

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
MAY 8, 2018**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on May 8, 2018, at the City Hall Offices.

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 Cara Geheren, City Engineer; and also the persons shown on the Sign-In Sheet attached to these Minutes. (City Building Inspector Jack Kramer was also present later on in the meeting).

Mayor Nuffort asked if anyone was present for public comment and no one came forward.

Mayor Nuffort asked for approval of the Agenda. He noted that addition of Item Number 11 being the request from White Bear Township that the City of Dellwood enter into a Joint Powers Agreement for the LaChapelle property at 5250 East County Line Road. Jim Cuff asked that Item Number 12 be added being a discussion of the flooding issue at the O'Connor property at 35 Evergreen Road. Upon Motion by Cuff, second by St. Martin, the Agenda for the meeting, with the additions noted, was unanimously approved.

The Minutes of the April, 2018 Council meeting were reviewed. Upon Motion by St. Martin, seconded by McCarthy, the Minutes of the April 10, 2018 Council meeting were approved unanimously.

Council Member Appointment: The first item of business was the appointment of a Council Member to fill the vacancy created by the resignation of Frank Pazlar. Frank Pazlar should be removed as a signer for MidWestOne Bank City checking account. Mayor Nuffort nominated Mike McGill for this position. He noted that Mr. McGill has resigned his position as City Treasurer and is willing, capable and qualified to serve as Council person. St. Martin seconded the nomination and it was unanimously approved. Mr. Copeland administered the Oath of Office to Mr. McGill.

Appointment List Update: Mayor Nuffort noted the updates to the List of City Appointments, with Mike McGill to serve as Building and Septic Commissioner and Ed McCarthy to serve as Special Projects Commissioner. Upon Motion by Mayor Nuffort, second by Mr. Cuff, the foregoing appointments were unanimously approved.

Appointment of Brady Ramsay: The next item of business was the appointment of Brady Ramsay to serve as City Treasurer. Mr. Nuffort explained that he has talked with Mr. Ramsay and that he is willing to accept the position of Treasurer. Mr. Ramsay is a CPA and well qualified to act as Treasurer to replace Mike McGill who is now a Council person.

Upon Motion by Mayor Nuffort, seconded by St. Martin, the Council voted unanimously to approve Brady Ramsay's appointment as City Treasurer. Mr. Ramsay was unable to attend tonight's Council meeting. Brady Ramsay is to be added as a signer to the MidWestOne Bank checking account. The

signers to be on both City checking accounts at MidWestOne Bank should be: Robert Nuffort, James Cuff, Edwin McCarthy, Mike McGill, Scott St. Martin, Brady Ramsay and Joanne Frane.

Jack Kramer, Building Official Update: The next item of business was the Update by Building Official Jack Kramer which was deferred to a later time due to Mr. Kramer not having arrived yet.

2018 Street Improvements: City Engineer Cara Geheren gave an extensive summary of the various options available to the City for making improvements to the streets included in the 2018 project. She described pros and cons of doing a “mill and overlay”, a seal coat, and a reclaim of overlay. A full reconstruction generally would involve five times the cost of reclaim and overlay. Exactly what sort of action she will recommend to the City depends somewhat upon the nature and condition of the underlying soils and gravel base. Bayhill Road in Meadow Ridge Estates is in very bad condition. There appears to be a subgrade failure. Ground penetrating radar measurements appear to show that the full requirement of Class 5 gravel is not present under Bayhill Road.

The drainage issue at Peninsula Road requires further study and possibly more topographical data. She is recommending that the 2018 Project be revised by proceeding with the work on Bayhill Road and after that is completed to then address Peninsula Road.

St. Martin asked if the original construction of Bayhill Road in the 1990’s met industry standards and/or the specifications required by the City. Cara stated that she is unable to determine if proper inspections were done at that time. Construction materials used back then are different than those in use today. Cara stated that it may be necessary to defer construction work on some streets to a future year depending on what is going to be done in Meadow Ridge Estates. Bayhill definitely needs work and she will arrange for further testing to be done to determine the extent of the subgrade materials which need to be replaced.

Mike McGill noted that the 1.6 million bond issue recently approved may need to be revised upwardly and that a new public hearing may be required. Cara stated that work in Meadow Ridge is urgent and she will get bids as soon as possible. Ken Johnson will coordinate efforts to get borings on Bayhill Road.

Cara will have an updated report at the June Council meeting.

35 Evergreen Road: The Council decided to revisit the flooding issues at the O’Connor property at 35 Evergreen Road. The O’Connors have asked the City to contribute to the costs previously incurred by them without gaining prior City agreement for their work. The O’Connors acted on their own for a drainage solution without giving the City the ability to determine whether the actions taken by the O’Connors were the best resolution for the City. The City maintains no obligation for the work performed on the 35 Evergreen Road property.

