

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
AUGUST 10, 2020**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on August 10, 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 – 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. Council person Brady Ramsay was absent.

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

Mayor McGill noted that there was one person who wished to present public comment - Steve Frost. Steve Frost of 12 Overlook Road stated he wished to inquire why his \$1200.00 deposit had not been returned to him as he requested in his April 28th letter. The deposit was made in connection with his application for a Variance to construct an additional garage on his property. His April 28th letter was notice to the City that he no longer wished to build a garage. Mr. Copeland read from a report given to the City by the City Property Inspector Jack Kramer dated August 7, 2020, wherein he stated that Mr. Frost's property is in violation of the City Ordinance regulating exterior storage of personal property. Mr. Kramer stated that two Administrative Citation fines had been issued on June 30, 2020 and on July 30, 2020. The total fines which are unpaid are \$600.00 and the property remains in violation. Mr. Copeland was asked to get together with Mr. Frost and Mr. Kramer and try to resolve this matter.

Mayor McGill asked for approval of the Agenda.

Upon motion by McGill, second by St. Martin, the Agenda for this meeting was approved as submitted, and the following votes were taken:

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye

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

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye

Discussion on Zoning Permits: The first item of business was the discussion regarding the proposed Zoning Permit Ordinance. This Ordinance is intended to establish a site plan review for land use projects which ordinarily do not require a Building Permit. This would allow the City to administratively review the site and to require any changes or additions to ensure compliance with all City Codes. No administrative permits would be allowed for structures within the setback areas.

Nate Sparks reviewed his Memorandum dated August 6, 2020 (copy on file). He stated that if the Council so desired, this proposed Ordinance will be referred to the Planning Commission for a Public Hearing to be held on August 18th.

Upon Motion by St. Martin, second by Howe, the Council resolved to refer this proposal to the Planning Commission for public hearing:

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye

Discussion on Comprehensive Plan and Ordinance on Increase of Minimum Lot Size: The next item was the discussion regarding the proposed changes to the Comprehensive Plan. Nate Sparks discussed his Memorandum dated August 6, 2020 (report on file). Changes to the Dellwood Zoning Ordinance and Comprehensive Plan are needed to bring Dellwood into substantial compliance with the Regional Systems Plan of Metropolitan Council. Dellwood's Comprehensive Plan Update was submitted to Met Council for review and its comments included concerns about Dellwood's density allowances for future development. Basically, Met Council is not satisfied with the City having one acre lots with no public water and sewer services.

Nate reported that Met Council may be willing to classify Dellwood as being "Rural Residential" with no residential lot having less than 2.5 acres exclusive of delineated wetlands. City Staff is recommending a minimum lot size of 2.5 acres in residentially developed areas and 10 acres in the large undeveloped tracks (Peltier property, Apple Orchard and two golf courses). This proposal is in response to the comments received by Met Council. Not doing anything would likely result in Met Council taking action to compel Dellwood to conform to Met Council's Regional Population Density Policies and potentially require construct of a public sewer system. Staff is recommending that these Amendments to the City's Zoning Code be referred to the Planning Commission for public hearing. Notice of a Public Hearing to be held by the Planning Commission on August 18, 2020 has been published in the White Bear Press. Mr. Copeland noted that all properties in the City will be affected by these changes. He feels that standard notification procedures for public hearing are not sufficient to adequately inform all residents of the time, place and nature of the hearing. Remote meetings due to COVID19 further complicate the process. He recommends that the City go above and beyond the usual notice process and attempt to notify every property owner in the City, by way of regular mail, email, website, posting and publication. Staff presented a proposed Ordinance imposing a Moratorium upon subdivision of property in the City to be effective pending the adoption by the City of a revised Zoning Ordinance, but not more than one year.

