

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
September 10, 2019**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on September 10, 2019.

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

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

Mayor McGill asked if anyone was present for public comment. Ken and Kathy Kohler stated that they wished to complain about a letter they received from the City regarding an unscreened boat trailer and planter boxes within the setback area of their property. They have relocated the trailer, but object to having to remove the planters. Mr. Copeland explained that the City had received a complaint from someone in the neighborhood and that the City Inspector Jack Kramer had looked at the property. Mr. Kramer sent a letter advising Kohlers that these items were in violation of the Ordinance. Mr. Kohler showed photographs of the planter boxes. Mr. Copeland stated that they appear to be “structures” within the definition contained in the Zoning Ordinance, which basically states that a structure is “anything which is built, constructed or erected, whether temporary or permanent in nature”. The required minimum side yard setback is 30 feet. “Yard” is defined as being “the open space on a lot which is unobstructed by a structure of any kind.” Mr. Kramer found that the planter boxes were “a few feet from the property line”. He set a date of August 23rd to bring the property into compliance. Mr. Copeland explained that the City has a duty to follow up on any complaints alleging violation of the City’s Ordinances. The fact that there may be other instances on other properties which are in violation does not justify a violation on the subject property. It appears that Kohlers must demonstrate that an exception applies or seek a Variance from the City.

Mayor McGill asked for approval of the Agenda for this meeting. Upon motion by St. Martin, second by Ramsay, the Agenda for this meeting was unanimously approved as submitted.

Mayor McGill asked for approval of the Minutes of August 13, 2019 Council meeting. Upon motion by Boosalis, duly seconded, the Minutes of the August 13, 2019 Council meeting was approved unanimously as submitted.

22 Overlook Road: The first item of business was the Land Use Application submitted by Tom Sherwood at 22 Overlook Road for a Variance to allow placement of a new septic system which needs to be located partially within the setback distance from a wetland area. The Planning Commission held a public hearing on the request and recommended approval in accordance with the proposed resolution No. 2019-4, prepared by Staff.

Nate Sparks, City Planner, provided a memo dated September 5, 2019, which outlines the difficulty which the Applicant has in fully complying with the setback requirements. The City Sewer Inspector has reviewed the matter and has submitted a report that, in his opinion, the location requested is the only feasible place on the property which could safely accommodate the system.

Upon Motion by St. Martin, second by Ramsay, the Council unanimously resolved to approve the Variance according to the terms and conditions set forth in the proposed Resolution No. 2019-4, copy attached to these Minutes.

Ordinance Number 2019-01: The next item was the consideration of proposed Ordinance No. 2019-01 which is a new Ordinance to replace Ordinance Number 51.A, the Sewer Ordinance.

Mr. Copeland explained that the City basically follows Chapter Four of the Washington County Development code as its City Sewer Ordinance. Recent changes to the Washington County Code require changes to the City Ordinance. Brian Humpal, City Sewer Inspector, has reviewed the proposed Ordinance and has found it to be in good order.

Upon Motion by Boosalis, second by Ramsay, the Council unanimously approved passage of Ordinance No.2019-01, copy attached to these Minutes. The Council further approved the publication of a summary which the Council found to fairly inform the public of the nature and effect of the Ordinance.

Lake Links Trail Update: The next item on the Agenda was an update on the proposed Lake Links Trail through Dellwood. Steve Wolgamot, Mike Brooks and Blanche Hawkins were present to update the Council. Wolgamot distributed a 5-page summary of activity to date both in Dellwood and surrounding areas (copy on file). There was a discussion concerning safety issues, location of the trail, and ownership of the trail. Mr. Wolgamot stated that efforts will be made to induce Washington County to assume ownership and control of the trail in the County.

Tax Forfeited Parcel: The next Agenda item was the discussion of the tax forfeited parcel of land adjacent to Highway 244 which the County has offered to convey to the City free of charge on condition that the City use the land for a specific and public use which is authorized by Minnesota Statutes. Mr. Copeland recited the authorized uses and commented that the only one option reasonably available to Dellwood would be that of trails or other recreational purposes under M.S. 282.01, Subd. 1, paragraph (e)(3). The other authorized public uses do not fit for Dellwood.

Ramsay moved to submit an application to the County to acquire the tax forfeited parcel cost free for the purpose of a trail for walking, bicycling or other public recreational uses. Howe seconded the Motion and it was approved unanimously.

Mr. Copeland stated that he would complete the application form to be submitted to Washington County. The Application fee is \$250 and is probably not refundable. We noted that if the land is not put to use for the specific purposes stated in the Application, the land could revert to the County after three years unless the City is able to come to an agreement with the County, or potentially purchase the property at its fair market value at that time or determined by the County Board.

2020 Budget: The next item of business was the adoption of the 2020 budget. Brian Beich, City Treasurer noted that there was a budget workshop on September 3rd. Upon Motion by St. Martin, seconded by Howe, the budget for the year 2020 was unanimously approved as presented. A copy of the budget is attached to these Minutes. Mayor McGill stated that the truth in taxation meeting is scheduled to be held on December 10, 2019 in conjunction with the regular City Council meeting.

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

REPORTS:

Ramsay reported the need for repair or replacement of a culvert on Eldorado which now appears to be above grade.

McGill reported two remodel permits.

Copeland presented a proposed Resolution for the purpose of adopting the 2019 tax levy collectible in year 2020. On Motion by St. Martin, second by McGill, the Resolution was unanimously adopted as presented. A copy is attached to these Minutes.

Beich reported a balance of \$699,420 in the City's account.

Mayor McGill stated that a meeting is to be scheduled to discuss the removal of trees along Peninsula Road. The City Engineer will attend and the public, in particular the residents in the Peninsula area will be invited.

There being no further business, the meeting was adjourned at 6:57 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk