

**MINUTES OF MEETING  
DELLWOOD CITY COUNCIL  
FEBRUARY 13, 2018**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on February 13, 2018.

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

**PRESENT:** were Mayor Bob Nuffort, Councilpersons - James Cuff, Frank Pazlar, Edwin McCarthy and Scott St. Martin; also present were City Planner Nate Sparks, Treasurer Mike McGill, City Engineer Cara Geheren, City Clerk/Administrator Joanne Frane, and members of the public on the sign in sheet.

**PUBLIC COMMENT:** Mayor Nuffort asked for public comment. There were no persons present for public comment.

**APPROVAL OF AGENDA:** Mayor Nuffort asked for approval of the Agenda. Pazlar requested to add Seven Vines, Appeals, and Brown Building Permit to the Agenda. Motion by St. Martin to approve the Agenda, second by Cuff. Motion carried 5-0.

**APPROVAL OF MINUTES:** Mayor Nuffort asked for approval of the Minutes of the January 9<sup>th</sup> Council Meeting. Motion by Pazlar to approve the minutes, second by McCarthy. Motion carried 5-0.

**NOISE ORDINANCE VARIANCE – WHITE BEAR YACHT CLUB:** Nuffort stated that Thor Becken has requested a variance from the noise ordinance to allow for music to be played outside in a tent until 11:30 pm on June 30<sup>th</sup> for a wedding reception at the White Bear Yacht Club. Becken stated that there would be a disc jockey playing music in a tent. Nuffort said a public notice went out and no comments were received from the public. St. Martin said there were no issues brought up by the neighbors and the City reviews these on a case by case basis.

Motion by Pazlar to approve the request, second by Nuffort. Motion carried 5-0.

**CITY ASSESSOR POSITION:** Pazlar stated that the Council interviewed Chase Peloquin on January 29<sup>th</sup> for the assessor position and extended an offer that was accepted. McCarthy asked if this was an annual contract. Pazlar stated that was correct.

Motion by Pazlar to appoint Chase Peloquin as the City Assessor effective May 1, 2018 per the terms of his proposal for \$7500 plus expenses identified in the proposal, second by Cuff. Motion carried 5-0.

**JOINT POWERS AGREEMENT – DWINNELL AVE:** Geheren introduced the draft joint powers agreement with Mahtomedi for road work on Dwinnell Avenue. She recommended approval of the agreement with changes. The changes include a reduction in the interest rate and a clarification on the estimate being Dellwood's construction costs. McGill suggested a reduction in the interest rate to be 2%. Geheren said 2 to 3% was common. St. Martin suggested tying the interest rate to the Mahtomedi bond rate. Motion by Cuff to approve the agreement with the recommended changes, second by McCarthy. Motion carried 5-0.

**CABLE FRANCHISE AGREEMENT:** Nuffort stated that the Cable Commission is still negotiating a new five year agreement with Comcast. The request is to extend the negotiating period from July 1 to November 1. Pazlar asked if the Commission discusses customer complaints with Comcast and Nuffort said yes. Motion by St. Martin to approve the extension of the negotiation period, second by Pazlar. Motion carried 5-0.

**TEMPORARY GAMBLING PERMIT – TREEHOUSE, INC AT DELLWOOD COUNTRY CLUB:** Nuffort said Treehouse, Inc. has requested a temporary gambling permit for February 18 2018 at the Dellwood Country Club. They had a similar request last year. Motion by Pazlar to approve the temporary gambling permit, second by St. Martin. Motion carried 5-0.

**SEVEN VINES WINERY COMPLAINT:** Pazlar stated that the City received a complaint regarding the lighting and noise at Seven Vines Winery. The City Attorney and Planner reviewed the complaint and were crafting a response of which Pazlar had reviewed a draft. Sparks stated that the complaint alleged that there were noise violations regarding both time and levels from a neighboring property owner and lighting. The Building Official confirmed that there were some lights installed that were not on the site plan and did not meet the specifications required by the interim use permit. The noise complaints were not confirmed, as of this time. A response to the person who filed the complaints will be sent. A letter to the property owner will also be sent.

St. Martin suggested that the noise could be monitored in the future. He explained how noise levels are properly monitored by a noise meter and the technical requirements for accurate measurements. The owner should be engaged regarding the improper lights installed. McCarthy said that the confirmed lighting issue should be focused on, at this time. Pazlar stated that City Staff should continue working on this matter and report back to the Council on progress.

**APPEALS:** Pazlar stated that he was following up on a matter previously discussed by the Council regarding appeals and the use of a hearing officer. Pazlar said he reviewed procedures followed by other cities including St. Paul who uses a hearing officer for code enforcement cases such as vacant buildings, rental housing, and fire code enforcement. St. Martin said the hearing officer in St. Paul can be appealed to the City Council. Pazlar said the Council could use a hearing officer as suggested by the City Attorney for all administrative citations and actions, for some specific code enforcement matters that are not policy matters, or continue the current policy of all appeals coming to the Council. Pazlar also stated that he was not aware of any appeals in the last 10 years. St. Martin suggested that the Council still hear all appeals but make the process easier with a specific form and fee. If there becomes a greater number of appeals then the Council could revisit this issue. Pazlar said he would work with City Staff to develop this process for next month.

**98 DELLWOOD BUILDING PERMIT:** Pazlar said that the Browns, who received a variance to construct a garage at 98 Dellwood last year, have applied for a building permit. They had one year to do so which expires on the 14<sup>th</sup> of February 2018. Sparks said that the variance had conditions of approval including the installation of a drainage way and an easement over this area. The applicant is still working on getting the easement and that the building permit will not be issued until that is completed. St. Martin said they are making progress. Nuffort said Staff should report back to the Council if these requirements are not completed by the end of the month.

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**REPORTS OF COMMISSIONERS:**

Pazlar said that Brady Ramsay, Dellwood's Representative on the WBL Conservation District Board, will provide an update on their activities at the March Council meeting. There were two remodel permits in January.

Treasurer Mike McGill reported a balance of \$496,292 after paying the claims.

Nuffort said that Sherrill Reid has indicated that she will continue as the City's Animal Control Officer. The water management plan has been approved.

There being no further business, the meeting was adjourned at 7:30 pm.

Respectfully submitted,

Joanne Frane  
Dellwood City Clerk / Administrator