

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
SEPTEMBER 14, 2021**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on September 14, 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 August 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, and Brady Ramsay. Also present were City Clerk Joanne Frane, Treasurer Brian Beich, City Engineer Cara Geheren, City Sewer Inspector Brian Humpal, City Attorney Richard Copeland, and City Planner Nate Sparks. Planning Commission Chairman Lin Lindbeck was present as well as Planning Commissioner Bev Driscoll. Also present – Debra Neuthens, Blanche Hawkins, and Julie Whitaker.
Absent- Councilperson Deb Christopherson.

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

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

Upon motion by Ramsay, seconded by McGill, the Agenda for the meeting was approved.

The following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

Upon motion by Ramsay, second by St, Martin, the Minutes of the August 10, 2021 Council meeting were approved as submitted.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

Lake Links Trail: City Engineer Cara Geheren gave an updated presentation on the status of the Trail. She had sent out a letter to 63 property owners abutting Highway 244. She has received 9 responses, all of which have been provided to the Council Members. They show that residents are divided, some are in favor, others are not, or some are asking for more information. She presented a map showing the location of the residents who responded. At this point the City can elect to move ahead by hiring a Design Consultant to do preliminary design work as to the location of the Trail and cost estimates. This work could include investigation of alternate trail routes vs. Highway 244. Cara stated that the cost of preliminary design work would be paid from the grant money appropriated to Dellwood by the State. Cara needs a direction from the City to request a proposal to complete the preliminary design work, including the impact of the trail on street right-of-way and neighboring properties, safety issues and detailed cost estimates.

McGill stated that to engage the public at this point would only create confusion as there are so many unanswered questions. He is in favor of moving forward with preliminary design work and that his primary concern is the safety of the users of the trail.

St. Martin stated that all practical trail routes need to be explored. He is in favor of the route, if it turns out to be along Highway 244, to be located on the east side of the Highway all the way to Highway 96. That route may be more costly but would be safer. He stated that a crossing of Highway 244 should be ruled out as being too dangerous. Boosalis stated that the design work should include cost estimates for both Highway 244 and Echo Street. McGill stated that the City should leave all options on the table, including Highway 244, east and west sides, as well as Echo Street. Ramsay and Boosalis agreed.

Upon motion by McGill, second by Boosalis, the council resolved to authorize Cara Geheren to draft a Request for Proposal for review at the October Council meeting.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

Street Maintenance and Improvements Update: Cara Geheren gave an update with a map showing streets in blue color for which work has not been completed as planned or which are in need of work. Quail Street is holding up well. Eldorado, Lookout and Fenlea Circle are not in good shape. She has done a review of the existing street conditions. The next step is to have a geotechnical evaluation to determine the scope of the improvements for 2023, what the City can afford, and try to come up with a funding plan. She has received geotech proposals from AET of \$9,902.75 and from Braun Intertect of \$6590. She is recommending the Council authorize Braun to complete the evaluation. In the meantime, continue a holding pattern on seal coating until some issues such as the streets in Pine Tree Hills are understood and resolved. Crack filling is recommended for 2022 on already improved streets. Patching and repair will prolong the useful life and she is looking for quotes from Contractors. A very thin overlay on Eldorado, Lookout and Fenlea will allow further improvement to be delayed to 2022. These are low traffic volume streets.

Brady Ramsay has the authority to proceed with work at this time. It appears there are sufficient funds remaining in the budget, probably about \$45,000. This would cover work in Pine Tree Hills firstly, then Eldorado, Lookout and Fenlea Circle and LaCosta Drive.

Cara is asking for direction from the Council to hire a consultant to complete the Geotech Evaluation, with a further update to be given at the October Council meeting.

On motion by St. Martin, second by McGill, the Council resolved to authorize Braun Intertect to complete the evaluation and that the Council be given an update in October.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

ARPA Funds: St. Martin noted that the City could benefit by the use of ARPA Funds to install speed monitoring devices on Apple Orchard Road. These are powered by solar energy and cost \$3500 each. Two are needed. These are COVID related issues due to increased usage, infrastructure related, and a benefit for public health for safety reasons. St. Martin noted that for an additional \$275 each, the

devices would include software which would provide important data including the speed habits of street users.

