

**MINUTES OF MEETING  
DELLWOOD CITY COUNCIL  
APRIL 14, 2015**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on April 14, 2015.

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

**Present:** Mayor Nuffort, Councilpersons McCarthy, Pazlar, Cuff and St. Martin, City Clerk Joanne Frane, Treasurer Mike McGill, City Engineer Cara Geheren, and City Attorney Richard Copeland.

**Also Present:** Ken Kohler – 144 Dellwood Avenue

There were no persons present for public comment.

Mayor Nuffort asked that the minutes of the Board of Review Hearing be added to the Agenda as item No. 7. With that addition, upon Motion by McCarthy, second by St. Martin, the Agenda for this meeting was unanimously approved.

The Minutes of the March 10, 2015 Council meeting were reviewed and discussed. Upon Motion by Pazlar, second by Cuff, the March 10, 2015 Council Meeting Minutes were unanimously approved.

**MS4 Permit – Public Hearing – City Engineer Update:**

The City is required to update its Stormwater Drainage System Map, including the location of all pipes having a diameter of 12 inches or more. Cara Geheren proposed hiring the firm of Hydromethods Water Resources Engineering to do the necessary work. She presented a proposal submitted by Hydromethods in the amount of \$3,696. A copy of the proposal is attached to these Minutes. MPCA is looking for progress and this is something which must be done eventually.

Residential Driveway Culverts do not have to be located or mapped. Ms. Geheren also recommended that the City adopt by reference the State Rules and Rice Creek Watershed District Rules pertaining to stormwater drainage. Ms. Geheren will send proposed language to Mr. Copeland for review prior to adoption by the Council.

Upon Motion by St. Martin, second by Cuff, the Council resolved unanimously to hire Hydromethods to do the work as outlined in its proposal dated April 2, 2015, and also resolved to send a letter to residents on Bayhill Road advising of the recommendations by the City Engineer to alleviate flooding in the ditches alongside Bayhill Road. Cara Geheren will compose a letter to be placed on City letterhead and mail to residents.

Mayor Nuffort noted several roads which are to be seal coated this year. Cara has looked at the Spyglass Road situation and is trying to come up with a recommendation.

She feels that the cost of reconstruction is not justified for a roadway which serves only a few homes. Council member Pazlar observed the roadway also serves the Dellwood Country Club Maintenance operation and buildings, which generates substantial vehicle traffic.

**146 Dellwood Avenue:**

Ken Kohler explained the proposed lot split whereby the existing lot now owned by Weigel/Walburg will be acquired by the Kohlers and the Cardozos pursuant to the Settlement Agreement reached in the pending litigation. Copeland showed the preliminary property sketch submitted by Cardozos to illustrate the way in which the lot is to be divided between Kohlers and Cardozos. He stated that the proposed lot split appears to comply with the Dellwood Minor Subdivision Ordinance. Several things need to be concluded before the City can give final approval:

- a) A Settlement Agreement must be signed by all parties and the proposed Purchase Agreement must be signed by Kohlers, Cardozos and Weigel/Walburg.
- b) The Settlement Agreement must be filed in Washington County District Court and the pending lawsuit dismissed.
- c) Kohlers and Cardozos must obtain a deed or deeds from Weigel/Walburg showing that the Kohlers and Cardozos have title to the property now owned by Weigel/Walburg.
- d) An accurate legal description of the line which divides the property into two (2) separate parcels must be created and approved by Copeland.

After that, the Council can consider final approval of the lot split at its May 12, 2015 meeting. The Councilpersons indicated that they saw no problems with the proposal at this time, subject to the foregoing conditions.

Mr. Copeland will arrange a Substitution of Attorneys to allow LMCIT Attorney Paul Merwin to withdraw from further representation of the City in the lawsuit, and to allow Mr. Copeland to sign the Settlement Agreement as Attorney for the City of Dellwood.

Mr. Copeland also stated that he would encourage the Kohlers and Cardozos to combine their respective newly acquired parcels into their existing property tax parcels.

**Issues Coordinator:**

Mayor Nuffort submitted for Council review and approval an Advisory Draft of the Volunteer position of Issues Coordinator for the City of Dellwood outlining the descriptions, responsibilities, duties, preferred qualifications and skills for the position, and preauthorized expenses. The Council reviewed the submission and made certain revisions.

