

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
JUNE 14, 2016**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on June 14, 2016.

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

Present were Mayor Nuffort, Councilpersons Frank Pazlar, Edwin McCarthy, James Cuff and Scott St. Martin, City Clerk Joanne Frane, City Attorney Richard Copeland, Treasurer Mike McGill, Engineer Cara Geheren and Jay Kennedy, City Engineer for the City of Mahtomedi.

Mayor Nuffort asked if anyone wished to make public comment. No one came forward for public comment.

AGENDA: The Agenda for this meeting was reviewed and upon Motion by Cuff second by McCarthy, the Agenda was approved as submitted.

MINUTES: The Minutes of the May 10, 2016 Council meeting were reviewed. Cuff pointed out an error on Page 3 under Reports of Commissioners, where the amount held by Dellwood to cover its share of the future reconstruction by Mahtomedi of a portion of Quail Road should be \$32,500. Upon Motion by Pazlar, second by Cuff, the Council voted unanimously to approve the May 10, 2016 Council Minutes with the foregoing correction.

2016 STREET IMPROVEMENTS: City Engineer Cara Geheren presented the results of the two bids received. The low bidder was Pearson Brothers with a bid of \$40,652.40 including the alternate work to seal cracks on Spyglass Road and two street sweepings. Street improvements are to be completed by September 2, 2016. Upon Motion by Cuff, second by McCarthy, the Council resolved unanimously to accept the bid of Pearson Brothers and to authorize Focus Engineering to proceed with the contract documents.

Ms. Geheren presented a spreadsheet showing proposed future capital improvements year 2018 through year 2029. She suggested certain adjustments to the spreadsheet to be decided later.

Mayor Nuffort commented that a meeting with Angie Hong is scheduled for next week regarding the City's MS4 obligation. Cara suggested that she meet beforehand with the City officials who will be attending that meeting.

DELLWOOD/MAHTOMEDI – THE CONCURRENT DETACHMENT / ANNEXATION PROPOSAL RE: MARKELL LOT: Jay Kennedy, Mahtomedi City Engineer explained that Mahtomedi's position which basically is that Mahtomedi wants to be paid for any costs associated with improvements made in the future which benefit the Markell property, such as street improvements to Tamarack Street which abuts the Markell property and provides access as well as public sewer availability to the Markell Lot. There is a Joint Powers Agreement now in effect which addresses the sewer issue. A new Joint Powers Agreement is needed in order to address street improvements in the future. Mahtomedi cannot assess property lying outside its boundaries, so the Markell property should either be annexed to Mahtomedi, or the two Cities should have a Joint Powers Agreement whereby Dellwood agrees to assess the Markell property

for purposes of reimbursing Mahtomedi for its costs associated with such improvements. The Council decided that a Joint Powers Agreement is in the best interests of the City of Dellwood in lieu of detachment or annexation. Mr. Copeland is to work with Mahtomedi's City Attorney to compose a Joint Powers Agreement for consideration by the Council at its July meeting. Jay Kennedy said he would inform the Mahtomedi Council accordingly.

Pazlar inquired of Mr. Kennedy as to the time table for completion of the improvements to the shared portion of Quail Road. He noted that complaints have been voiced by Dellwood residents whose properties abut the unimproved shared portion of Quail Road. Mr. Kennedy explained that Mahtomedi has adopted a new Septic Ordinance which requires that each system be inspected every three years. Many residents in the area of Quail Road/Dwinnell Avenue do not want public sewer. Mahtomedi wants to get data as to the condition of all of the septic systems in that area to determine whether any, or how many systems may be in need of extensive repair or replacement. Road improvements may be determined based on whether the street will be torn apart to accommodate public sewer lines. Mahtomedi has the street improvement work scheduled for year 2018.

PROPOSED SOLAR ENERGY ORDINANCE: The proposed Solar Energy Ordinance was presented to the Council for consideration. This Ordinance as written allows for roof-mounted systems under a Conditional Use Permit, and also allows for ground-mounted systems where it can be demonstrated that a roof-mounted system is not feasible. McCarthy asked if the City could prohibit ground-mounted systems entirely. Mr. Copeland stated that he would research the laws to determine if the City had authority to prohibit ground-mounted systems. Generally, the City has the power to enact Ordinances which are related to the public health, welfare and safety of its citizens.

Consideration of this proposed Ordinance was tabled to the July Council meeting for input from Mr. Copeland.

REVISED SEPTIC SEWER ORDINANCE FOR DELLWOOD: Mr. Copeland explained that the revision is needed to adopt by reference the new Washington County Ordinance and to incorporate certain additional requirements. Mr. Copeland recommended that the Council have the City Sewer Inspector, Brian Humpal, appear at the July Council meeting to answer any questions or concerns of the Council members about the revised Ordinance as well as issues regarding the request of Seven Vines Winery to use holding tanks in lieu of a full-blown septic system for a trial period of five years in order to determine what sort of sewage flow may be expected at the Winery. The Council members have questions as to why holding tanks are to be considered in this case. Mr. Copeland stated that an exception in the MPCA rules and Washington County Ordinance allows for holding tanks in non-residential settings where maximum sewage flow per day is 150 gallons or less. He stated that Dellwood's Ordinance could be more restrictive if necessary.

Action on the revised Ordinance was tabled to the July Council meeting.

2016 ELECTION JUDGES: The list of Election Judges for 2016 was reviewed. Upon Motion by St. Martin, second by Cuff, the Council unanimously approved the Election Judges as listed on the list attached hereto.

TEMPORARY ONE-DAY LIQUOR LICENSE/GAMBLING PERMIT: The Application submitted by WBL Rotary Foundation for a temporary one-day liquor license was reviewed, discussed, and found to be in order. Upon Motion by St. Martin, second by McCarthy, a temporary one-day liquor license was

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unanimously approved for the WBL Rotary Foundation fundraiser to be held at Pine Tree Apple Orchard on Saturday, September 10, 2016.

The Application submitted by Zachary NF Research Fund for a temporary gambling permit in connection with a golf outing at Dellwood Country Club on August 1, 2016, was reviewed and found to be in order. Upon Motion by Cuff, second by St. Martin, the Council unanimously approved the Application, with no waiting period.

CLAIMS AND RECEIPTS LIST FOR MAY 2016: The Claims and Receipts List for the month of May 2016 was reviewed and discussed. The Council noted a charge to the City of \$300 by way of an invoice from Washington County Assessor for services rendered in connection with the property tax appeal of William Whitaker. Upon Motion by Pazlar, second by McCarthy, the Claims and Receipts List for May 2016 was approved unanimously.

REPORTS OF COMMISSIONERS:

Cuff reported that residents with problem trees on their property will receive a letter informing them of the action needed to be taken.

St. Martin reported 6 building permits.

McGill stated that the City has a balance of \$314,104 in the Money Market Account after payment of May bills.

Pazlar commented on several items in the Sheriff's ICR report for May 2016.

Mayor Nuffort commented on the U.S. Bike Route No. 41 which is a federal program with a trail running all the way through Minnesota to Grand Marais.

There being no further business, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk