

MINUTES OF MEETING
DELLWOOD CITY COUNCIL
SEPTEMBER 8, 2020

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on September 8, 2020.

The meeting was held by way of teleconferencing as provided by Minnesota Statute 13D.021. The U.S. Health and Human Services Department, on January 30, 2020, declared a Public Health Emergency in response to COVID-19. On March 13 President Trump declared COVID-19 to be a National Emergency. On March 20, Minnesota Governor Walz issued an Executive Order which is effective through April 16, 2020. Mayor McGill has determined that an in-person meeting is not practical because of a health pandemic.

Accordingly, no Members of the Council or City Staff were physically present at the regular meeting location. All Council Members were able to participate in the meeting, could hear each other and did discuss business which came before the Council. All votes were conducted by roll-call.

Due Notice of the Meeting to be held by teleconference was duly given as required by law.

Present: Mayor Mike McGill, Councilpersons – Brady Ramsay, Elsbeth Howe, Scott St. Martin, and Greg Boosalis were present by telephone, as well as City Clerk Joanne Frane, Treasurer Brian Beich, City Planner Nate Sparks, and City Attorney Richard Copeland.

Mayor Mike McGill called the meeting to order at 5:37 p.m.

Mayor McGill noted that there were two persons who wished to present public comment.

Mayor McGill asked for approval of the Agenda.

Upon motion by Boosalis, second by Ramsay, the Agenda for this meeting was approved as submitted, and the following votes were taken:

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye
Ramsay	Aye

Mayor McGill asked for approval of the August 2020 Council Meeting Minutes. Howe moved approval, second by St. Martin:

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye
Ramsay	Aye

Vendor License Application-KAT Construction: The first item of business was the Application by KAT Construction for Solicitation Permit. Jeff Baumgartner of KAT Construction, LLC was present seeking a License to solicit residents of homes which appear to be in need of roof repair due to hail damage. Contact would be made by the Company's sales representative on a door to door basis, of homes with roofs which appear to be damaged. After talking with the owners, the representative would contact the owner's insurer. The only cost to the homeowner would be his or her deductible.

McGill noted the City's concerns about COVID-19 protections. Mr. Baumgartner stated that the representatives would be wearing a mask and would try to conduct all discussions outside of the home. Copeland stated that City Ordinance No. 113 provides for issuance of a License to solicit business in the City. When issued, the License is in effect for 1 year unless suspended earlier. There are conditions to be met and activities which are prohibited. Mr. Copeland will advise the Applicant of those conditions and will inform the City Clerk as to whether the Applicant has agreed to all conditions.

Boosalis moved to approve the issuance of a Solicitor's License to KAT Construction, LLC with the conditions of the Ordinance to be met as well as the requirements of all COVID 19 regulations and payment of any fee. Ramsay seconded the motion. The following votes were taken:

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye
Ramsay	Aye

Land Use Application – 3 Gardner Lane: Nate Sparks discussed the items shown on his Memorandum dated September 4, 2020 (copy on file). Doug Johnson was present on behalf of the Applicant BCD Homes. This matter involves the request for Variances to allow construction of a new house to replace the home which has been demolished. The lot is non-conforming due to its area being less than one acre. The survey shows it to be 23,355 square feet.

Several Variances are needed from the street, bluff line, septic area and lot lines. A Variance is also needed to allow for a Type IV septic system. Brian Humpal has determined that the proposed Type IV system is acceptable.

Sparks noted that the location of the right-of-way line of Gardner Lane cannot be precisely determined without a Court proceeding. He is assuming a 20 foot width of Gardner Lane according to the Original Plat of the Rearrangement of Wildwood Park and working with the centerline of the existing travelled and blacktop surface of the street.

The Planning Commission held a public hearing on this Application and recommended approval of the revised plans with certain changes which have been made by the Applicant.

Sparks submitted a proposed Resolution for consideration by the Council. St. Martin noted that the Planning Commission did not have all of the information when it made its recommendation. He suggested that the matter be sent back to the Planning Commission for further review including the addition of the proposed pool. He also noted that the proposed new home would have a significantly larger footprint than the previous home.

Copeland asked Doug Johnson how many bedrooms and bathrooms were in the old home and how many in the new home. Mr. Johnson stated that the previous home had 3 bedrooms and 3 baths and the new home would have 3 bedrooms and 3½ baths.

Sparks noted that the plans comply with the impervious surface limitations.

Notice of the public hearing was duly given to all property owners entitled to notice. There have been no objections received, and a neighbor has written to the City that they are in favor of the Application.

After further discussions and agreements by Doug Johnson, St. Martin moved to approve the Variances as follows:

- A twenty (20) foot Variance from the north property line.
- A twenty (20) foot Variance from the assumed street right-of-way line.
- A ten (10) foot Variance from the bluff line.
- A Variance to allow for a Type IV Septic System as approved by Brian Humpal and recommended by the Planning Commission.
- The grading plan to be approved by the City Engineer.

These Variances include the location of the main home, the garage, the pool and the patio, as agreed to by Doug Johnson.

- Drainage and Utility Easements are to be placed along the perimeter of the property.
- Silt fence and other erosion control measures to be installed prior to starting grading work and to remain in place until the site is restored.
- Any and all comments from the Rice Creek Watershed District and City Engineer shall be satisfactorily addressed.

All Council members were in agreement that the proposed Variances were consistent with the City's Comprehensive Plan, were in harmony with the general purposes and intent of the Shoreland/Zoning Ordinance, and the Applicant had demonstrated that practical difficulties existed which prevented strict compliance with the Ordinance. The proposed use is a reasonable use; the problems have not been caused by the Applicant and are unique to the property; the granting of a Variance will not change the essential character of the neighborhood; the lot has a very limited building area and the proposed new home is similar in size to the others in the area. The Applicant has agreed to remove part of the retaining wall and to restore part of the bluff.

