

**MINUTES OF MEETING  
DELLWOOD CITY COUNCIL  
MAY 12, 2015**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on May 12, 2015.

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

**PRESENT:** Mayor Nuffort, Councilpersons Pazlar, Cuff and St. Martin, City Clerk Joanne Frane, Treasurer Mike McGill and City Attorney Richard Copeland.

**ABSENT:** Ed McCarthy

**ALSO PRESENT:** See attached Sign-In Sheet.

**AGENDA:** Mayor Nuffort called for approval of the revised Agenda. Upon Motion by Cuff, second by Pazlar, the revised Agenda for this meeting was unanimously approved.

The Minutes of the April 15, 2015 Council meeting were reviewed and discussed. Upon Motion by Pazlar and second by St. Martin, the April 14, 2015 Council Meeting Minutes were unanimously approved.

**Mike Laub, the Dellwood Issues Coordinator**, informed the Council that he has been asked to look at three properties which appear to be in violation of City Codes. He stated that he has consulted with Mr. Copeland on these, and will keep the Council advised as to these properties. It was the consensus of the Council that the scope of Mr. Laub's involvement should be to investigate the situation and encourage the property owner to cooperate in doing what is needed to comply with the City Code. If Mr. Laub determines that little or no cooperation is being made, he will report to Mr. Copeland for further enforcement measures including issuance of a Formal Complaint in District Court.

Mr. Copeland will inform the City's insurance carrier, LMCIT, of Mr. Laub's position and duties, to determine that Mr. Laub is covered by the City's liability insurance in the course of his duties.

**Public Comment:**

Mayor Nuffort asked if anyone were present for public comment. Bev Driscoll stated that she wished to talk about "the tree" located at the entrance to the Peninsula. Mr. Cuff stated that there have been discussions about removal of the tree. Mrs. Driscoll stated that the majority of the residents on Peninsula Road would like to see the tree remain as its presence encourages motorists to slow down. Mr. Cuff stated that Peninsula Road is scheduled for road improvements in 2018, and it will be the City Engineer's decision as to whether the roadway will be widened. Mr. Cuff recommended that the tree stump be left as is to determine what the residents of the Peninsula wish to do, and take that into consideration together with the City Engineer's opinion, when the road improvements are to be done. Mayor Nuffort noted that the WBL Fire Department has said that its trucks and equipment can get through as it presently stands. Mrs. Driscoll stated that the school buses are also able to get through. Mayor Nuffort noted that Peninsula Road is in need of drainage improvements at several points. The Council decided to take no action at this time.

**WBL Conservation District Update:**

Pat McCann, one of the City's representatives on the District Board, reported on current activities of the District. He stated that lake augmentation is being discussed, among other things. The goal is to focus on efforts to restore the level of WBL. Efforts are being made to establish WBLCD as the conduit to

coordinate such efforts including the means of financing. The District goal is to enlist the cooperation of municipalities surrounding the lake and perhaps Ramsey and Washington Counties in lake level restoration. The District is seeking consensus from these local authorities that a suitable lake level is important and needed and to find sources of funding. He stated that it is possible some funds may come from the State of Minnesota. A Joint Powers Agreement may be proposed among the Cities if the District has such authority. Mr. McCann will keep the Council advised as to all future developments.

**Disclosure Contract:**

The Letter of Engagement to retain Ehlers and Associates, Inc. as Dissemination Agent for Issues Continuing Disclosure Requirements under SEC Rule 15c2-12 was revised and discussed.

This proposal would establish a contract between the City and Ehlers whereby Ehlers would agree to handle all of the City's necessary disclosure obligations under SEC rules for a period of one year at a cost of approximately \$750.

Upon Motion by St. Martin, second by Pazler, the Council voted unanimously to table this matter to the June Council meeting and to seek further details from Ehler as to the need for these services.

**Easement – Doral Road to Apple Orchard Court:**

Jim Cuff stated that he had talked with residents living adjacent to this easement. The WBL Fire Department has indicated that it needs to have access through this easement area for emergency response. Fire Officials indicate this easement is used infrequently, but is necessary for safety reasons. Doug Gallwas of Apple Orchard Court stated that this area was originally platted as a public street, but for some reason it became an easement. It is not clear how this came about. In Mr. Gallwas opinion, the subsurface of the easement area has never been improved by a proper foundation to support trucks and other vehicles. No Class 5 base was ever installed, and the easement has not been maintained by the City. The soil is soft and on wet days is very muddy. He is concerned that fire trucks could not negotiate their way through the easement and could become stuck. He stated that he believes the residents wish to preserve the easement as a walking trail only, no vehicular use at all.

Mr. Cuff noted that the City does not keep this easement plowed in the winter and therefore would not provide suitable access for trucks and vehicles during winter months. Mr. Cuff believes that the easement would not shorten the response time for emergency vehicles as compared to a route through public streets.

Jodi Krey of 23 Doral Court spoke of the problems arising out of the use of the easement area by various types of vehicles including ATVs, cars, bicycles and others. She said there are significant safety issues particularly when children are present.

