

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
NOVEMBER 12, 2019**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on November 12, 2019.

Present: Mayor Mike McGill, Councilpersons – Elsbeth Howe, Scott St. Martin, Brady Ramsay, and Greg Boosalis; also present were City Clerk Joanne Frane, Treasurer Brian Beich, City Planner Nate Sparks and City Attorney Richard Copeland, Chad Isakson from Focus Engineering, and also the persons shown on the Sign-In Sheet attached to these Minutes.

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

Mayor McGill asked if anyone was present for public comment.

Ken Kohler of 144 Dellwood Avenue was present for comment regarding the planter boxes in his yard. He had received correspondence from the city and the City Building Inspector had notified him that the planter boxes and a trailer had to be moved because they were located within the setback area in violation of the Ordinance. Mr. Copeland stated that the City had received a complaint from a neighbor, about the planter boxes and boat trailer. Mr. Kohler stated that he had removed the trailer from the setback area, but has not removed the planter boxes because he does not consider them to be structures. He distributed photos of the planter boxes. Mr. Copeland recited the definition of “structure” in the Zoning Code and stated that he believes the planter boxes do, in fact, fall within that definition. After minor discussion, the Council asked that Mr. Copeland and Mr. Sparks work with Mr. Kohler in an attempt to work out a resolution of the matter.

Mayor McGill asked for approval of the Agenda for this meeting. The Agenda for this meeting was unanimously approved as submitted.

Mayor McGill asked for approval of the Minutes of October 8, 2019 Council meeting.

Upon motion by Ramsay, seconded by Boosalis, the Minutes of the October 8, 2019 Council meeting were approved unanimously as submitted.

Grenelefe Street Project: Chad Isakson from Focus Engineering explained that the City of Grant intends to perform improvements to Grenelefe Street and has asked Dellwood to participate in the costs for work done on the portion of the street which lies partially in Dellwood. Grant has stated that Dellwood’s share would be \$36,685.00. The work to be done includes milling and overlay. Mr. Isakson stated that Cara Geheren concurs with Grant’s proposal.

Mayor McGill questioned whether Dellwood has financing available for this project. Mr. Isakson stated that the action required from the Dellwood Council at this time is simply for the purpose of opening up discussions with Grant for a Joint Powers Agreement. Mr. Isakson stated that it would be cheaper for Dellwood to join with Grant on this project than to do it alone at a later date.

Upon Motion by Ramsay, second by Howe, the Council resolved unanimously to enter into discussions with the City of Grant for the purpose of a Joint Powers Agreement addressing Dellwood’s participation in the cost of improvements to that portion of Grenelefe Street lying within the City of Dellwood.

Mr. Isakson explained that work on the Peninsula Road Improvement Project is at a standstill due to weather conditions. The final lift of pavement will be deferred until next Spring. The Contractor has agreed to remove equipment and clean up the area this week. Focus Engineering will confirm that this has been done.

Renewal of Interim Use Permit #1 for Fence at 7 Vines Winery:

Nate Sparks reviewed his Memo dated November 7, 2019, in which he noted that Staff is recommending renewal of I.U.P. #1 allowing the agricultural fence and presented a proposed Resolution No. 2019-10. He noted that the wood fence, which was installed without Permit, has been removed except for support posts which are now under water. He stated that the City Building Inspector has inspected the property and found no issues with the condition or location of the fence.

St. Martin moved to approve the Resolution for renewal (see attached) and Ramsay seconded the Motion.

Mayor McGill asked for discussion. Amy Mason from the law firm of Miller and Stevens was present on behalf of Roger and Marilyn Appeldorn who have objected to renewal of I.U.P. #1 on the basis that the fence interferes with the rights of the Appeldorns as riparian owners, is detrimental to the quality of the wetland/lake, and constitutes a nuisance under Dellwood's Ordinance as it unreasonably and adversely affects the Appeldorn's property.

Eric and Janee Katz were present to speak on behalf of 7 Vines Winery. They distributed material in response to Ms. Mason's comments, including historical aerial photos of the wetland area and a deer migration study.