Boosalis seconded the motion and the following votes were taken:

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye
Ramsay	Aye

Mr. Sparks was directed to prepare the appropriate formal Resolution in accordance with the foregoing requirements.

Discussion on Proposed Ordinance Regarding the Keeping of Farm Animals: This matter is before the Council due to a request by Goat Dispatch to allow for the keeping of goats on a temporary basis for the purpose of clearing unwanted vegetation.

Sparks and Copeland will draft an Ordinance for review by the Council Members at its October meeting. There were also comments as to whether other farm animals such as pigs, ducks and chickens should be allowed as "pets"

Fence Ordinance Revisions: Mr. Copeland presented a proposed new Fence Ordinance to clarify what is regulated and where fences may be placed. This Ordinance clarifies that a fence is a "structure" within

the meaning of the Zoning Ordinance prohibiting the placement of structures within the required setback areas. All fences would require an Administrative Application and Permit. This matter will be considered by the Council at its October meeting.

Bee Keeping Ordinance: Mr. Copeland presented a proposed Ordinance regulating the keeping of bees. This Ordinance is to be reviewed by Mr. Sparks and the Council will consider it at its October meeting.

Demolition Permits: Mr. Copeland explained that the City should adopt a regulation which would not allow a structure to be demolished where the intent is to replace it with another structure, without having a detailed Site Plan for the replacement structure. The City should be fully informed regarding the plans for reconstruction and whether all Ordinance requirements will be met, or whether Variances will be requested. A Demolition Permit could be granted without such information where immediate demolition is required for health or safety reasons. This matter will be considered further at a future Council meeting.

Zoning Permits: Nate Sparks discussed his Memorandum regarding the process for issuance of Administrative Permits for improvements which ordinarily would not require a Building Permit. Certain projects could be approved administratively. Mr. Sparks discussed the proposed Ordinance changes needed to implement the process.

The Planning Commission held a public hearing on this proposal and declined by a 2-2 vote, to make any recommendation to the Council.

Sparks discussed the amount of the fee to be charged for such Permits. Ramsay inquired as to what items would fall under the purview of this Ordinance such as a constructed mailbox or small pool. This matter was tabled to the October Council meeting for further consideration. Mr. Sparks noted that the Ordinance, if approved, could be published in a summary fashion.

Adopt 2021 Budget/Resolution: Treasurer Beich discussed the proposed Resolution number 2020-09, resolving the amounts proposed to be levied for year 2020, collectible year 2021:

General Levy	\$483,582
Debt Levy	\$345,550
Total Tax Levy =	\$829,132

Further, determining that the City has sufficient funds pledged, together with Levies above, to cover principal and interest payments due in year 2021 on all outstanding bond debt. On motion by McGill, second by Boosalis, to approve Resolution number 2020-09 and to adopt the 2021 budget as presented, the following votes were taken:

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye
Ramsay	Aye

The Truth-in-Taxation meeting will be held at the December 8th City Council meeting.

Appointment of Election Judge: McGill moved the appointment of Mary Ellen Eckholm, 3 Lookout Road as one of the Election Judges for the City. Ramsay seconded and Mary Ellen Eckholm was duly appointed to forthwith serve as Election Judge for the City of Dellwood.

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye
Ramsay	Aye

Comprehensive Plan Update: Nate Sparks explained that the Council had previously discussed changes to the Zoning Ordinance with regard to density and minimum lot sizes, to conform with Met Council's Rural Residential Classification. He stated that what was discussed previously is no longer available since Met Council withdrew it from consideration.

He recommended that the City stay with its existing Zoning Code for the near term and consider changes at such time as Met Council may renew its offer of Rural Residential status for Dellwood. No public hearings are needed at this time. We will await Met Council's comments.

Mr. Sparks stated that the City should strive for an average lot size of 2.5 acres, whereby development could occur with some lots being just one-acre as long as the entire development averages out to a 2.5 acre lot size. The aim is to retain the semi-rural character of the City as an unsewered community with large lots. For the time being the City will maintain the status quo.

Claims and Receipts List:

Treasurer Brian Beich presented the Claims and Receipts list for the month of August, 2020. Upon motion by Boosalis, second by St. Martin the claims and receipts list for August 2020 was approved as submitted.

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye
Ramsay	Aye

REPORTS:

Beich reported a bank balance of \$752,740. The City will have about \$50,000 to distribute from COVID-19 funds. He is asking Council Members to consider what options may be available for distribution locally. Ramsey stated that local small businesses may qualify. St. Martin stated he would check with the Sheriff's Office if they are eligible. Boosalis questioned how the City would reach out to local businesses. This will be further considered next month.

McGill reported 9 Remodel Permits and one new home construction and one Demolition Permit.

Ramsay – reported the culvert on Lookout Road has been replaced, at a cost of \$35,000. City Engineer Cara Geheren and Ken Johnson will work to identify the work needed on the roadways in Pine Tree Hills Area.

Steve Frost of 12 Overlook Road asked for clarification of the letter he received from Mr. Copeland about the condition of his property. Mr. Copeland stated that the letter identifies the violations of the exterior storage Ordinance which he and Jack Kramer observed recently. Photographs have been taken.

September 8, 2020 City Council Meeting

There being no further business, McGill moved to adjourn, and duly seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 8:03 p.m., and the following votes were taken:

McGill:	Aye
Howe:	Aye
St. Martin	Aye
Boosalis	Aye
Ramsay	Aye

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joanne Frane".

