

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
JANUARY 14, 2020**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on January 14, 2020.

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

Mayor Mike McGill called the meeting to order at 5:32 p.m.

Mayor McGill stated that he wished to first call upon the Washington County Sheriff's Deputy who was present. The Deputy gave an update on recent incidents in the City. St. Martin inquired about the dog bite incident shown on the Sheriff's Report for December. The Deputy stated he was not informed on that incident and would check into it and provide a copy of the ICR (#WC19052476). Mr. Copeland stated that he had received a telephone call from the victim, that he had advised her to contact the Sheriff's Office, and that she stated that little to no damage was done. St. Martin asked if the dog involved was the same dog that had bitten a delivery man two years ago in the same neighborhood. Mr. Copeland stated that he does not believe it is the same dog but will follow up after seeing the Sheriff's report. In any event the dog should be considered for declaration by the City as being a potentially dangerous dog.

Mayor McGill asked if anyone was present for public comment.

Mr. Tanner stated that he lives on Apple Orchard Road and would like to obtain a permit to keep bees on his property. Mr. Copeland stated that he had talked to Mr. Tanner and had written a letter to the City in which he believed the City could allow beekeeping under a Use Permit. Mayor McGill stated that Mr. Tanner should submit an Application for a Permit. He also stated that the Council could not give him any approval or take any action on his request unless a formal Application was submitted.

St. Martin stated that Nate Sparks should check into what other Cities are doing in that regard, and report prior to the February Council meeting.

Mayor McGill asked that Item Number 3 (Appointment List) on the Agenda be moved up to Number 1 in order to accommodate Ken Johnson. Upon Motion by St. Martin, second by Boosalis, the Council unanimously approved Item Number 3 to be heard first in connection with the 2020 Appointment List.

Approval of December 10th Council Minutes: Upon motion by St. Martin, seconded by Boosalis, the minutes of the December 10th 2019 Council meeting were approved unanimously as submitted.

2020 Appointment List: Ken Johnson stated that the City does not need a designated tree inspector. He introduced Tyler Jacobson of Woodchuck, Inc. who stated that he could work cooperatively with Ken Johnson on an "as needed" basis. When a tree problem arises, the city should contact Ken Johnson who will coordinate with Mr. Jacobson to see that the problem is resolved. Mayor McGill inquired about the need for inspections throughout the City to inspect for diseased trees. Ken Johnson stated that inspections could be arranged if the City decided to do so.

Mayor McGill asked for approval of the proposed Appointments for year 2020. Upon Motion by Ramsay, second by Boosalis, the Appointment List for year 2020 was unanimously approved. (copy attached).

Kohler Planter Boxes: Mr. Copeland explained that he has sent emails to Mr. Kohler describing what information was needed from him. Mr. Kohler then called and said that he would submit something by the February or March Council meetings.

7 Vines Interim Use Permit Renewal: Nate Sparks reviewed his Memorandum regarding the renewal of Interim Use Permit #2 which had been issued in February 2015, for a period of 5 years. Nate Sparks explained that some complaints had been received regarding noise, lighting and the perimeter fence. The complaints about noise were not sufficiently documented and the City took no action. Complaints about lighting mostly involved the type of lighting fixtures and the times when lights were on particularly in the overflow parking areas. Three lights in the overflow parking area were not shown on the original site plan. The City has asked for a professional photometric plan from the Contractor. The plan on file is poor, but from it he could determine that the lighting now conforms to the Use Permit.

Mr. Copeland stated that his involvement with the Winery was due to complaints about the perimeter fence particularly the wooden section, and about Appeldorn's claims, as riparian owners, to the use of the entire surface of the wetland. Those matters have been resolved and the wood fence has been removed.

Mr. Sparks noted that the Winery is required to submit financial data showing that its income from wine sales exceed to a certain degree revenue from other sources such as food sales. Such report is due within the next few months. Janee Katz, on behalf of the Winery, stated that she does have that information and will submit it forthwith to the City Treasurer Brian Beich.

