

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
JUNE 9, 2015**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on June 9, 2015.

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

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

ALSO PRESENT: See attached Sign-In Sheet.

AGENDA: Mayor Nuffort called for approval of the Agenda. He noted that Item 6 should be added being the confirmation of the appointment of Beverly Driscoll to the Planning Commission. Upon Motion by Cuff, second by McCarthy, the revised Agenda for this meeting was unanimously approved with the addition of Item No. 6.

The Minutes of the May 12, 2015 Council meeting were reviewed and discussed. Jim Cuff pointed out an error on page 3 where the reference to St. Jude's Village Project should be corrected to read "St. Andrews" in place of St. Jude's. Upon Motion by Pazlar and second by McCarthy, the May 12, 2015 Council Meeting Minutes were unanimously approved with the foregoing correction.

PUBLIC COMMENT:

Mayor Nuffort asked if anyone were present for public comment. There was no one present for public comment.

INTERIM USE PERMIT FOR WBYC:

This is a request to extend the hours in which sound instruments may be used at the WBYC on July 11, 2015, to allow such use until midnight. The Noise Ordinance is set at a 10:00 p.m. limitation. Upon Motion by St. Martin, second by Cuff, the Council unanimously approved a Variance from the 10:00 p.m. restriction in the Noise Ordinance (number 134) to allow sound instruments to be used at the WBYC on July 11, 2015. All other provisions of the Noise Ordinance shall apply.

VARIANCE REQUEST FOR A POOL AND POOL HOUSE AT 7 MEADOW LANE:

Variances are requested from the side yard setback, the required setback from the septic system and from the maximum square footage of the pool house.

Mr. Craig Smith described the project and explained that due to the unique contours and wetlands on the property, the proposed location of the pool and pool house is the only feasible location. No neighbors have objected. Brian Humpal, City Sewer Inspector, has submitted a written report that the location of the pool in relation to the septic system will have no adverse affect on the system. Mr. Smith stated that the size of the pool house exceeds the maximum square footage in the Ordinance, because of an enclosed stairwell from the top level to the lower level.

St. Martin commented that there are no plans submitted showing the lower level, and that the actual square footage of the pool building would have to include that of the lower level. Mr. Pazlar stated that it is normal procedure for the Council to have completed plans.

Mayor Nuffort questioned whether an approval could be granted on a basis that the pool building shall not exceed a certain figure, say 1395 square feet. Cuff stated that he believes such information can be obtained without the need to wait another month for approval.

McCarthy stated that he wants to see more complete plans. The Planning Commission apparently did not include the lower level space in its recommendation to approve a variance to 333 square feet. Pazlar stated that in order to have a complete and proper record, this matter should be referred back to the Planning Commission with detailed plans showing the square footage of the lower level and what is to be placed in the lower level. The Planning Commission can then give its recommendation based upon the correct square footage. The Council members noted that the other two variances requested appear to be reasonable.

Upon Motion by Pazlar, second by McCarthy, the Council resolved unanimously to table this matter to the July Council meeting, and instructed the Applicant to prepare plans showing the lower level square footage and other details, and submit those to the Planning Commission at its July 7, 2015 meeting.

RAMSEY/WASHINGTON COUNTY POLICIES AND PROCEDURES:

Mayor Nuffort presented material which was received from Ramsey/Washington County Cable Commission seeking the City's approval of policies and procedures for implementing a franchising process to allow other than Comcast to obtain a cable franchise.

Pazlar questioned whether Subdivision 5 of the material giving employees of the Cable Commission the power to make approvals without the involvement or input from the City. Mayor Nuffort stated that was not the case. Pazlar stated that competition between cable service providers is needed quickly. He does not wish to hinder Century Link, for example, from being able to do business in the City of Dellwood.

Mayor Nuffort moved to approve the franchise policies and procedures as set forth in the material provided by the Ramsey/Washington Cable Commission. Upon second by Cuff, the Council resolved unanimously to approve the franchising policies and procedures governing the application, review and recommendations as set forth in the material submitted to the City by Ramsey/Washington Cable Commission dated May 11, 2000, revised May 2015.

CONTINUATION OF DISCUSSION RE: EHLERS DISCLOSURE CONTRACT:

Mayor Nuffort explained that due to changes in SEC procedures, the City appears to have no choice but to comply with additional reporting in connection with the City's bond issue. These changes occurred after the bond issue and under the City's agreement with the lender this additional reporting is required. The City can hire Ehlers Company to do it, or the City can do its own reporting, or it can hire an accounting firm to do it. The fee required by Ehlers is \$750 annually, which is the base minimum fee. Pazlar asked if Mr. McGill could look in to other options. McGill stated that he could ask Ehlers to confirm that the \$750 fee is guaranteed fixed for the next four years. Cuff stated that he believes Ehlers would be competitive and that a lower fee may not be available. He is willing to go with Ehlers through 2018.

