

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
APRIL 10, 2018**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on April 10, 2018, at the City Hall Offices located at 111 Wildwood Road, Willernie, MN.

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

PRESENT: Mayor Nuffort; Councilpersons - Edwin McCarthy, James Cuff, Scott St. Martin; also present were City Clerk Joanne Frane, City Attorney Richard Copeland, Treasurer Mike McGill, City Planner Nate Sparks, and Amanda Groh representing Focus Engineering; and also the persons shown on the Sign-In Sheet attached to these Minutes.

ABSENT: Councilman Frank Pazlar. Mayor Nuffort had received a letter of resignation from Mr. Pazlar to be effective immediately.

Mayor Nuffort asked if anyone was present for public comment. Craig Teilers of 33 Apple Orchard Road inquired about water issues and if any restrictions apply in view of the recent decision. Mayor Nuffort stated that they City is very supportive of maintaining the level of White Bear Lake but the City is not currently monitoring water usage.

A Washington County Deputy Sheriff was present and advised the Council that there have been numerous vehicle break-ins in the area. St. Martin asked if the Stop Sign at Tamarisk and Apple Orchard Road was being monitored. The Deputy stated that they have received no complaints recently. Cuff stated that the presence of a squad in the area would help. He also asked if it was possible to place speed monitors on Quail Avenue. The Deputy stated that he will ask the Sheriff's Office to look into doing this.

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

MINUTES: The Minutes of the March 13, 2018 Council meeting were reviewed. McCarthy noted that the Minutes may give the impression that he is in favor of the proposed Bike Trail, which he is not. Upon Motion by Cuff, seconded by McCarthy, the Minutes of the March 13, 2018 Council meeting were approved unanimously.

GENERAL OBLIGATION STREET CONSTRUCTION BOND ISSUE: Mayor Nuffort opened the public hearing on the General Obligation Street Construction Bond Issue and the adoption of the Street Reconstruction Plan. Nick Anhut and Chris Mickelson of Ehlers and Associates were present to discuss the process of approving and issuing the bonds to provide funds to complete the Street Reconstruction work. The proposal calls for bonds up to 1.6 million. This amount must be stated at the public hearing and cannot thereafter be increased without holding another public hearing.

Basically, the bonding issue process will be identical to that which was used five years ago. Interest rates are favorable, and vary depending upon the term of the bonds. Each year carries its own rate, referred to as "serial" issues, generally in the mid to upper 2's.

A table outlining the typical tax impact on residential properties in the City was distributed. The figures used assume a levy for 100% of the construction costs and associated costs.

St. Martin stated that he is in favor of a five year term. A third bond issue is planned five years from now. The final dollar figure will not be established until the bids are received.

Amanda Grok stated that weather conditions are creating a problem in getting necessary engineering data. It is possible to begin work prior to bond money is received if the City does a cash payment and reimburses itself later when funds are received. Amanda stated that work is scheduled to begin on June 26th and to be completed in September.

Upon Motion by St. Martin, seconded by McCarthy, the Council voted unanimously to close the public hearing. McCarthy moved to approve plans and specifications prepared by Focus Engineering, subject to final review and approval thereof by the City Engineer, and to authorize placement of advertisement for bids for the 2018 Street Improvements. Cuff seconded the Motion and all four Council members present voted in favor of the Motion.

Anhut noted that the public has the right to petition the City to hold an election on the improvements and bond issue.

Upon Motion by St. Martin, seconded by Cuff, the Council members present unanimously approved the passage of Resolution No. 2018-03, adoption of the Street Reconstruction Plan and providing for the sale of \$1,600,000 General Obligation Bonds, Series 2018A (Resolution Attached).

McCarthy inquired about the closure of Peninsula Road for construction work. Amanda stated that determination would have to await the Contractor's inspection. The goal is to award the contract by the May 8th Council meeting. Traffic control is the responsibility of the general contractor.

MS4 PERMIT: Mayor Nuffort opened the public hearing on the MS4 Permit. Amanda Groh stated that the City appears to be in full compliance with the Permit. No member of the public appeared at this hearing. Amanda noted that MPCA does conduct audits to determine that each City is complying with its MS4 Permit.

St. Martin moved to close the public hearing. Cuff seconded the Motion and it was unanimously approved.

GARAGE SIZE: The next item of business was the review of a proposed Amendment to the Ordinance provisions governing maximum sizes of garages. The Planning Commission had reviewed this matter at the April 3rd meeting and made recommendations to the Council.

Mr. Sparks gave a summary of the Planning Commission's recommendations:
The basic maximum garage size in the R1 Zoning District is proposed to increase to 1500 square feet, and the maximum accessory building size is proposed to be 200 square feet. For larger lots, having an

area between 2 and 3 acres, with an attached garage, an additional detached garage up to 1500 square feet is permitted under a Conditional Use Permit to a total maximum garage space of 3000 square feet. Residential lots having an area in excess of 3 acres could have two garages one of which is attached. The area of any one garage, attached or detached, could not exceed 1800 square feet and the second garage would require a Conditional Use Permit.

St. Martin was concerned that some lots could have a garage or garages being larger than the main house. He suggested a restriction that the garage footprint be less than that of the main house. He also stated that the detached garage buildings should match the architecture of the main house, screening by way of landscaping should be required, and the height of any detached garage be restricted to prevent second stories.

McCarthy stated that the allowance of additional garage space on larger lots should take into consideration only the buildable land and not wetlands and other unbuildable ground. Sparks stated that the recommendation requiring a Conditional Use Permit for second garages was intended to ensure that the building would fit the lot.

