

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
MARCH 14, 2017**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on March 14, 2017.

PRESENT: Mayor Nuffort, Councilpersons - James Cuff, Frank Pazlar and Edwin McCarthy and Scott St. Martin; also present were City Clerk Joanne Frane, City Attorney Richard Copeland, Treasurer Mike McGill and City Planner Nate Sparks.

ALSO PRESENT: Please see attached Sign in Sheet.

Mayor Nuffort called the meeting to order at 5:30 p.m.

Mayor Nuffort asked for public comment. There were no persons present for public comment.

A Deputy Sheriff commented on activity in Dellwood. She noted incidents involving theft from mail boxes. She also demonstrated the new body camera which is in use now by the Sheriff's Department.

Mayor Nuffort asked for approval of the Agenda. Upon Motion by St. Martin, second by Cuff, the Agenda for the meeting was unanimously approved.

MINUTES: The Minutes of the February 14, 2017 Council meeting were reviewed. Mr. McCarthy noted that he did not abstain from voting but that he had recused himself because of his personal interest in the matter involving the Variance request of 98 Dellwood Avenue. Upon Motion by Pazlar, second by McCarthy, the Minutes of the February 14, 2017 Council meeting were approved unanimously, with the change noted by Mr. McCarthy.

VARIANCE REQUEST – 3 SPYGLASS ROAD: Nate Sparks discussed the nature of the request and his memorandum is attached to these Minutes. The Lot was platted in 1970 as a part of Dellwood Hills Plat II, intended to be a single family residential lot. At the time of platting, the Lot met all requirements as to lot size. Due to wetlands and soil conditions it is not possible to install a conforming septic system. A proposed alternate septic system has been designed and located which has been reviewed and approved by the City Sewer Inspector Brian Humpal, with conditions which include Variances from the wetland areas, soil correction work, and an on-going Operating Agreement. A copy of Mr. Humpal's report is attached to these Minutes.

The Planning Commission held a public hearing on March 7, 2017, and recommended approval of the Variance request.

Copeland stated that the Applicant appears to have met the practical difficulties test required by the Courts to sustain a granting of a Variance. A copy of his report is attached to these Minutes. The Applicant stated that he agreed to perform the soil compaction work and to have in effect at all times an Operating Agreement with the installer to monitor and maintain the system as needed or required by the City. Copeland stated that he would see that terms are incorporated into the Agreement whereby the City would be notified 30-days in advance in the event the Operating Agreement is to be cancelled or discontinued for any reason.

St. Martin moved that the Council approve the Variances noted in Mr. Sparks Memorandum, based upon findings as noted in Copeland's report and the report of Mr. Humpal, and with the conditions that soil corrections work be completed and approved by Mr. Humpal, and that an Operating Agreement be filed with the City which has been approved by Mr. Humpal and Mr. Copeland.

Said Motion was duly seconded, and was unanimously approved. A certified copy of the Resolution will be prepared by Mr. Copeland and be provided to the Applicant for recording in the Washington County Recorder's Office.

SEVEN VINES WINERY: This is a request by Seven Vines Winery for an Amendment and Extension to the existing Interim Use Permit which was issued in 2015.

Mr. Sparks described the nature of the request. A copy of his report is attached to these Minutes. The property is zoned Farm Estate/Winery District; and is deemed to be an agricultural use. The original Interim Use Permit allowed the Winery to host events at which food could be catered in, in addition to the On/Off Sale of wine, cheese, crackers, honey and appetizers. The Winery is seeking to amend its Interim Use Permit to allow for the on-site preparation and service of food to the public and/or invited guests. Food may be prepared, cooked and served on-site or catered in by a third-party licensed provider of such services.

The Planning Commission held a public hearing on March 7, 2017, and recommended approval of an Amended Interim Use Permit with conditions attached which are shown in the Planning Commission Minutes of 03/07/2017 and resolution.

