

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
JUNE 8, 2021**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on June 8, 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 roll-call. 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 and City Attorney Richard Copeland. Also present – Julie Whitaker of 20 Dellwood Ave.

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

Public Comment: Mayor McGill noted that there were no persons present for public comment. On motion by McGill, second by Christopherson, the Agenda for the meeting was approved with no changes. 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 May 2021 Council Meeting. On motion by St. Martin, second by Boosalis, the Minutes were approved as submitted and the following votes were taken:

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

Update on Lake Links Trail: City Engineer Cara Geheren stated that she has met with the Lake Links Trail Association and was provided with a map showing the location of the trail through Dellwood. That location will require the use of some privately owned parcels lying outside of the right-of-way of Highway 244. She stated that she has checked the Washington County GIF and obtained the list of owners and addresses which are shown on the mapping. Copies will be delivered to the City Clerk. The map also shows the properties owned by the City of Dellwood. On Friday June 10th, she will meet with Washington County Transportation officials regarding the planned turn-back of State Highway 96 to Washington County.

Cara also discussed the turn-back of State Highway 244 to the Cities of Mahtomedi and Dellwood. She indicated that the City may not be in a position to refuse to accept Highway 244. There will be negotiations between MNDOT and the City but ultimately the State has the authority to require Dellwood to take the Highway.

St. Martin asked if Cara had received an official survey of Highway 244. She replied that there does not appear to be any certified survey of the Highway and MNDOT has based its location on aerial photos and MNDOT's own conclusions as to what it owns.

St. Martin stressed the fact that lack of a certified survey leaves in question true lot lines of all property abutting the Highway. Cara stated that as far as she can determine, the actual width of Highway 244 right-of-way varies from 60 feet to perhaps 30 or 35 feet. She will try to obtain further information.

Boosalis asked if anyone has looked at Echo Street as an alternate route for the trail. Copeland confirmed that Echo is a public street right-of-way which runs from Highway 244 to Highway 96. The north half has been officially closed to traffic but the City still retains ownership. It is not a straight line right-of-way. Things were done years ago to address the situation whereby parts of the WBYC golf course were constructed within the right-of-way of Echo Street in 1892 or later. The right-of-way was altered to skirt the golf course facilities and the wetland. Copeland will try to locate those old records and provide copies to Cara. She has not yet looked into the possible use of Echo Street for trail purposes.

St. Martin stated that it should be determined early on which private parcels are needed, and those property owners should be contacted to determine who is willing to donate land and who will not agree. McGill brought up the fact that Copeland has stated that use of private land for public purposes is not a permitted use under the City's Zoning Ordinance. That issue has to be addressed eventually by way of a re-zoning process, or an amendment to the Zoning Ordinance, or a special Land Use Permit. Those issues would not arise if no privately owned land is involved.

McGill noted that if a trail is to be located alongside Highway 96, it would make sense to use Echo Street for a trail to connect Highway 244 and Highway 96.

There are issues being discussed involving a trail at the north end of White Bear Lake through White Bear Beach and White Bear Township. There is no sense in creating a trail along Highway 244 in Dellwood if it does not connect to a trail on Highway 96.

Ramsay asked if the trail could be located entirely within the right-of-way of Highway 244. Cara stated she doubts that is possible. MNDOT is not in the business of owning or operating a trail. That would be the responsibility of the City. MNDOT has serious concerns about the safety of any trail, which could give rise to the widening of the shoulders along Highway 244.

Cara noted that ownership of Highway 244 by the City would require significant additional responsibilities for the City, including snow removal. Dellwood is not currently equipped to take on a roadway having the capacity of Highway 244. The issues surrounding the turn-back of Highway 244, and Highway 96, are critical to any trail planning discussions.

McGill stated that he is not in favor of disrupting the rights of private landowners in Dellwood unless there is overwhelming support from the residents.

Cara will have a further report at the July Council meeting. McGill stated that at some point, he wants to get the Planning Commission involved in these trail issues.

Joint Powers Agreement with Department of Public Safety: Mr. Copeland explained that this Agreement has been in effect for many years and allows the City to obtain information and records for the purpose of prosecuting cases in District Court. This is an updated agreement, but it does not significantly change the terms. It is necessary for the City to have access to criminal and driving records in order to draft complaints and determine what sort of charges and penalties are appropriate. He will check in to the fees charged by BCA, for these services, if any. Upon motion by McGill, second by Christopherson, the Council unanimously resolved to accept the Joint Powers Agreement as submitted with no changes. The Joint Powers Agreement is in effect for period of five years.

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 May 2021 was reviewed and discussed. On motion by St. Martin, seconded by Boosalis, the Claims and Receipts List for May 2021 was unanimously approved as submitted. The following votes were taken:

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

Reports:

Copeland reported that he has received inquiries from residents about what, if anything, the City plans to do about enforcement of the State Law and City Ordinance prohibiting private fireworks displays.

Christopherson asked if the hiring of an off-duty deputy was effective in prior years.

Copeland stated that he was not aware of any complaints last year. He did hear from a resident a few days ago who stated that his family was concerned about safety issues, that fireworks debris had fallen on their dock while they were present, and it had damaged the dock.

Boosalis stated that he did not feel that an off-duty deputy is necessary.

Ramsay said that he also thinks a deputy is not needed.

Copeland stated that the City should talk with the Sheriff's Office beforehand, let them know that the City wants the laws to be strictly enforced and ask that the Sheriff's Office respond to any complaints made by residents, and also to any perceived violations observed by the deputies on patrol.

St. Martin stated that he would discuss this matter with the Sheriff.

Brian Beich reported a balance of \$740,841 in the general account before payment of May bills.

McGill reported 6 remodel Permits; no new construction; no demolition permits.

Ramsay reported that Fenlea Circle needs repair to potholes and some patching. The trees at the intersection of Evergreen Road and Highway 96 is on MNDOT's list for removal, which is a very long list. The City may have to act on its own. Two culverts on Eldorado Circle are in need of replacement.

Julie Whitaker of 20 Dellwood Avenue asked about the status of any trail planned along the north side of White Bear Lake.

June 8, 2021, Dellwood City Council Meeting

St. Martin stated that there is so much conflicting data between the Township and MNDOT. He is keeping a close eye on it. As far as a trail in Dellwood, the City will not conduct an eminent domain action to take private property for trail purposes. Cara Geheren will have more to report at the July Council meeting.

Boosalis asked when the meeting will return to City Hall.

McGill stated that the City of Willernie controls that and so far have not allowed public meetings.

There being no further business, Ramsay moved to adjourn, and Christopherson seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 6:40 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