Mr. Copeland stated that the allowance of additional garage buildings or accessory buildings would always be subject to the Zoning Ordinance governing setbacks, impervious surfaces, etc. Mayor Nuffort suggested that for lots having over 3 acres of buildable land, the Ordinance should be more similar to the allowance for lots between 2 and 3 acres in size with total garage space up to 1800 square feet. There should be an attached garage before an additional unattached garage building is allowed. Smaller lots in the R1 District should remain to be governed by the current Ordinance restriction of 1200 square feet. St. Martin concurred and stated that total garage area should not exceed the footprint of the main house.

The Council agreed to reconsider this matter at the May meeting and that Mr. Sparks and Mr. Copeland should continue to work on a proposed Ordinance.

WASHINGTON COUNTY BOLDPLANNING SOFTWARE AGREEMENT: The next item on the Agenda was the Washington County BoldPlanning Software Agreement.

Mayor Nuffort stated that the County is seeking multi-City cooperation in establishing use of BoldPlanning Software for Emergency Operations Plan (EOP) and/or Continuity of Operations Plant (COOP). The Washington County Sheriff's Office has prepared a Cooperative Agreement which was approved by the Washington County Board at its February 27th meeting.

Upon Motion by St. Martin, seconded by McCarthy, the Council unanimously resolved to accept the Cooperative Agreement between Washington County and the various Cities signatory to the Agreement providing for the City of Dellwood to participate in having access to and utilization of BoldPlanning Software. Under the Agreement, the City is obligated to have at least one representative attend an introductory training session regarding BoldPlanning COOP and EOP Software.

AMENDED ADMINISTRATIVE CITATION ORDINANCE: The next item on the Agenda was the proposed Amended Administrative Citation Ordinance. Copeland explained that this Ordinance is needed to allow the City to administratively enforce its Codes rather than resort to formal complaints filed in the District Court. The administrative process allows the Code Enforcement Officer (Jack Kramer) to issue Citations for Code violations and to impose an administrative penalty. The property owner or other entity

receiving the Citation has the ability to request a review hearing before the City Council. An appeal of the City Council's decision can be made by a Writ of Certiorari filed with the Minnesota Court of Appeals. No provision has been made for an appeal hearing before an independent hearing officer. The Council asked Mr. Sparks and Mr. Copeland to come to the May Council meeting with a recommendation regarding the amounts to be charged for various types of Code violations.

APPLICATIONS FOR TEMPORARY GAMBLING PERMITS: The Applications for Temporary Gambling Permits submitted by Lakeview Memorial Hospital Foundation, Vadnais Heights Economic Development Corporation, and Camp Odayin were reviewed and discussed. All three Applications were found to be in proper order.

Upon Motion by St. Martin, seconded by McCarthy, the Application of Lakeview Memorial Hospital Foundation was unanimously approved.

Upon Motion by St. Martin, seconded by McCarthy, the Application of Vadnais Heights Economic Development Corporation was unanimously approved.

Upon Motion by Cuff, seconded by McCarthy, the Application by Camp Odayin was unanimously approved.

Copeland noted that the approvals are made with no waiting period.

CLAIMS AND RECEIPTS LIST was presented and reviewed for March 2018. Upon Motion by Cuff, second by McCarthy, the Claims and Receipts List for the month of March 2018 was unanimously approved, as submitted.

REPORTS OF COMMISSIONERS:

St. Martin noted the sudden resignation of Councilman Frank Pazlar, and suggested a plaque of some sort be given to Frank in recognition of his many years of service to the City. The Council members agreed that Frank Pazlar contributed in many ways to the interests of the City and its citizens. St. Martin will report at the next meeting.

McCarthy asked about 98 Dellwood Avenue. Sparks stated that a draft Drainage Easement document has been prepared together with an Escrow Agreement which has been reviewed by Copeland. Cara Geheren has reviewed the documents and the survey. St. Martin moved to approve the Drainage Easement and Escrow Agreement subject to approval by Copeland. Cuff seconded the Motion. McCarthy recused himself from consideration of the Motion. Mayor Nuffort and Councilpersons Cuff and St. Martin voted in favor of the Motion and it was passed.

Cuff reported that he had attended the last meeting of the bike trail committee. The funding request will be heard in the State Legislative Subcommittee next week. The request is for 8.8 million.

Mayor Nuffort reported on a meeting with Adam Josephson of MnDOT regarding the States proposal to convey Highway 244 to the Cities of Dellwood and Mahtomedi. Washington County has said that the County does not want to take over this roadway. Mr. Josephson stated that the State of Minnesota has no intention of forcing the Cities to accept the conveyance. He stated that the consent of both Cities would probably be needed to make it work. Mahtomedi has this proposal under consideration. He noted that the State does have a recent survey of the roadway right of way through Dellwood. Copeland believed that there are legal issues with regard to the actual location of the right of way. Josephson admitted that there may be problems in that regard which can be resolved by way of a formal monumentation process. Copeland stated that as a part of the conveyance, the City would require that it receive good title with no issues involving claims by adjoining landowners. Sparks submitted a map showing the average daily traffic volume on Highway 244 and Highway 96. The length

of Highway 24 through Dellwood is 1.6 miles. Dellwood and Mahtomedi will confer with each other on this matter.

McGill reported the balance in the bank after payment of March bills is \$478,393. The City is in good shape financially.

There being no further business, the meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk / Administrator