

**MINUTES OF MEETING  
DELLWOOD CITY COUNCIL  
AUGUST 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 August 13, 2018, at the City Hall Offices. The meeting was held on Monday pursuant to proper notice due to the Primary Election being held on August 14, 2018.

**Present:** Mayor Nuffort Councilpersons – Jim Cuff, Edwin McCarthy, Mike McGill and Scott St. Martin; also present were City Clerk Joanne Frane, City Attorney Richard Copeland, Deputy Treasurer Brian Beich and also the persons shown on the Sign-In Sheet attached to these Minutes.

**Absent:** City Treasurer Brady Ramsay

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

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

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

The Minutes of the July, 2018 Council meeting were reviewed as were the Minutes of the Special Council meeting which was held on July 25, 2018. Upon Motion by Cuff, second by St. Martin, each of those Minutes were unanimously approved as submitted.

**Item 1: Public Hearing-16 Overlook Road:** The first item on the Agenda was the Public Hearing upon the request of the Miraglia Family for a dog kennel license at the home at 16 Overlook Road. They have four dogs over three months of age which are kept as pets. The dogs names are Phoebe, Falcor (aka Doodle), Gabriel and Daisy; all of which are currently licensed by the City. The applicable Ordinance, (No. 91.04) defines “kennel” as being any place where four or more dogs over three months of age are boarded, and requires the owner to have a Kennel License from the City.

Mr. Cuff noted that he had received a complaint from a neighbor about dogs barking at 16 Overlook Road. Mr. Cuff also stated he had talked with the Mariglias about it and that they have taken steps to control the barking issue.

Mr. Cuff moved that the City issue an Interim Use Permit to the Miraglias at 16 Overlook Road to be allowed to keep the four dogs named above upon payment of the required Permit Fee, and on condition that they continue on-going measures to control barking. The Interim Use Permit would expire at such time as there are less than four dogs being kept at 16 Overlook Road. St. Martin seconded the Motion and it was passed unanimously. There were no other persons present with regard to this matter and no other persons had submitted any comments in writing.

**Item 2: 2019 Budget:** The proposed Budget for the year 2019 was reviewed.

Cuff commented regarding engineering services to be rendered in connection with road resurfacing in connection with the Road Resurfacing and Seal Coating which are budgeted at \$89,000. He stated that this figure could be reduced to \$45,000 and the repair and maintenance supplies proposed figure of \$27,400 could go to \$20,000 for year 2019.

Mayor Nuffort noted that at the September meeting the Council will adopt a “not to exceed” total budget figure. There probably will be some funds received from the Local Government Aid Program which has been in the range of \$12,000 to \$15,000 in years past. Such funding is not a guarantee and should not be included as a budget item. The amount, if any, which the City may receive, will not be known until early November.

**Item 3: Planning Commission Discussion:** There was a discussion on the makeup of the Planning Commission. The Council members have received comments from the City Planner Nate Sparks and the City Attorney Richard Copeland. A problem in the past has been a lack of a quorum for Planning Commission meetings. The Council members discussed several proposed changes. The consensus appeared to be that the number of Planning Commission members remains at five; that efforts are made to obtain commitments from Planning Commission members to attend all meetings; that the current Planning Commission Ordinance be reviewed by Mr. Copeland and Mr. Sparks and discussed with Planning Commission Chairman Lin Lindbeck. This matter will be considered further at the September Council meeting.

**Item 4: Property Address Numbers**

A proposed Ordinance was submitted by Mr. Copeland which would require property owners to display the property address numbers on their homes and business buildings.

Upon Motion by St. Martin, second by McCarthy, the Council decided to refer this matter to the Planning Commission for recommendation.

**Item 5: Liability Coverage Waiver Form**

This item was the Liability Coverage Waiver Form submitted to the City by LMCIT. The purpose of this form is to confirm the City’s decision to preserve its rights under Minnesota Statute 466.04 establishing monetary limits on municipal tort liability exposure, and to waive such limits.

Upon Motion by St. Martin, duly seconded, the Council resolved unanimously to return the Waiver Form to LMCIT with the instruction that the City does not waive the aforesaid monetary limits set by Statute.

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

**Reports of Commissioners:**

**St. Martin** noted that the outdoor concert at Dellwood Country Club went well and appeared to be well organized. He has heard no complaints.

He discussed his contacts relative to the City’s Fire and Police Contracts for 2019.

**Cuff** reported that road work in Meadow Ridge Estates is scheduled to start on August 14<sup>th</sup>. Buckthorn eradication will start in the fall. Timberline has found some Oak tree disease on private property and the property owners have been notified.

**McGill** reported 5 remodel permits and one new home construction.

**McCarthy** inquired about the work taking place at the Brown property at 98 Dellwood Avenue. He believes the City Inspector and possibly the City Sewer Inspector need to keep an eye on this work. He stated that he will contact the City Planner, Nate Sparks, for an update.

**Copeland** reported that the City has received a letter from O'Connor's attorney regarding the request for reimbursement of monies expended by the O'Connor's in addressing the flooding of their property. Mr. Copeland has responded to the attorney seeking further information as to the legal grounds for their claim. He will report further at the September meeting. City Engineer Cara Geheren has also submitted her comments relative to statements made in the attorney's letter.

**Deputy City Treasurer Brian Beich** reported the City has a bank balance of \$675,577.00 before payment of July claims.

Questions were raised regarding the lighting at Seven Vines Winery and the wood border fence. Mr. Copeland will check with Nate Sparks for an update. Copeland stated that it appeared the commercial vehicle is still being parked in the driveway at the Andre Peltier property. He will ask Jack Kramer to investigate.

There being no further business, the meeting was adjourned at 6:58 p.m.

Respectfully submitted,

Joanne Frane  
Dellwood City Clerk / Administrator