

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
OCTOBER 13, 2020**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on October 13, 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 November 12, 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, City Engineer Cara Geheren, and City Attorney Richard Copeland.

Mayor Mike McGill called the meeting to order at 5:35 p.m.

Mayor McGill noted that Steven Frost of 12 Overlook Road was present and wished to discuss the Administrative Citations which were issued to him by the City Property Inspector.

Mr. Copeland stated that he and the City Inspector, Jack Kramer had inspected Mr. Frost's property on September 3, 2020 and then gave to Mr. Frost a list of Ordinance violations found on his property. There were 15 items noted.

Mr. Copeland and Mr. Kramer again inspected the property on October 12, 2020, and found that with the exception of two items, all others had been satisfactorily addressed by Mr. Frost. There remains a large unattached tree stump in the front of the house and a composting tank in the rear yard. These are items of personal property which are stored outside and not screened as required by the Exterior Storage Ordinance.

Mr. Frost had stated that he could move these items so as to comply with the Ordinance. Previously, Mr. Frost was issued Administrative Citations on June 12, 2020 and on July 30, 2020. Administrative penalties were imposed in the amount of \$200 and \$400 respectively. As of this date those fines have not been paid. It appeared on October 12, 2020 that the items for which administrative penalties had been issued have now been corrected.

Mr. Frost is asking the City to refund \$600 of the escrow amount which was deposited with the City earlier. Mr. Copeland stated that he had not been involved in those citations.

Mayor McGill advised Mr. Frost that he would have to talk further with Mr. Kramer and Mr. Copeland about the administrative penalties and whether any money should be refunded to him. The City Clerk has \$524.80 remaining in the Frost Land Use Application escrow account as of September 30th.

Mr. Frost noted that there is a dog in the neighborhood that barks constantly. Brian Beich confirmed that although the barking problem subsided for a while, it has now become worse. McGill noted that there is an Ordinance in effect which prohibits excessive and constant barking, and a complaint can be filed with the City.

Mayor McGill asked for approval of the Agenda. Brady Ramsay moved/asked that an item be added relating to Cares Act Funding. Boosalis seconded and the Council Members voted unanimously to add item 4 to the Agenda, being discussion of grant funds to be distributed to local businesses. Upon motion by McGill, second by Howe, the Agenda for this meeting was approved as submitted with item # 4 added and the following votes were taken:

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

Upon Motion by Mayor McGill. Second by Howe, the Minutes of the September 2020 Council Meeting Minutes were approved as submitted, and the following votes were taken:

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

Adopt Zoning Permit Ordinance/Summary Publication: The first item of business was the approval of the new Zoning Permit Ordinance. This matter had been discussed at previous Council meetings. City Planner Nate Sparks reviewed the features and purposes of the Ordinance which basically streamlines the process of obtaining an Administrative Permit for items which do not require a Building Permit. The Permit could be issued by the Zoning Administrator according to the conditions stated in the Zoning Ordinance. Unresolved matters can be appealed by way of the procedures set forth in the Zoning Ordinance.

Sparks submitted a proposed Resolution authorizing a summary of the Ordinance to be published in lieu of the entire Ordinance. Boosalis moved to approve the Ordinance (copy attached hereto) and to approve publication of a Summary (copy attached), Ramsey seconded and the following votes were taken:

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

Discussion on Noise Ordinance: Mr. Copeland explained that the current Ordinance allows for exceptions from the restrictions against playing amplified music past 10:00 p.m. These exceptions as now written, apply only at events held at a private residence. Events at non-residential properties require a Variance. The purpose of the proposed revisions is to allow exceptions to be given to events held at non-residential locations such as Golf Clubs, Winery and Orchard.

The exception may be granted by the Mayor after notice of the event has been given to residents within 350 feet of the location at which the event is to be held; and no objections have been received. If objections are received, or the Mayor believes there are factors which need to be considered by the Council, it would then go on the next Council agenda for its next regular meeting.

Mr. Copeland will submit a proposed final draft of the Ordinance and a proposed Resolution approving a summary publication thereof, at the November Council meeting. Copeland also noted that such events are not being currently monitored to measure noise levels, and that some process should be employed to do so, in order to determine that such levels do not exceed those allowed by the Permit, City Ordinance, or State Law.

Peninsula Road Improvement Project: City Engineer Cara Geheren discussed her Memorandum dated October 5, 2020. Three Resolutions are needed to be approved as set forth in her Memorandum.

McGill moved to approve Change Order No. 1. Ramsey seconded and the following votes were taken:

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

McGill moved to approve Change Order No. 2, Boosalis seconded and the following votes were taken:

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

Ramsay moved to approve the pay request submitted by MN Paving & Materials in the amount of \$113,225.40. McGill seconded and the following votes were taken:

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

Cares Act Funds: The next item of business was the discussion of potential distributions of Cares Act Funds to local businesses. The City has solicited and has received requests from the Apple Orchard and the Winery. Ramsey believes that the two Golf Courses should also be given the opportunity to apply for Covid-19 related funds.

McGill noted that there is a distinction to be made with regard to “net profit loss” as opposed to “net revenue loss”. The Orchard and the Winery should be asked to submit additional documentation. Ramsay and Beich will prepare a list of what they consider to be qualifying expenses/losses which are clearly related to the Covid-19 pandemic.

Mr. Copeland will solicit funding applications from WBYC and Dellwood Country Club.

