

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
OCTOBER 10, 2017**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on October 10, 2017, 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 - Frank Pazlar, Edwin McCarthy, James Cuff, Scott St. Martin; also present were City Clerk Joanne Frane, City Attorney Richard Copeland, Treasurer Mike McGill and City Planner Nate Sparks; and also the persons shown on the Sign-In Sheet attached to these Minutes.

Mayor Nuffort asked for public comment. No one came forth for public comment.

Mayor Nuffort asked for approval of the Agenda. Upon Motion by Cuff, second by Pazlar, the Agenda for the meeting was unanimously approved with no changes.

The Minutes of the September 12, 2017 Council meeting were reviewed. Cuff pointed out a typo on page 2, 3rd paragraph where "Louvered" should be inserted for the word "levered". Upon Motion by Pazlar, second by McCarthy, the Minutes of the September 12, 2017 Council meeting were approved unanimously, with the correction noted above.

APPLICATION OF DELLWOOD COUNTRY CLUB FOR LAND USE PERMIT: The first item of business was the Application of Dellwood Country Club for a Land Use Permit to allow for an outdoor concert at the Golf Club's driving range in July 2018.

Nate Sparks, City Planner, discussed his Memorandum to the City dated October 4, 2017, copy on file. The Club is asking for an Amendment to its existing IUP. He noted that the Permit, if granted, would be similar to that which was granted for the concert held in July of 2017. The Planning Commission held a public hearing at its October 3, 2017, and recommended approval with the conditions noted in Mr. Sparks memorandum. The Planning Commission did not address the amount of escrow to be posted by the Organizer of the event. The City required a \$5000 escrow in 2017. The Club has requested that the escrow be reduced to \$1000 for 2018.

Pazlar noted that this Escrow is intended to cover expenses of the City for cleanup, removal of signs and debris as well as cover any potential property damage.

Clerk Frane stated that the entire \$5000 was returned to the Organizer in 2017.

Pazlar asked if \$2000 would be agreeable to the Club and Mr. Countryman, the Club's General Manager, stated that would be agreeable and reasonable due to the anticipated increase in the number of people who may attend the 2018 concert.

Pazlar stated that the Dellwood Hills Neighborhood Association had sent out material to the area residents asking for comments about the 2017 concert. The responses, he noted, were generally favorable, with two major concerns being noise levels and security. He noted that everyone in

attendance may not be off the property by 10:00. Barricades are to be manned under the proposal from 2:00 p.m. to 10:00 p.m. Pazlar feels that security personnel are needed beyond 8:00 and that barricades should be in place and manned until 10:00 p.m. Mr. Countryman stated the Club would change its Security hours to run 2:00 p.m. through 10:00 p.m.

The noise issue was discussed and it was noted that the Planning Commission recommended that a professional third party be employed at the Club's expense to monitor noise levels at the 2018 concert. This would give information for any future concert events beyond 2018. Copeland stated that the Club is at risk in 2018 should the noise levels exceed those allowed by State Statute, City Ordinance, and the conditions of the Permit. The Club could be prosecuted for violation of those regulations if the monitoring discloses excess noise levels.

St. Martin noted that a condition of the Permit would be that the Organizer submits a preliminary report to the City confirming that all things required have been or are being satisfied. Mr. Countryman stated that the exact date of the concert has not been confirmed, but would be held either on Friday July 20th or Saturday July 21st. The venue will be a country music style artist who is well known. The preliminary report will be submitted 90 days prior to the event date.

Upon Motion by St. Martin, second by Cuff, Mr. Nuffort, Mr. Pazlar, Mr. Cuff and Mr. St. Martin voted in favor of approval of an Amendment to the existing IUP to allow an outdoor concert to be held on the driving range of Dellwood Country Club on July 20 or 21, 2018 between the hours of 3:00 p.m. and 10:00 p.m.; upon the following conditions: Councilmember McCarthy voted nay.

