

**MINUTES OF MEETING  
DELLWOOD CITY COUNCIL  
JUNE 12, 2018**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on June 12, 2018, at the City Hall Offices located at 111 Wildwood Road, Willernie, MN.

**Present:** Councilpersons – Deputy Mayor James Cuff, Edwin McCarthy, Mike McGill and Scott St. Martin; also present were City Clerk Joanne Frane, City Attorney Richard Copeland, Nominee Treasurer Brady Ramsay, City Planner Nate Sparks; and also the persons shown on the Sign-In Sheet attached to these Minutes.

**Absent:** Mayor Nuffort

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

Mr. Cuff asked if anyone was present for public comment and no one came forward.

Mr. Cuff asked for approval of the Agenda. Upon Motion by McCarthy, second by St. Martin, the Agenda for the meeting was unanimously approved.

The Minutes of the May 8, 2018 Council meeting were reviewed. Upon Motion by St. Martin, seconded by McGill, the Minutes of the May 8, 2018 Council meeting were approved unanimously.

**Oath of Office:** Mr. Copeland administered the Oath of Office to Brady Ramsay who was appointed to serve as Treasurer for the City until his successor is duly appointed.

**2018 Street Improvement Bond Issue:** Nick Anhut of Ehlers and Associates reported on the results of the bidding (a copy of his written report is on file).

Mr. Cuff announced that the next order of business was consideration of the proposals which had been received for purchase of the City's General Obligation Street Reconstruction Bonds, Series 2018A, to be issued in the aggregate principal amount of \$1,600,000. The City Clerk presented a tabulation of the proposals that had been received in the manner specified in the Terms of Proposal for the Bonds. After consideration of the proposals, St. Martin then introduced a proposed Resolution, seconded by Cuff, a copy of which is attached to these Minutes, the reading of which was dispensed with by unanimous consent and moved its adoption.

**17 Peninsula Road Land Use Request:** This is a request to allow for the demolition of the existing home on Lot 2, Dwinnell Peninsula, Addition No. 1, and Tracts A & B, RLS No. 23. The non-conforming lot upon which the home is currently located lies South of Peninsula Road and consists of 2/3 of an acre. The remainder of the property lies across Peninsula Road to the North and is to be used for placement of the septic system. The two parcels are not contiguous, being separated by the roadway.

Nate Sparks discussed his Memorandum addressed to the City dated June 6, 2018 (copy attached). He discussed the requirements of the City Ordinance regarding construction on lots which are non-conforming due to lack of having one acre in area.

This request was heard and considered by the City Planning Commission at a public hearing held on June 5, 2018. The recommendations of the Planning Commission are stated in the Minutes of the June 5<sup>th</sup> meeting.

Tony and Sarah Yocum spoke on behalf of the request. Joe Crowley, the designer and builder, also spoke on behalf of the project. A neighbor Scott O'Connor addressed the Council about his concerns, which he had set forth in a letter to the City dated June 8<sup>th</sup>. He is concerned about surface water runoff, impervious surfaces and elevation of the lot by 7 feet or so. He stated that the request is driven by wants and not needs.

Crowley said that the practical difficulty in meeting the ordinance was due to Peninsula Road being moved. He showed the Council pictures of the road location from the 1940's and 1950's. Sparks stated that this was irrelevant, as the lot has had this form for quite some time. St. Martin questioned what this has to do with the need for variances.

Jim Cuff stated that his concern is stormwater runoff onto adjoining properties, the street and the lake. He stated that perhaps the applicants might work this out with the City Engineer. He is not concerned with the 4.5 foot encroachment on the easterly setback line. St. Martin said they should be able to meet the side yard setback. He asked the applicant if they could make an adjustment. Sarah Yocum said they could not, as it would make people have to walk through the kitchen to get to a bathroom from the pool.

Joe Crowley said that the City Sewer Inspector had no issues with the septic proposal. Sparks said that the Sewer Inspector's comments are in the information for review. The increase in the number of bedrooms requires the use of a Type IV system as the existing Type I system cannot be expanded. The fill being brought onto the lot eliminates the possibility of an alternate site that could support a Type III system.

Travis VanLiere said that the City Engineer required the fill. He stated that it appears that the use of pavers may be the only way to get to 25% hardcover and that they have a stormwater management plan. Sparks stated that the ordinance requires the house to be three feet above the ordinary high water mark of White Bear Lake but the house design is driving the need for this amount of fill and grading. Joe Crowley stated that he would be happy to work with the City Engineer. Sparks stated that the Engineer does not have a stormwater management plan to review.

St. Martin said he thinks there should be an alternate site and asked if they could limit the house to four bedrooms to keep a Type I system. Sarah Yocum said they had to have five bedrooms.

St. Martin inquired as to what sort of on-going maintenance agreement would be necessary.

Cuff stated that he does not believe that the Council has sufficient information at this time. He would like to give the Applicants the time to more fully address the conditions set forth by the Planning Commission for approval of this project. McCarthy echoed Mr. Cuff's remarks; more input is needed. McGill stated that more information is needed with regard to ensure stormwater management is not an issue. The Council needs the opinion of the City Engineer on these issues. He also stated that he does not believe that the applicant has proven that there are practical difficulties present.

McCarthy noted that the City has been dealing with these kinds of issues for many years and will continue to do so. He feels that this matter should be further considered at the next Council meeting. Nate Sparks stated that the City Engineer does not have a sufficient water management plan to review. It is up to the Applicants to provide more data with regard to the use of pavers as well as an overall surface water management proposal.

