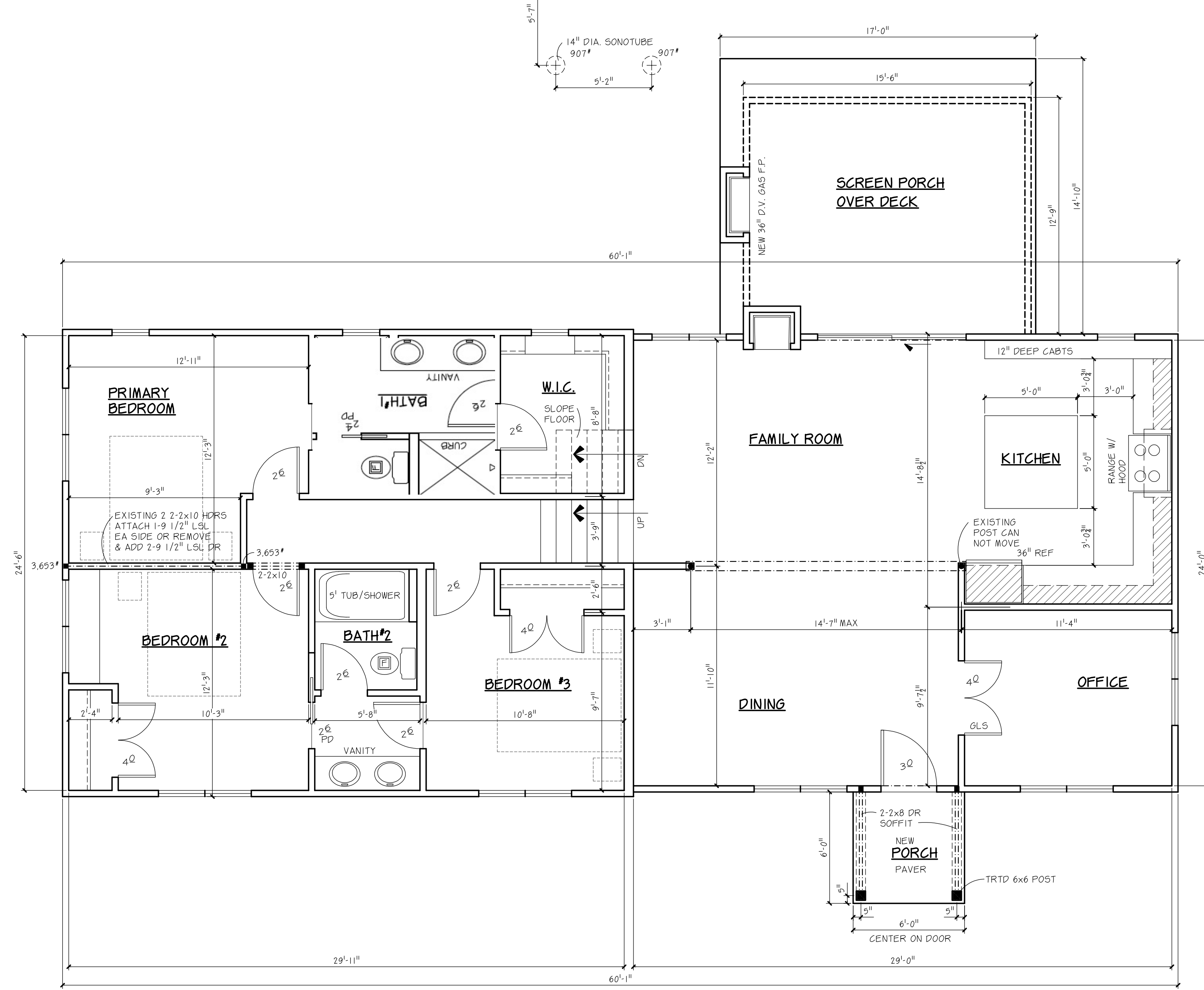
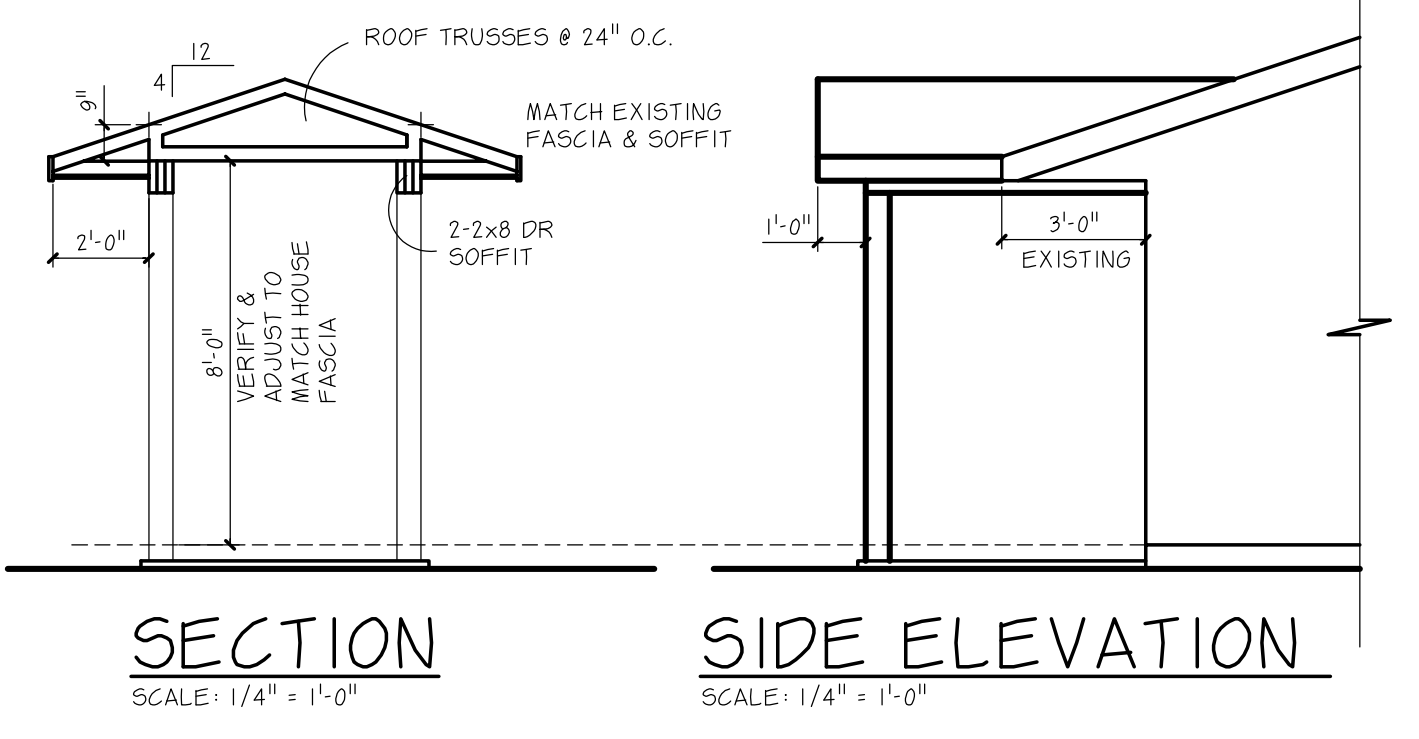
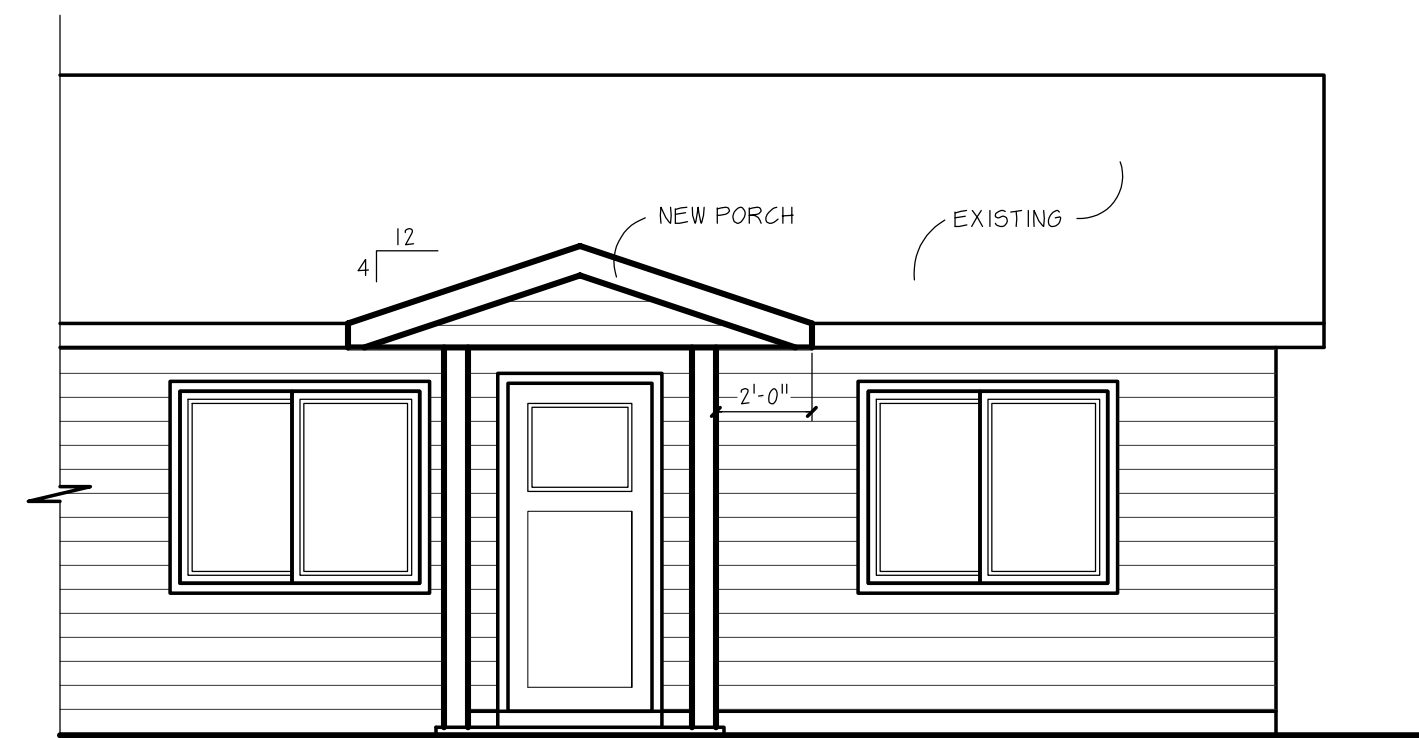
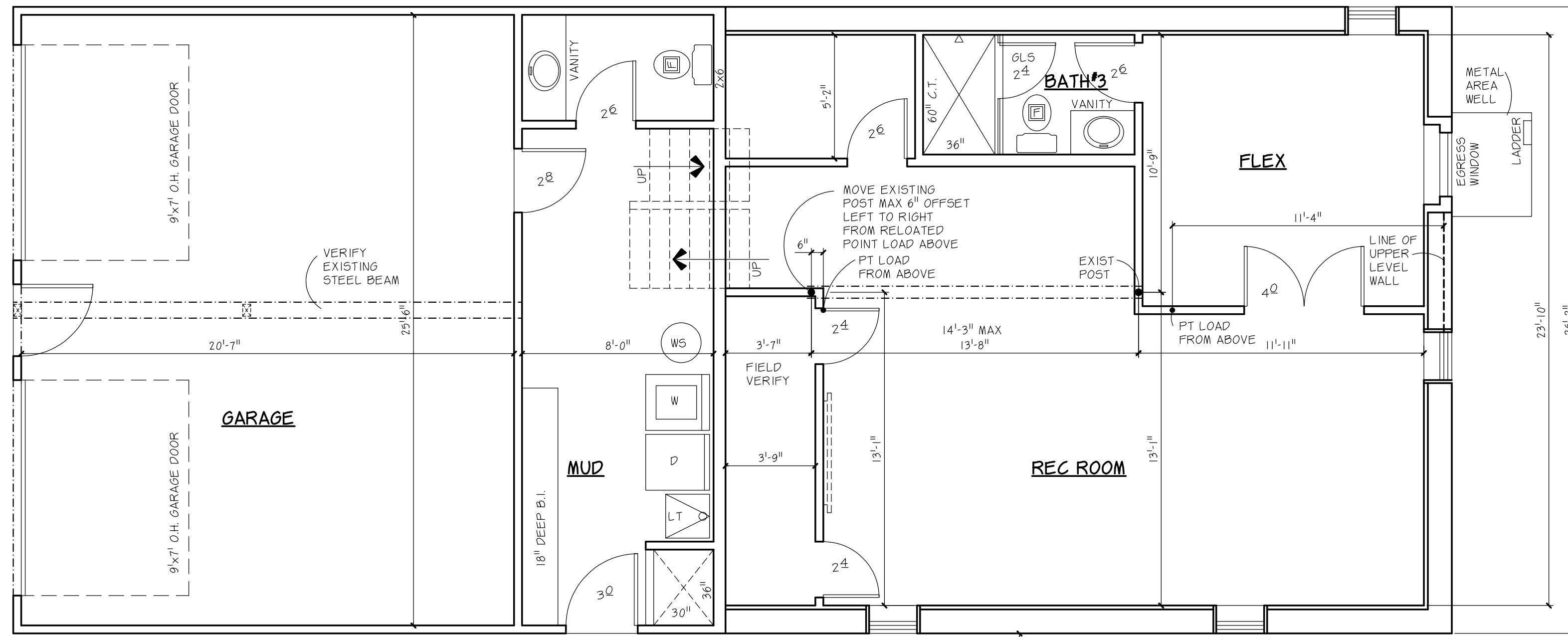
STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.



