

**MINUTES OF MEETING  
DELLWOOD CITY COUNCIL  
NOVEMBER 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 November 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 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:** 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. Also present were Tom Leonard, Brit Harmon and Steven Frost.

Mayor Mike McGill called the meeting to order at 5:33 p.m.

Mayor McGill asked if anyone was present for public comment. Steve Frost of 12 Overlook Road stated he wishes to discuss his administrative fines and escrow deposit. Mayor McGill stated that the matter was not on the Agenda, and that public comment was not the proper way to discuss his concerns. He stated that the time limit for public comment was five minutes and that the Council could listen to what he had to say and could ask questions, but could not discuss it among themselves or take action. Mr. Frost asked to be put on the December Council Agenda and Mayor McGill instructed the Clerk to do so.

Mayor McGill asked for approval of the Agenda. Brady Ramsay moved to add to the Agenda Item No. 6 being approval of the CARES Act Covid-19 emergency funds. Mr. McGill seconded and the following votes were taken:

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

Upon Motion duly made, the Minutes of the October 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

**Public Hearing-Lane Vacation:** The first item of business was the public hearing on the vacation of a four foot lane which crosses Lots 5,6,7 & 8 in the Plat of Dellwood Point. Mr. Copeland explained that this lane was created in the original Plat of Dellwood Point in 1904. It is believed that the lane was like vacated at some time in the past, but no formal documentation can be found. It is referred to in old recorded deeds as “the vacated lane in the Plat of Dellwood Point” It has not be used for any purposes for over 50 years and its presence on County Maps creates a cloud on the titles to Lots 5,6,7 & 8. The Washington County Surveyor Office has asked the City to adopt a Resolution to Vacate the lane in its entirety. The lane serves no public interest and has become obstructed by trees, bushes, and significant improvements on Lots 5,6,7 & 8.

Mr. Copeland presented a proposed Resolution for Vacation. There was no person present with regard to the public hearing except Mr. Tom Leonard, the owner of Lot 6 in Dellwood Point, who was in favor of the Vacation. The City has received no other comments or objections. Mayor McGill closed the public hearing.

Boosalis moved to approve and adopt the Resolution as submitted (attached). St. Martin seconded the motion and the following votes were taken:

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

**Adopt Noise Ordinance:** The next item of business was the revised Noise Ordinance. Mr. Copeland explained the purposes of the changes made (letter attached). He presented a proposed Chapter 134A, together with a Resolution providing for publication of a Summary of the new Ordinance. All required notices have been given and posted under M.S. 415.19. The Council agreed that the fees under Section 134A.05(B), 134A.06 and 134.07(A) shall be \$100.00.

Ramsay moved to approve the revised Ordinance Chapter 134A as proposed. Boosalis seconded. The following votes were taken:

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

McGill moved to approve the Summary publication of the Ordinance which clearly informs the public of the intent and effect of the entire Ordinance. St. Martin seconded. The Council unanimously approved the publication of the Summary as submitted by roll call vote.

**Adopt Animal Control Ordinance:** The next item was the approval of the revised Animal Control Ordinance. Nate Sparks discussed the changes to be made for the current Ordinance to address the keeping of farm animals, chickens, bees and goats. He noted that the keeping of roosters is not allowed. It was decided to retain the language in Section 3D. The required notices under M.S. 514.19 were posted and given. The Planning Commission held a public hearing and this Ordinance was recommended for approval.

Mr. Sparks presented a proposed Resolution providing for publication of a Summary of the Ordinance.

McGill moved to approve the revised Animal Control Ordinance and the Resolution for publication of a Summary in lieu of the entire Ordinance. St. Martin seconded the motion. The Council unanimously voted in favor of the motion. The following votes were taken:

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

**2021 Animal Control Office/Contract:** The next item of business was the appointment of an Animal Control Officer for the City. Nate Sparks explained the previous Officer Sherrill Reed had retired and this left a vacancy which the Washington County Sheriff's office was unable to perform. Sherill had recommended Brit Harmon of Companion Animal Control and Brit has agreed to act under the terms of the contract.

St. Martin moved to approve the Contract as written for the year 2021. Boosalis seconded his motion. The Council unanimously approved the contract by roll call vote.

**2021 Liquor Licenses:** This item was the renewal of the Liquor Licenses issued to White Bear Yacht Club and Dellwood Country Club for year 2021. The City is in receipt of confirmation from the Washington County Sheriff's Office that no incidents to date showing any violations which would preclude renewal of each License. McGill moved to approve to renew each License for year 2021. Ramsey seconded. The following votes were taken:

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

**Cares Act Covid -19:** The next item was the distribution of Cares Act Emergency Funds. Ramsay explained that four entitled in the City were asked to submit Applications to the City for reimbursement of expenses incurred solely due to the pandemic, which were unbudgeted and not reimbursed from other public sources. The WBYC declined to apply. The City had available \$48,852.63 for distribution to the remaining three entities. Each of them had submitted financial data confirming their payment of such expenses or losses incurred by reason of the closure of business due to the pandemic, which are on file with the City Clerk. Brian Beich gave a recap of the funds received by the City and the City's Covid 19 expenses paid to date. Ramsay moved to approve and ratify the City's distribution of Cares Act Funds to Dellwood Country Club, Seven Vines Winery and Pine Tree Apple Orchard in the amount of \$16,284.21 each. City Clerk Joanne Frane confirmed that a report of such distributions has been made to the State.

