

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
JULY 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 July 14, 2015.

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

PRESENT were Mayor Nuffort, Councilpersons Pazlar, Cuff, McCarthy and St. Martin, City Clerk Joanne Frane, Treasurer Mike McGill, City Engineer Cara Geheren, Assessor Dan Raboin and City Attorney Richard Copeland.

ALSO PRESENT: See attached Sign-In Sheet.

Mayor Nuffort called for public comment and there was no person present who wished to make comment.

AGENDA:

Mayor Nuffort called for approval of the Agenda. Upon Motion by Cuff, second by St. Martin, the Agenda for this meeting was unanimously approved as submitted.

The Minutes of the June 9, 2015 Council meeting were reviewed and discussed. Upon Motion by Pazlar and second by Cuff, the June 9, 2015 Council Meeting Minutes were unanimously approved.

PUBLIC COMMENT:

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

CITY ASSESSOR'S REPORT:

Mr. Raboin reported no issues had arisen at the County Board of Review. He distributed a synopsis of sales in the area. At least 2 of the sales, those on the Peninsula, indicate that prices of homes in the area are trending upward.

CITY ENGINEER'S REPORT:

City Engineer Cara Geheren presented the result of bids for roadwork to be done by way of seal coating and crack sealing in 2015. The areas to be addressed are Meadow Lane, Lookout Road, and several streets in Dellwood Hills Plat 1. She is recommending that the City accept the low bid of Pearson Brothers, Inc. for the alternative quote in the amount of \$44,032.97. The completion date is August 28, 2015. Pearson Brothers is located in Hanover, MN.

Upon motion duly made and seconded, the Council unanimously resolved to accept the bid submitted by Pearson Brothers, Inc. in the amount of \$44,032.97 which is the alternative quote.

Pazlar noted that the residents affected by the work to be done be notified in advance as to when work is to be started. Cara agreed that she would see that a letter goes out.

Cara stated that she will be submitting an updated spreadsheet of costs for seal coating/crack filling on Spyglass Road. She is waiting for some cost estimate figures from the contractor.

Cara stated that she has not received any response from Mr. Bauer on Bayhill Road to her letter advising residents along the street regarding maintenance of the roadside ditches and culverts.

Cara reported that MS4 annual report has been completed and submitted.

Doral Road soil borings have been completed and Cara submitted copies of the letter from American Engineering Testing, Inc. with subsurface boring logs. Cara stated there is evidence that similar material exists under the pathway as exists under Apple Orchard Court. Cuff asked if large emergency vehicles such as fire trucks would get through the area without difficulty. Cara said there is no good way to predict this or to estimate the load capacity of the soils. The White Bear Lake Fire Department is requiring a "pathway" 12 feet wide with a class 5 gravel base, to be maintained and plowed by the City.

Mr. Doug Gallwas of 5 Apple Orchard Court stated that the residents in the area do not want a regular City street and probably would object to a 12 foot wide paved roadway. McCarthy noted that at present, should the Apple Orchard Road be blocked due to some problem on the railroad tracks, there is no way in or out for residents on Apple Orchard Court. Mr. Gallwas stated that the City could add gravel to stabilize the roadway. Cuff stated that perhaps 4-6 inches of gravel may be needed and the City would have to maintain and prevent weed growth. Nuffort says he would like to see an estimate of the cost for adding Class 5 gravel to a width of 12 feet with additional placement of asphalt paving of 4-6 feet in the middle. St. Martin asked that the estimate also include paving the entire 12 foot width.

Ken Johnson stated that the best approach, if there is to be an asphalt overlay is to be at least 6 feet in width. Jim Cuff will talk with Cara Geheren about what options the City may have and how to obtain cost estimates.

PUBLIC HEARING – DURANT’S REQUEST FOR VARIANCE FROM 10:00 P.M. DEADLINE IN NOISE ORDINANCE:

Durant’s have a daughter being married on August 8th and wish to host a reception party that day at their home at 136 Dellwood Ave. They are asking for a Variance to allow music outside until midnight. The City has published notice of the public hearing and has mailed notice as required by law. The Planning Commission held the public hearing on July 7, 2015 and there were no objections made. The Planning Commission recommended approval of the Variance request. Upon motion by Pazlar, second by St. Martin, the Council unanimously approved a variance to allow Durants to use sound instruments beyond 10:00 p.m. and not after midnight on Saturday August 8, 2015 at 136 Dellwood Ave.