PROPOSED HARDCOVER		EXISTING HARDCOVER	
HOUSE	1,634 SQ. FT.	HOUSE	1,634 SQ. FT.
DRIVEWAY	1,901 SQ. FT.	DRIVEWAY	1,901 SQ. FT.
PORCH	195 SQ. FT.	PORCH	195 SQ. FT.
DECK	78 SQ. FT.	DECK	78 SQ. FT.
WALK & GARAGE APRON	248 SQ. FT.	WALK & GARAGE APRON	248 SQ. FT.
FRONT PORCH	36 SQ. FT.		
STEPPER STONES	57 SQ. FT.	TOTAL EXISTING HARDCOVER	4,056 SQ. FT.
TOTAL PROPOSED HARDCOVER	4,149 SQ. FT.	AREA OF LOT	20,780 SQ. FT.
AREA OF LOT	20,780 SQ. FT.	LOT COVERAGE	19.5%
LOT COVERAGE	19.9%		

DATE	REVISION DESCRIPTION	DWG ORIENTATION	SCALE	CLIENT/JOB ADDRESS	<p>18202 Minnetonka Blvd. Suite 401 Deephaven, Minnesota 55391 Phone (952) 474-7964 Web: www.advsur.com</p>	HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	DATE SURVEYED:	SHEET TITLE	SHEET NO.
				<p>RED SKY BUILDING 18065 BERRY LANE DEEPHAVEN, MN</p>		<p>Wayne W. Preugs #43503 LICENSE NO. MAY 23, 2025 DATE</p>	<p>DECEMBER 16, 2024</p>	<p>PROPOSED SURVEY</p>	
							DATE DRAFTED:	SHEET SIZE: 17 X 22	S1
							<p>MAY 23, 2025</p>	DRAWING NUMBER	
								250828 JR	



Revision	Date	Description

PLANS SHOWN LIGHT IN BACKGROUND ARE FOR LOCATION REFERENCE ONLY. PLAN NOTES AND ELEMENTS SHOWN LIGHT MAY NOT NECESSARILY SUPPORT THE HANSON GROUP'S DESIGN.

LIMITED PROJECT SCOPE

DESIGN OF THE STRUCTURAL REQUIREMENTS FOR PROPOSED INTERIOR STEEL FLOOR BEAM AND WOOD RIDGE BEAM SPANS AND BEARING MODIFICATION REQUIREMENTS FOR AN EXISTING SINGLE-FAMILY RESIDENCE. CONSTRUCTION IS TO BE DONE IN ACCORDANCE WITH THESE DRAWINGS, STANDARD INDUSTRY PRACTICE, AND THE REQUIREMENTS OF THE CODE.

GENERAL NOTES

- THESE DOCUMENTS APPLY TO STRUCTURAL ONLY.
- SCOPE OF ENGINEERING INCLUDES ITEMS SPECIFICALLY NOTED ABOVE AND ON PLANS ONLY. REVIEW OF ALL EXISTING FRAMING AND FOUNDATIONS, AS WELL AS ANY OTHER PROPOSED REMODEL ITEMS, ARE NOT INCLUDED UNDER THIS SCOPE.
- A SITE VISIT WAS PERFORMED BY GARRETT BRUNELL, PE ON 1-9-25. PARTIAL DEMOLITION HAD BEEN PERFORMED, BUT ALL EXISTING CONDITIONS ARE TO BE VERIFIED. BUILDER IS TO CONSULT W/ ENGINEER FOLLOWING DEMOLITION TO ENSURE SITE CONDITIONS ALIGN W/ ASSUMPTIONS MADE IN ORDER TO DETERMINE IF ADDITIONAL EXISTING CONDITIONS REQUIRE REVIEW, AND WHETHER MODIFICATIONS TO THE PROPOSED FRAMING ARE REQUIRED. AS-BUILT VERIFICATION IS TO BE DETERMINED BY THE CONTRACTOR.
- IT IS THE RESPONSIBILITY OF THE BUILDER TO PROVIDE ALL FUTURE PLAN OR FIELD CHANGES TO THE HANSON GROUP FOR REVIEW.
- ADEQUATE SHORING DURING CONSTRUCTION IS THE RESPONSIBILITY OF THE CONTRACTOR.
- CONTRACTOR AND BUILDER ARE TO VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE PROCEEDING WITH WORK. NOTIFY THE HANSON GROUP IF DISCREPANCIES ARISE.
- MEANS AND METHODS OF CONSTRUCTION ARE THE RESPONSIBILITY OF THE CONTRACTOR.
- MOVEMENT/CRACKING OF EXISTING FINISHED MATERIALS MAY BE EXPERIENCED DUE TO REDISTRIBUTION OF EXISTING LOAD PATHS, NORMAL DEFLECTION OF NEW MEMBERS AND ALTERED LOADING CONDITIONS. NEW LONGER SPANS WILL RESULT IN ADDITIONAL DEFLECTION - BY PROCEEDING BUILDER UNDERSTANDS ADDITIONAL MOVEMENT WILL LIKELY BE OBSERVED.

FOUNDATION NOTES

- EXISTING FOUNDATION SYSTEM IS NOT VISIBLE OR KNOWN. A SOILS REPORT AND ORIGINAL FOUNDATION DRAWINGS ARE UNAVAILABLE FOR THIS SITE. MINOR MOVEMENT MAY OCCUR WHEN ADDING LOADS TO EXISTING FOUNDATIONS, REGARDLESS OF THE STRENGTH OF THE SOILS. EXISTING FOUNDATIONS ARE OUTSIDE THE SCOPE OF THIS DOCUMENT.

FRAMING NOTES

- ALL BEARING POINT OR POST LOADS ARE TO BE BLOCKED SOLID TO THE FOUNDATION.
- ALL OTHER FASTENERS TO BE IN ACCORDANCE W/ CODE TABLE R602.3(1).
- ALL BEAMS ARE SIZED FOR L360 DEFLECTION CRITERIA. VERIFY IF ADDITIONAL STIFFNESS IS REQUIRED.
- A BRACED WALL REVIEW HAS NOT BEEN PERFORMED FOR THE EXISTING OR REMODELED STRUCTURE.

MATERIALS

- CONCRETE FOOTINGS: $F_c = 3,000$ PSI @ 28 DAYS (OR 5,000 PSI IF VAPOR RESISTANCE REQUIREMENT APPLIES TO MINOR CONCRETE WORK BEING PERFORMED ON AN EXISTING FOUNDATION)
- REINFORCING STEEL: ASTM A615 GRADE 60 (#4 BAR MAY BE GRADE 40)
- AGGREGATE: FOOTINGS - 1/2" MAX
DIMENSIONAL LUMBER: SPF NO.2 GRADE OR BETTER
TREATED LUMBER: SYP NO.2 GRADE OR BETTER
LSL BEAMS: 1 3/4" WIDTH - 1.55E OR BETTER
EXISTING STEEL: W SECTIONS - ASTM A36 (Fy=36KSI)
PIPE - ASTM A36 (Fy=36KSI)
- EXISTING WOOD POSTS: DOUGLAS FIR-LARCH #2 OR BETTER
EXISTING WOOD BEAM: DOUGLAS FIR-LARCH #1 OR BETTER

LOADS

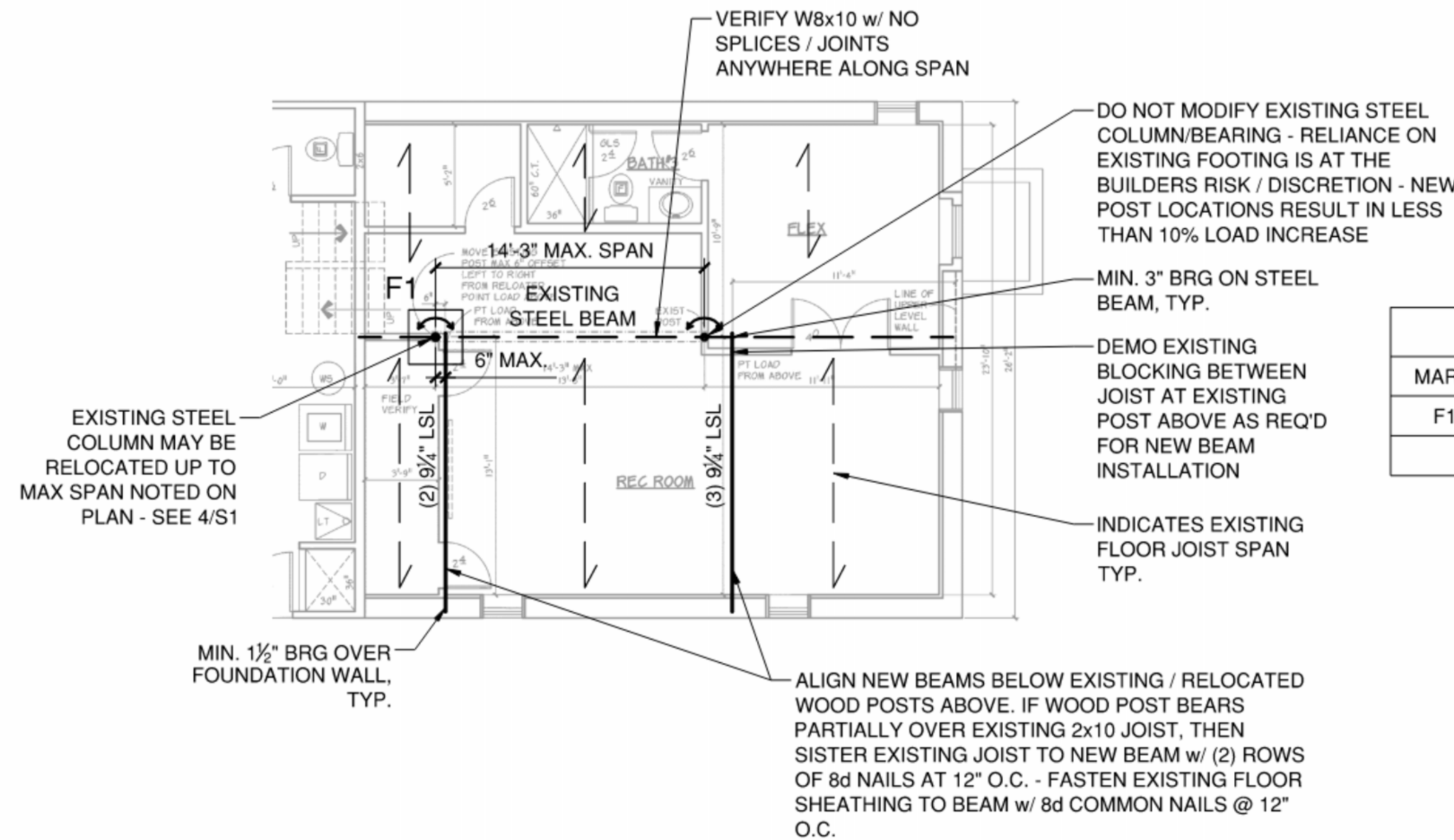
- ROOF LIVE LOAD: 35 PSF (SNOW)
ROOF DEAD LOAD: 10 PSF
FLOOR LIVE LOAD: 40 PSF
FLOOR DEAD LOAD: 12 PSF