Mayor McGill stated that the Winery has been delinquent in supplying information to the City and addressing issues raised by the City Planner and the City Compliance Officer Jack Kramer. Mayor McGill raised the questions regarding what is still left to be done at the Winery to bring it into compliance as required by the site plan and City Ordinances. Has the site plan been amended to include the lights in the overflow parking area? Have the bottom supports of the wooden fence, which are believed to be cut-off below the water line of the wetland, been removed? Mayor McGill also noted that many things which had been required of the Winery were not completed within the specified time frame, or not at all.

Several neighbors voiced complaints about the lighting in the overflow parking area and about noise from patrons "hanging out" in the parking area and talking and laughing very loud. Also, noise from wine bottles being thrown in to the recycle bins. Complaints were also made about the lack of screening which was to be placed at the rear of the Winery facilities.

Janee Katz responded that they were not made aware of some of those complaints and that the Winery has a security firm which monitors activities on the property. They also have a meter to determine decibel readings and that it is used regularly. With regard to landscaping and screening, they are preparing a plan to be submitted to the City after receipt of approval from Rice Creek Watershed District. The proposed screening will consist of mature evergreen trees and plants.

The Winery will discuss with its security firm the need for control of patron's conduct. The Winery will further address with Waste Management means by which noise from the disposing of empty wine bottles is diminished and done during daylight hours.

St. Martin proposed a brief motion to approve renewal of the IUP for an additional five year period, with the following conditions:

- 1) That screening in the rear of the building be completed as soon as reasonable pursuant to a new landscaping plan to be approved by the City.
- 2) That the screening consists of mature evergreen trees or other approved vegetation.
- 3) That Jack Kramer inspects the lighting in the overflow parking area and determines that it complies with the approved lighting plan.
- 4) That the Winery adopts policies to address control of noise emanating from the outdoor areas.
- 5) That the Winery submits a professionally prepared photometric lighting plan to conform to the Permit.
- 6) That the Winery address ways to control noise from the dumping of empty wine bottles, by way of plastic bins and/or dumping bottles during the day and not at night, and enclosing the dumpster area.
- 7) That the Winery submit to the City no later than April 1, 2020, a report showing revenue sources which are in compliance with the rules governing farm wineries in Minnesota.
- 8) That the IUP #1 regulating the perimeter fence issues, which was recently renewed for a period of five years be extended so as to have its renewal date coincide with the renewal date for IUP #2 in year 2025.

Upon second by Boosalis, the Council unanimously resolved to approve a renewal of IUP #2 for an additional period of five years upon the conditions set forth in St. Martin's motion. Mr. Sparks and Mr. Copeland are to prepare the formal Resolution incorporating the foregoing conditions.

Mr. St. Martin stated that he feels everything the Winery has done has been "first class" and that Janee Katz as well as Matt Scott appear to be quite willing to cooperate in addressing the concerns of the neighbors and the City.

Policy to Govern Public Comment: Mr. Copeland had presented a proposed policy for consideration by the Council. Upon motion by Howe, second by St. Martin, the Council approved the adoption of the Policy as submitted with the time limit for speakers to be inserted as five minutes and the addition of a clause requiring all speakers to give their full name and the City in which they reside.

Joint Powers Agreement with the City of Mahtomedi-Water Service: Mr. Copeland stated that he believes the duties imposed upon the City of Dellwood in the Agreement proposed by Mahtomedi do not fit well with Dellwood. He believes that Dellwood should agree to assist Mahtomedi in the collection of any Invoices which are owing and unpaid by residents of Dellwood. Beyond that, he does not believe that Dellwood should agree to assume ownership and control of any existing or future water lines, hydrants or other facilities. He will draft a proposed counterproposal to be approved by the Dellwood Council and submitted to Mahtomedi and the residents of Dellwood. Mayor McGill stated that if no agreement can be reached, the residents now receiving water from Mahtomedi should be required to construct new wells.

The question of water well testing came up. Mr. Copeland stated that Dellwood at some time in the past adopted a more or less mandatory testing program to test the quality of all wells in the City. He will research old records to see what was done at that time. Washington County Health Department is able to conduct tests at a cost.