Boosalis noted that there is not sufficient time in which the City can provide notice of the public hearing to all property owners and for the property owners to respond prior to August 18th. He moved to refer the matter to the Planning Commission for public hearing to be held on September 15, 2020 and that notice thereof be communicated to all property owners in the City by regular mail, email or by the City website, in order to give all property owners good and sufficient information as to the changes to be made in the Zoning and Subdivision restrictions which would affect the use of their properties. Further,

that the City now adopt an Ordinance imposing a Moratorium on subdivision and/or development of all properties in the City according to the proposed Ordinance which has been presented to the City.

McGill seconded the motion and the following votes were taken:

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye

The Ordinance attached hereto was therefore duly adopted.

City Website: Elsbeth Howe discussed the proposal submitted by GOV-OFFICE. She feels this is the best option for the City.

Ben Roby, who was present, discussed the features of the Gov-Office proposal and stated that he was concerned that after three-years, the site itself would not be “owned” by the City, that the proposed website design was not significantly different from the existing website. He described why he felt that Meta-Finity offered more “bang for the buck”. He agreed to act as consultant to the City with regard to website development.

Howe moved to accept Meta Finity as the City’s website provider according to its proposal on file with the City. Boosalis seconded the motion and the following votes were taken:

Howe	Aye
St. Martin	Aye
Boosalis	Aye

McGill abstained from voting.

St. Martin expressed the Council’s appreciation to Elsbeth Howe for her work on the website issue.

WBL Conservation District-Sign at End of Echo Street: The next item was the request submitted by White Bear Lake Conservation District to place a sign at the shoreline to commemorate the work of George St. Germain with the Lake Conservation Board. Mr. Copeland stated that he had previously on February 20, 2020, sent a letter to the Conservation District asking for details about the proposed sign, location, size, make up, content, etc. He has received no response from the district office. On July 17, 2020, he emailed a copy of his February 20, 2020 letter to Mark Ganz, Vice-Chair of the WBL Conservation District.

KAT Construction – Vendors License

The next item was the application by KAT Construction for a Vendor’s License to do business in Dellwood. The application states that its intent is to offer free roof inspections to homeowners between July and the end of December 2020.

Copeland stated that the application does not give any information as to how the Company intends to make its offer. Clerk Frane stated that she was informed that the applicant intended to go “door to door”.

Copeland stated that the City has an Ordinance, Number 110, which requires a License from the City to engage in certain business in the City, and Ordinance Number 113 which requires a License to engage in solicitation by means of house-to-house, door to door, contact of residents.

Copeland stated that the application is deemed incomplete without further information from applicant, to be set forth in the application form, as to how the offers are to be communicated to the residents.

The City is cognizant of the limitations imposed upon personal contacts due to the COVID19 pandemic.

It was the consensus to the Council that solicitation by personal contact is an imminent threat to the health or safety of the residents of the City at this time and that an emergency exists which would justify the denial of the application at this time.

Upon motion by Boosalis, second by Howe, the Council resolved to table this matter for further consideration pending receipt of further information from the applicant.

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye

LMICT Liability Coverage Waiver: The next item of business was the LMICT Liability Coverage Waiver. Upon motion duly made and seconded, the Council unanimously resolved that the City does not waive the monetary limits on municipal tort liability set forth in Minnesota Statutes 466.04.

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye

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

McGill	Aye
Howe	Aye
St. Martin	Aye
Boosalis	Aye

REPORTS:

Boosalis- gave an update on the status of the proposed bike/pedestrian trail through Dellwood. Funding issues remain as well as location and the potential need for easements from the private land owners. He has advised Mr. Walgomot that no commitments should be made as far as Dellwood is concerned with first checking with the City.

McGill stated that the residents of Dellwood should have the opportunity to comment on this issue. He would like to have a "town meeting" of some sort.

Boosalis stated that residents should receive notice of the location of the trail and the possible narrowing of the driving lanes on Dellwood Avenue.

