

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
MARCH 9, 2021**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on March 9, 2021.

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, 2020 President Trump declared COVID-19 to be a National Emergency. On March 20, 2020 Minnesota Governor Walz issued an Executive Order which is effective through February 20, 2021. 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 – Greg Boosalis and Brady Ramsay were present. Scott St. Martin and Deb Flaherty Christopherson were absent. Also present were City Clerk Joanne Frane, Treasurer Brian Beich, City Engineer Cara Geheren, City Planner Nate Sparks, City Road Contractor Ken Johnson, and City Attorney Richard Copeland. Also, present Robert Nuffort, Edwin McCarthy, Rylan Juran, James Dady and Ryan Zahler. John Baker, Kate Swenson and Tim Finnerty were present representing the Ramsey/Washington Cable Commission.

Mayor Mike McGill called the meeting to order at 5:30 p.m.

Public Comment: There were no persons present for public comment.

Mayor McGill asked for approval of the Agenda for the meeting.

On Motion by McGill, second by Boosalis, the Agenda for the meeting was approved as submitted and the following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye

Mayor McGill called for approval of the Minutes of the February 9, 2021 Council Meeting. On motion by Ramsay, second by Boosalis, the Minutes were approved as submitted, and the following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye

Renewal of Road Contract: Mr. Copeland stated that he has reviewed the proposed Road Maintenance Agreement to be effective from April 2021 for a period of one year and has found it to be in proper order with no significant changes from the current contract. Treasurer Beich stated that the new contract calls for an increase in overall fees of 3% which was approved as part of the 2021 Budget.

On Motion by McGill, second by Boosalis, the Council resolved to renew the contract with Ken Johnson.

Zahler Hockey Rink – Zoning Permit Fee: Ryan Zahler appeared to discuss the zoning permit fee charged by the City to obtain an Administrative Permit for a backyard hockey rink. He believes the \$75 is excessive. He questions whether the fee is a one-time fee for a temporary permit. McGill noted that this is the fee which is charged in connection with all applications for an Administrative Zoning Permit and is intended to cover City expenses in processing the application including the inspection of the site plan and property by the City Zoning Administrator to determine that the project complies with all Ordinances of the City including setback requirements and lighting ordinance.

Boosalis questioned whether the fee is annual or applies for replacement of the rink each year.

Ramsey stated that the Administrative Zoning Permit Ordinance was enacted in October 2020, for the purpose of streamlining the process to address applications for projects which would not require a Building Permit. He believes the fee should apply for the entire time that the rink continues to be in the same place with no changes.

James Dady remarked that the rink is a recreational facility which is a permitted use in the City and should not require a permit.

Mayor McGill stated that there is no pressing need to consider this matter at this time since the temperature now is considerably warmer and not conducive to maintaining an outdoor ice rink. He is recommending that this matter be tabled to April when a full Council will have the opportunity to consider the matter. Mr. Zahler agreed and stated that he has not yet submitted an Application nor paid any fee to the City.

On Motion by McGill, second by Boosalis, this matter was tabled to the April Council meeting.

Comcast Franchise Renewal: Mr. Copeland explained that the City has had a Franchise Ordinance in effect since 1999. This Ordinance is in need of an amendment and renewal since it expired by the terms of the Ordinance. He has reviewed the proposed new Ordinance and is recommending approval by the Council. He called upon John Baker, Attorney for the Washington/Ramsey Counties Cable Commission to explain the highpoints of the Ordinance. He noted that several Cities in the area are also members of the Cable Commission and will be entering into similar Franchise Agreements with Comcast. By Resolution, the Cable Commission resolved to recommend that all Cities which are members of the Commission enter into a Franchise Agreement by way of an Ordinance granting a Franchise to Comcast for exclusive cable services for a term of ten (10) years.

John Baker discussed the proposed Ordinance. Bob Nuffort stated that he feels the Agreement with the Washington/Ramsey Cable Commission provides value to the City of Dellwood. The compensation which the Cities derive from the Franchise appears to be more favorable than other Cities receive in other areas not benefitting from the services provided by the Cable Commission. He feels that the recommendations of the Cable Commission should be followed.