Joanne Frane
Dellwood City Clerk / Administrator

CITY OF DELLWOOD
WASHINGTON COUNTY, MINNESOTA

RESOLUTION 2020-10

A RESOLUTION APPROVING VARIANCES TO CONSTRUCT A NEW HOUSE AT
3 GARDNER LANE

WHEREAS, BCD Homes, Inc. (“the Applicant”) has made a request for variances from the minimum lot size, side yard setback, front yard setback, and bluff setback standards to construct a new house within the City of Dellwood (“the City”); and

WHEREAS, the subject site (“the Property”) is located at 3 Gardner Lane and is legally described as:

Lots 6, 7 and 8, Block 5, Re-arrangement of Wildwood Park, Washington County, Minnesota; and

WHEREAS, the Property is located in the R-1 District, which has a minimum lot size of 1 acre; and

WHEREAS, the Property is approximately 0.5 acres in size; and

WHEREAS, Section 152.10.C of the Zoning Ordinance states that a nonconforming lot of record may be allowed as a building site without variances from lot size requirements provided that:

- a. All structure and septic system setback distance requirements can be met.
- b. A Type I sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed.
- c. The impervious surface coverage does not exceed 25% of the lot; and

WHEREAS, the Applicant is proposing a Type IV sewage treatment system in addition to not meeting structure setbacks and impervious surface standards; and

WHEREAS, Section 152.5.A.1 of the Dellwood Zoning Ordinance requires a 30 foot setback to the bluff for structures and septic systems; and

WHEREAS, the Applicant is proposing a house 20 feet, retaining wall 20 feet, a patio with pool about 22 feet, and a septic system 20 feet from the bluff line; and

WHEREAS, Section 152.5.B.7 of the Dellwood Zoning Ordinance states that the required side yard setback for all structures is 30 feet; and

WHEREAS, the Applicant is proposing to construct a house 17.4 feet, a pool 14 feet, and a retaining wall 12 feet from the north side lot line and a retaining wall 5 feet from the south side lot line; and

WHEREAS, the Section 152.5.A.2 of the Dellwood Zoning Ordinance requires a 40 foot setback to a public right-of-way; and

WHEREAS, the Applicant is proposing to construct a house 20 feet from the edge of the right-of-way as described by the applicant's surveyor; and

WHEREAS, the Applicant's surveyor is using the centerline of the existing travelled right-of-way as the assumed center of the Gardner Lane right-of-way and the City makes no formal declaration that this is the formally accepted centerline of the actual right-of-way but rather accepts this for the purposes of this front yard setback only; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 5, 2018 and recommended approval of the requested variances with conditions; and

WHEREAS, the Dellwood City Council reviewed the request at the August 19, 2020 meeting; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dellwood hereby approves the variance based on the following findings of fact:

1. The proposed variance is consistent with the Comprehensive Plan.
2. The proposed construction is a reasonable use of the Property.
3. Due to the limited distance between the bluff and right-of-way, there are practical difficulties present in meeting the requirements of the Zoning Ordinance.
4. The proposed construction will not alter the essential character of the neighborhood.
5. The Applicant proposes to restore a portion of the slope to the lake that was impacted by previous development.

BE IT FURTHER RESOLVED that the City Council of the City of Dellwood hereby approves the variance with the following conditions:

1. An operating permit for the Type IV system shall be required.
2. All construction on the north side of the property shall be adjusted to meet a 20 foot side yard setback.
3. Drainage and utility easements shall be placed on the perimeter of the site.
4. Silt Fence and other erosion control measures must be installed prior to commencing any grading and shall be maintained until site is restored.
5. All comments from the City Sewer Inspector shall be addressed.
6. All comments from the Watershed District shall be addressed.
7. All comments from the City Engineer shall be addressed.

8. All fees and costs incurred by the City regarding the review of this request and implementation of this approval shall be reimbursed by the Applicant.
9. The applicant shall receive a building permit within one year of this approval or it is null and void.

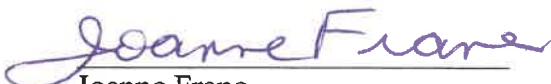
ADOPTED BY THE CITY COUNCIL OF THE CITY OF DELLWOOD THIS 8TH DAY OF SEPTEMBER, 2020.

APPROVED

A handwritten signature in black ink, appearing to read "Mike McGill", written over a horizontal line.

Mike McGill
Mayor of Dellwood

Attest:

A handwritten signature in purple ink, appearing to read "Joanne Frane", written over a horizontal line.

Joanne Frane
City Clerk

Attached:
Applicants Plans

As shown on Old Republic National Title Insurance Company Title Commitment No. S83395, dated February 21st, 2019)

Lot 6, 7 and 8, Block 5, RE-AMBURGMENT OF WILDWOOD PARK, Washington County, Minnesota.

As shown on Old Republic National Title Insurance Company Title Commitment No. 582395, dated February 21st, 2019)

GARDNER LANE RIGHT OF WAY IS SHOWN PER IN-PLACE BITUMINOUS ROAD WHICH DIFFERS SIGNIFICANTLY THAN THE GRAPHICS SHOWN ON THE PLAN OF RE-ARRANGEMENT OF WALNUTWOOD PARK. LACK OF MONUMENTATION AND MATHEMATICAL DATA SHOWN ON PLAT YIELDS NO OTHER RESULT OTHER THAN USING THE CENTERLINE OF THE EXISTING ROAD TO CALCULATE THE RIGHT OF WAY LINE. THE RIGHT OF WAY LINE SHOWN ON THIS SURVEY IS FOR REFERENCE PURPOSES ONLY AND DOES NOT NECESSARILY CONSTITUTE THE ACTUAL LOCATION OF THE PLATTED RIGHT OF WAY LINE.

