

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
APRIL 13, 2021**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on April 13, 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 June 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 rollcall. Due Notice of the Meeting to be held by teleconference was duly given as required by law.

Present: Mayor Mike McGill, Councilpersons – Scott St. Martin, Greg Boosalis, Deb Christopherson and Brady Ramsay were present. Also present were City Clerk Joanne Frane, Treasurer Brian Beich, City Engineer Cara Geheren, City Planner Nate Sparks and City Attorney Richard Copeland. Also, present P.C. Chairman Lin Lindbeck, and P.C. Members Bev Driscoll and Keith White, as well as Mike Brooks representing the Lake Links Trail Association. The following residents of Dellwood were present: Edwin McCarthy, Ryan Zahler, Catherine Nicholson, Todd Nicholson, Julie Whitaker, Tom and Phoebe Leonard and Shannon Whitaker.

Mayor McGill called the meeting to order at 5:32 p.m.

Public Comment: Mayor McGill noted that there were no persons present for public comment relating to matters which were not on the Agenda. Mayor McGill noted that Item No. 5 was to be added to the Agenda, being the Application by Vadnais Heights Economic Development Corporation for a Temporary Gambling Permit. On motion by Boosalis, second by Ramsay, the Agenda for the meeting was approved including Item No. 6.

The following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye
Christopherson	Aye

Mayor McGill called for approval of the Minutes of the March 9, 2021 Council Meeting. He noted a typo on the proposed Minutes of the March Council Meeting, on page 2, last paragraph the word warm should be “warmer”. On motion by McGill, second by Ramsey, the Minutes were approved as submitted with the above correction, and the following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye
Christopherson	Aye

Item 1: Administrative Zoning Permit Ordinance: Nate Sparks discussed his Memorandum to the City dated April 6, 2021. He explained the importance to the City of having this Ordinance in effect. This type of regulation is common among other Cities in the Metro Area, including Mahtomedi and White Bear Lake. The fee structure is in line with what other Cities are charging. He noted that the impetus of this Ordinance arose in connection with a back-yard hockey rink which was created without any Permit from the City. There were objections from a neighboring resident who claimed that the rink did not conform to the Permit which had been issued by the City "after the fact". The Administrative Zoning Permit Ordinance was enacted with the intent to streamline the approval process for land use requests which did not require a Building Permit, in order to ensure that all requirements of the City Ordinances, including setback distances, were followed. He noted that back-yard hockey rinks usually have structural elements, and referred to ice rinks located in Minneapolis and the City of Savage which ended up in District Court following objections made by neighbors. He noted that the Administrative Fee is to compensate the City of expenses involved by the Zoning Administrator in reviewing the Application and supporting material, and personally viewing the property. The fee, once paid, is good for the life of the Permit.

Mr. Copeland noted that if later changes were made by the Permit holder such as the size and location of the rink, or should the activities carried out on the rink were to constitute a nuisance; the City could take appropriate action. He noted that the issues raised in connection with the Zahler ice rink centered more on the lack of information on the City's website about the need for a Permit and the amount of the Permit Fee.

Mr. Copeland stated that he, Nate Sparks and Lin Lindbeck will review the Ordinance and recommend changes to be made to the Application and permitting process under the Administrative Zoning Permit Ordinance, as well as information to be posted on the City Website.

Ryan Zahler commented that he believed the process was overly strict but that he appreciates the City's concerns.

This matter was tabled to the May Council meeting for further consideration.

Item 2: MS4 Permit Update: City Engineer Cara Geheren described the MS4 Permit process required by State law, which is a part of the Clean Water Act. The meeting tonight is the required annual update and process by which the public is informed of the need to follow best practices in connection with public water issues. The updated Application form is 32 pages in length and is nearly complete for submission to the State. MPCA has a 30-day review period.

Item 3: Lake Links Trail: There was extensive comment and discussion regarding what many residents felt was misleading information about the proposed trail put out by the Trail Association on its website as well as through the media. Comments were made to the effect that the Trail Association has by its actions led the public to believe that the Trail is a "done deal" in the location chosen by the Trail Association.

Mayor McGill stated that no approvals have been given by the City or MNDOT with regard to location of the Trail. The City does not have sufficient information from the Association at this point to adequately inform the residents as to the location of the Trail, construction costs, alternate routes, safety issues, and even whether a Trail will exist in the City.

Several residents noted that clearing of brush and tress has already been done by the Association without authorization, and signs have been posted stating that an area is a public trail.

Tom and Phoebe Leonard noted that there has been aggressive cutting of trees and clearing of vegetation on or adjacent to their property. They have had up to 12 bikers at one time in their backyard who claim to have been looking for the "public trail". The Association has taken too many liberties in assuming the Trail is a fact and the site maps put out by the Association's website are wrong or misleading and should be removed.