Joe Crowley presented a letter from Pierce Pini & Associates regarding a conceptual water management plan that could be provided. A copy of that letter is attached to these Minutes.

Cuff asked about the removal and replacement of trees on the property.

Dr. Karen Quaday of 12 Peninsula Road spoke in support of the project. She believes that some Cities consider pools to be pervious because they collect rainwater.

At this point, Cuff moved to table this matter to the July Council meeting. McGill seconded and the Council voted unanimously to consider this matter again at the July 10<sup>th</sup> Council meeting. McGill stated his concerns about the basis for practical difficulties which are required to be demonstrated as a threshold for obtaining any Variances.

**Garage Size Review:** Nate Sparks discussed the proposed parameter for maximum garage sizes and heights in the respective Zoning Districts. The draft ordinance now caps the garage size at 1,500 square feet in the FE/PRD and R-2. If there is an attached garage a second building could be placed on a lot with a CUP with the size allowed determined by the size of the lot. The total garage size could not exceed the footprint of the house.

Sparks said the Council requested more information on height of detached garages. The current ordinance allows 25 feet to the peak. St. Martin said that this was too high. McGill said that it was almost the size of a house. McGill said the ordinance should be changed to 15 feet to the mean and 20 feet to the peak. Sparks said the plan would be to go to the Planning Commission for a public hearing on the proposed new Ordinance Regulations at their next meeting with another agenda item for a public hearing.

**Amended Sign Ordinance:** Nate Sparks presented a proposed Resolution authorizing summary publication of the proposed Ordinance number 2018-02 which amends the City's Sign Ordinance, with the proposed amended Ordinance itself. Mr. Forrest Cyr of the St. Paul Area of Realtors stated that he had talked with Mr. Copeland and had reviewed a copy of the proposed Ordinance. His organization is satisfied with the content of the proposed Ordinance.

Upon Motion by McGill, second by Cuff, the Council resolved unanimously to adopt the Ordinance No. 2018-2 and to approve the summary publication Resolution Number 2018-06 thereof. Copies of the Ordinance and Summary are attached hereto.

**Administrative Citation Ordinance:** The proposed Ordinance amending the existing Administrative Citation Ordinance was reviewed, together with a proposed Resolution approving summary publication thereof. Upon Motion by McCarthy, second by McGill, the Council unanimously approved adoption of Ordinance Number 2018-01 and Resolution Number 2018-05 providing for summary publication (copies attached hereto).

**Temporary Gambling Permit for Canvas Health:** The Application submitted by Canvas Health for a Temporary Gambling Permit was reviewed and found to be in proper order. This Organization is tax exempt 501(c) which conducts lawful gambling on five or fewer days and awards less than \$50,000 in prizes per year. The event is to be a raffle conducted at Dellwood County Club on July 23, 2018. On Motion by McCarthy, second by McGill, the Council unanimously approved the issuance of a Permit with no waiting period required.

**Temporary Gambling Permit for Jeremiah Program:** This is an Application for a raffle to be held at the White Bear Yacht Club on June 18, 2018. The Application was found to be in order. The Organization is a charitable tax exempt organization under Section 503(c) of the Code and does not conduct gambling

more than 5 days and does not award prizes in excess of \$50,000 in a calendar year. Upon Motion by McCarthy, second by Cuff, the Council unanimously approved the request for a gambling permit for June 18, 2018 with no waiting period.

**Temporary Liquor License for Taste of White Bear Lake:** This Application is for a one-day license to sell liquor at Pine Tree Apple Orchard on September 8, 2018. The sponsoring organization is Rotary International White Bear Lake. The Application includes a Certificate of Liability Insurance naming the City of Dellwood as an additional insured under the policy. A condition of the Permit is that the Applicant is to have 2 off-duty Sheriff's present in Uniform at all times during the event. Upon Motion by McGill, second by McCarthy, the Council unanimously approved a temporary one-day on-sale liquor license to Rotary International White Bear Lake on September 8, 2018, at the Pine Tree Apple Orchard, on the condition stated above.

**Election Judges – 2018:** Upon Motion by McGill, second by McCarthy, the election judges listed on the sheet attached hereto were unanimously approved.

**Meeting Date Change:** The date of the August 2018 City Council meeting has been changed to Monday August 13, 2018 at 5:30 p.m. due to the primary election being hold on Tuesday August 14<sup>th</sup>.

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

**Reports of Commissioners:**

**Cuff** reported having received complaints from residents near the 7 Vines Winery about the noise level. McCarthy and Copeland also reported hearing complaints. Copeland told the people that the Winery is obligated to conform to the Noise Ordinance and the State Rules, which are applicable to everyone in Dellwood including the White Bear Yacht Club, Dellwood County Club and the Apple Orchard and the Winery. The City cannot act without good evidence that the noise limits have been violated. Sparks noted that the lighting issues at the Winery are being addressed, and a further update will be given at the July Council meeting.

He reported that the wood fence along the northwesterly property line runs partly through the wetland. RCWD is not overly concerned because the fence does not impact the flow or quality of the water. The Winery intends to finish the exterior side of the fence or turn it around.

**McGill** reported 13 new remodel permits.

**McCarthy** reported receiving a complaint from O'Connor on Peninsula Road that a tree service was damaging the roadway. He talked with the person operating the equipment, who declined to divulge his name or his employer's name.

**City Treasurer Brady Ramsay** reported a bank balance of \$486,722.52 before payment of May claims.

There being no further business, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Joanne Frane  
Dellwood City Clerk / Administrator