WBYC – APPLICATION FOR VARIANCE:

The Club wishes to have a Variance to play music outdoors on August 15, 2015 at 56 Dellwood Ave. in connection with a private event. The Planning Commission held a public hearing on this matter on July 7, 2015. No objections were made and the Planning Commission recommended approval of the Variance request. Upon motion by St. Martin, second by Cuff, the Council voted unanimously to grant a Variance to WBYC to use sound instruments to play music at 56 Dellwood Ave. on Saturday August 15, 2015.

CRAIG SMITH, 7 MEADOW LANE – APPLICATION FOR VARIANCE:

Mr. Smith has submitted plans to construct a swimming pool and pool house. He is seeking Variances from the side-yard setback, the setback from the septic system and from the maximum size of the pool house. He has submitted site plans showing the location of the proposed improvements on his property. The Planning Commission held a public hearing on June 2, 2015 after published and mailed

notice. No objections were received. The Planning Commission voted to recommend that Variances be granted as follows:

- 1) A Variance from the east side property line to allow the pool to be located 14 feet from the property line.
- 2) A Variance from the required setback of 20 feet from the septic system to allow for the pool to be located 10 feet from the existing sewage disposal tanks.
- 3) A Variance from the required limitation of pool house size of 240 feet to allow for a structure of 16'8" x 20" or about 333 square feet.

The construction and placement of the pool and pool house is to be granted under an overall Conditional Use Permit having the following conditions

- a) Roof area cannot exceed 576 square feet.
- b) Height of the pool house cannot exceed 16 feet.
- c) The design, color and exterior of the pool house shall match up with that of the main house.
- d) No overhead electrical lines will be allowed over or near the pool area.
- e) Any lighting will be designed and located so as to deflect glare and light away from adjoining properties.
- f) Adequate drainage flow which will not affect adjacent properties or public property.
- g) The pool house will at no time be used for habitation purposes.

The City Council considered the matter at its June 9th meeting, at which time it was noted that the lower level of the proposed structure was a part of the pool house and was not considered by the Planning Commission in making its recommendation for a Variance. The Planning Commission had recommended approval of a pool house having about 333 square feet, not including the lower level space. The structure is a "walk out" type of building with the lower level being below the pool, and for the most part, underground. The Council referred this matter back to the Planning Commission for clarification as to the total area of the pool house, the use to be made of the lower level, and the exact amount of allowable square footage of the pool building.

The Planning Commission met on July 7th to reconsider this matter. The square footage of the pool house including the lower level area was determined to be about 1400 square feet. The lower level is 1065 square feet and the upper level pool house is 335 square feet. The lower level is to be used for storage of personal property and equipment used in connection with the maintenance of the pool and the rest of the property. The Planning Commission voted to recommend approval of the Variance for the size of the pool house being 1400 square feet, and the other recommendations made at its June 2, 2015 meeting were to remain unchanged.

Jim Cuff made a motion to grant Variances to the property at 7 Meadow Lane (the legal description of which is shown in the application) as follows:

- 1) A Variance from the east side property line to allow the pool to be located 14 feet from the property line.
- 2) A Variance from the required setback of 20 feet from the septic system to allow for the pool to be located 10 feet from the existing sewage disposal tanks.
- 3) A Variance from the required limitation of pool house size of 240 feet to allow for a structure having 335 square feet on the upper level and 1065 square feet in the lower level.

The construction and placement of the pool and pool house is to be granted under an overall Conditional Use Permit having the following conditions:

- a) Roof area cannot exceed 576 square feet.
- b) Height of the pool house cannot exceed 16 feet.
- c) The design, color and exterior of the pool house shall match up with that of the main house.
- d) No overhead electrical lines will be allowed over or near the pool area.
- e) Any lighting will be designed and located so as to deflect glare and light away from adjoining properties.
- f) Adequate drainage flow which will not affect adjacent properties or public property.
- g) The pool house will at no time be used for habitation purposes, and the lower level will be used for storage of personal property only.

The motion was seconded by McCarthy. Nuffort, Cuff, Pazlar and McCarthy voted in favor of the motion. St. Martin voted against the motion. The motion to grant the above-described Variance was approved by a 4/5th vote.