St. Martin move to approve the purchase of two such devices including the software feature, together with associated signage at a cost of \$8500. Ramsay seconded and the motion was approved.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

St. Martin noted that the City owned property on the Peninsula is becoming a dump of sorts. It needs to be cleaned up and a fence should be installed to close off access. The cost may be about \$15,000. He asked that this subject be discussed at the October Council meeting.

SEPTIC INSPECTOR CONTRACT AND NEW SEPTIC SYSTEM ORDINANCE: Mr. Copeland stated that he prepared the Contract in accordance with both past contracts and Brian Humpal's input. The Fee Schedule has not yet been completed.

McGill moved to table the Contract discussion to the October meeting. Boosalis seconded and the motion was approved.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

Copeland explained that the Ordinance was drafted to include recent changes in the law. He said that Brian Humpal could explain the need for changes, which are quite minor. Brian Humpal stated that the primary change involved a 30-day notice to the property owner after inspection.

McGill moved to adopt Ordinance 2021-04 as presented. St. Martin seconded, and the Council voted to approve adoption of Ordinance 2021-04.

RESOLUTION NUMBER 2021-06: This Resolution describes the proposed Tax Levy for year 2021, collectable in year 2022 including the General Levy Debt and Levy. The total property tax levy is in the amount of \$850,641.

St. Martin moved to approve Resolution 2021-06 as submitted and to adopt the 2022 budget as presented. Boosalis seconded and the Council voted to approve the motion.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

The Truth-In-Taxation meeting will be held at the December 14, 2021, Council meeting.

POLICE CONTRACT.: St. Martin stated that he and Mr. Copeland have discussed this Contract which was presented to the City by Washington County. They have raised some questions which St. Martin says he wishes to discuss with representatives from the other Cities to the Contract. He moved to table this

matter to the October Council meeting. McGill seconded the motion. The Council resolved unanimously to table this item to October pending an updated report from St. Martin.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

LMCIT Waive Form: Mr. Copeland stated that he believed that not waiving the statutory limits imposed upon certain claims which could potentially be made against the City would be in the best interests of the City. He recommended that the form provided by LMCIT be signed and returned with the box checked that the City Does Not Waive the statutory liability limits provided by M.S. Section 466.04 which the Council unanimously approved.

Claims and Receipts List: The Claims and Receipts List for the month of August 2021 was reviewed and discussed. The Claims and Receipts List for August 2021 was unanimously approved as submitted. The following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

Reports: Ramsay reported some trees down as a result of a storm.

St. Martin will talk to the Sheriff's Office about speed and vehicle noise issues on Highway 96.

McGill reported 6 remodel permits.

Beich reported the balance in the City's general fund is now \$839,211.

St. Martin stated that the Planning Commission members may have some ideas to present for use of ARPA grant money.

Lin Lindbeck stated that the City needs to find a venue for holding a public meeting regarding the proposed trail. He also asked about the question of turn-back of Highways 96 and 244. McGill answered that nothing definite has been decided yet as far as we know. He also noted that the grade issues on Echo Street will be addressed in the design evaluation. St. Martin stated that in his opinion the City cannot afford a turn-back of Highway 244.

There being no further business, Ramsay moved to adjourn, and Boosalis seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 7:25 p.m., and the following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
St. Martin	Aye

Respectfully submitted,

Joanne Frane-City Clerk/Administrator

ORDINANCE NO. 2021-04

**CITY OF DELLWOOD
WASHINGTON COUNTY, MINNESOTA**

AN ORDINANCE REPEALING DELLWOOD ORDINANCE 51B, THE SEWER ORDINANCE, BY ADOPTING CHAPTER FOUR OF THE REVISED WASHINGTON COUNTY DEVELOPMENT CODE AND REGULATING SUBSURFACE SEWAGE TREATMENT SYSTEMS, PROVIDING FOR ANNUAL ON SITE REVIEWS OF ALL SEPTIC SYSTEMS AND ADDITIONAL PROVISIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DELLWOOD, that Chapter 51B of the City Code regulating subsurface sewage treatment systems is hereby repealed and that this Ordinance 2021-04 shall constitute the Sewer Ordinance of the City.

ADOPTION BY REFERENCE: Washington County Development Code Chapter Four.