Upon Motion by St. Martin, second by McCarthy, the Council resolved unanimously to approve the creation of the position of "Issues Coordinator" for the City with the advisory

specifications set forth in the draft attached to these Minutes, which will be a voluntary position subject to appointment on an annual basis.

Mayor Nuffort notified the Council that Bev Driscoll is willing to serve on the Dellwood City Planning Commission to replace Joe McCarthy. She has extensive experience in connection with her work with the County on various issues.

**American Legion Post 272 Application for Temporary Gambling Permit:**

Upon Motion by St. Martin, second by Pazlar, the Council voted unanimously to approve a Temporary Gambling Permit to American Legion Post 272 to conduct an event at Dellwood Country Club on August 3, 2015 with no waiting period required.

**Vadnais Heights Economic Development Corporation – Application for Temporary Gambling Permit:**

Upon Motion by Cuff, second by St. Martin, the Council resolved unanimously to approve a Temporary Gambling Permit to VHEDC for an event to be held at Dellwood Country Club on June 22, 2015 with no waiting period required by the City.

**Definition of “Expansion” in Connection with Reconstruction or Remodeling of Structures on Non-Conforming Lots:**

This item was tabled to the May 12, 2015 Council meeting for further review.

**2015 Local Board of Review Minutes:**

Upon Motion by Pazlar, second by McCarthy, the action taken by the Local Board of Review at the hearing held on April 13, 2015, was approved and confirmed as set forth in the Minutes of the meeting attached hereto.

**Claims and Receipts List:**

Upon Motion by Pazlar, second by St. Martin, the Council unanimously approved the Claims and Receipts List for the month of March 2015, with no changes.

**Reports of Commissioners:**

Mike McGill submitted a summation of the variations in the 2014 budget between the amounts budgeted and the actual figures. Council member Pazlar presented information, via a handout which is attached, which compared Actual results to Budgeted projections for the years 2013 and 2014. He pointed out that approximately 80% of the Budget is comprised of General Property Taxes, leaving only 20% of the City's Total Receipts to be comprised of non-property tax revenue, consisting of licenses, permits, fines, recycle grant, cable, etc. The Budgeted dollar amount for both years was the same amount--\$36,000. In 2013 the City overran that portion of the Budget by \$53,000, or 150% and in 2014, the City overran the Budget by \$76,000, or 211%.

The Treasurer contended it is difficult to Budget these kind of items, that most of the dollars are "In and Out". Pazlar showed a goodly amount seems to stay "In" the Receipts.

When viewing the entire Dellwood Budget, there was an Excess of Receipts over Disbursements of 233% in 2013 and 146% in 2014. He also mentioned that there were increases in the General Property Tax Levy before and during these years. Pazlar stated his reason for presenting this information was his belief the Budget accounts can and should be better managed. Mike McGill stated he would review the figures further and comment at the next Council meeting.

St. Martin reported 3 remodel permits.

Cuff noted that the resident at 50 Glen Edge rents his home and has tree issues, dead or diseased, which have been removed or are to be removed. Cuff has asked the City's Arborist to respond to the owner's concerns, and to provide in the future information to residents about any options which may be available other than removal of the trees.

Cuff noted a call he received from Jody Krey at 23 Doral Road about vehicles travelling on the closed portion of Doral Road. Cuff suggested improved signage, maybe removable barriers of some sort. This passage must be available to emergency vehicles.

St. Martin remarked about the Steve Frost property – trees and branches cut but not removed. Also, there is a motorhome parked in the driveway. Mr. Copeland stated that there are some provisions in the City Ordinances re: storage of wood, and Pazlar questioned whether it could constitute a nuisance. Mr. Copeland said he would coordinate with Jack Kramer to determine what action, if any, may be taken by the City. He will also have Mr. Kramer look at the LaChappelle property on East County Line Road to see if any further clean-up efforts are being made.

Pazlar commented on several items shown in the Sheriff's monthly report. He also noted that WBL Conservation District may attempt a levy to cover the cost of certain water augmentation related expenses. He suggested that our District Representative, Pat McCann, be invited to inform the Council on this matter.

There being no further business, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Joanne Frane  
City Clerk