SURVEY NOTES:

1. READINGS ARE BASED ON COORDINATES SUPPLIED BY THE WASHINGTON COUNTY SURVEYOR'S OFFICE. NAD 83.
2. UNDERGROUND UTILITIES NOT SHOWN.
3. SPOT ELEVATIONS DENOTES FIELD LOCATED ELEVATION.
4. CONTOURS SHOWN ON THE STEEP BANK TOWARD THE LAKE AND ON ADJACENT PROPERTY ARE SHOWN FOR ONE LOCAL DATA OBTAINED FROM THE FIELD.
5. APARENTLY SHOWN OPEN TO INTERPRETATION AS MANY EXISTING OLD WALL IMPROVEMENTS HAVE IMPACT ON EXISTING DEFINITIONS OF THE "WULF LIP" PER CITY CODE.
6. SURVEY BY MILLER CARLEY DATED 12-10-83 WAS RELIED UPON TO ESTABLISH THE NORTHERN BOUNDARIES OF THIS PARCEL.

TOTAL AREA AS SHOWN TO THE ORDINARY HIGH WATER LINE OF WHITE BEAR LAKE IS = 23,355 SQ. FT.
(SEE RIGHT OF WAY NOTE)

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 23

EXISTING IMPROVEMENT AREAS:

HOUSE	= 1,636
GARAGE	= 58
LAKE/SIDE BOATWALK/STEPS	= 508
TRAM DECKS/STAIRS	= 156
BITUMINOUS DRIVEWAY	= 607
CONC/ STEPS	= 429
WALKS	= 319
PATIO	= 814
TOTAL IMPROVEMENTS =	4,347 SQ.FT. = 19.3% OF OWN AREA

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.