St. Martin noted that there are several issues as yet unresolved, including who is to pay for the ongoing maintenance, and other costs. What are the rules for use and how are they to be enforced and by whom, what are the liability issues for the City, do the residents want the lanes to be narrowed to encourage slower speeds, and so on. There is a need to get the residents involved.

St. Martin stated that he feels that the trail advocates are not openly receptive to options which may be available.

Copeland stated that the area near the Yacht Club is problematic. He will ask the Manager to give something in writing to the City outlining the Clubs position with regard to the trail.

McGill noted that the potential cost for maintenance per year could approach \$10,000.

Boosalis asked what exactly is included in the meaning of maintenance?

Sparks opined that the City should have the City engineer weigh in on the matter.

All Council Members agreed that there is a need to inform the residents and obtain their input. A public in-person meeting would be nice, perhaps at the Winery or other suitable venue.

Beich reported a bank balance of \$731,931.

McGill reported 3 remodel permits and one demolition permit.

Ramsay – reported that he will meet with Cara Geheren to discuss road issues.

Copeland – asked that action be taken to enforce the Ordinance requiring all properties to have a street address posted in a visible manner according to the Ordinance. St. Martin stated that he would follow up on this and try to tour the City soon.

There being no further business, McGill moved to adjourn, second by Boosalis. The Council Members voted unanimously by roll-call to adjourn the meeting at 7:35 p.m., and the following votes were taken:

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

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,



Joanne Frane
Dellwood City Clerk / Administrator

ORDINANCE 2020-01

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE SUBDIVISION OF
PROPERTY WITHIN THE CITY OF DELLWOOD

THE CITY OF DELLWOOD ORDAINS:

Section 1. Findings.

WHEREAS, Dellwood Ordinance Number 152, the Comprehensive Zoning/Shoreland Management Ordinance, established minimum lot sizes in all zoning districts as follows:

- R-1 One Acre
- R-2 Two Acres
- F/E Five Acres
- PRD Three Acre average lot size with no lot less than two acres; and

WHEREAS, Dellwood is a residential community having no public sewer facilities and no public water supply, relying entirely on individual on-site septic systems and individual private water wells; and

WHEREAS, Dellwood is classified as Diversified Rural by Metropolitan Council for purposes of residential development; and,

WHEREAS, the prescribed density goals of Metropolitan Regional Planning for unsewered communities lying within the Diversified Rural classification includes a residential density of development of 1 unit per 10 acres; and

WHEREAS, the City Council of the City of Dellwood is studying density of development options within the City's Comprehensive Plan and the impacts the implementation of policy modifications would have on the City's Ordinances; and

WHEREAS, the City is evaluating the appropriate lot area to adequately support an on-site individual septic system; and

WHEREAS, the City is in the process of revising its Comprehensive Plan and Zoning Regulations with regard to development in all zoning districts and is studying the approximate lot area dimensions for all future buildable lots within the City, and

WHEREAS, the City Council has determined that a Moratorium is necessary to protect the planning process and prevent the creation of any residential lot having an area of less than 2.5 net buildable acres until the Council has completed its consideration and studies, and has adopted its revisions to its Zoning Regulations.

Section 2. Moratorium Established. In accordance with the findings set forth in Section 1, no subdivision of property, plat, minor subdivision, lot line adjustment, or other such action that results in the creation of a parcel of land less than 2.5 buildable acres shall be processed or

approved, and no applications for such approval will be accepted pending the completion of the studies referred to in Section 1.

Section 3. Applicability. The moratorium shall be applicable to all property within the City limits.

Section 4. Term. Unless terminated by City Council action at an earlier date, this Ordinance shall remain in effect until August 10, 2021, or until the effective date of any amended land use controls regarding minimum lot sizes, whichever occurs first.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DELLWOOD THIS 10th DAY OF AUGUST, 2020.

APPROVED:

Mike McGill
Mayor

ATTEST:

Joanne Frane
City Clerk

(seal)

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