Mr. Copeland stated that in his opinion the Council does not have sufficient cause to require the box wire fence to be moved or removed, and that the issues raised by Ms. Mason require expert testimony and or a ruling by the Washington County District Court. He noted that should such evidence be presented to the Council in the future, the Council has the authority to review the I.U.P #1 and deal with issues accordingly.

Ms. Mason stated that although the wood fence has been removed, the support posts still remain and constitute a hazard to anyone in or around the wetland.

Mayor McGill asked for a vote on the Motion and the Council Members unanimously approved the adoption of Resolution No. 2019-10, copy attached. The Council further voted to have the City Inspector inspect the support posts which have been cut off rather than removed and submit his report and recommendation to the Council.

Community Septic System / Peninsula: Mr. Isakson presented a proposed Request for Proposal regarding the septic system area situated at the center of the Peninsula. A copy of the RFP is attached to these Minutes.

Nate Sparks submitted his Memo dated November 7, 2019, wherein he recommended that the Council discuss the RFP and the scope of services to be provided at an upcoming Council meeting.

St. Martin stated that the Council should have a rough estimate of the potential costs involved and a funding source before sending out the RFP. Nate Sparks said he would check in to that.

Short Term Rental Ordinance: Mr. Copeland stated that the Council had previously approved an Ordinance regulating Short Term Rentals of residential properties. The Ordinance has not been published as yet. Mr. Copeland had prepared a proposed Ordinance which would have imposed stricter regulations, but that he and Mr. Sparks agreed that the validity and effect of the more strict regulations were questionable, and needed more study.

Mr. Copeland stated that the previously approved Ordinance would be published in the White Bear Press next week and would become effective at that time. Basically it prohibits rentals of residential properties for less than a continuous 30 day term.

Polling Place: Upon Motion by Howe, second by Boosalis, the Council unanimously approved Resolution 2019-9 designating the Mahtomedi District Education Center as the official polling place for election in the City in 2020.

Election Judges: Clerk Joanne Frane presented a list of proposed election Judges for the 2020 election. Upon Motion by Boosalis, second by Ramsay, the persons shown on the attached list were designated as Election Judges for the year 2020 election.

Renewal of Liquor Licenses for White Bear Yacht Club and Dellwood Country Club: St. Martin noted that the City Ordinance should be amended to require fire inspections of the premises before approving licenses in the future. Mr. Copeland stated that no violations of the liquor laws have occurred at either location in the past several years.

Upon Motion by Ramsay, second by St. Martin, the Council unanimously approved renewal of the Liquor Licenses for the White Bear Yacht Club and Dellwood Country Club for year 2020.

Temporary Gambling Permit for Children's Healthcare Foundation: Mr. Copeland stated that the Application is for a raffle to be held at the White Bear Yacht Club on June 15, 2020, and appears to be in proper order.

Upon Motion by McGill, second by Howe, the Council unanimously approved the issuance of a Temporary Permit to allow the Applicant to conduct a raffle at WBYC on June 15, 2020, with no waiting period.

Claims and Receipts List:

The Claims and Receipts List for the month of October 2019 was reviewed and discussed. Upon motion by St, Martin, second by Boosalis, the Claims and Receipts List for October 2019 was approved unanimously as submitted, including payment to the Contractor for the amount of \$243,765.90 for work completed in connection with the Street Improvement Project on Peninsula Road.

REPORTS:

Ramsay reported on the condition of the culvert on Lookout Road.

Ramsay also questioned whether the City needs to designate an official Arborist. He will discuss this further with Jim Cuff who handled the tree issues as a City Council Member before he retired.

Ken Johnson stated that Woodchuck Tree Service is one company with whom the City can call upon for tree services on an "as needed" basis. Nate Sparks noted that the City may be required to designate an official certified Arborist.

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Treasurer Beich distributed a Statement of Assets and Liabilities as of November 12, 2019, showing a current balance of \$632,566 in the money market fund.

Mayor McGill reported on Building Permits issued in October.

He also mentioned that the City of Mahtomedi has inquired about Dellwood entering into a Joint Powers Agreement regarding homes in Dellwood which are connected to Mahtomedi's public water lines.

There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk / Administrator