

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
OCTOBER 12, 2021**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on October 12, 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 September 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, Deb Christopherson, and Brady Ramsay were present. Absent was Councilperson Scott St. Martin. 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. Also present – Karen Quaday, Tony Yocum, John Carr and Mike Brooks.

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

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

Upon motion by Boosalis, seconded by Christopherson, the Agenda for the meeting was approved with no changes.

The following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
Christopherson	Aye

Upon motion by Ramsay, second by St, Martin, the Minutes of the September 14, 2021 Council meeting were approved as submitted.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
Christopherson	Aye

Yocum / Quaday Lot Line Adjustment: Nate Sparks reviewed his Memorandum dated October 8, 2021, and his emails of October 11 and 12, 2021. This item is a request on the part of Yocum (17 Peninsula Road) and Quadays (12 Peninsula Road) to allow for the sale of a portion of Yocum property to Quaday. At the time the City Council considered Yocums plans to redevelop his Lot at 17 Peninsula, there were concerns about the impervious surface coverage of his lot and the septic system. Yocum also owned land lying northerly of Peninsula Road which abuts the Quaday property. The City and Yocum entered into a Development Agreement to address those issues by which Yocum agreed that none of the various parcels which they owned could be sold separately and apart from the others. The purpose and intent

of the Agreement was to enable 17 Peninsula Road to comply with the impervious surface limits and to ensure that the septic system for 17 Peninsula would be preserved in its designated location. Quadays submitted a letter to the City explaining that the land proposed to be conveyed to them by Yocums had already been maintained by them in the belief that they were the owners of such land. Yocums have joined in the request and agree to convey such land to Quadays. The aforesaid Development Agreement prevents such a transfer without the consent of the City.

After further discussion the Council determined that the transfer of the land in question would not significantly affect the impervious surface coverage for 17 Peninsula. There would be no changes to the land beyond that which now exists, and the impervious surfaces will not be increased in the area. The Council further determined that the Yocums and Quadays have agreed that an easement will be created for the purpose of allowing the septic system for 17 Peninsula to remain in place, as is. Accordingly, the purposes and intent of the Development Agreement would not be violated by reason of the conveyance to Quadays. The City Council would revise the Development Agreement to permit the proposed transfer of Lot 2, Dwinnell Peninsula Addition No. 1, with an easement to be preserved by Yocum for the septic system.

Nate Sparks stated that the septic system itself is located within the setback area, being 5 feet from the property lines whereas the required setback is 10 feet. However, that is the condition which has always existed and no changes will be made. A Variance in that regard is not necessary.

Mr. Copeland had earlier submitted an email to the City noting that the parties could have obtained a Court Degree awarding the land in question to the Quadays by reason of adverse possession and that the City would have had to accept the Decree of the Court. It is better now to allow the transfer with conditions acceptable to the city. It will be necessary for Mr. Copeland to review the documents to be used to give effect to the Agreement made by Yocums and Quadays to assure that the interests of the City are preserved. He also noted that the City septic system Inspector, Brian Humpal, had reviewed the proposed easement for the septic system and does not have any issues provided that the on-going maintenance contract will remain in effect. Conditions imposed upon the transfer will include that no improvements will be placed upon the land which would tend to increase the impervious surfaces, nor any changes made to the land which would tend to alter the existing surface water drainage flow. Further that said Lot 2 shall be combined into Quaday's existing property as one tax parcel and shall not be conveyed separately.

Nate Sparks stated this matter can be addressed and resolved by way of a Resolution of the Council without the need for a Variance. Mr. Copeland stated that he agreed and noted that the proposed documents would be reviewed by him and submitted to the Council for approval at the November Council meeting. The exact location of the as-built septic system will be confirmed.

All Council Members present agreed with this proposal in concept subject to Mr. Copeland's review and approval of the documentation.

Septic Inspector Contract: Mr. Copeland stated that Brian Humpal had submitted some last minute changes to the proposed Contract and that both he and Mr. Humpal felt that this matter needed further discussion before submission to the Council.

Upon Motion by McGill, second by Christopherson, this matter was tabled to the November Council meeting.

McGill

Aye

Ramsay Aye
Boosalis Aye
Christopherson Aye

Lake Links Update: Cara Geheren discussed her Memorandum dated October 12, 2021 and February 9, 2018. She stated that the starting point for discussion is the schematic prepared by WSB. The City’s consultant should be asked to address specific changes which the City may want. The crossing of Highway 244 is a major issue. Is the trail to be located entirely on the easterly side of 244 in order to avoid a crossing except at Highway 96. At a minimum, the Consultant should do a site visit, evaluate safety issues, cost estimates, the impact of the trail on the environment and private property and how best to obtain public input. The City should adopt a schedule for review of the Consultant’s recommendations to fit in with any timeline set forth in the Grant Appropriation Bill. Cost estimates in the WSB report need to be reviewed and adjusted for inflation. Public engagement needs to include the proposed trail route as well as alternative locations. Additional funding sources have to be explored. Safety issues include narrowing of traffic lanes on 244, parking areas, and a tunnel vs. a crossing. Cara suggested that the City try to narrow down its options, get further information on the alternative routes other than set forth in the WSB report.

