

**MINUTES OF MEETING  
DELLWOOD CITY COUNCIL  
APRIL 11, 2017**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on April 11, 2017.

**Present:** Mayor Nuffort, Councilpersons - James Cuff, Frank Pazlar, Ed McCarthy and Scott St. Martin; also present were City Clerk Joanne Frane, City Attorney Richard Copeland, Treasurer Mike McGill and City Planner Nate Sparks, and also the persons shown on the Sign-In Sheet attached to these Minutes.

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.

Mayor Nuffort noted that Item 6 should be added to the Agenda, being the Application by Camp Odayin for a Temporary Gambling Permit. He also asked that item 2, the Seven Vines Winery matter, be moved to Item 4. Upon Motion by Cuff, second by McCarthy, the Agenda was approved unanimously with the foregoing changes.

The Minutes of the March 14, 2017 Council meeting were reviewed. Upon Motion by Pazlar, second by St, Martin, the Minutes of the March 14, 2017 Council meeting were approved as submitted.

**MS4 Public Meeting:** No one was present to speak on this matter. Mayor Nuffort noted that 2017 is the final year of the 5-year plan now in effect, and changes are to be expected.

**Lake Links Trail Resolution:** Jim Cuff commented about his being at the March 27, 2017 regional meeting. Two State Senators were in attendance as well as the Mayors of several cities, and MNDOT representatives. He is in favor of the proposed Resolution for the purpose of seeking funding for the proposed trail.

Steve Wolgamot, Dorian Grilley and Dennis Lindeke were present to explain the need for the Resolution. Funding is hoped to be approved as a part of the Omnibus Bonding Bill. Currently, MNDOT is in the process of completing a survey of the right of way of Highway 244. Engineering work is expected to begin in the fall of this year. It was noted that the auto parts sales tax revenue may be committed to the transportation bill.

McCarthy questioned why a route along Highway 96 Southeasterly to Quail and from Quail westerly to Mahtomedi Avenue has not been explored. He noted that Highway 244 through Dellwood is problematic and very unsafe. Mr. Grilley stated that Quail Road poses more danger than Highway 244 and that they were seeking a more circuitous route nearer to White Bear Lake. Also the 96 to Quail route would add more distance to the trail. He said there are two projects involved, one easterly from the City of White Bear Lake along Highway 96, and one southerly along Highway 244.

Mayor Nuffort noted that many residents of Dellwood cannot get to the Highway 244 trail without using Highway 96. He also questioned what is really being seen of the lake from Highway 244. Wolgamot stated that they are not opposed to a trail on Highway 96, but that volume of usage is much higher on Highway 244. People are less inclined to take a longer route. Kevin Hiniker stated that the City should go with what has been proposed and keep Highway 96 as a contingency.

McCarthy stated that for safety concerns bikers and pedestrians should not be on the public roadways. Mr. Grilley stated that bicycles are defined in Minnesota Statutes as being a "vehicle" and have all the rights of a vehicle by law. Wolgamot stated that the City of Minneapolis has adopted a trail speed limit of 12 mph.

The question was raised whether a bike trail only, without pedestrians, has been considered. Wolgamot stated "no". McCarthy noted that the Gateway Trail allows no cars. The trail proposed here would involve cars, bikers, walkers, etc. going in both directions, a different scenario.

St. Martin stated that the trail should utilize less populated streets such as Park Avenue in Mahtomedi. Wolgamot noted that Dellwood in effect does not have any side streets along Highway 244.

Cuff noted that construction of a trail on the sides of Highway 244 could be done but would be very expensive. He said the City needs to get the preliminary design work and go from there. Wolgamot stated that some sanitary facilities will be available on the trail, ideally distant about a 20 minute walk.

Cuff moved to approve the proposed Resolution and Pazlar seconded. St. Martin, Cuff, Nuffort and Pazlar voted in favor of approving the Resolution (copy attached to these Minutes). McCarthy voted against approving the Resolution.

**Recycle Contract:** St. Martin and Nuffort had met with representatives of Waste Management Company. Nuffort noted that the City has received few, if any, complaints about the quality of the service provided. The contract renewal is to extend the services for another five years. Upon Motion by St. Martin, second by Cuff, the Recycle Contract with Waste Management Company was renewed for a five year period. Jonathan Bessman from Waste Management explained briefly how the single sort recycling operation works and thanked the Council for its support. He noted that they accept all recycled items with a number from 1 through 7.

**Seven Vines Winery:** This was a continuation of the Application by Seven Vines Winery for an Amendment to its Interim Use Permit. City Planner Nate Sparks submitted a Planning Memo dated April 7, 2017. Mr. Sparks discussed the items shown in his Memorandum. He explained that remarks in his Memo were a summary of the negotiations with representatives of the Winery carried out since the March 14<sup>th</sup> Council meeting. The Winery's attorneys Brad Cashman and Matt Duffy were present on behalf of the Winery.