CAROL L. THOMAS Registration Number: 25712

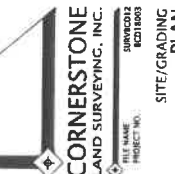
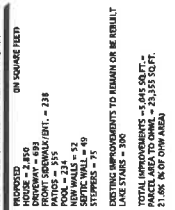
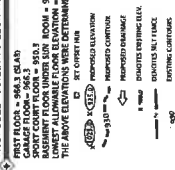
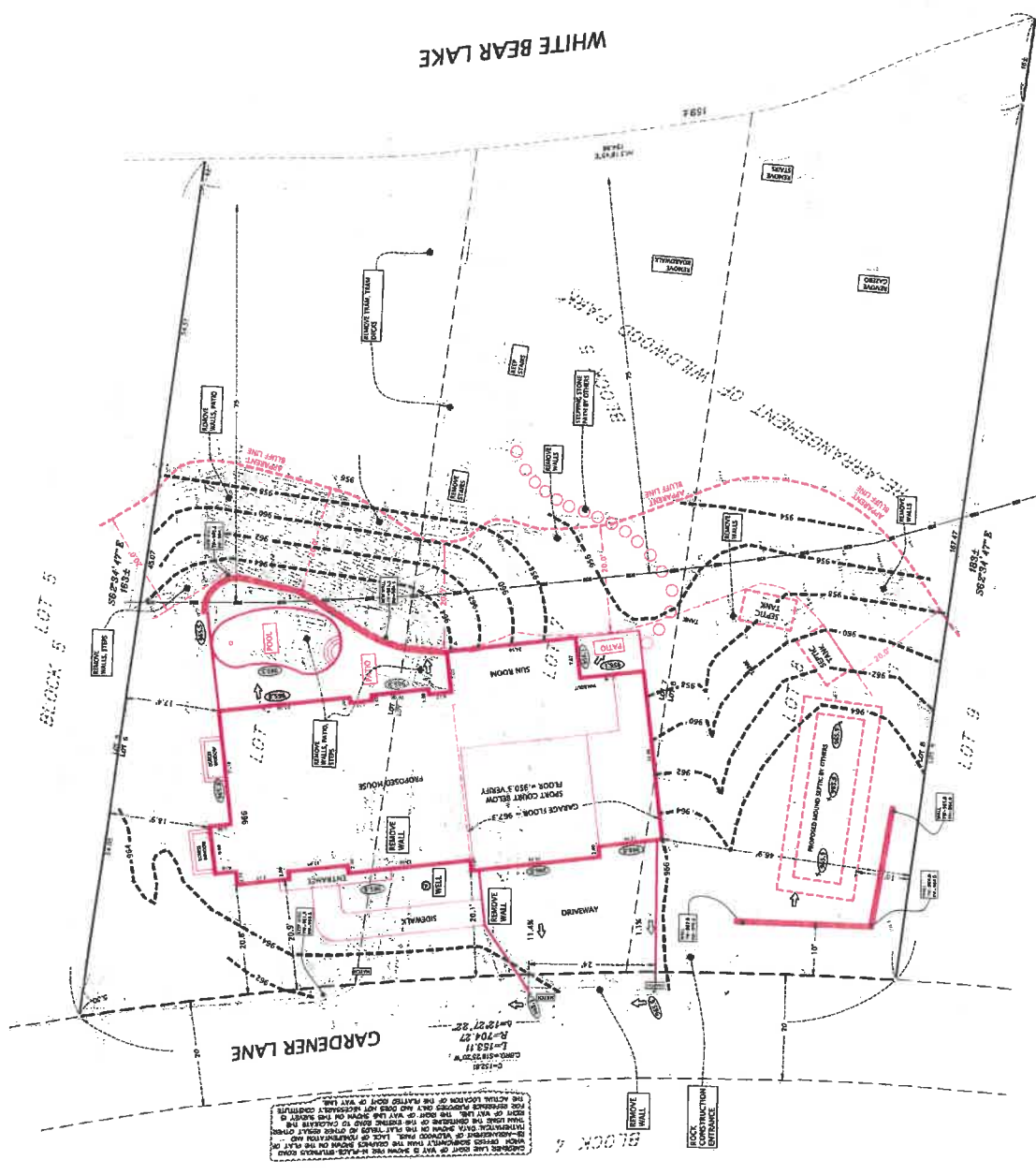
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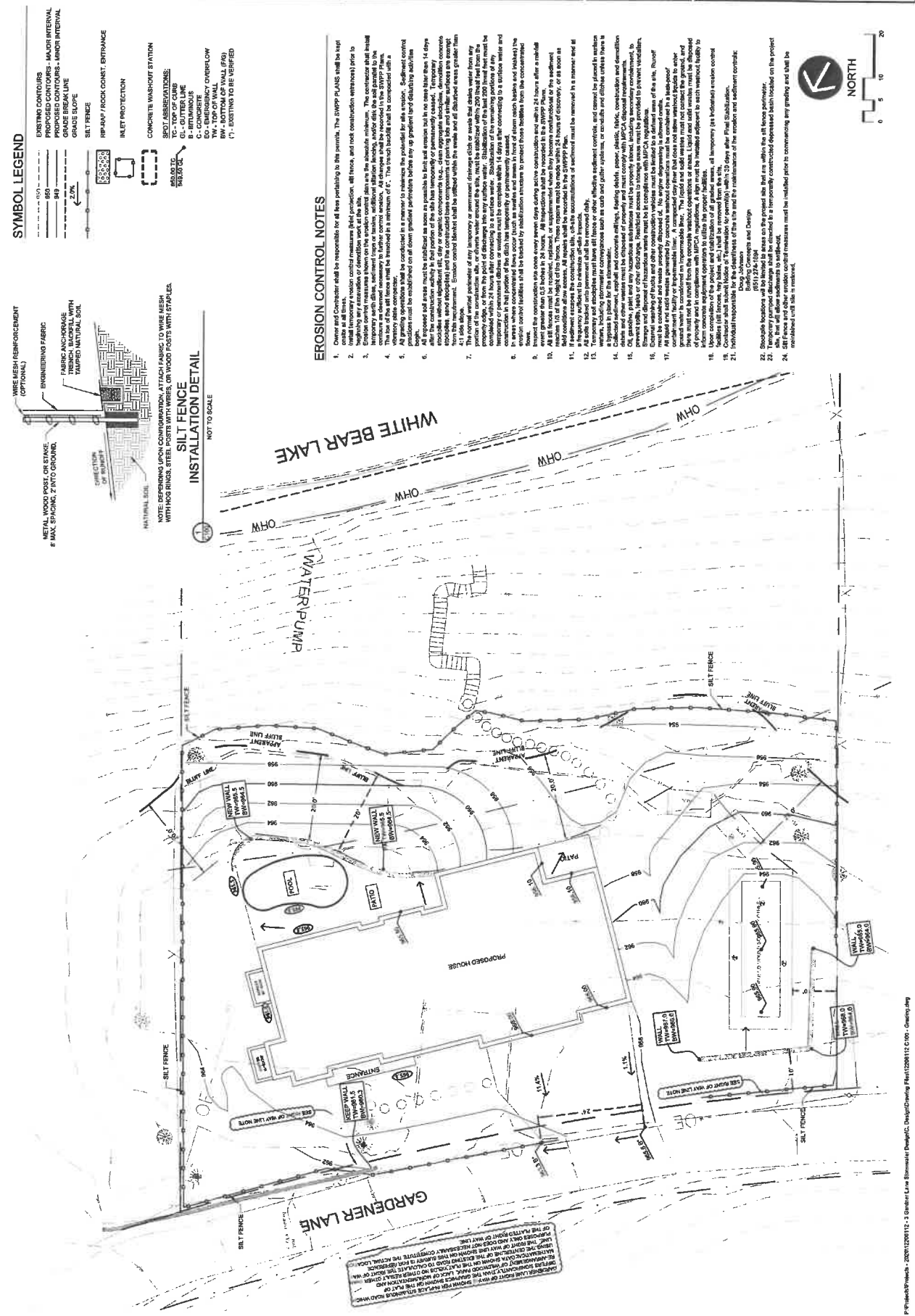
GARDENER LANE
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FIRST FLOOR = 964.3 (GLAY)
GARAGE FLOOR = 966.3
SPORT COURT FLOOR = 950.3
BASEMENT FLOOR UNDER SUN ROOM = 955.8 (11" POURED)
LOWEST ALLOWABLE FLOOR ELEVATION = 925.35 (HAW + 3)
THE ABOVE ELEVATIONS WERE DETERMINED BY THE CONTRACTOR.