CODES

2020 MINNESOTA RESIDENTIAL CODE

ABBREVIATIONS

- TYP. = TYPICAL
SIM. = SIMILAR
U.N.O. = UNLESS NOTED OTHERWISE
O.C. = ON CENTER
= CONTINUOUS OVER

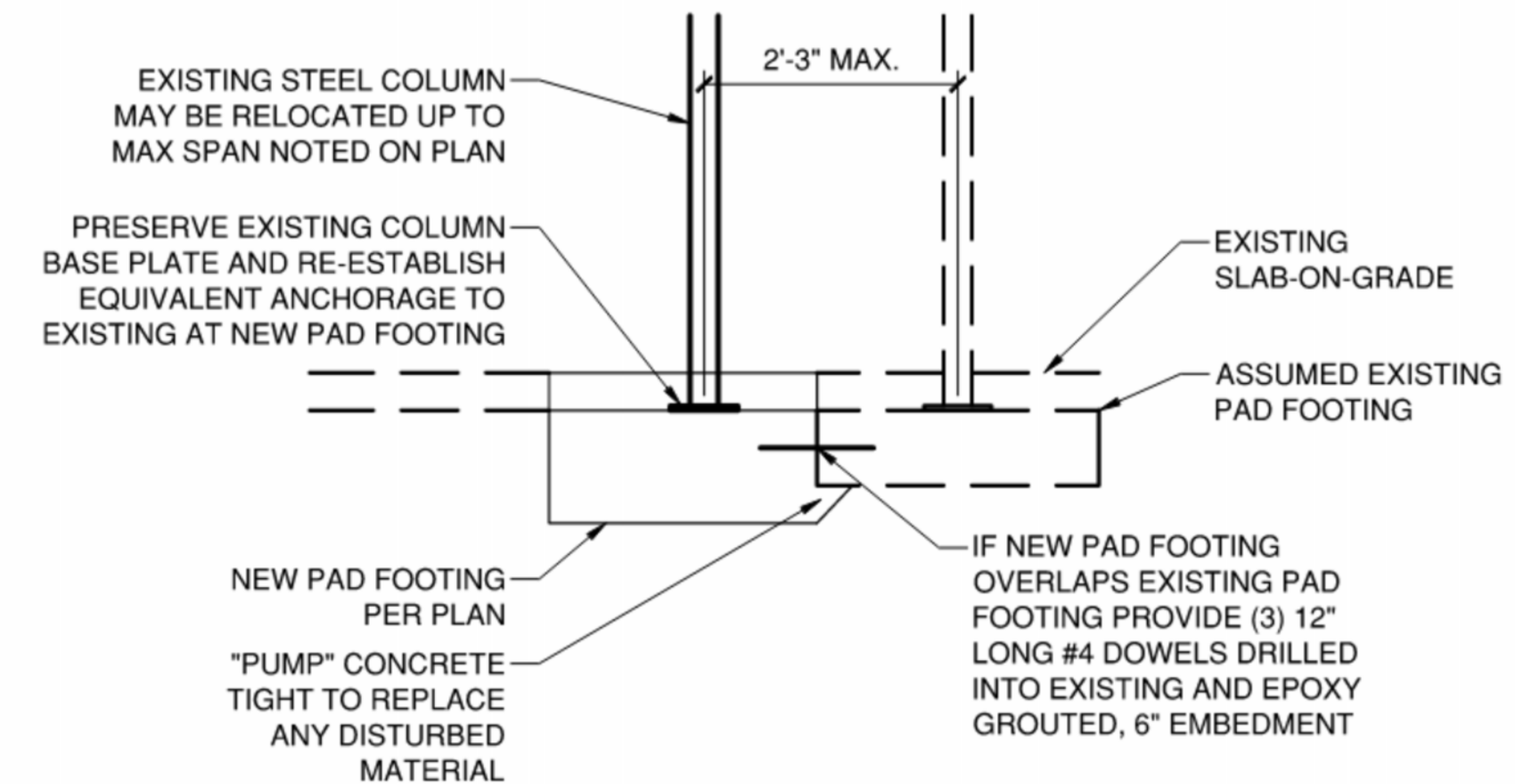


1
S1
REFERENCE PLAN
PARTIAL LOWER LEVEL PLAN SHOWN FOR LOCATION REFERENCE ONLY

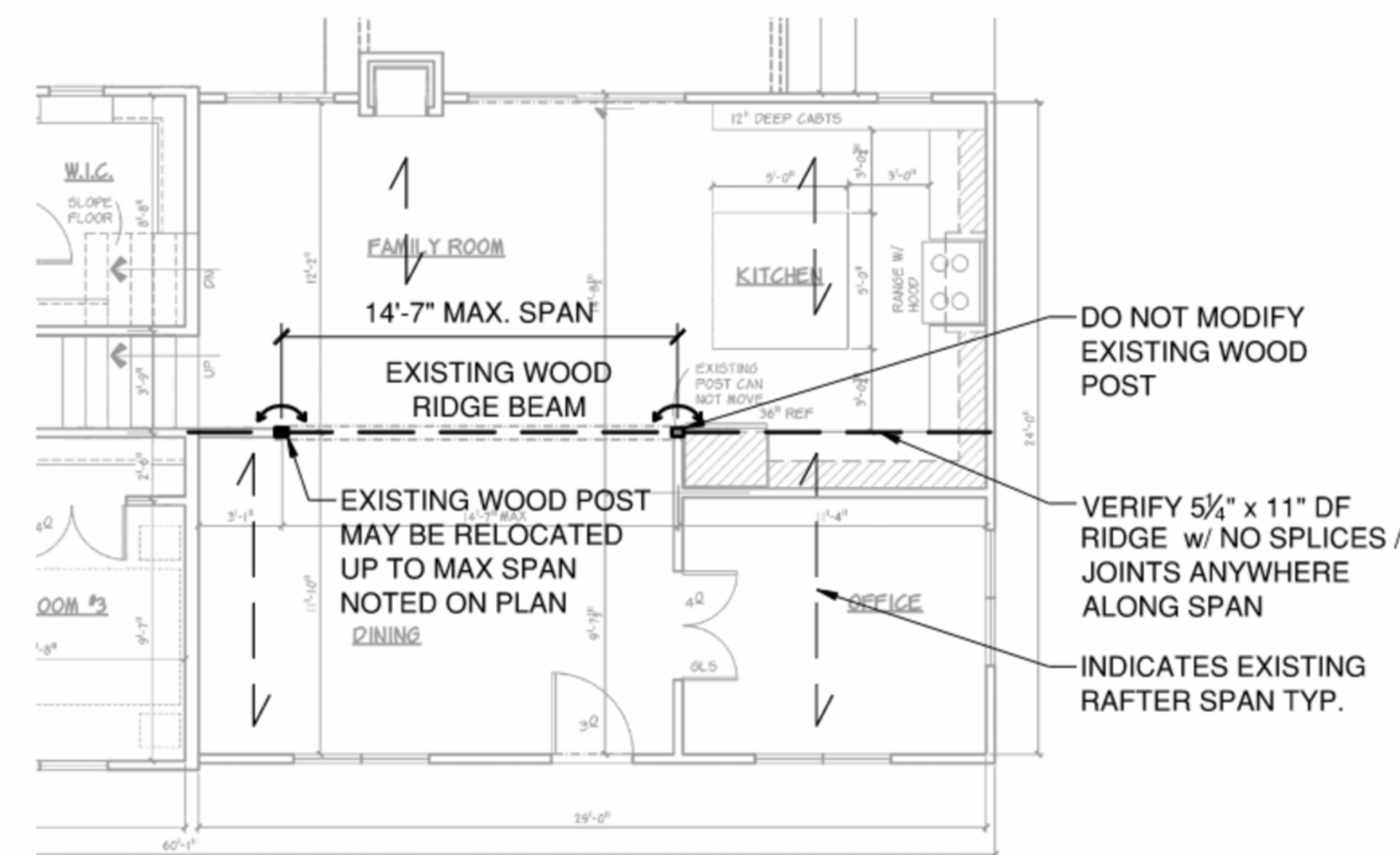
PLAN NOTES:

- VERIFY IF EXISTING FRAMING REQUIRES ADDITIONAL SUPPORT BEYOND MEMBERS NOTED IN THIS DRAWING FOLLOWING DEMOLITION.
- REFER TO FRAMING NOTES FOR ADDITIONAL INFORMATION.

CONCRETE PAD FOOTING SCHEDULE		
MARK	FOOTING SIZE	REINFORCEMENT EACH WAY
F1	2'-9" x 2'-9" x 1'-0"	NONE
SEE 3/S1 FOR ADDITIONAL INFORMATION		



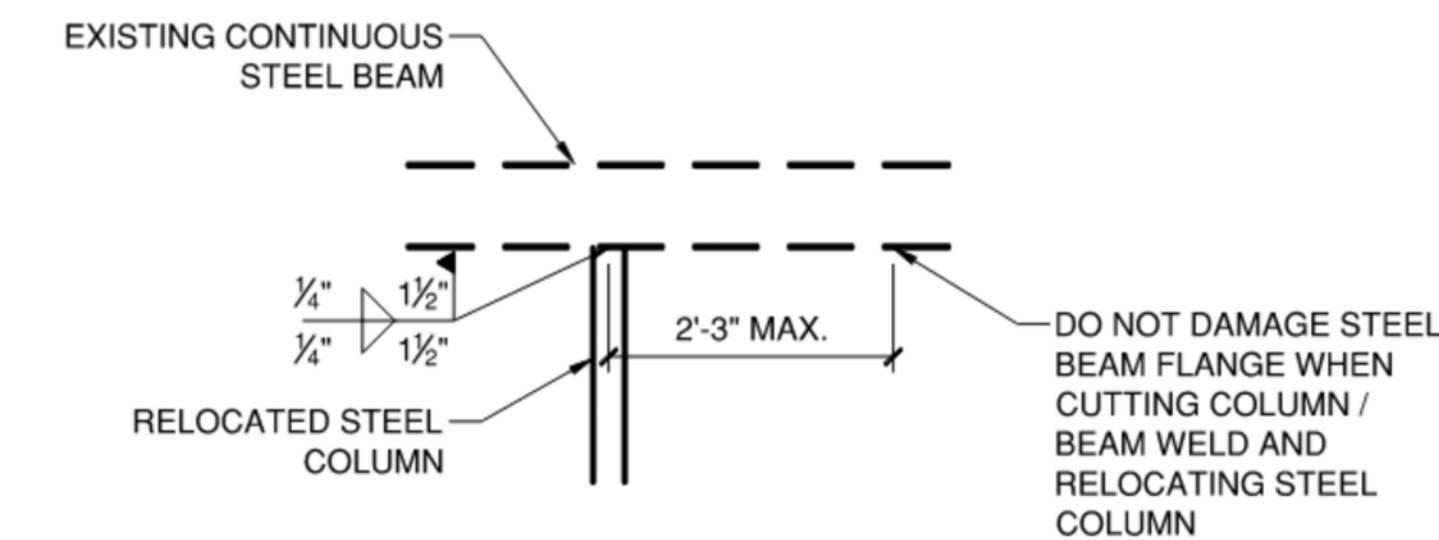
3
S1
FOUNDATION DETAIL
NEW TO EXISTING FOOTING CONNECTION



2
S1
REFERENCE PLAN
PARTIAL MAIN LEVEL PLAN SHOWN FOR LOCATION REFERENCE ONLY

PLAN NOTES:

- VERIFY IF EXISTING FRAMING REQUIRES ADDITIONAL SUPPORT BEYOND MEMBERS NOTED IN THIS DRAWING FOLLOWING DEMOLITION.
- REFER TO FRAMING NOTES FOR ADDITIONAL INFORMATION.