Ordinance Regulating the Rental of Residential Dwellings: Mr. Copeland had prepared two versions of a proposed Ordinance, one calling for an Interim Use Permit and the other requiring a License. He and Nate Sparks are working to come up with a version to be submitted to the City Council. It is believed that this matter should be scheduled for an informal public hearing before the Council. Basically, the goal is to regulate all rentals of private residences in the City, and to prohibit any rentals of less than 30 days.

Claims and Receipts List: The Claims and Receipts List for the month of December 2019 was reviewed and discussed. Upon motion by Ramsay, second by McGill, the Claims and Receipts List for December 2019 was approved unanimously as submitted.

REPORTS:

St. Martin reported about items appearing in the Sheriff's ICR Report.

Ramsay noted that several street signs are missing in the Pine Tree Hills neighborhood. He also stated that it appears the City will need to address repairs to Lookout Road and some culverts.

Brian Beich submitted a financial statement showing as of 1/14/2020 the assets and liabilities of the City. The City as of that date had \$783,207 in the bank. He noted that the bond proceeds will be spent entirely within the next week or so.

McGill reported one remodel permit for window replacements.

Howe reported on progress toward establishing the City's website. This will be on the February Council agenda.

Boosalis gave a bike trail update and noted that he had talked with Steve Walgomat about the trail section in Dellwood being owned and maintained by a non-profit organization.

There being no further business, the meeting was adjourned at 7:06 p.m.

Respectfully submitted,



Joanne Frane
Dellwood City Clerk

DELLWOOD CITY COUNCIL MEETING

SIGN-IN SHEET

JANUARY 14, 2020

NAME (PLEASE PRINT)

ADDRESS

Jane Katz	38 Spyglass Place
Pat Rude Dawn R.	7230 101st St. N.
Missy, Brad! Biz WARD	7300 101 st St N 55110
Tyler Jacobson - Woodchuck	7310 Jacobson Rd N, Grant
Matt Scott	9341 65th St. N., Grant 55082
Lorah Palmer	6467 Fern Lane Lino

APPOINTMENTS FOR 2020

OFFICIAL BANK	MIDWEST ONE BANK
OFFICIAL PAPER	WHITE BEAR PRESS
CITY ATTORNEY	RICHARD W. COPELAND
BUILDING, PLUMBING, HEATING INSPECTOR	JACK KRAMER
PROPERTY COMPLIANCE OFFICER	JACK KRAMER
SEPTIC INSPECTOR	BRIAN HUMPAL
DEPUTY MAYOR	SCOTT ST. MARTIN
WEED INSPECTOR	MIKE MCGILL
DEPUTY WEED INSPECTOR	SCOTT ST. MARTIN
SAFETY COMM. (POLICE, FIRE, & ANIMAL)	SCOTT ST. MARTIN
BUILDING & SEPTIC COMMISSISONER	MIKE MCGILL
ROAD COMMISSIONER	BRADY RAMSAY
SPECIAL PROJECTS COMMISSIONER	MIKE MCGILL
WBLCD REPRESENTATIVES	MARTY RATHMANNER and RYLAN JURAN
CABLE COMMISSION REP.	ROBERT NUFFORT, JOANNE FRANE-ALTERNATE
CIVIL DEFENSE DIRECTOR	SCOTT ST. MARTIN
CLERK/ADM	JOANNE FRANE
CITY INSURANCE	BEARENCE MANAGEMENT GROUP - MARK LENZ
CITY ENGINEER	FOCUS ENGINEERING-- CARA GEHEREN
ACCOUNTANT	FOLEY KALSEIM & CO-DUSTIN MOELLER
TREASURER	BRIAN BEICH
CITY ASSESSOR	CHASE PELOQUIN
TREE INSPECTOR	WOODCHUCK-TYLER JACOBSON
ANIMAL CONTROL OFFICER	WASHINGTON COUNTY
ROAD MAINTENANCE (per contract)	KEJ ENTERPRISES, INC. - KEN JOHNSON
DATA PRACTICES COMPLIANCE OFFICIAL	JOANNE FRANE
CITY PLANNER	NORTHWEST ASSOCIATED CONSULTANTS-NATE SPARKS