Mr. Copeland stated that the easement was originally created for access for emergency vehicles and not for other uses. He is concerned about the safety issues and potential liability of the City by reason of the City's awareness of its use by persons for purposes not intended by the City. The City has an obligation to see that the easement does not create a potential danger to anyone using it. He will research the history of the easement at the time it was created to determine what obligation the City may have to maintain the easement or to close it entirely. Mr. Pazlar will visit with the WBL Fire Department to determine if, in fact, this easement is necessary for their operations.

This matter was tabled to the June Council meeting for further discussion.

**St. Andrews Village Project – Proposed Conduit Revenue Note:**

A representative from Kennedy & Graven explained the proposal that the City of Dellwood participate in funding activities in connection with refinancing by PSA Housing and Assisted Living, Inc. a non-profit corporation, for St. Andrew’s Church and Presbyterian Homes of Minnesota, 139 unit senior housing facility in the City of Mahtomedi. Dellwood is being asked to provide its cooperation in concluding the refinancing because of the City’s ability to issue tax-exempt obligations. This would result in a tax savings to St. Andrews/Presbyterian Homes. The proposal is explained in detail in the letter addressed to the City dated May 6, 2015, from Jenny Boulton, copy attached to these Minutes.

After much discussion, it was determined that the benefit to the City would be to receive a fee for participating in this project and to assist St. Andrews in maintaining its senior housing facility in Mahtomedi, which serves the surrounding communities. Other Cities in the area are also being asked to participate. The fee which may be paid to Dellwood would be approximately ½ to 1% of the amount of the Note to be signed by Dellwood.

Mr. Pazlar stated that he had serious concerns about the City’s role in this matter and that potentially it could have an adverse effect upon the City’s credit standing. He did not envision the City participating beyond a nominal figure, perhaps two, three million, and the fee is not worth it for the City to assume the risk of any potential liability.

Mr. St. Martin stated that he believes the City should at least proceed with the public hearing at which time more information would be forthcoming. He made a Motion that the City adopts a resolution in the form of the resolution contained in the material supplied by Jenny Boulton in her May 6, 2015 letter. There was no second to this Motion and the Motion died.

**Temporary Gambling Permit – Camp Odayin:**

The Application for a temporary gambling permit by Camp Odayin, for an event to be held at Dellwood Country Club on June 15, 2015, was reviewed. Upon Motion by Pazlar, second by Cuff, the Application was unanimously approved with no waiting period.

**Description of the Term “Expansion” an Amendment to Zoning Ordinance:**

Mr. Copeland explained that an Amendment to the Shoreland/Zoning Ordinance, specifically the section addressing “non-conformities”, is in order for the purpose of providing guidance to the Planning Commission, City Council, and Applicants for Variances and Conditional Use Permits when considering potential enlargement or expansion of a non-conforming use.

Upon Motion by Pazlar, second by Cuff, the Council unanimously resolved to adopt the definition of the term “Expansion” as proposed by Mr. Copeland (attached) and to amend the Zoning Ordinance, Section 152.10 B by adding this language following the second paragraph thereof.

**Claims and Receipts List:**

The Claims and Receipts List for the Month of April, 2015, was reviewed and discussed. Upon Motion by Pazlar, second by St. Martin, the Council unanimously approved the Claims and Receipts List for the month of April 2015.

**Reports of Commissioners:**

Mr. Pazlar noted that several items which are initially discussed at a Council meeting, and then not acted upon at that time, do not thereafter get placed on the Agenda for the following meeting and thereby linger for months with no final resolution. Mr. Copeland agreed that any item which is tabled should be immediately be placed upon the Agenda for the upcoming meeting to which the item has been tabled or

continued, and thereafter continue to be placed on each appropriate Agenda thereafter until the item has been finally resolved in some way.

St. Martin reported five remodel permits were issued in the month of April.

Pazlar commented upon several items listed in the Sheriff's monthly incident report.

McGill reported \$244,938 in the checking account. The City's finances are in fine shape and the City should receive its 1<sup>st</sup> half of the property tax revenue next month.

Mayor Nuffort noted that the dispute at 146 Dellwood Avenue has been resolved and that all parties to the litigation have now signed the Settlement Agreement. Mr. Copeland stated that the next step is for the Kohlers/Cardozos to submit an Application for a minor lot split for consideration by the City. This does not require a public hearing. He is awaiting the receipt of the legal descriptions for each resulting lot to determine that the lot split meets the requirements of the Subdivision Ordinance and all other Code provisions.

Mayor Nuffort commented on the fact that the City of Mahtomedi is not certain, what, if any, improvements are going to be made in the Quail/Briarwood area, including the possible extension of public sewer and water lines along Quail Road and Briarwood.

Mayor Nuffort distributed a handout received from H2O for Life concerning water conservation methods.

**Miscellaneous Items to be placed on the June Council Meeting for Update or Review:**

- Ehlers Contract re: SEC Disclosures
- Mike Laub insured under LMCIT Policy
- LaChappelle Property
- Steve Frost Property
- Seven Vines Winery Access from Highway 96
- Easement Doral Road to Apple Orchard Court
- Spyglass Road
- Dellwood Country Club maintenance area
- Lee Stewart outside storage of Motorhome
- Cara Gehren-Bayhill Road –status-Hydromethods Drainage Map
- Richard Copeland-146 Dellwood Avenue

There being no further business, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Joanne Frane  
City Clerk