4
S1
STEEL DETAIL
COLUMN TO BEAM CONNECTION

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signed: *Garrett Brunell*
Print Name: Garrett Brunell
Date: 2-4-25 License Number: 52600



Oak Mountain Holdings

18065 Berry Lane
Deephaven, MN

Project Number: 5.014
Date: February 4, 2025
Sheets: 1 of 1

RESOLUTION NO. XX-25

Motion by Member: _____
Seconded by Member: _____

A Resolution Approving a Variance to Encroach into the Front Yard Setback at 18065 Berry Lane

WHEREAS, Dan Scholtec (“Applicant”) has applied for a variance to reduce the front yard setback to construct a portico at 18065 Berry Lane, Deephaven, Minnesota, PID 18-117-22-43-0014; and

WHEREAS, the Applicant submitted an application on May 30, 2025; and

WHEREAS, the Planning Commission held a Public Hearing on the variance requests on July 15, 2025, and voted to accept the recommendation and findings of staff and recommend the City Council approve a variance to reduce the front yard setback by 6.5 feet; and

WHEREAS, the City Council has received the staff report at its meeting on August 4, 2025 and considered testimony and other evidence submitted by the public, the Applicant, and the recommendations of staff and the Planning Commission.

NOW, THEREFORE, IT IS RESOLVED, the City Council of the City of Deephaven, Minnesota does hereby make the following:

FINDINGS OF FACT

- 1) That the real property located at 18065 Berry Lane, Deephaven, Minnesota, is a single lot of record located within the R-3 Zoning District. This property is used for single family residential purposes.
- 2) The house was constructed in 1968 with a front yard setback of 34.3 feet, making the house a legal, non-conforming structure.

- 3) The Applicant has made application for a variance to construct a portico that would encroach 6.5 feet into the required front yard setback. The existing and proposed zoning conditions are below:

	Permitted/Required	Existing	Proposed
Front Yard Setback	35 feet	34.3 feet	28.5 feet
West Side Yard Setback	10 feet	19.5 feet	19.5 feet
East Side Yard Setback	15 feet	54.8 feet	54.8 feet
Lake Yard Setback	15 feet	72.1 feet	72.1 feet
Maximum Hardcover	25%	19.5%	19.9%
Building Coverage (max.)	4,500 SF	1,634 SF	1,634 SF

- 4) The expanded conditions are minor and remain in harmony with the purpose and intent of the ordinance.
- 5) The request is consistent with the Comprehensive Plan’s Housing Elements Goals and Policies which encourage residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.
- 6) It is reasonable to have a small covered entry for the front door.
- 7) The house was constructed in 1968 and has a legal non-conforming front yard setback of 34.3 feet making it impossible to add a portico without a variance.
- 8) The proposed portico would not alter the essential character of the locality. The house next door at 10845 Berry Lane has a similar portico that was approved in 2006 without a survey. The house across the street at 18080 Berry Lane has an open porch.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Deephaven, Minnesota, hereby approves a variance to reduce the front yard setback by 6.5 feet in conjunction with constructing a portico at 18065 Berry Lane as proposed, subject to the following conditions:

1. The proposed portico shall be developed in substantial conformance with the plans as approved and as conditionally revised by the City Council.
2. All applicable permits are applied for by the applicants with all supporting documentation and issued prior to the start of construction.
3. The variance shall expire one year from the date of adoption of the resolution if not acted upon; City approval will be required for any subsequent extension.

ADOPTED THIS 4th DAY OF AUGUST, 2025 BY THE CITY COUNCIL OF DEEPHAVEN, MINNESOTA.

Councilmember	Aye	Nay	Abstain	Absent
Kent Carlson				
Tony Jewett				
John Studer				
Emily Scherschligt				
Tom Erdmann				

CITY OF DEEPHAVEN

Kent M. Carlson, Mayor

ATTEST:

Dan Madsen, City Administrator

STAFF REPORT
Pat Smith, Planning Director
Deephaven City Council
August 4, 2025



APPLICATION INFORMATION

- APPLICANT:** David Ruoho, Tracer Pool & Landscape
- PROPERTY OWNER(S):** Mike and Ali Mahady
- LOCATION:** 3500 Montgomerie Ave (please see attached Location Map)
- ZONING:** R-3, Residential
- SYNOPSIS:** Applicant is requesting a Conditional Use Permit to exceed the hardcover limit by 13.8% in conjunction with constructing an inground swimming pool (please see attached narrative)
- STAFF RECOMMENDATION:** Approval
- PLANNING COMMISSION RECOMMENDATION:** Recommended Approval
- 60/120-DAY REVIEW DEADLINE:** August 18, 2025/October 17, 2025

BACKGROUND/REQUEST

According to Hennepin County Property Information, the house was constructed in 2012. The existing hardcover is 30.4%. The applicant is proposing to install an inground pool that would increase the hardcover to 38.8%. The pool is proposed to be 20' x 37'.

Prior to 2021, the City had three different residential hardcover limits based on the size and location of the property. Residential lots within the shoreland overlay district (1000 feet from Lake Minnetonka) had a hardcover limit of 25%. Lots outside the shoreland overlay district and over 10,000 square feet in area had a hardcover limit of 30%. Lots outside the shoreland overlay district and less than 10,000 square feet in area had a hardcover limit of 35%. A variance was required to exceed the hardcover limit.

In 2021, the City Council reduced the hardcover limit for all residential properties in Deephaven to 25% to treat all residential properties the same and because eventually all stormwater flows to Lake Minnetonka or to a smaller lake. The City decided on a hardcover limit of 25% (the most restrictive hardcover limit of communities around Lake Minnetonka) because the City does not have a regional

storm sewer system; and therefore, property owners are expected to manage stormwater on their own property. At the same time, the City Council allowed properties to exceed the 25% hardcover limit with a Conditional Use Permit as long as the stormwater runoff does not negatively impact adjacent properties, the effective hardcover is mitigated to below 25%, and the property owner enters into a maintenance agreement with the City inspecting the stormwater facilities every five years at the property owners expense.

There has been some discussion and efforts to manage the stormwater on Montgomerie Avenue. A summary of these discussions and efforts is documented in the attached email from City Administrator, Dan Madsen.

Conditional Use Permit Request

Section 1302.05(2) of the zoning ordinance limits the maximum allowable impervious surface area on the property to 25%, but allows properties to exceed the limit with a Conditional Use Permit if the following conditions are met:

- (i) Stormwater runoff does not negatively impact adjacent properties;
- (ii) Effective hardcover is mitigated to below 25%; and
- (iii) The proposed stormwater management facilities shall retain one inch of runoff of that portion of the hardcover that exceeds 25%. Performance credit given for stormwater mitigation practices shall be 75% of the calculated volume retained; and
- (iv) The property owner enters into a maintenance agreement with inspections performed by the City at a minimum every five years. The property owner shall reimburse the City for stormwater facility inspections. The maintenance agreement shall be executed and recorded against the parcel.

The applicant is proposing to mitigate the additional hardcover by installing a dry infiltration basin in the rear yard. The infiltration basin will provide 349 CF of storage. This exceeds the required 172 CF of storage by 89 CF.

The Existing Drainage Map shows the majority of the site (E2 and E3) drains to the property to the southwest of the subject site, while E1 drains toward Montgomerie Avenue. With the proposed swimming pool and infiltration basin, stormwater from 4,207 square feet of the site will now be directed to the infiltration basin rather than the property to the southwest. This represents 28% of the site.

With the proposed dry infiltration basin, the effective hardcover is 17.81%. The City Engineer has reviewed and approved the grading and stormwater management plans (please see attached letter).

PUBLIC COMMENT

Staff sent a public notice to all property owners within 350 feet of the subject site prior to the Planning Commission meeting of July 15, 2025. Public comments are attached.

STAFF RECOMMENDATION

Staff recommends approval of a Conditional Use Permit to exceed the hardcover limit by 13.8% in conjunction with building an inground swimming pool at 3500 Montgomerie Avenue as proposed, subject to the following conditions:

1. The proposed swimming pool shall be developed in substantial conformance with the plans as approved and as conditionally revised by the City Council.
2. Prior to issuance of a building permit, the property owner enters into a stormwater maintenance agreement with the City and deposit a \$5,000 escrow until the infiltration basin is constructed and approved by the City Engineer.
3. The applicant shall comply with all requirements of City Engineer letter dated June 23, 2025.
4. All applicable permits are applied for by the applicants with all supporting documentation and issued prior to the start of construction.

PLANNING COMMISSION ACTION TAKEN ON 7/15/25 (on a 6-0 vote)

Moved to accept the recommendation and findings of staff and recommend the City Council **approve** a Conditional Use Permit to exceed the hardcover limit by 13.8% in conjunction with building an inground swimming pool at 3500 Montgomerie Avenue as proposed.

CITY COUNCIL ACTION REQUESTED

- 1) I move the City Council accept the recommendation and findings of staff and the Planning Commission and **approve** a Conditional Use Permit to exceed the hardcover limit by 13.8% in conjunction with building an inground swimming pool at 3500 Montgomerie Avenue as proposed.

OR

- 2) I move the City Council **deny** of a Conditional Use Permit to exceed the hardcover limit by 13.8% in conjunction with building an inground swimming

pool at 3500 Montgomerie Avenue. The motion is based on the following findings: _____.

Attachments:

- 1) Location Map
- 2) Applicant's Narrative
- 3) Proposed Survey and Stormwater Management Plan
- 4) Site Plan Showing Hardcover Changes
- 5) Proposed Landscaping Plan
- 6) Drainage Map
- 7) City Engineer Letter
- 8) Email from City Administrator
- 9) Draft Resolution



STORMWATER MANAEGMENT REQUIREMENTS FOR:

May 12, 2025

**Mike and Ali Mahady
3500 Montgomerie Ln.
Deephaven, MN. 55391**

Mike and Ali wish to add a swimming pool to their property to increase their family use of their home. The increase in hardcover must be mitigated by a storm water collection solution. The intent is to capture run-off from the roof of the home equal to the area of the pool and 4 ft apron of concrete a total of 1260 SF, and direct it into an infiltration trench in the landscape and allow that water time to percolate into the soil.

The basin will be a part of the landscape around the home and will blend into the homes existing landscape. The appearance and use of the collection trench will not disrupt the visual eathetic of the neighborhood, or adverly affect the health and safety and welfare of the home owners of neighbors.