1. The applicant shall demonstrate sufficient liability insurance to the City Attorney for such an event for the protection of the City.
2. A security plan shall be provided including identification of the security provider and confirmation of agencies participating.
3. The applicant shall place no parking signs and barricades on neighboring residential streets as identified and requested by the City Council at the Applicant's expense. Manned barricades shall remain in place at all times between 2:00 p.m. and 10:00 p.m.
4. The City's noise ordinance shall be met at all times. The event shall not project noise on to any adjacent property in excess of Minnesota PCA requirements. The applicant shall hire an independent professional third-party contractor to take sound level measurements and provide a report to the Council within 30 days after the event.
5. Advertising shall clearly state that all parking shall be provided at Century College.
6. Confirmation of the off-site parking arrangement shall be provided to the City.
7. The number of portable toilets provided shall meet industry standards for an event of this size.
8. The requisite number of handicapped toilets shall be provided.
9. The event shall not start before 3:00 pm and music shall cease by 9:00 pm.
10. All patrons will be off the premises by 10:00 pm.
11. No more than 4,000 people may attend the event.
12. An EMT and paramedic shall be on site during the event, unless otherwise recommended by the Fire Chief.
13. All facilities shall generally adhere to the site plan and the submissions from the Applicant, except as may be modified by these conditions.

14. The applicant shall provide an escrow of \$2000 to the City to guarantee removal of all trash, barricades, and no parking signs, as well as be available for any damage to property.
15. All requirements of the City of Dellwood, Fire Chief, Washington County Sheriff, and Minnesota State Patrol shall be adhered to.
16. At least 90 days prior to the event date, Applicant shall report to the City that arrangements for Items no. 1,2 and 6 above have been completed, and will advise the City of the name of the artist(s) who will be performing, and the exact date on which the event will be held.

35 EVERGREEN: The next item was the surface water drainage issue at 35 Evergreen. Mr. Cuff stated that he has heard no further complaints. A copy of the letter received by Molly O'Connor is attached to these Minutes.

HAWKINS PROPERTY – BIKE TRAIL DONATION/LAKE LINKS TRAIL UPDATE: The next item was the Hawkins Property donation for bike trail purposes.

Dennis Lindeke, Mike Brooks and John Sachi were present to discuss the proposed bike trail. They explained that the City should donate land or an easement over land which is owned by the City at the foot of Echo Street. They stated that it will be impossible to complete the entire trail as proposed without going outside of the public right of way in certain places, particularly in the stretch from Dwinnell Street to the southerly Dellwood City limits. They will be seeking additional funds from the State to acquire private land or easements as needed. Design work at this time is not yet completed. Money spent so far has been for design work and not for construction purposes.

Mr. Brooks stated that the trail is essentially meant to be situated within public right of way. Donations or negotiations for easements on private lands will probably be needed.

St. Martin asked why Park Avenue in Mahtomedi is not being considered for a part of the trail. Cuff stated that seems to make a lot of sense. Mr. Brooks stated that the design firm WSB is very good at what they do and will determine what is the best routing for the trail. The section through Dellwood and Mahtomedi is the most complicated section of the trail route.

St. Martin noted that there appears to be a shortfall of \$22,000 in funding for the preliminary engineering study. Mr. Sachi stated that this would not affect Dellwood's share which by contract will not exceed the approved \$19,000.

Cuff moved to approve the WSB Contract (copy on file). Mr. Nuffort seconded the Motion, and it was approved unanimously.

McCarthy asked what will happen if the City does not approve the design. Mr. Sachi stated that the City could decline to donate land and could opt out of funding. There will be "open house" meetings, probably several, after the design work is submitted. Mr. Brooks stated the design has to "fit" the community and that the visual, when available, will help clarify things. The design is not set in stone and the final design will involve input from the Cities and their residents. McCarthy noted that the original cost estimate was about one million dollars per mile. Mr. Brooks acknowledged that figure has probably increased. Mr. Sachi stated that figure is for construction and design and does not include the cost of acquiring right of way. Pazlar asked if the State has earmarked specifically for funding grant money for

this type of project. Mr. Brooks stated that there are such grant programs at the State and Federal levels. If the trail is changed from a regional trail to something on the Federal level than additional funding would be available. At present, it is considered to be a local project.