St. Martins stated that he wants more information regarding possible other bids and a "lock" on the Ehlers' fee for four years.

Upon Motion by Cuff, second by Pazlar, the Council resolved unanimously to take this matter to the July Council meeting and ask Mike McGill to look in to other possibilities and also whether the \$750 quote from Ehlers is fixed through 2018.

CONTINUATION OF DISCUSSION RE: PASS THROUGH ON DORAL TO APPLE ORCHARD COURT:

Jodi and Tim Krey of 23 Doral Road stated that vehicles using this area constitute a danger to walkers and others using this "easement". They proposed signs be placed at each end of Doral and Apple Orchard Court prohibiting motorized vehicles from using the area. It appears that cars and trucks and ATV's are using this trail on a regular basis, and are hazardous. This area is intended for use as an access road for fire trucks and other emergency vehicles only.

Upon Motion by St. Martin, second by Cuff, the Council resolved unanimously to post signs, one at the Cul-de-sac of Doral Road and one at the end of Apple Orchard Court, to the effect that motorized vehicles are prohibited except for emergency vehicles.

This matter is to be referred to City Engineer Cara Geheren to determine whether there is in place a suitable subbase to support fire trucks and other emergency vehicles.

CONFIRMATION OF APPOINTMENT OF BEVERLY DRISCOLL AS PLANNING COMMISSIONER:

Upon Motion by Nuffort, second by Pazlar, the Council unanimously confirmed the appointment of Beverly Driscoll to the Planning Commission and ratified any action taken by her at the June Planning Commission meeting.

MISCELLANEOUS:

The City received a report from Cara Geheren regarding road work update (attached).

CLAIMS AND RECEIPTS LIST:

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

REPORTS OF COMMISSIONERS:

St. Martin reported 3 Building Permits. St. Martin also expressed appreciation for Jack Kramers Building Permit Activity Report.

Cuff reported that it appears that Mahtomedi has decided to delay extension of its sewer/water lines. Road work is scheduled on Quail Road in 2017 and perhaps such extensions will take place at that time. Timberline Tree Service will do a survey of buckthorn to be removed from City road rights of way and estimate the cost of removal.

Pazlar commented upon certain items in the Sheriff's monthly ICR report, including two sightings of black bears.

McCarthy stated that he believes the City's Application forms for Variances, Conditional Use Permits, and other planning requests need to be revised to require more detailed information about all useable floor space including basement areas. Pazlar stated that the City should consider hiring a professional planner to review all such requests and the plans, and submit a report to the City. He has spoken with Jennifer Haskamp who is a City Planner for Grant. He presented a handout describing the services provided by her firm. This matter will be discussed further at the July Council meeting.

Pazlar inquired as to whether any response to Geheren's letter re: Bayhill Road has been received by John Bauer or any other resident along the road. Clerk Frane stated she is not aware of any response.

Nuffort stated that he has looked into the possibility of placing flags along Highway 244 such as the City of Mahtomedi does on certain holidays. Members of the American Legion promote this activity, will put up, take down and store the flags. There are about 20 poles in Dellwood available for this purpose. The approximate cost is \$38 per flag. The Council encouraged him to follow up on this.

Nuffort reported receipt of a \$15,000 payment from the Cable Commission which is higher than in the past.

Pazlar asked if a preliminary budget committee hearing will be scheduled in July. McGill stated that he will arrange a date for that purpose.

McGill reported \$251,633 in the checking account after payment of May bills. He stated that the City is in good shape financially.

Mr. Copeland asked for the City's direction regarding an unauthorized fireworks display on Friday June 5th. No Permit had been applied for nor issued. No fee had been paid. The display was in violation of City Ordinance and State Statute. Citizens complained but the Sheriff's office was not contacted. St. Martin felt that the homeowners should pay double the application fee of \$200 in lieu of the City filing a Formal Complaint in District Court. If the homeowner does not agree, then Mr. Copeland will prepare and file a Complaint.

Mr. Copeland also reported that overflow parking from an event at Dellwood Country Club resulted in numerous cars parked on either side of Highway 96 and also on both sides of Meadow Lane. Copeland brought this up to Dennis Countryman, Manager of Dellwood Country Club, because the City had an agreement that no cars would be parked on the Highway or on nearby City Streets. Mr. Copeland has contacted Corey Festvog at MNDOT and he is going to look into placing No Parking signs along Highway 96. Mr. Copeland believes the City should place No Parking signs on Meadow Lane since it is such a narrow winding road. Mr. Countryman stated that the Club is unable to control the manner in which its patrons park and feels that No Parking signs will alleviate the problem. Copeland stated that in this way, parking tickets can be issued by the Sheriff and cars can be towed, if necessary. Copeland and Countryman agreed that the cost of making and erecting the signs should be paid by Dellwood Country Club. We are awaiting word from MNDOT.

There being no further business, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk / Administrator