The terms and provisions of Chapter Four of the Washington County Development Code with effective date July 27, 2018 as amended from time to time, together with the provisions of this Ordinance 2021-04, shall constitute the Subsurface Sewage Treatment Systems Regulations of the City of Dellwood.

All of the terms and provisions of said Chapter Four are hereby adopted by reference thereto, as the Official Regulations of Dellwood, together with the following additional provisions:

ADDITIONAL PROVISIONS.

In addition to the provisions Washington County Development Code Chapter Four, the following provisions of this Ordinance shall apply. In case of a conflict or inconsistency, the provisions set forth in this Ordinance shall take priority over the provisions of said Chapter Four.

1. REQUIRED SYSTEM LAND AREA.

All subdivisions or developments must demonstrate to the City that each lot contains not less than 10,000 square feet of designated suitable area for an individual sewage treatment system and alternative site. This area may consist of two non-contiguous areas of 5,000 square feet each. Each area designated for septic system purposes shall contain at least four satisfactory soil borings and at least two satisfactory percolation tests.

2. MAINTENANCE AND INSPECTIONS.

A.) Each year the City will cause a subsurface sewage treatment system to be reviewed on site by a duly licensed inspector. The inspector shall report to the City his findings and recommendations. The City will issue to the property owner within 30 days after completion of the inspection, a Notice for all systems which in the opinion of the Inspector constitute a potential threat to the public health or safety. Each system must have a manhole or other sufficient access for inspection or maintenance purposes.

This Annual Inspection does not constitute a Compliance Inspection as that term is defined in the Washington County Development Code, Chapter Four.

The "Authorized Agent" of the City for the purposes of performing inspections under the City's Septic Sewer Ordinance shall mean the duly appointed City Sewer Inspector and the duly appointed City Building Inspector.

B.) Compliance Requirements for Existing Systems.

To be in compliance with the requirements of this Ordinance, an existing subsurface sewage treatment system must meet the requirements set forth in Chapter Four of the Washington County Development Code, as amended, and Minnesota Pollution Control Agency Rule 7080.1720, Subpart 5, as amended.

No more than fifteen (15) percent reduction in the vertical separation distance is allowed to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions.

3. ENFORCEMENT AND PENALTIES.

(1) Any person found to be violating any provisions of this Ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any such violation beyond the time stated in the Notice shall be guilty of a misdemeanor punishable by law. Each day in which any violation occurs shall be deemed as a separate offense.

(3) If the violation is such as to constitute a nuisance or be an imminent threat to the public health, safety and welfare, the City may take steps to prosecute the offense under an applicable Ordinance or Statute and to abate any nuisance as provided by law.

(4) Any person violating any of the provisions of this Ordinance shall become

liable to the City for any expense, loss or damage occasioned by the City by reason of that violation.

(5) Each and every sewer service charge or fee levied by the City pursuant to this Ordinance is made a lien upon the lot or premises served, and all charges which are unpaid as of October 31 of each year past due and delinquent shall be certified to the County Auditor by November 29, for collection.

THIS ORDINANCE becomes effective from and after its passage and publication.

Passed by the City Council of Dellwood on September 14, 2021

Michael A McGill
Michael McGill, Mayor

Attest:

Joanne Frane
Joanne Frane, City Clerk

Published in the White Bear Press
on October 6, 2021

CITY OF DELLWOOD
WASHINGTON COUNTY, MINNESOTA
RESOLUTION 2021-06

The following Resolution was duly adopted at the regular meeting of the City Council held on
September 14, 2021:

BE IT RESOLVED, the City Council of the City of Dellwood, County of Washington, State of Minnesota,
that the following amounts are proposed to be levied for year 2021, collectible in year 2022, upon the
taxable property situated in the City of Dellwood for the following purposes:

General Levy	\$504,516
Debt Levy	\$346,125
Total Property Tax Levy	\$850,641

BE IT FURTHER RESOLVED that there are sufficient sums of money in the Debt Service funds of the City
which are irrevocably pledged, together with the foregoing Debt levies to pay principal and interest in
2022 on all outstanding bond issues

Passed by the City Council this 14th Day of September 2021.



Mayor Mike McGill

Attest:



Joanne Frane, City Clerk