Mr. Copeland noted that any proposed Ordinance requires a 10-day posting of Notice on the City website. There is an urgency here to enact the Ordinance prior to April 1st, and the Dellwood Council does not meet again before April 1st. The applicable Statute states that failure to post Notice does not invalidate any action taken by the City. He is recommending that the Council approve the enactment of Ordinance 2021-03 at this meeting subject to the Mayor having the authority to sign the Ordinance into law on or after March 19, 2021. The City Clerk posted Notice of the proposed Ordinance on March 8, 2021, advising

interested persons that objections to the Ordinance be made with the City within the 10-day period following March 8, 2021.

Upon Motion by Ramsay, second by Boosalis, the Council unanimously resolved to enact Ordinance 2021-3 with the provision that should the Clerk receive any objections to such enactment on or prior to March 19, 2021, such objection could be heard at a special meeting of the City Council to be held for that purpose. In the absence of any objections, the Mayor is given the authority to sign Ordinance 2021-03 on or after March 19, 2021. The following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye

Update on Lake Links Trail: Cara Geheren discussed the appropriation by the Minnesota Legislature of 2.6 million dollars to the City of Dellwood for trail purposes. A copy of the appropriation is attached to these Minutes. The City must deal with this appropriation even though the City itself has not directly requested it. Cara presented a schematic showing the proposed route of the trail through Dellwood. She is scheduling a meeting with the Administrator of the grant money and will report to the City thereafter. There is much information which the City needs to have before proceeding further. The appropriation is effective for 3 or 4 years, but the City will have to make decisions and enter into bonding agreements with the State regarding the proposed use of the grant money. She noted that MNDOT may be pursuing a turn-back of Highway 244 (Dellwood Avenue) to the City.

It appears that if Dellwood does not accept the grant money and decides not to assume ownership of the trail, construction, management and maintenance of the trail, MNDOT may be in favor of a trail through Dellwood situated on an expanded width of the shoulder of Highway 244.

After much discussion among Council Members the consensus was that the City needs an abundance of detailed information as to the permitted uses of the grant money, construction costs, maintenance costs, rules and regulations as to the uses of the trail, and in particular exploration of any alternative options available to the City, the County, the State and the Trail Association.

McGill noted that the need to have input from White Bear Yacht Club whose property will be significantly affected.

Ed McCarthy asked if the City is committed at this time to a public trail in any location. McGill stated that the city has not committed to anything at this point, except for a small parcel of tax forfeited land which the City acquired from Washington County at no cost upon the condition that the land be used for public trail purposes. However, the City could decide not to devote the land to such purposes, in which case the land would revert to the County unless a new agreement is reached between the City and the County.

McGill said that the City desperately needs more information before presenting this proposed trail to the residents of the City for comment. The City Council has not been kept "in the loop" and things have happened of which the City had no knowledge or input.

Boosalis questioned if MNDOT can force the City to assume ownership of Highway 244.

Cara Geheren stated, "yes and no". She will have more input after meeting with the State Officials. Ken Johnson stated that Highway 244 is in poor condition and that significant improvements are needed before the City accepts responsibility for this roadway.

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The Council asked Cara Geheren to continue her discussions with the grant Administrator and any other Officials who may have information needed by the City.

Bob Nuffort noted that there has been no consensus with regard to the placement of a trail section through White Bear Township alongside Highway 96. The abandoned railroad right of way is now owned by private owners who have constructed significant improvements upon it.

Application by Camp Odayin for a Temporary Gambling Permit: Mr. Copeland stated that he has reviewed the Application and the supplementary material submitted by the Applicant. He stated that the Application is in good order and he recommends approval of the permit for granting Camp Odayin permission to conduct a raffle at Dellwood Country Club on June 14, 2021, with no waiting period.

McGill moved to approve and Ramsey seconded, and the matter was unanimously approved. The following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye

Claims and Receipts List:

The Claims and Receipts List for the month of February 2021 was reviewed and discussed. On motion by Boosalis, seconded by McGill, the Claims and Receipts List for February 2021 was unanimously approved as submitted.

Reports:

Brian Beich reported a balance of \$800,612 in the general account.

McGill reported 1 remodel Permit.

McGill will send a letter to residents who had petitioned the City to enforce its Ordinances.

There being no further business, Boosalis moved to adjourn, and Ramsay seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 7:20 p.m., and the following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye

Respectfully submitted,

Joanne Frane
Dellwood City Clerk / Administrator