FEE SCHEDULE RESOLUTION: The next item was the Resolution for publication related to the Fee Schedule. Upon Motion by Pazlar, second by McCarthy, the Fee Schedule Resolution attached to these Minutes was approved unanimously. Publication of the Ordinance can be made in a Summary mode. This Ordinance amends Section 30.21 of the City Code.

DOG BITE INCIDENT: Mr. Cossack was present to discuss this incident which occurred on his property on September 19, 2017, in which an individual was bitten by Mr. Cossack's dog "Chipper".

McCarthy noted that the bite required medical attention at the Emergency Room.

Copeland explained the statutory definition of "Potentially Dangerous Dog" and "Dangerous Dog". He stated that he had spoken with the victim and determined that his injuries did not rise to the definition required to declare the dog a Dangerous Dog, but did satisfy the definition applicable to a classification of Potentially Dangerous Dog. Copeland stated that it is the City's obligation to enforce the laws applicable to incidents which occur within the City. Failure to do so could result in claims being brought against the City or its Officers. A copy of the Sheriff's report of this incident is on file.

A Motion was made by McCarthy, seconded by Pazlar, to determine that the Cossack's dog "Chipper" be considered a Potentially Dangerous Dog. The Motion was unanimously approved. Copeland stated that this matter will be referred to the City's Animal Control Officer for confirmation of the Council's determination and declaration that the dog is potentially dangerous and follow up to see that the dog has a microchip implanted and the required data registered for the records.

WBLCD APPOINTMENT: The next item was the appointment of a replacement representative on the WBLCD Board. Pat McCann is going off the Board and Mr. St. Germain is staying on. Mayor Nuffort proposed Martin Rathmanner as a replacement.

Pazlar proposed the appointment of Brady Ramsay, and talked about his qualifications. Mr. Ramsay described his background and qualifications. Pazlar stated that in his opinion Mr. Ramsay is the perfect candidate for what the WBLCD Board needs at this time. Mr. Cuff and Mr. St. Martin spoke in favor of Ramsay's appointment.

Upon Motion duly made and seconded, the Council resolved unanimously to appoint Brady Ramsay as one of the City's representatives on the WBLCD Board of Directors. Mr. Brady agreed to serve as such and thanked the Council Members for their support.

CLAIMS AND RECEIPTS LIST was presented for September 2017. Upon Motion by St. Martin, Second by Pazlar, the Claims and Receipts List for the month of September 2017 was unanimously approved.

REPORTS OF COMMISSIONERS: **St. Martin** inquired as to the Stop Sign situation at Apple Orchard Road and Tamerisk. Pazlar stated that the situation is much improved.

Cuff reported striping of Apple Orchard Road which will be done within the next two weeks. A tour of the City showed that the trees are in good shape with very few trees which appear to be stressed. In

November Buckthorn eradication will begin. Owners of property having Buckthorn will be notified and asked to have it removed. **Cuff** reported that the culvert on South Peninsula Road does not appear to be a problem at this time. The water level in the triangle wetland is well below the culvert. He had requested of the State to allow the City to defer work on the culvert, but has not received a reply. He noted that a pontoon boat on Glen Edge Road is stored or parked in violation of the Ordinance and has not been moved in spite of a letter sent to the property owner.

Copeland noted that Brian Humpal feels that a spread sheet should be maintained by the City Clerk showing the dates upon which septic systems in the City have been pumped. This would be for the City to have readily available records showing when any particular system is required to be pumped, which under current rule is every three years. It is not known if the County maintains accurate and thorough records of pumping, or if the County follows through with enforcement procedures. Copeland stated that the City of North Oaks maintains such a system. He will coordinate with Mr. Humpal to come up with a proposed system for Dellwood.

McGill reported a bank balance of \$402,928 after payment of September bills.

There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk / Administrator