Ramsay moved to approve and ratify the distributions as stated. McGill seconded the motion. The following votes were taken:

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

**Claims and Receipts List:** The Claims and Receipts List was reviewed and discussed. St. Martin moved to approve the list as submitted. Ramsay seconded. The Council unanimously voted to approve the Claims and Receipts List for the month of October 2020 with no changes by roll call vote.

**REPORTS:**

**Beich** reported a bank balance of \$646,263.

**Ramsey** reported complaints being received from residents on the Peninsula regarding parking issues near 3 Gardner Lane. This home is being reconstructed and construction equipment necessarily has to park nearby. The Contractor is cooperating.

**McGill** reported 1 remodel permit.

**Boosalis** gave an update on the status of the bike trail. State funding has been approved in the amount of 3.5 million. The Bike Committee is seeking easements from residents. There is a proposed highway crossing near the WBYC and a crossing near Meadow Lane. Steve Wolgamot is to give the City a tentative drawing of the proposed bike trail through the City. McGill remarked that he wants to get input from the citizens of Dellwood as to their comments about the location of the trail. St. Martin stated he wants to have the requirements which the State may have regarding the trail. Ramsay questioned the expenses the City will incur annually to maintain the trail.

McGill asked about the response received from those City Officials who were surveyed as to whether they would attend a City Holiday gathering. Joanne Frane remarked that so far 8 people have stated they would attend; 7 would not; and 3 were undecided. Ramsey noted that the Governor's announcement of today may impact the matter. The City should check further with Dellwood Country Club. Today's Order appears to be in effect from November 27 through December 11, 2020.

Joanne Frane explained that a quorum of the City Council is needed for a meeting on Thursday November 12<sup>th</sup>, at 1:00 p.m. to canvas the results of the recent election. Howe, McGill, Boosalis and St. Martin indicated that they planned to attend. Ramsay will not be able to attend.

There being no further business, McGill moved to adjourn, and Boosalis seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 6:44 p.m., and the following votes were taken:

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

The meeting was adjourned at 6:44 p.m.

Respectfully submitted,



Joanne Frane  
Dellwood City Clerk / Administrator

**CITY OF DELLWOOD  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION 2020-12**

**RESOLUTION APPROVING A RIGHT-OF-WAY VACATION FOR  
A FOUR FOOT LANE IN DELLWOOD POINT**

**WHEREAS**, there has been submitted to the City Council of the City of Dellwood a petition to vacate a four foot wide public lane on Lots 4 through 8 of Dellwood Point; and

**WHEREAS**, the legal description of the right-of-way to be vacated is:

The four foot lane within Lots 4 through 8, Dellwood Point, Washington County, Minnesota

**WHEREAS**, the Dellwood City Council conducted a duly noticed public hearing on November 10, 2020; and

**WHEREAS**, the City Council proceeded to hear all persons interested in said petition and persons interested were afforded the opportunity to present their views and objections to the granting of said petition; and

**WHEREAS**, the City Council determined that there is no current and/or anticipated future public need to retain the public lane and found that the vacation would be in the public interest; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Dellwood that pursuant to Minnesota Statutes 412.851, the above described public lane situated in the City of Dellwood, Washington County, Minnesota is hereby vacated.

PASSED AND ADOPTED this 10<sup>th</sup> day of November, 2020.

  
Mike McGill, Mayor

ATTEST:


  
Joanne Frane, City Clerk

Attached: Vacation Exhibit



CLERK'S CERTIFICATE

I am the duly appointed Clerk of the City of Dellwood. I hereby certify that the Resolution attached hereto is a true and complete copy of the Resolution duly adopted by the Council of the City of Dellwood at its regular meeting held on November 10, 2020.



Joanne Frane – City Clerk

State of Minnesota )

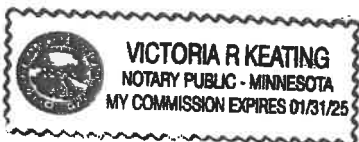
County of Washington) ss.

The foregoing Clerk's Certificate was signed and acknowledged before me by Joanne Frane, Clerk of the City of Dellwood on November 12, 2020

(seal)



Notary Public



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RE: Revised Noise Ordinance

Council:

The revised Noise Ordinance is intended for the following:

- 1) It allows for an exception to the 10:00 p.m. limitation to be granted by the Mayor under an Administrative Permit, to allow for amplified music to be played until midnight (Section 134A.061). Notice is given to all residents within 350 feet of the location. If an objection is made the matter is then brought before the City Council.  
Conditional Use Permits which have been issued to the Golf Clubs, Winery or Orchard will control if there is a conflict.  
This section is intended to streamline the process for weddings which required a Variance previously.
- 2) The revised Ordinance also allows the City to declare any anticipated noise level to constitute a basis for denial of a Permit or Variance even though the noise level may not exceed MPCA Standards. This discretionary authority was given to Cities by recent decisions of the Minnesota Appellate Court.
- 3) The revised Ordinance allows for an exception for two Golf Courses to the restriction of using power equipment prior to 7:00 a.m. This change would allow course maintenance work to begin at 6:00 a.m. during the summer months, May through September.

Very truly yours,

Richard W. Copeland

**\*\*\* PLEASE NOTE OUR ADDRESS HAS CHANGED \*\*\***

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