EXISTING CONDITIONS SURVEY
FOR

Michael & Alexandra Mahady
PID NO. 1811722310029

CITY OF DEEPHAVEN
HENNEPIN COUNTY
SEC. 18, TWP 117,
RNG. 22

LOT INFORMATION

Lot size:	14,980 SF
House	2,242 SF (14.9%)
Shed:	84 SF (0.6%)
Concrete driveway:	2,105 SF (14.1%)
Brick Pavers:	72 SF (0.5%)
Front Concrete Steps:	47 SF (0.3%)
Total impervious:	4,550 SF (30.4%)

ROOF AREA CALCULATIONS

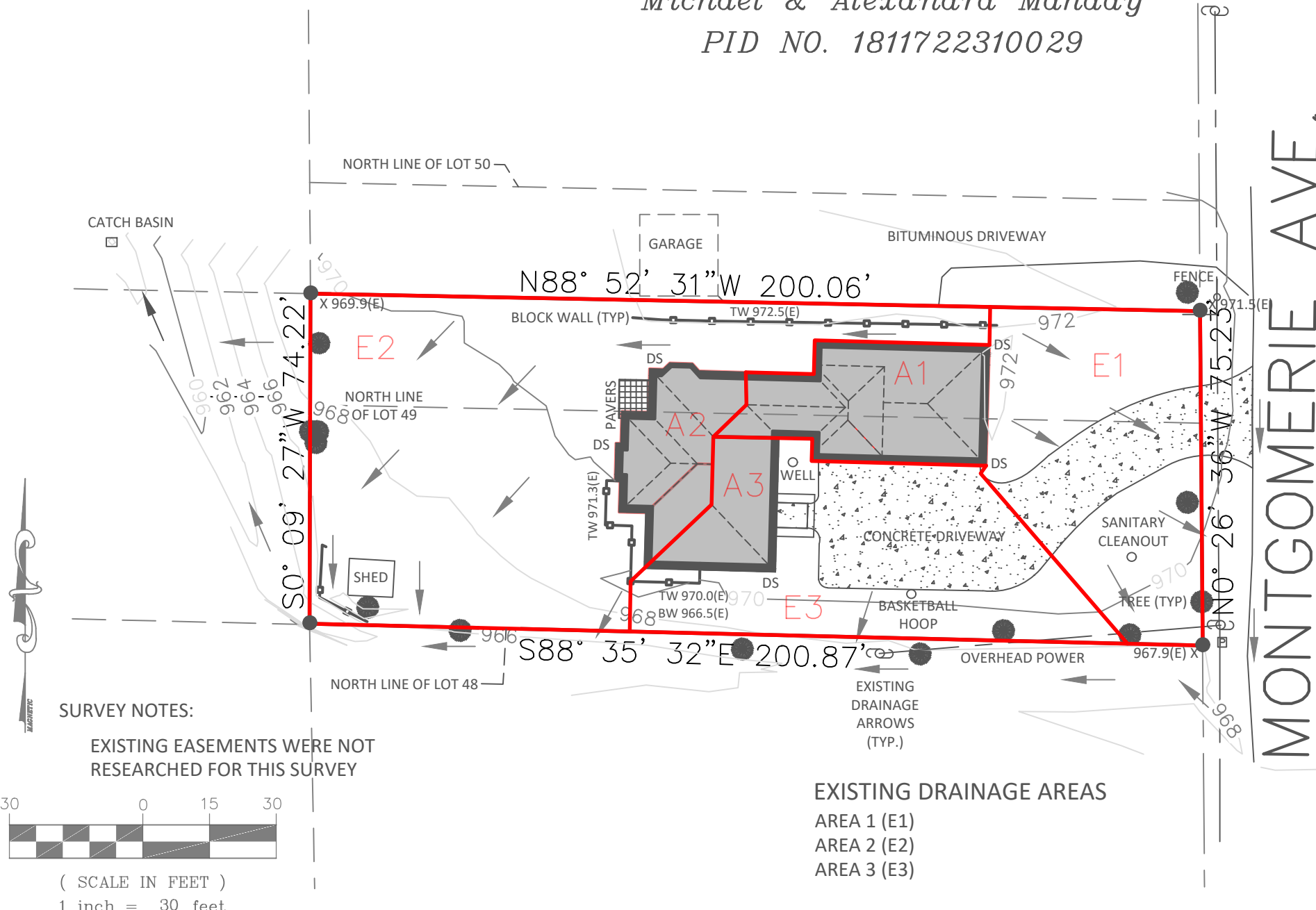
AREA 1 (A1)	1,312 SF
AREA 2 (A2)	607 SF
AREA 3 (A3)	713SF

3 WATERSHEDS E1,E2,E3

DRAINS INTO E1
DRAINS INTO E2
DRAINS INTO E3

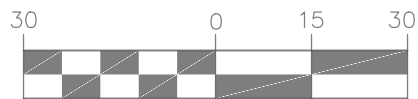
LEGEND

- DENOTES A FOUND 1/2 IRON PIPE MONUMENT
- DS DOWN SPOUT
- (E) EXISTING
- ⊕ POWER POLE



SURVEY NOTES:

EXISTING EASEMENTS WERE NOT RESEARCHED FOR THIS SURVEY



(SCALE IN FEET)
1 inch = 30 feet

EXISTING DRAINAGE AREAS

- AREA 1 (E1)
- AREA 2 (E2)
- AREA 3 (E3)

UPDATE:

5/30/25 ADD EXISTING DRAINAGE AREAS
6/1/25 WATERSHED & CITY COMMENTS

Bro Land surveying LLC
Linwood, Mn 651-233-3168

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Survey under the laws of the state of Minnesota.

Signature Christopher S Osterhus Date: 6/1/2025

Name, Christopher S. Osterhus , LICENSE NUMBER 57071

LEGAL DESCRIPTION:

LOT 49, AND SOUTH 1/2 FRONT AND REAR OF LOT 50,
"DEEPHAVEN PARK" HENNEPIN COUNTY, MINNESOTA

PHYSICAL ADDRESS:

3500 Montgomerie Ave., Deephaven Mn 55391

**PROPOSED CONDITIONS
FOR**

*Michael & Alexandra Mahady
PID NO. 1811722310029*

CITY OF DEEPHAVEN
HENNEPIN COUNTY
SEC. 18, TWP 117,
RNG. 22

LOT INFORMATION

Lot size:	14,980 SF
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PROPOSED

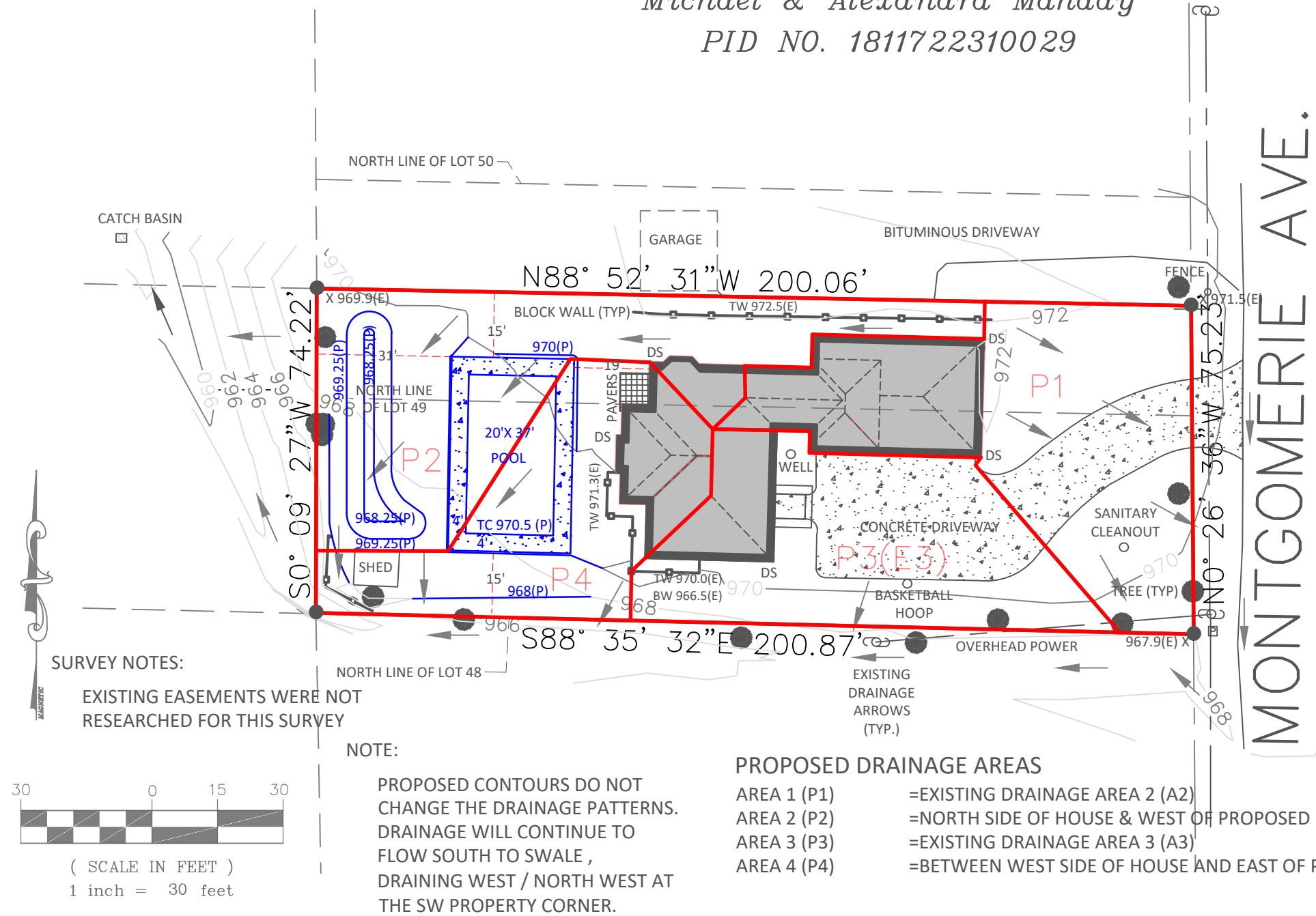
POOL 20'X37':	740 SF (4.9%)
CONCRETE: 4' (Around pool)	520 SF (3.5%)
PROPOSED IMPERVIOUS	1,260 SF (8.4%)
TOTAL PROPOSED & EXISTING IMPERVIOUS	5,810 SF (38.8%)

*TOTAL VOLUME OF THE INFILTRATION BASIN IS 349 CF (4207*0.083 (ONE INCH RAIN FALL)) TO CAPTURE ALL OF P2

PROPOSED INFILTRATION BASIN FOR:
P2=578 SF (969.25 TOP CONTOUR LINE) + 120 SF (968.25 BOTTOM CONTOUR LINE) @ 1.0 FEET =349 CF (578+120)/2*1

LEGEND

- DENOTES A FOUND 1/2 IRON PIPE MONUMENT
- DS DOWN SPOUT
- (E) EXISTING
- ☞ POWER POLE
- (P) PROPOSED



MONTGOMERIE AVE.

UPDATE

- 6/12/25 CLAIRIFY INFILTRATION VOLUMES
- 6/9/25 UPDATE INFILTRATION AREA
- 6/1/25 CLARIFICATIONS WATERSHED & CITY COMMENTS
- 5/30/25 ADD PROPOSED DRAINAGE AREAS & CHANGE INFILTRATION TRENCH TO DRY WELLS

Bro Land surveying LLC
Linwood, Mn 651-233-3168

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Survey under the laws of the state of Minnesota.