Phoebe Leonard asked what will be done about the removal of screening vegetation along the west side of Highway 244. Julie Whitaker also noted the safety issues involved in the Trail route, the apparent large gap in construction and maintenance costs not covered by the grant money from the State.

Lin Lindbeck stated that the City did not request any money from the State for public trail purposes, and that any such request came solely from the Trail Association. He stated the need for the City to obtain input from its residents whether they want a Trail at all.

St. Martin asked that the Association provide estimates and information as to the volume of potential users of the Trail, and what sort of use is to be allowed. Boosalis inquired whether the Association has explored alternative routes.

Mike Brooks stated that the proposed location of the Trail has been known for many years and that the City of Dellwood had indicated its approval years ago. McGill stated that the City may have indicated a willingness to consider a public trail but has never given a formal approval for a public trail or its location. He said that the Association has stated to the media that the City has dedicated land for public Trail purposes, which is not true.

Cara Geheren stated that the City needs to get a history of why the schematic plan promulgated by the engineering firm WSB shows the location of the Trail where it is and no alternative routes are discussed, except in the Trail segment from Meadow Lane to Highway 96. She noted that the State of Minnesota has not given any approvals for work of any kind to be done in Highway 244 right-of-way.

Mike McGill stated that not every resident in Dellwood is in favor of a public trail of any kind. The City has to respect and address the position of those who oppose it. Property rights have to be respected and enforced.

Scott St. Martin asked Mike Brooks to respond to the issues raised at the meeting. Mr. Brooks stated that he understands that the Trail Association may have "jumped the gun" in many respects. He stated that the route shown in the WSB schematic in 2018 was decided upon by the professional planners as the best route available. He stated that major changes would be made to the website immediately. The Route Planners were hired by Washington County Parks Department and the Association elected to go along with their recommendations. Alternate routes were explored and dismissed years ago. The Washington County Regional Trails Plan comes into play.

Mr. Brooks agreed that there should be no members of the public trespassing on private land and that the Association website should make that clear. Mayor McGill stated that Mr. and Mrs. Leonard should contact MNDOT about the clearing of trees and vegetation in the 244 right-of-way which had provided screening between their home and the Highway.

Mr. Copeland stated that there are legal issues and private property rights involved which can be addressed once the Trail Association has been committed to a definite Trail route. The City needs to

know whether the Trail will be located entirely within the right-of-way of State Trunk Highway No. 244, and if not, the privately owned parcels involved need to be identified and legally described. The City is aware of the fact that some residents have agreed to allow use of their land for public Trail purposes. However, those agreements do not cover all continuous segments of the Trail. Further, there appears to be property owned by the City of Dellwood which is incorporated into the location of the Trail. The Trail Association will need to acquire easements from all such private property owners. If the City of Dellwood is to be the "owner" of the public trail and responsible for its maintenance, a formal Agreement between the State and the City is needed to transfer MNDOTS ownership and controls of the right-of-way to the City. This matter will continue to be considered at the May Council meeting.

Item 4, 5 & 6: Temporary Gambling Permit for Burn Aid Association: This is a request for a Permit to conduct a raffle on September 13, 2021 at Dellwood Country Club. Mr. Copeland stated that he has reviewed the Application and supplementary materials submitted to the City and finds it to be in proper order. He recommends that the Council approve the Permit without a waiting period. He also noted that he has reviewed the Application for a Temporary Gambling Permit submitted by **Lakeview Health Foundation** for a raffle to be held on June 10, 2021 at Seven Vines Winery, as well as the Application by **Vadnais Heights Economic Development Corporation** for a Permit to hold a raffle at the White Bear Yacht Club on June 21, 2021. He has determined that each of these organizations qualify for a Temporary Gambling Permit with no waiting period.

Upon motion by McGill, second by Ramsay, the issuance of a Temporary Gambling Permits in accordance with the applications were unanimously approved with no waiting period. The following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye
Christopherson	Aye

Claims and Receipts List:

The Claims and Receipts List for the month of March 2021 was reviewed and discussed. On motion by Ramsay, seconded by Boosalis, the Claims and Receipts List for March 2021 was unanimously approved as submitted. The following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye
Christopherson	Aye

Reports:

Brian Beich reported a balance of \$780,311 in the general account after payment of March bills, and a C/D in the amount of \$315,000.

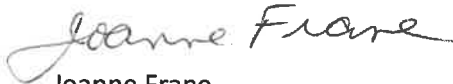
McGill reported 1 remodel Permit.

Ramsay reported that erosion controls on Gardner Lane are being addressed by the City Inspector, Jack Kramer.

There being no further business, Ramsay moved to adjourn, and McGill seconded. The Council Members voted unanimously by rollcall to adjourn the meeting at 7:30 p.m., and the following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye
Christopherson	Aye

Respectfully submitted,



Joanne Frane
Dellwood City Clerk / Administrator