PROPOSED
HOUSE = 2,850
DRIVEWAY = 693
FRONT SIDEWALK/ENT. = 238

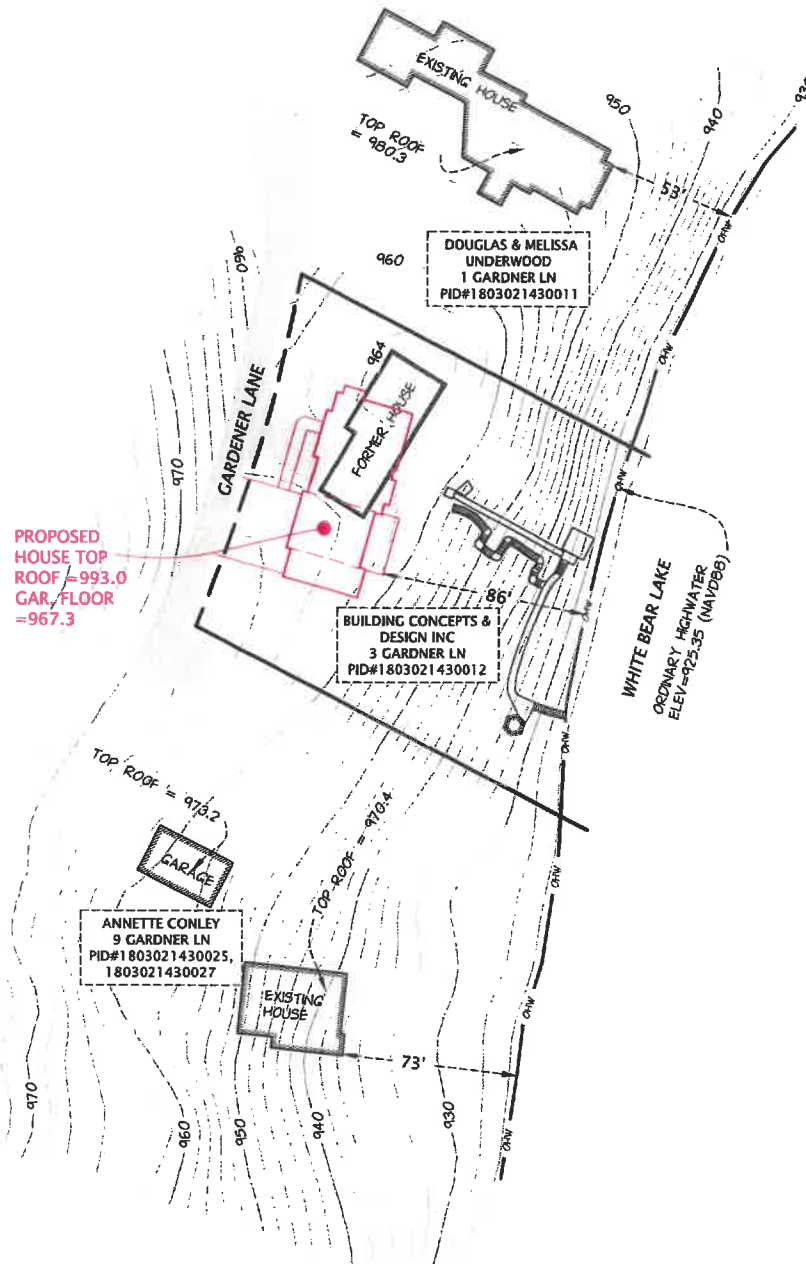
SEPTIC AREA SHOWN PER SKETCH PROVIDED BY DOUG JOHNSON. SEE SEPTIC DESIGN BY OTHERS.





LOCATION SKETCH FOR: BCD HOMES

PROJECT LOCATION:
3 GARDENER LANE



SURVEY NOTES:

1. UNDERGROUND UTILITIES NOT SHOWN OR LOCATED.
3. 2' LIDAR CONTOURS SHOWN PER DNR MNTOPD WEBSITE. NOT FIELD VERIFIED.
4. ORDINARY HIGH WATER LINE SHOWN PER LIDAR CONTOUR DATA. NOT FIELD VERIFIED.

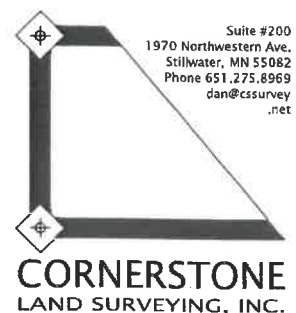
CERTIFICATION

I hereby certify that this survey, plan or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of MINNESOTA.

Daniel L. Thurmes

DANIEL L. THURMES
License No. 25718

Date: 7-21-20



30' 0" DIA. 1/4"

30' 0" DIA. 1/4" DIA. 1/4"

30' 0" DIA. 1/4" DIA. 1/4"

WEST ELEVATION

30' 0" DIA. 1/4" DIA. 1/4"

SOUTH ELEVATION

30' 0" DIA. 1/4" DIA. 1/4"

30' 0" DIA. 1/4" DIA. 1/4"

30' 0" DIA. 1/4" DIA. 1/4"

WEST ELEVATION

30' 0" DIA. 1/4" DIA. 1/4"

30' 0" DIA. 1/4" DIA. 1/4"

EAST ELEVATION

30' 0" DIA. 1/4" DIA. 1/4"

30' 0" DIA. 1/4" DIA. 1/4"

30' 0" DIA. 1/4" DIA. 1/4"



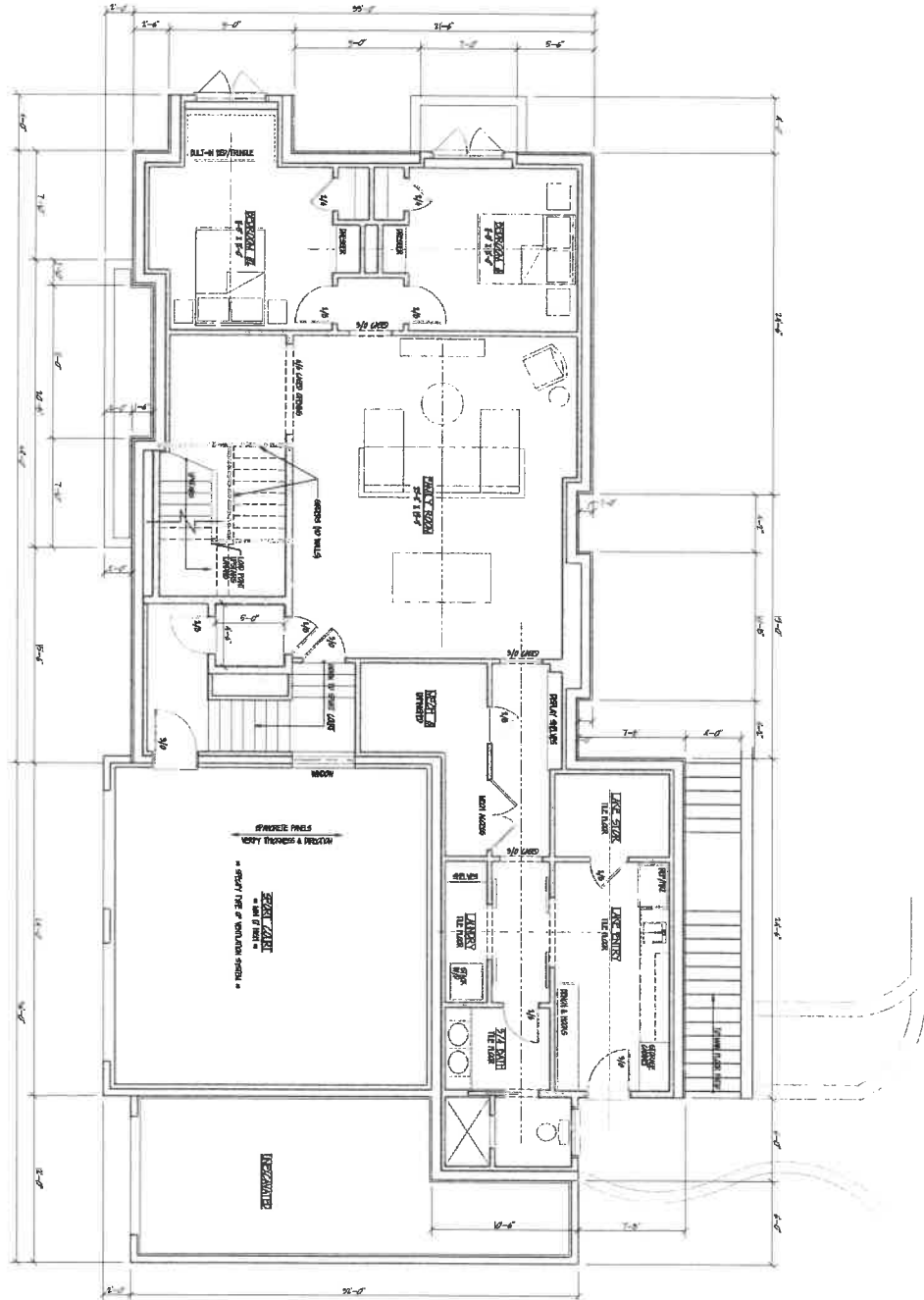
MINNESOTA STATE BOARD OF BUILDING AND FIRE SAFETY
LICENSE NO. 0000000000
DATE 01/01/2020

1	5-21-2020	6	11	16
2	5-29-20	7	12	17
3	6-17-20	8	13	18
4	7-10-20	9	14	19
5	7-21-20	10	15	20

MAIN FLOOR	1697
UPSTAIRS	2274
BASEMENT #160	1686
MISC.	
TOTAL	

STOLTZ RESIDENCE
3 GARDNER LANE
DELLWOOD, MN

STOLTZ RESIDENCE
3 GARDNER LANE
DELLWOOD, MN

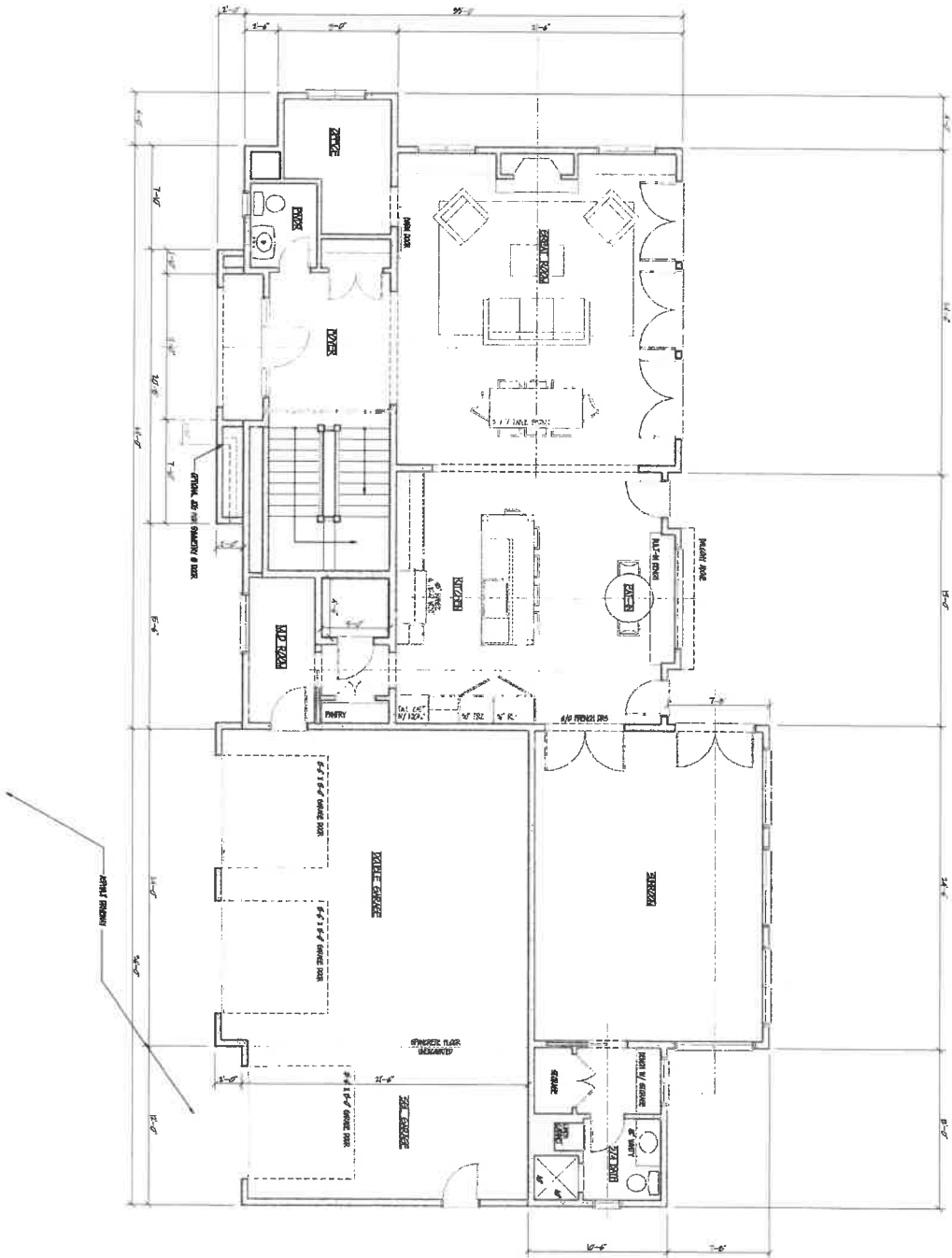


1	5-21-2020	6	11	16
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3	6-17-20	8	13	18
4	7-10-20	9	14	19
5	7-21-20	10	15	20



MINNESOTA
LICENSED PROFESSIONAL ENGINEER
NO. 12345
EXPIRATION DATE 12/31/2024

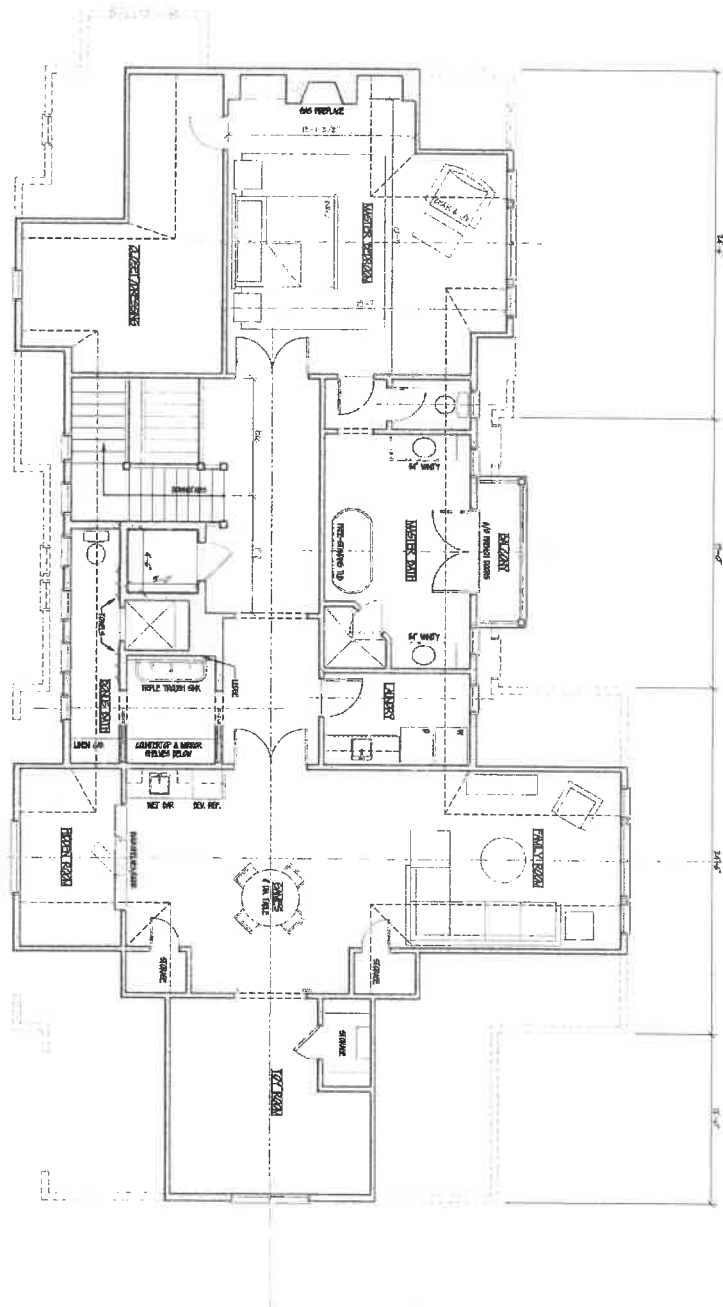
1/4" = 1'-0" Plan
 1/8" = 1'-0" Section



MAIN FLOOR	1937
UPSTAIRS	2224
BASEMENT FIN	1886
MECH.	-
TOTAL	-

1	5-21-2020	6	11	16
2	5-29-20	7	12	17
3	6-17-20	8	13	18
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THIS IS A COPY OF THE ORIGINAL DRAWING. ALL RIGHTS RESERVED.



MAIN FLOOR	1937
UPSTAIRS	2274
BASEMENT FIN	1586
MISC.	
TOTAL	

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480 W. 10TH AVE., STE. C
MINNEAPOLIS, MN 55408
612.338.8800
WWW.BENNETTARCHITECT.COM



CITY OF DELLWOOD
WASHINGTON COUNTY, MINNESOTA
RESOLUTION 2020-09

The following Resolution was duly adopted at the regular meeting of the City Council held on September 8, 2020:

BE IT RESOLVED, the City Council of the City of Dellwood, County of Washington, State of Minnesota, that the following amounts are proposed to be levied for year 2020, collectible in year 2021, upon the taxable property situated in the City of Dellwood for the following purposes:

General Levy	\$483,582
Debt Levy	\$345,550
Total Property Tax Levy	\$829,132

BE IT FURTHER RESOLVED, that there are sufficient sums of money in the Debt Service funds of the City which are irrevocably pledged, together with the foregoing Debt levies to pay principal and interest in 2021 on all outstanding bond issues

Passed by the City Council this 8th Day of September 2020



Mayor Mike McGill

Attest:



Joanne Frane, City Clerk