Signature Christopher S Osterhus Date: 6/12/2025

Name, Christopher S. Osterhus , LICENSE NUMBER 57071

LEGAL DESCRIPTION:
LOT 49, AND SOUTH 1/2 FRONT AND REAR OF LOT 50, "DEEPHAVEN PARK" HENNEPIN COUNTY, MINNESOTA

PHYSICAL ADDRESS:
3500 Montgomerie Ave., Deephaven Mn 55391

**Hare and Construction
& Engineering**
 507 E. River St
 Monticello, MN 55362
 763-295-3114
 763-250-4522(m)
 HCE# 2025-33
 date: 6/19/25
john.hare1and@gmail.com

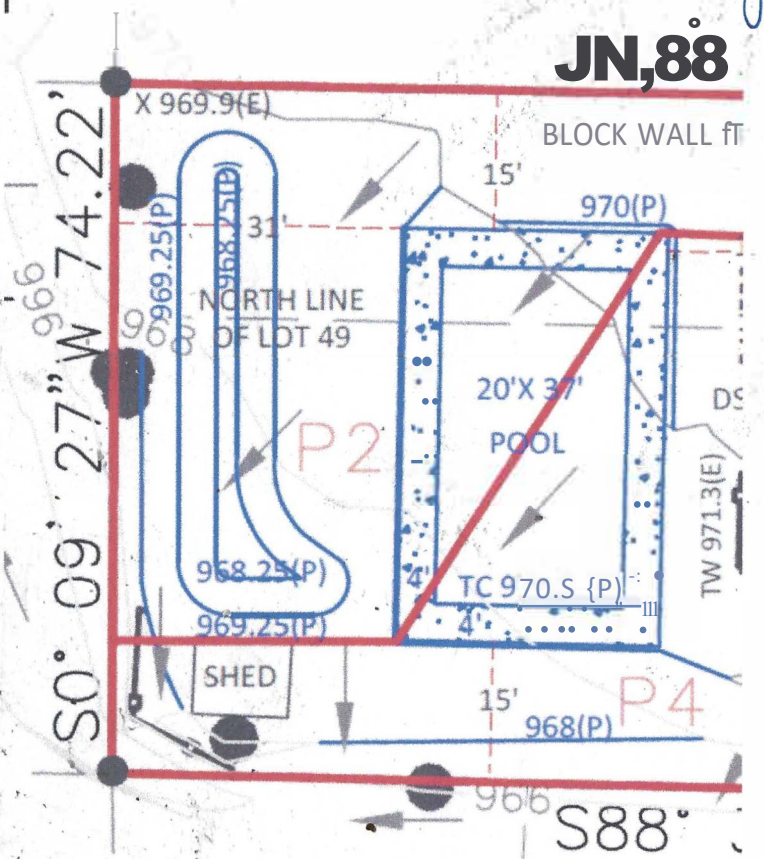
contractor to provide infiltration basin to capture runoff area for a 1" rain event {349 cf} Hydrological Soil Group A with infiltration rate of 1.63 in/hr

ref proposed conditions prepared by Chris Osterhus, dated 6/12/25 PID No.1811722310029

this report prepared by John Hareland, PE, MN reg 18250

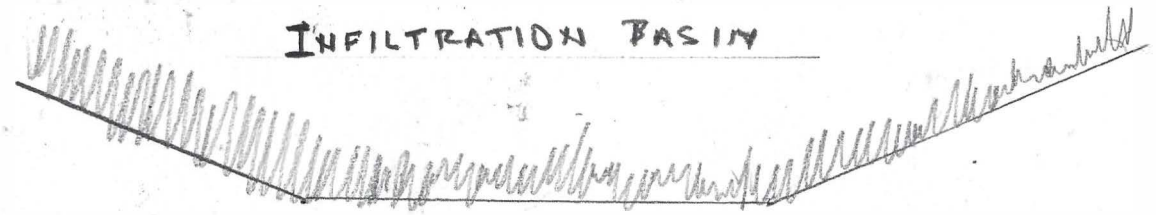
job name	Mahady residence
address	3500 'Montgomery Lane
city	Deephaven, MN
client	Tracer Companies
contact	David Ruoho
cell	612-770-1805
email	david@tracercompanies.com
supt	
cell	

John Hareland



34'1 cF e P-z

INFILTRATION BASIN



If requested by City
 scarrify 3,6" sub-grade

assumed:
 infiltration at sub-grade
rate of 1.63"/hr
 based upon Hennepin County
 GIF Nature!! Resource Website



STORMWATER MANAGEMENT SOLUTION FOR:

June 19th, 2025

**Mike and Ali Mahady
3500 Montgomerie Ln.
Deephaven, MN. 55391**

Mike and Ali Mahady, homeowners at 3500 Montgomerie Ln., wish to add a swimming pool to their property to increase the family use of their home.

The Property survey of existing conditions lists a property area of 14,980SF, with a total existing hardcover of 4,550SF, or 30.4% . The proposed pool and apron of 1,260SF would increase the total hardcover to 5,810SF or 38.78% . Per the City Engineers June 5th comments—2,065SF over the 25% hardcover threshold. The proposed Dry Storage Basin will reduce the effective hardcover by 3,176SF to a total effective hardcover of 2,669SF or 17.81%

Installing a storm water facility that would capture hardcover over the 25% threshold is proposed in the form of a Dry Detention Basin. The Basin will collect all the drainage in the proposed area “P2” on the Proposed Condition” survey dated 6/12/25.

Area P2 is 4,207 SF. The proposed Dry Detention Basin will retain a 1-inch rainfall event equal to 349CF of water.

$$P2 = 578SF (969.25 \text{ contour line}) + 120SF (968.25 \text{ bottom contour line}) @ 1 \text{ feet} = 349CF$$

Or

$$(578SF + 120SF) / 2 \times 1 = 349CF$$

A Performance Credit of 75% equates the planned Dry Detention Basin to 261.75CF

$$349CF \times 75\% = 261.75CF$$

The resulting Effective Hardcover total for the Property is 17.81% per the formula on pg. 3 of the City of Deephaven Stormwater Manual.

$$\text{Effective Hardcover} = \frac{\text{Total proposed hardcover} - \text{Credited Dry Detention Basin Storage Area}}{\text{Total Property Area}}$$

$$\text{Effective Hardcover} = \frac{5,810SF - 261.75CF / (1/12)}{14,980SF} = \frac{2,669SF}{14,980SF} = 17.81\%$$

See the attached BMP Design dated 6-19-25

Pat Smith

From: Matt Tobin <tobinmatthew@gmail.com>
Sent: Thursday, June 12, 2025 9:45 AM
To: Pat Smith
Subject: Planning Commission Public Hearing - 3500 Montgomerie

Hello Patrick,

My family lives at 3485 Hamilton Avenue, which is behind and downhill from the proposed pool at 3500 Montgomerie Avenue. Please note that we have a good relationship with our neighbors that live at 3500 Montgomerie, and have enjoyed talking to them when out in the yard. This message has nothing to do with them, and their desire to add a pool.

Unfortunately, the proposed pool is in the heart of major drainage issues starting on Montgomerie Avenue and running through the yards of 3500 Montgomerie and their neighbors. This issue has been brought to the planning commission and city council numerous times in the twelve years we have owned our home, and well before we moved in. The planning commission should be aware that the Minnehaha Watershed District identified the drainage off of Montgomerie as the number one drainage issue to address in the City of Deephaven. The City has attempted to fix the issue numerous times, and we are thankful for those efforts including additional catch basins off of the Calvary Church parking lot and requiring the home developer at 3525 Montgomerie to build a holding pond on their lot. While these efforts are appreciated, they have not fixed the problem. Most recently, the city had identified a solution for which it was seeking grants and other public funding to install. To date, I do not believe the necessary funding has been raised, and I am unsure if the project will move forward. I would ask the city planners, the planning commission, and city council to please refer back to all of the historical studies and meetings in which this drainage issue was studied and discussed.

It seems counterintuitive and illogical to now bring forward a proposal to increase hardcover on a lot that is already over the maximum hardcover allowance when the lot is in the heart of a major drainage problem for the city. We understand and appreciate the pool builder's attempt to address the issue with an underground infiltration trench, but we feel this would be the equivalent to putting a band-aid on the tip of a fire hose.

In the event the larger drainage issues are appropriately addressed and the on-site drainage impact is appropriately mitigated, we have no issue with our neighbors installing and enjoying a new pool. Until the larger drainage issues are fixed, we cannot support any more proposed hardcover in this area.

Thank you for your consideration of our thoughts.

Sincerely,

Matt Tobin
612-803-0944

To: Patrick Smith, Planning Director

From: Steve Hegland, PE

Project: 3500 Montgomerie Avenue

Date: June 23 2025

Exhibits:

This Memorandum is based on a review of the following documents:

1. Stormwater Management Solution by Tracer Pool and Landscape dated June 19, 2025
2. Dry Basin Details by Hare/ and Construction & Engineering dated June 19, 2025
3. Proposed Drainage Plans by Bro Land surveying LLC dated 6/12/2025

Comments:

1. The documents were reviewed for general conformance with the City of Deephaven's engineering and stormwater management standards as it relates to the CUP application. Additional comments may be provided at the time of the building permit application.
2. The existing lot generally drains to the southern property line and then west along the property line where along the rear of the lot, it drains northwest across adjacent lots. The proposed drainage patterns for the site are the same as existing conditions.
3. The proposed development is proposing to increase the impervious surface of the lot from 4,550 sf to 5,810 sf. The proposed total impervious coverage is in excess of the 25% as allowed by section 1302.05 of the City Zoning ordinance.
4. The applicant is proposing to meet the City stormwater requirements by creating a dry infiltration basin. The basin will provide 349 cf of storage which when the 75% performance credit is applied equates to 261 cf of storage. This is in excess of the 172 cf required.
5. The applicant will be required to obtain the necessary Minnehaha Creek Watershed District (MCWD) permits for the proposed improvements. A copy of the permit approval shall be provided to the City upon final approval.
6. The proposed grading does not appear to alter the elevations of the site by more than 3 feet.
7. The stormwater management device will treat runoff from the rear of the pool as well as the northwest portion of the lot which all drains to the southwest corner of the lot where it drains onto adjacent parcels.
8. The applicant shall provide a maintenance agreement for the proposed BMP's which defines the maintenance responsibilities, maintenance activities and reporting requirements.
9. The applicant shall coordinate with the City Engineer to observe the construction of the BMP to ensure compliance with the approved plans.

End of Comments

Pat Smith

From: Dan Madsen
Sent: Tuesday, July 8, 2025 2:52 PM
To: Kunal Mehta; kcarlson@cityofdeephaven.org; Kent Carlson; Pat Smith; Steven.Hegland@stantec.com
Cc: Matt Tobin; Mike Mahady
Subject: Re: Montgomerie Avenue Water Issues

Good afternoon, Mr. Mehta, et al.

Thank you for your kind words regarding the Quasquicentennial Event in Thorpe Park. It was such a great event, and wonderful to see everyone in the community - from all across Deephaven - get together and celebrate what we are as a community.

Regarding last night's Council Meeting, our Council Agendas and Council Packets are posted in City Hall and on-line. Unfortunately, our City Clerk was out last week, so it was not done in a timely manner. Please note that we have a "Matters from the Floor" portion of our Council Meetings at the start of each meeting where people from the community are able to provide brief statements and address the City Council. The Council does not immediately take action or directly respond to these comments, but it is a good way to let the Council know what our residents are thinking. A much better approach is to contact City Staff directly with questions or comments you may have, we are in a much better position to respond and try to address those matters as they arise.

As it relates to the Montgomerie / Calvary Church Stormwater Project, I would like to reframe the topic to clear up any misunderstandings. It is also helpful to review this matter from a position of what has been done, and what we are trying to accomplish. As a preliminary matter, stormwater issues like this one have been existing conditions for many years. Property owners have bought and / or built homes subject to the stormwater conditions that were known or knowable existing conditions. Additionally, the City has not acted or undertaken any projects that have contributed or added to the stormwater that flows in this area. These are important points to note, as the City is not required or responsible to act in any way to address or otherwise mitigate the stormwater in this area.