Discussion on Garage Size: The next item was a discussion of maximum garage sizes. Nate Sparks discussed his memorandum of May 2, 2018. He described how other Cities have addressed this issue. McCarthy questioned the role which wetlands play in deciding lots sizes and whether setbacks apply to distances from wetlands. He stated that in his opinion, garage heights should not exceed 20 feet. Mr. Copeland stated that the manner in which building heights is measured may have been amended in recent years. The Council members agreed to consider this matter again at the June Council meeting. Mr. Sparks and Mr. Copeland are to continue efforts to come up with recommendations to the Council.

Mayor Nuffort stated that it appears that the proposed limit of 200 square feet for accessory sheds is reasonable.

Administrative Citations: The next item was the continuation of discussion regarding the amendments to the Ordinance regarding Administrative Citations and Penalties. Nate Sparks discussed the features of the proposed Ordinance. The intent of the Ordinance is to provide a more effective way to address violations of City Ordinances by way of an administrative process.

Jack Kramer stated that he feels the new amendments are very workable. He has sent out four compliance letters in the past month. Most property owners are cooperative and do promptly respond to the initial letter.

Mr. Copeland recommended that an official summary of the Ordinance should be published rather than the entire Ordinance. A summary will be prepared for approval by the Council at the June meeting.

Sign Ordinance: Mr. Copeland had provided a copy to the St. Paul Area Association of Realtors. Mr. Forrest Cyr, Government Affairs Director for the Association was present to address the Council. He stated that the Ordinance as proposed appears to be acceptable to the Realtors Association except for Section 94.032 regarding limits on the size of signs allowed. He believes the standard real estate for sale sign is about 9 square feet in size, and the height of the standard sign is about 5 feet above ground level. He would like to discuss these provisions with Mr. Copeland. This matter will be on the June Council Agenda for final approval, with any changes from the proposed version as may be needed.

Temporary Gambling Permit: The next agenda item was a Temporary Gambling Permit for Chisago City American Legion Post 272. This application is for a Raffle event to be held at Dellwood County Club on August 6, 2018. The application was reviewed and found to be in proper order. Upon Motion by St. Martin, second by McCarthy, the Application for a Temporary Gambling Permit for a raffle to be conducted at Dellwood County Club on August 6, 2018 by Chisago City American Legion Post 272 was unanimously approved with no waiting period.

Comprehensive Plan Update: Mayor Nuffort opened the public hearing on this matter. Nate Sparks discussed the Update to the Dellwood Comprehensive Plan. An Update is required every ten years, and the last Update was 2010. There was no person present for the public hearing and nothing had been submitted to the City in writing. Mr. Sparks presented a proposed Resolution (No. 2018-04) which authorizes the release of the draft of the Update to neighboring jurisdictions for review. Upon Motion by St. Martin, second by Cuff, the Resolution authorizing release of the proposed Update was unanimously approved (copy attached).

Joint Powers Agreement: White Bear Township has requested that Dellwood enter into a Joint Powers Agreement in order for the Township to enable the property at 5250 East County Line Road to be connected to the public water and sewer lines located in the roadway. The property lies within the City of Dellwood and is served by an on-site private sewage treatment system which has now failed. The residents are current relying upon a portable toilet placed on the property.

Mr. Copeland presented a copy of the proposed Joint Powers Agreement, which basically requires Dellwood to notify Met Council of the change in the MUSA line and to certify any fees or charges imposed by the Township to the Washington County Auditor for inclusion in the Property Tax Statements for 5250 East County Line Road, in the event any such charges are delinquent and to remit

funds collected to the City of White Township. Mr. Copeland recommended approval of the Joint Powers Agreement. Mr. McGill moved to approve the Joint Powers Agreement on condition that a follow up be done to see that the connections are completed within 30 days. Upon second by Mr. McCarthy the Motion was unanimously approved.

Claims and Receipts List was presented and reviewed for April 2018. Upon Motion by St. Martin, second by Cuff, the Claims and Receipts List for the month of April 2018 was unanimously approved, as submitted.

Reports of Commissioners:

St. Martin introduced Greg Boosalis, a resident of Pine Tree Hills. Mr. Boosalis expressed his interest in becoming involved in service to the City in some way.

Cuff asked if there were any further developments regarding the turn-back of Highway 244. Mayor Nuffort stated that he has heard nothing further on the matter.

Copeland stated that he will ask representatives from Washington County and the Minnesota Land Trust to come to a meeting to speak to the Council as to reasons why the City should consider placing land at Apple Orchard Road and LaCosta into a Conservation Easement. Mr. Copeland distributed copies of an article which appeared in the Wall Street Journal regarding the fact that some Cities are experiencing complaints and opposition to the creation of this expansion of the bike trails.

Copeland stated that there will be a request submitted for Variances at 17 Peninsula Road, where the owners wish to demolish the existing house and construct a new home. Several Variances are requested including setbacks from the land and the side yard, as well as the type and location of the Septic System.

After payments of claims, the bank balance is \$451,946.

There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk/Administrator