CITY OF DELLWOOD
WASHINGTON COUNTY, MINNESOTA

RESOLUTION 2020-01

A RESOLUTION RENEWING AN INTERIM USE PERMIT AMENDMENT
FOR SEVEN VINES WINERY RELATED TO THE OPERATION OF A FARM WINERY

WHEREAS, Seven Vines LLC (“the Permittee”) was granted an interim use permit for the operation of a farm winery within the City of Dellwood (“the City”); and

WHEREAS, the subject site (“the Property”) is located at 101 Dellwood Road and is legally described as:

The Northwest Quarter of the Northwest Quarter, Section 17, Township 30, Range 21, which lies northerly of State Trunk Highway 96, also known as Dellwood Road; and

WHEREAS, the Applicant received an interim use permit (“IUP”) effective February 10, 2015 to operate a farm winery at the Property; and

WHEREAS, the Applicant received approval for certain amendments on May 9, 2017; and

WHEREAS, the City granted proper notice to the Permittee regarding the review; and

WHEREAS, the City Council has reviewed the use and found it to be generally consistent with the terms of the permit; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dellwood hereby renews the interim use permit for an additional five year subject to the following conditions:

1. This interim use permit shall expire on February 15, 2025 unless otherwise extended by the City Council.
2. The use shall remain in conformance with the terms of the amended interim use permit approved by the City Council on May 9, 2017, except as stated herein.
3. The revised permit shall state a prohibition on loitering or gathering by customers is permitted in parking areas.
4. The proposed amendments regarding lighting in the overflow parking area are incorporated into the approved site plan.
5. The permittee shall submit a professional and complete revised photometric plan incorporating the additional lighting in the overflow parking area.

6. The permittee shall receive all necessary permits for this additional lighting and the lights are subject to review and approval by the Building Official.
7. Additional landscape buffering shall be provided to the rear of the building to screen the properties to the north from the building, mechanical equipment, exterior lights, and parking areas. Such landscaping shall be provided on a plan for review and approval by the City Planner prior to installation. The landscaping shall be installed by August 31, 2020.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF DELLWOOD THIS 14TH DAY OF JANUARY, 2020.

APPROVED



Mike McGill
Mayor of Dellwood

Attest:



Joanne Frane
City Clerk

Attached: Interim Use Permit Document

CITY OF DELLWOOD
(RESOLUTION OF THE CITY COUNCIL / PLANNING COMMISSION)
RESOLUTION 2020-02
ESTABLISHING RULES FOR PUBLIC COMMENT

Rule 1: The Mayor or presiding Chairperson of a regular meeting of the City Council or the Planning Commission may, in his or her own discretion, allow members of the public to make comment regarding a matter which is not on the Agenda for consideration.

Rule 2: The Mayor or presiding Chairperson of a regular meeting, in his or her own discretion, may set a time limit within which the speaker may comment. Generally, any one speaker will be limited to FIVE (5) minutes, unless such time is extended by the Chairperson. Person will state their name and address.

Rule 3: Public comment will not be allowed at any Special Meeting of the City Council or Planning Commission.

Rule 4: Public comment will not be allowed in connection with any Public Hearing being conducted by the Council or Planning Commission unless such comment specifically relates to the matter for which the hearing is being held.

Rule 5: Council Members and Planning Commissioners may ask questions of the speaker but will not engage in discussion or debate with the speaker or with other Council Members or Commissioners.


The purpose of public comment is to allow persons to give information to the Council or Planning Commission about a matter which is not before them for consideration at the meeting.

If persons are seeking action from the Council or Planning Commission, they are to be advised to have their matter placed on the Agenda for a future meeting.

Rule 6: The decision of the Mayor or the Chairperson of the meeting to allow public comment and the time limits allowed for each speaker can be overruled by Motion duly seconded and approved by a majority vote of the Council or Planning Commission.

Rule 7: The City will take reasonable steps to inform the public of matters on the Agenda for any regular meetings of the Council and Planning Commission, prior to the meeting, by way of the City's website. An exception would apply if doing so would violate the Minnesota Government Data Practices Act.

Date: January 14, 2020



Michael McGill, Mayor

Attest:



Joanne Frane, City Clerk