Now, with that said, whether or not the City is "required" to act is not controlling here. The City has made clear that it is committed to trying to find whatever solution to improve stormwater in this area that is reasonable and feasible. Here is a quick summary of the process to date and where we are trying to go from here:

- The City held an Open House last year sharing a potential project for an underground stormwater system. The Church was needed as a partner on this project since the City does not own any property sufficient to provide a solution for this area. The proposed project was reviewed by engineers and was submitted for funding through a couple of different County and State Agencies. While the project did receive two separate grants totaling approximately

\$350,000 in awards, the cost of the project is anticipated to exceed \$750,000. This presented the City with three options to move forward:

- The City could move forward with the project as planned, contribute the City's budgeted amount of approximately \$150,000 and assess the remaining \$250,000 to the property taxes of the handful of properties benefitted by the project and reduction in stormwater impact.
 - The assessments would be paid annually, assessed at a term of either 5, 7 or 10 years at a current market rate of interest.
 - We can still move forward with this plan, assuming the impacted property owners will not object to an assessment of approximately \$50,000 against their property taxes.
- The City could dedicate a portion of our budget annually to fund the remaining \$250,000 gap and move forward with the project once the City has accrued enough funding to cover the cost of the project and any increases in project costs that may occur over time. It is anticipated that the City could contribute approximately \$30,000 annually to this project, which would provide project funding sufficient to move forward in about 9 or 10 years. The City would, of course, continue to submit grant request, but the grants received would expire if not used prior to this project on this timeline. As such, the project cost and timing may continue to fluctuate as we save and attempt to retain and secure project funding.
- The other option, which is the option the City has been focusing our time and effort on pursuing, was to re-evaluate the project and plan and find a solution that would support a more timely benefit to this area. The project our new City Engineer, Steve Hegland, identified is an open stormwater basin.
 - The basin would be, at it's deepest, around 4 feet and would be dry nearly at all times. It would be designed to hold the same amount of water as the underground system, but would be far cheaper and easier to both construct and maintain. By holding and infiltrating the stormwater, it would help hold and reduce the amount of water going downstream of the project. The Church is supportive of this project, making it a viable option moving forward. The cost of this new potential project would be far less than the underground system, it is anticipated that the project would be able to be constructed with the grant funding and the City's currently budgeted amounts and would require no contribution from assessments or other means from any property owners in the area. Additionally, the project could be positioned to be constructed yet this Fall - in 2025.

So, that is a general update on what we have been working on related to this project. As Staff, we have spent an ongoing and significant amount of time on this matter and are committed to working on this through the process. With that said, here is where we are today and what we are trying to resolve:

- BWSR and the Watershed need to review the proposed changes to our stormwater plan. We need to receive approval for the redesigned project in order

to retain our grant funding. We are hopeful we will have this change approved, but it is not a guarantee. If we do not receive approval for the change in plans, we will need to consider defaulting to the underground system and either explore assessments for the project, delay the project until we have funding, or reconsider the viability of the project as a whole.

- If / when we receive approval to retain the grant funds, Staff would meet with property owners in the area to review the opportunity for the actionable stormwater project and plan.
 - Residents in the area can discuss and review the proposed project and Staff can answer any questions people may have.
 - Based upon those conversations, if the project is not in the best interests of the area or community, the City can review those comments and feedback and re-evaluate the project and what options, if any, there may be to move forward.

As a final note, as Staff, we want to make clear that either the underground containment unit project or this stormwater retention pond project will maintain the stormwater drainage along its current path and destination. These projects are designed to reduce the amount of water that impacts properties in the area, and the frequency of water impacts to properties in the area. When we have rainfalls like the most recent one that far exceed the "typical" rainstorm, any water containment or filtration project will reach its maximum holding capacity. When that happens, stormwater will flow in the same way it currently does. We want to make this clear, as any system or project that is constructed will not eliminate stormwater from your property.

I hope this e-mail is helpful in your understanding of the City's responsibility is for stormwater in this area, our continued work on this project, what we hope to accomplish. We would be happy to meet in the next couple of weeks to discuss this matter in more detail if that would be helpful to you. Finally, if you have questions about the status of a project, we encourage you to reach out to us as Staff so we can provide those updates.

Sincerely,



Dan Madsen
City Administrator / Special Counsel
20225 Cottagewood Road
Deephaven, MN 55331
danm@cityofdeephaven.org
<https://www.cityofdeephaven.org>

From: Kunal Mehta <kunal.j.mehta1@gmail.com>

Sent: Monday, July 7, 2025 9:23 PM

To: kcarlson@cityofdeephaven.org <kcarlson@cityofdeephaven.org>; Kent Carlson <kcarlson@inlanddp.com>; Dan Madsen <danm@cityofdeephaven.org>; Pat Smith <pats@cityofdeephaven.org>; Steven.Hegland@stantec.com <Steven.Hegland@stantec.com>

Cc: Matt Tobin <tobinmatthew@gmail.com>; Mike Mahady <mbmahady@yahoo.com>

Subject: Montgomerie Avenue Water Issues

Kent, Dan, Pat, and Steven -

Firstly, I want to echo the message at today's council meeting of the great job by the council and members of the community for the 125 anniversary event at Thorpe Park; both on engagement and execution as well as staying within budget. As you saw in person today, my son, Remi, had a blast of a time alongside several other kids in our neighborhood.

As a follow up to my last 8 years, as well as likely 13+ years for Matt Tobin (cc'ed) and of course the prior owner of my property (3520 Montgomerie) pleas, we are circling back to the Montgomerie avenue water issues. Unfortunately, today's agenda was not posted prior to today's council meeting, so when asked if we would like to discuss something not on the agenda, we had no clue to raise our voice. We waited patiently for 70 minutes, only to then be exited due to the closed door union discussion. First comment - please post the agenda so your constituents know if they need to speak up.

Fortunately, Steven was free after to chat. While he was very polite and explained the latest solution, we did not leave encouraged that the right solution is being pursued. It would appear we have another engineer (4 in the 8 years), with a new plan; particularly a plan being driven by limited funding. It appears to be the same story, regardless of the promises made by those in the council. That said, it is encouraging to hear continued progress, albeit extremely slow given administration changes, engineering changes and funding hurdles.

Our ask is that the city takes the time to discuss the solutions with the residents impacted by this issue; no different than engaging the church to get their perspective. It is hard to understand why the city is not circling back to those that have reached out to them numerous times. What is the forum to do so? Is this a planning session, the next council meeting or a one off discussion? When can we meet to discuss?

Topics to discuss:

1. Proposed solution - why does the city believe this is the appropriate solution? Why the pivot from the holding tank other than funding issues? An over ground pond only adds a safety issue for the many children in the neighborhood and increases the risk of mosquitos and insects in our neighborhood.
2. If this is the right solution, what is being done to re-grade the Calvary church parking lot. One of the biggest mistakes the city allowed was the grading of the church parking lot towards Montgomerie vs. the hill towards the secondary parking lot. How will this be fixed? Who will pay for this?
3. What happens to the culverts that were installed by the City 3 years ago? These capture minimal water; for the water that is captured it immediately ends back up on Montgomerie due to poor engineering. This was not a solution that the residents agreed to; it was a poorly engineering solution by a resident and the city.
4. The solution presented continues to use personal property - what is the solution for the respective properties? The water over my property has caused damage to my 3rd garage. It has sunk 1.5in since purchase and this is due to the water drainage. Further, the rock garden to capture water has so much silt/soil captured due to the drainage on Montgomerie, that it is now a weed infested area. This year, the end of my drive continues to break apart and sand continues to collect. Even further, the waterflow through Matt's property has a serious safety issue. Any solution presented by the city should include appropriate drainage through 3520 Montgomerie and Hamilton.
5. What happens to the water capture pond at 3525 Montgomerie?
6. What solution exists to accelerate the complete overhaul of Montgomerie Avenue (originally planned for 2029) and put in appropriate drainage through the road?

I have included Matt Tobin and Mike Mahady on this note as they attended today's council meeting on behalf of this topic. There are at least 5 other neighbors on Montgomerie and Hamilton that would like to meet to discuss the solution.

Please propose an appropriate option and I will coordinate with the respective neighbors.

RESOLUTION NO. XX-25

Motion by Member: _____

Seconded by Member: _____

A Resolution Approving a Conditional Use Permit to Exceed the Hardcover Limit at 3500
Montgomerie Avenue

WHEREAS, David Ruoho of Tracer Pool & Landscape (“Applicant”), representing property owners Mike and Ali Mahady, is seeking a conditional use permit to exceed the hardcover limit at 3500 Montgomerie Avenue, Deephaven, Minnesota, PID 18-117-22-31-0029; and

WHEREAS, the Applicant submitted an application on May 20, 2025; and

WHEREAS, the Planning Commission held a Public Hearing on the conditional use permit request on July 15, 2025 and voted to accept the recommendation and findings of staff and recommended the City Council approve the conditional use permit to exceed the hardcover limit by 13.8%; and

WHEREAS, the City Council has received the staff report at its meeting on August 4, 2025 and considered testimony and other evidence submitted by the public, the Applicant, and the recommendations of staff and the Planning Commission.

NOW, THEREFORE, IT IS RESOLVED, the City Council of the City of Deephaven, Minnesota does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 3500 Montgomerie Avenue, Deephaven, Minnesota, is a single lot of record located within the R-3 District. This property is used for single family residential purposes.
2. The Applicant has made application for a Conditional Use Permit to exceed the hardcover limit by 13.8%.
3. The City has found that it has been determined that the stormwater from the proposal will not negatively impact neighbors.
4. The proposed infiltration basin will reduce the effective hardcover to 17.81%.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Deephaven, Minnesota, hereby approves the conditional use permit to exceed the hardcover limit by 13.8% at 3500 Montgomerie Avenue, subject to the following condition:

1. The proposed swimming pool shall be developed in substantial conformance with the plans as approved and as conditionally revised by the City Council.
2. Prior to issuance of a building permit, the property owner enters into a stormwater maintenance agreement with the City and deposit a \$5,000 escrow until the infiltration basin is constructed and approved by the City Engineer.
3. The applicant shall comply with all requirements of City Engineer letter dated June 23, 2025.
4. All applicable permits are applied for by the applicants with all supporting documentation and issued prior to the start of construction.

ADOPTED THIS 4th DAY OF AUGUST, 2025 BY THE CITY COUNCIL OF DEEPHAVEN, MINNESOTA.

Councilmember	Aye	Nay	Abstain	Absent
Kent Carlson				
Tony Jewett				
John Studer				
Emily Scherschligt				
Tom Erdmann				

CITY OF DEEPHAVEN

Kent M. Carlson, Mayor

ATTEST:

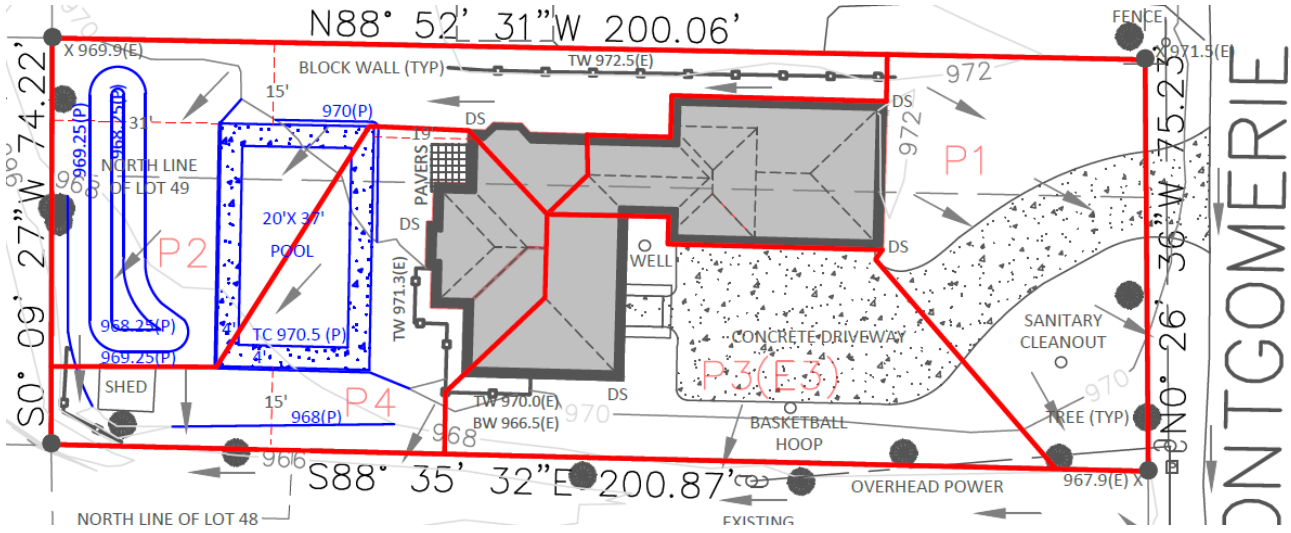
Dan Madsen, City Administrator

EXHIBIT A

Legal Description

Lot 49, and South ½ Front and Rear of Lot 50, “Deephaven Park”, Hennepin County, Minnesota

**EXHIBIT B
STORMWATER MANAGEMENT**



STAFF REPORT
Pat Smith, Planning Director
Deephaven City Council
August 4, 2025



BACKGROUND

During Staff review of Planning & Zoning Permit Fees, it was noted that the current fees for Rezoning requests, Conditional Use Permit Fees, Subdivisions, Variances and Showcase Event Permit Fees were too low in comparison to the work involved in processing these requests. The planning fees were last updated in 2021. In addition, City Engineer, Steve Hegland estimated the cost of reviewing stormwater mitigation plans for Conditional Use Permit to exceed the hardcover limit is much higher than what we have been charging. Staff is recommending increasing the engineering fee for CUPs accordingly.