Jim Cuff noted that MNDOT is not requiring a left turn lane on Highway 96. He stated that the need for a left turn lane will be tested on a fall Sunday when the Minnesota Vikings are not playing. The Special Events section of the proposed IUP was discussed; in particular those events when temporary shelters (tents) will be in place. St. Martin was concerned about the Fire Code Regulations for tents. Nuffort expressed his concerns about the potential number of people attending a Special Event which would be in excess of 300 excluding staff members, caterers, etc. The main building can

accommodate about 234 people. Nuffort asked where the people could go for shelter in the event of a storm. The issue of temporary external sanitary facilities was raised.

St. Martin asked for evidence that the Winery had been forced to install a commercial kitchen by some State authority. Cuff remarked that the issue of food service has become much more involved than the City originally envisioned. The Winery is able to serve on a regular basis a "limited menu". Cuff asked that this term be clarified to describe the type of food items the Winery considers to be included under a limited menu. St. Martin asked if this business is really intended to become a restaurant. Cuff noted that the hours of operation begin at 7:00 a.m. People do not drink wine at that early hour. They would in fact be there for breakfast or lunch without consumption of wine. Mr. Duffy explained that the term "in operation" includes the time necessary for staff, caterers, cleaners, etc. to get the Winery building and grounds in condition to accept and serve customers. Cuff remarked that the term "in operation" means the time in which the Winery is open to the public.

Mr. Copeland questioned the number of Special Events which would be held at the Winery. The Attorneys have said that they need to have a permit for up to 36 Special Events per year. This could result in 36 Special Events grouped together during the 26 weeks of summer. Mayor Nuffort stated that the main concerns of the Council appear to be centered around Special Events which involve temporary structures. He asked if the Winery would agree to take "tents" out of the picture. Mr. Duffy stated that they did not have the authority to respond one way or another without talking with their client. He stated that any issues with regard to noise and traffic can be mitigated under the IUP. The goal is that the Winery be a community amenity.

Pazlar stated his concerns about item 6(f) in the proposed Permit, which calls for the Winery to provide financial data upon a "good faith" request from the City. He asked who is to determine whether the request is made in good faith; what factors must the City demonstrate to constitute good faith. Mike McGill stated that the information should be required in any event, either as a part of the IUP or upon request by the City.

McCarthy asked about wine being sold to the public. Mr. Cashman stated that the only wine sold would be that produced at the Winery itself.

Pazlar asked about item 6(g) in the proposed Permit, regarding expansion of the enclosed structure. He stated that wording should include the "enclosed and surrounds". Also under Item 7(b) who is to determine the Winery's portion of expenses for improvements to Highway 96 for access to the Winery? Mr. Duffy stated that MNDOT would make that allocation.

Pazlar wanted it to be clear that the City bears no financial responsibility for such improvements. McCarthy asked if the caterer (or the Winery) could decide to use the commercial kitchen to prepare food for some event to be conducted elsewhere than the Winery property. He stated that the Winery building cannot be turned into a catering business. He asked if the Winery were to be sold, is the IUP transferrable to the new Buyer? Copeland stated that the City would have control over this and that the new buyer would have to apply to the City for a transfer of the IUP. The Permit could have restrictions on transfer without the City's express consent.

The Council Members were of the concern that more information is needed from the Winery, and that a workshop session would help to formulate the issues which the Council requires that the Winery

address. Copeland stated that he was concerned about Open Meeting Law issues and would report on this. A Special Meeting could be held with proper notices.

Cuff moved to table this matter for further consideration at the May 9, 2017 Council meeting and that the Council hold a Workshop Session on April 17, 2017, at 5:30 p.m. at the City Offices. The Motion was seconded by McCarthy. Each Council Member voted in favor of the Motion.

**Temporary Gambling Permit for Vadnais Heights Economic Development:** The Application was reviewed and discussed, and found to be in proper order. Upon Motion by Pazlar, second by St. Martin, the Council resolved unanimously to approve the exempt Permit for the event to be held at Dellwood Country Club on June 19, 2017 with no waiting period.

**Application by Camp Odayin for Temporary Gambling Permit:** The Application was reviewed and found to be in proper order. The Organization has confirmed in a letter to the City that its 501C Tax Exempt Status is in good standing at this time. Upon Motion by Cuff, second by Pazlar, the Application for a Temporary Gambling Permit for the event to be held at Dellwood Country Club on June 12, 2017 was unanimously approved, with no waiting period.

**Claims and Receipts List for March 2017:** The Claims and Receipts List for the month of March 2017 was reviewed and discussed. Upon Motion by Pazlar, second by St. Martin, the Claims and Receipts List for March 2017 was unanimously approved as submitted.

**Reports of Commissioners:**

Pazlar reported one remodel permit and one new home permit at 3 Spyglass Road.

Cuff reported on his tour of City Streets with City Engineer Cara Geheren.

Mike McGill reported a balance of \$392,998.00 in the bank after payment of March bills.

Nuffort noted that 2017 is the 100<sup>th</sup> year of Dellwood's incorporation as a Village.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Joanne Frane  
Dellwood City Clerk / Administrator