The Council in acting upon this Variance request considered the recommendation of the Planning Commission and the report of the City Sewer Inspector that the granting of the Variance will not tend to adversely affect the proper functioning of the on-site septic system. The Council further determined that the granting of the Variance will not:

1. Unreasonably increase congestion on a public street.
2. Increase the danger of fire or the spread of fire.
3. Endanger the public health, safety or general welfare.
4. Unreasonably diminish or impair established property values in the neighborhood, or
5. In any way be contrary to the intent of the Ordinance and the Comprehensive Plan of the City,

APPLICATION FOR TEMPORARY LIQUOR LICENSE BY ROTARY CLUB OF WBL:

This is an application for a one-day temporary liquor license at Pine Tree Apple Orchard on September 12, 2015. The application was in order and the applicant is qualified. Upon motion made and duly seconded, the Council voted unanimously to grant the temporary liquor license on the condition that the applicant submits to the City, prior to the event, evidence that the property liability insurance certificate is filed with the City.

APPLICATION FOR TEMPORARY GAMBLING PERMIT BY CHILDREN'S HEALTH CARE FOUNDATION:

This event is to be held at Dellwood Country Club on August 7, 2015. The applicant is a qualified organization and the application appears to be in proper order. Upon motion by Pazlar, second by Cuff, the Council voted unanimously to approve a Temporary Gambling Permit to Children's Health Care Foundation to conduct charitable gambling at Dellwood Country Club on August 7, 2015.

AMENDMENT TO NOISE ORDINANCE:

A discussion was held regarding Mr. Copeland's recommendation that the City Noise Ordinance be changed to allow for a more expeditious way to handle requests for a one-time Variance to the Noise Ordinance to allow music to be played outdoors until midnight.

Questions were raised as to whether this change should apply to private residences only and not to commercial entities. Also, should there be a limitation as to how many times in a year period could this exception be allowed. Copeland will prepare a proposed Amendment for review by the Council members at the August meeting.

PROPOSED REVISED APPLICATION FORM FOR VARIANCES, CUPS AND OTHER LAND USE ISSUES:

Copeland presented a proposed revised Application Form which requires more detailed information from the applicant. Mayor Nuffort stated that this matter will be considered at the joint meeting of the Council and Planning Commission on August 4, 2015.

EHLERS DISCLOSURE CONTRACT:

Mike McGill looked into this matter and recommended that the City proceed with a Contract with Ehlers and Associates for ongoing reporting in connection with the City's bonding issue at \$750 per year. Upon motion by St. Martin, second by Pazlar, the Council resolved unanimously to contract with Ehlers for reporting services as required at a price of \$750 per year through year 2018, the end of the current bonding issue.

DORAL ROAD/APPLE ORCHARD COURT ROAD EXTENSION:

Signs have been installed stating "No Parking-Emergency Vehicles Only".

Fireworks Issue – Paul Rogosheske appeared as attorney for Todd Nicholson's display of fireworks on July 4th. He stated he was present to try to resolve the matter without the need for prosecution. Copeland stated the Sheriff's office was doing an investigation. He suggested that the City withhold any further action until he and Mr. Rogosheske can try to work out a resolution. He asked that the matter be tabled until the August Council meeting, and the Council agreed to do so.

No Parking Signs on Meadow Lane – Ken Johnson reported that four signs had been installed prohibiting parking on each side of Meadow Lane. The cost of doing this is being sent to Dellwood Country Club. The Club has agreed to pay for this. Copeland reported placement of "No Parking" signs on Highway 96, from the entrance on Dellwood Cove on the east to the end of the Dellwood Country Club practice range on the west has been ordered, but it is not known how long it will take MNDOT to complete this job,

CLAIMS AND RECEIPTS LIST:

Upon motion by St. Martin, second by McCarthy, the Receipts and Claims List for June 2015, was unanimously approved with the exception of Lyle signs.

REPORTS OF COMMISSIONERS:

St. Martin reported many Permits for roof damage repairs due to recent hail storms. He urged council members to spread the word – be sure to check out the qualifications of persons and firms seeking work in the City, and make sure the permitting process is followed.

Cuff reported that the buckthorn eradication project is awaiting a cost estimate from our forester.

Pazlar commented on several items in the Sheriff's ICR Report for June.

McCarthy noted the recent passing of Dellwood's long-time policeman Andy LaBarre.

Nuffort noted the Budget work session scheduled for July 20th at 10 a.m. and the joint Planning work session is scheduled for August 4th at 6:00 p.m.

McGill reported \$391,312 in the bank after payment of June claims. The City is in good shape financially.

There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk / Administrator