The table below compares the planning fees for Deephaven and surrounding communities.

	Variance	CUP	Rezoning	Subdivision
Deephaven	\$450	\$450	\$450	PP - \$400 FP - \$400
Excelsior	\$600	\$600	\$700	PP - \$750 FP - \$750
Wayzata	\$856	\$856	\$2,420	PP - \$2,420 FP - \$856
Shorewood	\$500	\$500	\$600	PP - \$600 FP - \$500

The adoption of Ordinance No. 04-93 would propose the following fee increases:

Fee No.	Section No.	Purpose of Fee	Existing Rate	New Rate
28	1200.05	Subdivision: Preliminary Plat	\$400	\$750
29	1200.06	Subdivision: Final Plat	\$400	\$650
31	1200.11	Lot Split/Consolidation	\$300	\$450
32	1315.07	Variance	\$450	\$650
34	405.02	Rezoning	\$450	\$650
36	1320.04	Conditional Use Permit	\$450	\$650
	1353.06	Stormwater Mitigation Review and Inspection with CUP	\$150	\$500
	1302.03 1302.04 1302.05	Five-Year Stormwater Mitigation Inspection	N/A	\$150
39	1355.03	Showcase Event	\$350	\$450

CITY COUNCIL ACTION REQUESTED

Adopt Ordinance No. 04-93, Amending the Planning Fees.

Attachments:

- 1) Email from City Engineer
- 2) Draft Ordinance

City of Deephaven
Hennepin County, Minnesota

ORDINANCE NO. 04-93

**AMENDING SECTION 405.05 PERTAINING TO THE ESTABLISHMENT OF
PLANNING FEE AMOUNTS**

THE CITY COUNCIL OF THE CITY OF DEEPAVEN HEREBY ORDAINS:

SECTION ONE: Rate Adjustments. The rates for Planning and Zoning Permit Fees are amended as follows:

Fee No.	Section No.	Purpose of Fee	Existing Rate	New Rate
28	1200.05	Subdivision: Preliminary Plat	\$400	\$750
29	1200.06	Subdivision: Final Plat	\$400	\$650
31	1200.11	Lot Split/Consolidation	\$300	\$450
32	1315.07	Variance	\$450	\$650
34	405.02	Rezoning	\$450	\$650
36	1320.04	Conditional Use Permit	\$450	\$650
	1353.06	Stormwater Mitigation Inspection	\$150	\$500
	1302.03 1302.04 1302.05	Five-Year Stormwater Mitigation Inspection	N/A	\$150
39	1355.03	Showcase Event	\$350	\$450

SECTION TWO: The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Deephaven City Code and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

SECTION THREE: Effective Date. This Ordinance shall be effective as of its date of publication.

Adopted by the Deephaven City Council on August 4, 2025, and published in the paper of Sun Sailor on August 14, 2025.

Kent M. Carlson, Mayor

ATTEST:

Dan Madsen, City Administrator

Pat Smith

From: Hegland, Steven <steven.hegland@stantec.com>
Sent: Tuesday, June 10, 2025 5:24 PM
To: Pat Smith
Subject: RE: 3500 Montgomerie drainage patterns

[See below.](#)

From: Pat Smith <pats@cityofdeephaven.org>
Sent: Tuesday, June 10, 2025 4:54 PM
To: Hegland, Steven <steven.hegland@stantec.com>
Subject: RE: 3500 Montgomerie drainage patterns

Hey when you get time, could you let me know what we should be charging CUP applicants for your time (right now it's \$150) and that would include your time for going out and inspecting the installation of the stormwater facility.

- [Review of the CUP site plan and stormwater management Plan. I would estimate 1 hr per permit on average. Simple ones ½ hour some with multiple iterations more. Steve 1 hr @ \\$192 so call it \\$200 approximately](#)
- [Site visit to review BMP. I would assume 1 hour on average to go visit the site, witness work product, document activities. Brad 1 hr @ 189 = \\$189](#)
- [Review Grading as built. I would assume ½ hour to review. Steve 1/2 hr @ 192 = \\$96](#)

Total \$500

Also for a new house, what should the survey review be, which would include reviewing the as-built survey when the house is finished right now the fee is \$250.

- [Review of the building permit plans. I would assume .75 hours on average. Simple ones 15 minutes, some with multiple iterations. Steve .75 hr @ 192 = \\$144](#)
- [Review Grading as built. I would assume ½ hour to review. Steve 1/2 hr @ 192 = \\$96](#)

Your \$250 seems reasonable.

For an addition, the survey review is \$100. There is no as-built survey review. Is \$100 enough? [This seems reasonable](#)

Thanks,
Pat

Patrick Smith, AICP

Planning Director
Deephaven • Woodland

20225 Cottagewood Road
Deephaven, MN 55331
Direct: (952) 358-9938
pat@cityofdeephaven.org

From: Hegland, Steven <steven.hegland@stantec.com>
Sent: Tuesday, June 10, 2025 4:41 PM
To: Pat Smith <pats@cityofdeephaven.org>
Subject: RE: 3500 Montgomerie drainage patterns



Deephaven Police Department

CORY JOHNSON
CHIEF OF POLICE

20225 Cottagewood Road
Deephaven, MN 55331

Email – coryj@deephavenpolice.com

August 4, 2025

To: Honorable Mayor Kent Carlson
Deephaven City Council

Cc: Dan Madsen, City Administrator / Special Counsel

From: Cory Johnson, Chief of Police

Re: Monthly Police Activity Report for July 2025

July 2025:

229 Traffic Stops
96 Radio Calls
75 Speeding
1 Driving after Suspension
4 Driving after Revocation
122 Citations
198 Verbal Warnings
3 Written Warnings
0 DWI's
17 Medical Calls
22 Assists to other Agencies
 (11 SLMPD)
 (6 MTKA)
 (3 WAYZATA)
 (2 HCSO)

0 Assists to Deephaven

2 Accidents

2 Permits to acquire handgun

June 2025:

105 Traffic Stops
140 Radio Calls
35 Speeding
0 Driving after Suspension
1 Driving after Revocation
76 Citations
95 Verbal Warnings
2 Written Warnings
0 DWI's
18 Medical Calls
14 Assists to other Agencies
 (2 SLMPD)
 (8 MTKA)
 (1 WAYZATA)
 (3 WATER PATROL)

6 Assists to Deephaven
 (2 SLMPD)
 (1 MTKA)
 (3 WAYZATA)

0 Accidents

0 Permits to acquire handgun

The following statistics are Part 1 and Part 2 crimes reported for the month of July 2025:

INCIDENT	DATE REPORTED	INCIDENT DETAILS:
Theft - License Plate	2025-07-01	Officer received a phone call, in regards to a stolen license plate. Officer entered the license plate as stolen.
Theft	2025-07-11	Officer took a report about an inflatable paddle board that was stolen from the parking area next to Deephaven Beach. The RP said the board was not inflated and was still in the bag. It was left unattended for approximately 15 min.
Traffic Stop - Citation - Underage Drink and Drive	2025-07-12	While parked on Minnetonka Blvd at Carson bay, I saw an Eastbound vehicle exceeding the posted speed limit. I verified the vehicles speed with my rear radar antenna in stationary closing mode and saw a speed of 46 MPH. I stopped the driver and approached the open driver's side window. While talking to the male driver I smelled the odor of a consumed alcoholic beverage. The driver denied consuming any alcohol and I had him exit the vehicle for SFSTs. I obtained a PBT with a result of 0.007 BAC. I issued the driver a citation for under 21 not a drop and contacted his parents to pick him and the vehicle up. While conducting SFSTs the driver admitted both he and the male passenger had been drinking. I spoke with the male passenger who admitted to drinking. I obtained a PBT and found him to be a 0.089 BAC and 17 years old. I issued the male a citation for under age consumption. I had the male contact his mother who came to the scene and took custody of him. An open container of alcohol was located in the vehicle behind the driver's seat.
Suspicious Activity- Underage Consumption- Impound	2025-07-12	I located several juveniles in Thorpe park after hours. Several of them ran once they saw my patrol car. One male stayed next to three Ebikes laying on the ground. The male admitted to drinking alcohol and not being 21 years old. The male provided a PBT with a result of 0.016 BAC. I issued the male a minor consumption citation. The males mother requested he be released so he could go back to his friend's house.
Traffic Stop - Citation	2025-07-13	Traffic stop - citation for open container and possession of marijuana under 21.

Traffic Stop - DAC-IPS - Arrest	2025-07-17	An officer stopped a vehicle after it was observed displaying registration that was expired in April of 2024, a computer check showed the vehicle registration expired in April 2025. The driver who is a resident of St Louis Park was arrested for driving after cancelation, inimical to public safety and an ignition interlock violation. The driver was booked at the Deephaven Police Department and released, an employee of his window washing company drove the vehicle from the stop location.
Theft	2025-07-29	An officer was dispatched to a report of a Jaguar emblem on a vehicle that had been stolen 2 days prior. The caller stated the replacement would be \$250. No suspects at this time.

ACCIDENTS JULY 2025

	Title	Reported Date	Summary Contains
	PD Accident	2025-07-09	An officer was dispatched to the Cottagewood Store for an after the fact property damage accident report, an employee of the Cottagewood Store had their vehicle struck by a water delivery company while parked on Northern Road. The officer collected information from the driver of the vehicle who called, the truck and driver who hit the vehicle had left their information and left prior to the officers arrival.
	PD Accident - Citation	2025-07-16	A DHL driver called after a resident of Long Lake who owns a construction company was leaving a customer's house in Woodland, while leaving Maplewood Circle he accessed a wireless device to view a voicemail, during this he struck the stone pillar gate causing extensive and disabling passenger side front end damage to his Ford F150. The driver was cited for use of a wireless device and the vehicle was privately towed by Kustom Karriers from the city lot at Chowens Corner.

DEEPHAVEN CITY COUNCIL MEETING MEMORANDUM
20225 COTTAGEWOOD ROAD, DEEPHAVEN, MN 55331

City Council Meeting
Monday, August 4, 2025

Closed Session:

Consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals

Recommended Motion: Motion to enter into Closed Session pursuant to Minn. Stat. §13D.03, Subd. 1(b) to consider strategy and review proposals submitted for labor negotiations by the Police Law Enforcement Labor Services Union and the Teamsters Local 320 Public Works Union.

Minnesota Statute §13D.03, Subd. 1(b) provides cities with the authority to enter into Closed Session to strategize and discuss proposals related to Union negotiations. The City of Deephaven has two unions: the Police Law Enforcement Labor Services Union; and the Teamsters Local 320 Public Works Union. Both Unions have provided the city with their requests for contract extensions, the current contracts expire January 1, 2026.

Members of the Staff and Council can enter Closed Session upon majority vote of the Council to review the Union Proposals and discuss the city's position on compensation and benefit ranges for new Union Contracts. The Closed Session portion of the meeting will need to be recorded and preserved for two years. This recording will be made public and is accessible to the Unions after all Union Contracts are executed.

Sincerely,

Dan Madsen
City Administrator / Special Counsel
Deephaven, Minnesota