The Winery intends to accommodate customers in connection with "special events". It also will have a commercial kitchen which it states is required by State regulations if food is to be prepared and served on-site. St. Martin asked for the specific regulations which states that a commercial kitchen is required to be allowed to serve wine, cheese, crackers, honey and appetizers, either prepared on-site or catered in.

Council members raised questions about the extent of the food services to be offered and whether the Winery intends to remain a Farm Winery or to become a "restaurant". Questions were raised about parking facilities, the duration of time in which tents would remain, the anticipated number of special events to be conducted per year, what sort of event would trigger advanced notice to the City, how wine and food service would be described and promoted on the Winery's website and other advertising media, including the hours of operation, menu, etc. Council members expressed concern that this may become an event center hosting events at any time and in effect become a restaurant in fact. McCarthy stated that he looked at the property and was shocked at the size of the ventilating hood in the kitchen. He feels there are too many unanswered questions at this time regarding the nature and size of events which could be held at any time. Other Council members also expressed the same feeling that they are in need of further information.

Cashman stated that the primary business would be that of a Farm Winery and that service of food on a limited basis would be an amenity to "bring people in the door".

The Council members and Mr. Cashman agreed that the City and the Winery want this business to be a success. There needs to be reasonable controls for the safety of the public and the concerns of the neighbors about lighting, parking, traffic control, noise and such. There will be additional requirements regarding septic system design and location which must be reviewed and approved by the City Sewer Inspector, as well as Building Codes, Fire Codes, etc.

Roger Appeldorn, an immediate neighbor, stated his concerns about glare and noise. He also questioned the location of the septic system with regard to the wetland area on the property close to his house. He presented a letter from Catherine Nester, District Technician/Inspector with Rice Creek Watershed District, a copy of which is attached to these Minutes, regarding the drainage area and pond

on the West side of the property. Mr. Appeldorn stated that he has not been kept informed of developments on the property although he has written letters to the Winery people and has not had responses.

Pazlar stated that the City has a strong obligation to do its due diligence in order to make a decision which is reasonable to the Winery as well as the citizens of Dellwood and the adjoining neighbors in the City of Grant. When a decision is made, he wants there to be no opportunity for misunderstanding of its terms. He believes that Mr. Cashman, Mr. Copeland and Mr. Sparks can get together and craft a type of proposed motion which the Council needs to have. He believes there should be no extension of the original Interim Use Permit. The proposal should address all documents all relating to the requirements for a commercial kitchen, if any.

Cashman, Copeland and Sparks agreed that they would cooperate in this project and that Mr. Sparks would shepherd it along. Cashman stated that the 18 items listed in the Planning Commission's recommendation should not present a major problem for the Winery. He will provide any and all documentation which is available.

The Council deemed the Application to be incomplete at this time pending receipt of the collaborative proposal from Cashman, Copeland and Sparks, and that the 60-day time period under M.S. 15.99 will not begin to run until that time.

CLAIMS AND RECEIPTS LIST FOR FEBRUARY 2017: The Claims and Receipts List for the month of February 2017 was reviewed and discussed. Upon Motion by Cuff, second by St. Martin, the Claims and Receipts List for February 2017 was unanimously approved as submitted.

REPORTS OF COMMISSIONERS:

St. Martin reported that he had met with Washington County Deputy Sheriff regarding thefts from mail boxes and recommended locked boxes.

Cuff reported on 2 distressed properties – 11 LaCosta; and 10 Tamarisk which was sold at auction. The Buckthorn project will continue in spring; there are very few Ash trees remaining in the City. Repair work is scheduled for Meadow Ridge roads in 2018 and Bayhill Road will require patching.

Cuff also reported that there was going to be a trail around the lake regardless of Dellwoods position. Our concern is the portion of the trail between Meadow Lane and Ordway. This section has been deemed "highly dangerous" by MnDot and Steve Wolgamot. He feels the Council needs to be involved in the engineering of this section to assure the safety of the trail users. The Council is not against the trail itself only the safety as it goes through Dellwood.

Mike McGill reported a balance of \$415,275 in the bank after payment of February bills.

There being no further business, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk / Administrator