The question was raised as to whether the City has to pay for the Consultant’s work or whether it can be included as a part of the grant money. Cara will check with the grant people on this. Cara recommended that the Request for Proposals should include all of the work associated with the trail project. Boosalis asked how much additional work would be required in order for the Consultant to examine alternate routes on Quail, Echo and Meadow Lane. Also, does the WSB proposal include the cost to acquire private easements? Cara stated that it does, in part. Boosalis asked what happens if one or more private landowners refuse to give up property for the trail. How does the City intend to handle that situation?

McGill asked if the Request for Proposals should be sent out now. Cara stated that first we should find out whether funds are available. The Council should review her submissions prior to the next meeting and be prepared to issue a final Request for Proposals.

Lin Lindbeck stated that the City should consider hiring a Traffic Engineer to explore the safety issues. He has trouble with a crossing at Meadow Lane or a tunnel at the WBYC. Cara replied that those issues will be addressed in the Consultant’s work.

Ramsay asked about the status of MNDOT’s plans to turn back Highway 96 to the County and Highway 244 to Dellwood and Mahtomedi. Cara stated that she has met with the folks at Washington County. It looks like the turn back of Highway 96 is going to happen and negotiations between MNDOT and Washington County are now being carried out. As for 96, Cara stated that the County would require contribution from Dellwood for costs associated with the construction and maintenance of the trail on 96.

Copeland asked if the County would contribute to the costs of construction and maintenance of any trail located on Highway 244 or elsewhere in the City of Dellwood. Cara stated that all such costs are wholly on the City.

McGill remarked that we need to get a handle on the costs for a trail on Highway 96 as well as alternate routes. We cannot solicit public input until we have additional input. Public input is a must. The City is not likely to force anyone to give up private property for trail purposes.

Lindbeck noted that we have basically received input from the trail proponents and not much from those opposed. Cara said that this is typical. In the early stages of planning proponents are active. In the later stages as the locations, costs and other specifics are determined, the opposition comes out. McGill said that no public input should be sought until the Council has reviewed the Request for Proposals and we know whether the grant money can be used for the Consultant’s work.

Boosalis asked if MNDOT can force the City to accept a turn-back of Highway 244. Copeland stated there are Statutes which govern that subject and also some case law. He will provide that information to the Council. In general, he believes that MNDOT does ultimately have the power to turn-back a road which no longer serves a Statewide purpose, but it always tries to negotiate conditions with the City.

Street Improvements Update: Cara reported that geo-technical work was authorized and she is looking forward to reviewing it. One quote has been received for Pine Tree area and she is waiting for a second quote. She hopes to complete patching work this fall.

ARPA Grant Money: Upon Motion by McGill, second by Ramsay, this matter was tabled to the November meeting.

Police Contract: McGill stated that Scott St. Martin and Mr. Copeland had been working on this. Mr. Copeland stated that he had reviewed the proposed Contract and had given his comments to St. Martin. McGill stated that he had talked with St. Martin and that his questions had been discussed with the Sheriff. St. Martin said that he is satisfied that those questions had been resolved and he is recommending approval of the proposed Contract. Copeland stated that he believes the Council can approve the Contract which is attached to the packet from the Clerk.

Upon Motion by McGill, second by Christopherson, the Council resolved to approve the Agreement for Law Enforcement Services with Washington County in which Dellwood participates with the Cities of Mahtomedi, Willernie, and Birchwood Village, as submitted by the County. Services are performed by the Washington County Sheriff’s Office. The Agreement does not include animal control services.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
Christopherson	Aye

City Owned Property on Peninsula: McGill stated that Scott St. Martin feels that this area is being trashed and should be cleaned up, and access restricted to those having an Agreement with the City. The question is whether ARPA Funds can be used for such purposes.

On Motion by McGill, second by Boosalis, the Council voted to table this matter to the November Council meeting.

McGill	Aye
Ramsay	Aye
Boosalis	Aye
Christopherson	Aye

Claims and Receipts List:

Ramsay moved to approve the Claims and Receipts List as submitted. Christopherson seconded and The Claims and Receipts List for September 2021 was unanimously approved as submitted. The following votes were taken:

McGill	Aye
Ramsay	Aye
Boosalis	Aye
Christopherson	Aye

Reports:

Ramsay reported that he is working with Ken Johnson to address trees and brush overgrowth which need trimming. He stated that Xcel does trimming along power lines every five years. We are about 2 years away at this time. He does not see any immediate issues.

Boosalis asked who determines when and where trimming on the right-of-way is done. Ramsay stated that Ken Johnson keeps an eye on this and engages Woodchuck to do the work.

Two speed monitors have been ordered to be placed in the most suitable places on Apple Orchard Road. He will get input from MNDOT.

Beich reported the balance in the City's general fund is now \$838,131. He stated that he is in the process of considering various purposes for which the ARPA funds may be spent, and he wants to make certain that they are spent in compliance with the regulations. He will work with Mr. Copeland to come up with recommendations to the Council at the November Council meeting.

McGill reported 4 Remodel Permits, one new home and 2 demolitions.

Nate Sparks reported that a demolition permit was issued for 48 Dellwood upon receipt of sufficient Site Plans to show that the reconstruction will adhere to Zoning requirements. The actual Building Permit will address any issues.

There being no further business, Ramsay moved to adjourn, and McGill 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
Christopherson	Aye

Respectfully submitted,



Joanne Frane
Dellwood City Clerk / Administrator