Claims and Receipts List:

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

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

REPORTS:

Beich reported a bank balance of \$710,493.00.

Ramsey reported that efforts will be taken to address complaints about speeding on Apple Orchard Road, possibly including electronic monitoring. Issues regarding the stop sign at Apple Orchard Road and Tamarisk may be addressed by way of additional signage and Sheriff's Deputy Patrols. Some branches have been trimmed to provide clear vision of signage.

The culvert in Pine Tree Hills has been repaired.

Boosalis gave an update on the bike/pedestrian trail.

McGill reported 7 Remodel Permits and one new home construction 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.

There being no further business, McGill moved to adjourn, and Ramsay seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 6:57 p.m., and the following votes were taken:

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

The meeting was adjourned at 6:57 p.m.

Respectfully submitted,



Joanne Frane
Dellwood City Clerk / Administrator

ORDINANCE 2020-02

AN ORDINANCE AMENDING THE DELLWOOD ZONING ORDINANCE REGARDING
ADMINISTRATIVE ZONING PERMITS

THE CITY OF DELLWOOD ORDAINS:

Section 1. Code Added. That Section 152.11.R is hereby added to read as follows:

152.11.R. Administrative Zoning Permits.

- 1) Purpose. The purpose of this section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, and of matters requiring the approval of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City. An approved administrative zoning permit is required prior to the placement or location of any accessory building/structure; fence; pool; driveway; sport court; shoreland stairway, lift, or landing; and water oriented accessory structure.
- 2) Procedure.
 1. Application for an administrative zoning permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City.
 2. The application shall be accompanied by a fee as established by the fee schedule.
 3. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this ordinance. The Zoning Administrator shall notify the applicant, in writing, of an incomplete application within fifteen (15) business days of the date of submission.
 4. The Zoning Administrator's review shall be based upon the following factors:
 - a. Compliance with and effect upon the Comprehensive Plan and public facilities plans.
 - b. The establishment, maintenance or operation of the structure or use will not be detrimental to or endanger the public health, safety, or welfare.
 - c. The establishment of the structure or use will not conflict with existing uses and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - d. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
 - e. The structure or use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to the performance standards and all other applicable provisions of the Zoning Ordinance.
 5. The Zoning Administrator shall make a determination on approval or denial of the administrative zoning permit within sixty (60) days from the date of submission of a complete application.
 6. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this chapter shall be attached to the permit.

7. Determination of noncompliance with applicable codes, ordinances, and the standards in this Section shall be communicated to the applicant in writing and the application for the permit shall be considered denied.

8. Unresolved disputes as to administrative application of the requirements of this Section shall be subject to appeal as defined by this ordinance.

3) Information Requirement. The information required for all administrative zoning permit applications shall include:

1. A concise statement describing the proposed use.
2. A copy of a site plan for the property or survey which accurately represents existing conditions on the site and the location of the proposed use or structure. The zoning administrator may require a survey in cases where accurate conditions on the site cannot be reasonably confirmed.
3. An accurate floor plan and architectural renderings of the building, structure, or use.
4. Any proposed grading or drainage modifications related to the proposed structure or use.

4) Performance Standards. All structures, uses, or activities allowed by administrative zoning permits shall conform to the applicable standards outlined in the zoning district in which such structure, use, or activity is proposed.

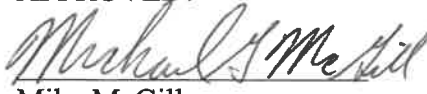
5) Administration & Enforcement.

1. The Zoning Administrator shall keep a record of applications and administrative zoning permits.
2. A copy of all administrative zoning permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
3. Enforcement of the provisions of this Section shall be in accordance with the City code. Violation of an issued permit or of the provisions of this Chapter also shall be grounds for denial of future permit applications.


Section 2. Effective Date. This Ordinance shall be effective upon passage and publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DELLWOOD THIS 13TH DAY OF OCTOBER, 2020.

APPROVED:


Mike McGill
Mayor

ATTEST:


Joanne Frane
City Clerk
(seal)

Summary Publication
Published in WB
Press
10-21-2020

CITY OF DELLWOOD
WASHINGTON COUNTY, MINNESOTA

RESOLUTION 2020-11

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NO. 2020-02 REGARDING ADMINISTRATIVE ZONING PERMITS

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance No. 2020-02 will clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, a printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED that the following summary of Ordinance No. 2020-02 is approved for publication:

CITY OF DELLWOOD
ORDINANCE NO. 2020-02
REGARDING ADMINISTRATIVE ZONING PERMITS

Section 1. The Dellwood City Code is hereby amended to include the following ordinance summarized below:

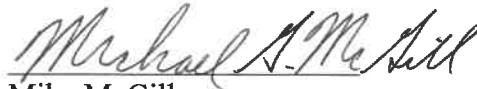
The City of Dellwood added Section 152.11.R to the City Code requiring zoning permits for the construction of accessory structures, accessory buildings, fences, water oriented accessory structures, walls, and other such features that do not otherwise require a building permit.

Section 2. The full ordinance will be in effect on the date of this summary publication.

Section 3. The full ordinance is available for review during regular office hours in the office of the City Clerk.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF DELLWOOD THIS 13TH DAY OF OCTOBER, 2020.

APPROVED



Mike McGill
Mayor of Dellwood

Attest:



Joanne Frane
City Clerk

Published in the
White Bear Press
10-21-2020