

**MINUTES OF MEETING  
DELLWOOD CITY COUNCIL  
JANUARY 11, 2022**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on January 11, 2022.

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 McGill, Councilpersons – Greg Boosalis, Deb Christopherson, Scott St. Martin and Brady Ramsay were present. Also present were City Clerk Joanne Frane, Treasurer Brian Beich, City Engineer Cara Geheren, City Attorney Richard Copeland and City Planner Nate Sparks. Planning Commission Chairman Lin Lindbeck was present. Also present – Ryan Zahler, Chris Renz and Susan Carr.

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

**Public Comment:** There were no persons present for public comment regarding any matter not on the Agenda for this meeting.

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
St. Martin	Aye

Upon motion by McGill, second by Boosalis, the Minutes of the December 2021 Council meeting were approved as submitted.

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

**Resolution No 2022-01; Gordon/Nutter Lot Line Adjustment:** Mr. Copeland explained that this matter has a history going back to 1990 when the City approved a Variance to the now Gordon property to construct a retaining wall and swimming pool in the location where they now exist. Due to a mistake on the part of all parties involved, these structures were inadvertently located on part of the now Nutter property. A later survey disclosed the true common property line and the Gordon's brought an action in Washington County District Court seeking judgment that they were the de facto owners of the land upon which their pool and retaining wall were situated. In the process, they arrived at a Settlement Agreement which has been provided to the City and reviewed by Mr. Copeland. He stated that he believes the Agreement to be reasonable and that the proposals therein are the best solution to the matter for the parties and the City. He is recommending that the City approve the terms of the proposed Resolution No.2022-01, copy attached to these Minutes, and authorize Mr. Copeland to sign an endorsement on behalf of the City approving for recording the Deed by which Nutters convey to the Gordons the land upon which the Gordon's pool and retaining wall and other items are now situated, including a portion of the septic system serving the Gordon property, and further approving the adjustment of the common property line according to the description thereof shown on the survey, and in keeping with the conditions set forth in Resolution 2022-01.

Attorney Renz stated that he is one of the attorneys involved in this District Court action and agrees that the proposed Resolution complies with the Settlement Agreement of the parties.

Ramsey moved to approve Resolution 2022-01 as submitted and authorized Mr. Copeland to sign the proposed deed approving the recording in Washington County Recorder's Office. St. Martin seconded, and the following votes were taken:

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

**Street Improvements:** City Engineer Cara Geheren noted that there will be some increased costs and an increase in the scope of some projects. The estimated range of cost for improvements to be made is from 2.5 to 3 million dollars. The City needs to come up with a financing plan which will work for the City before delaying work on some streets which are currently in need of repair. She reviewed her Memorandum to the City dated January 11, 2022, copy of which is attached to these Minutes. She is seeking approval of the two proposed motions set forth in the Memorandum. She presented a schematic showing the location of the streets to be scheduled for repair and improvement.

Brady Ramsay the City Road Commissioner stated that he was in favor of taking an aggressive approach to the problems now existing with many roads. He said that he has been receiving some complaints from the residents. He agreed with the plan to do the projects all at one and to finance them over an extended period.

Mayor McGill stated that he is favor of fixing the roads in a meaningful manner now rather than continue with temporary patching. He asked if the City would be facing another bonding issue in 2028/2029?

Treasurer Beich stated that the final payment on the existing bond will come due in February 2024. There could be a short overlap of bond payments.

St. Martin remarked that the City may consider looking at partial assessments to pay some costs. He is in favor of an aggressive approach. He noted that expenses associated with fire and safety protection will likely rise in the next few years.

Boosalis inquired as to whether a new bonding issue could be used in part to pay the balance of the existing bond issue. Beich stated that would be questionable as to whether the City has the contractual right to pay early.

McGill stated that everything could change significantly if the City were to take ownership of Highway 244 and to assume responsibility to contribute to costs associated with the County's takeover of Highway 96.

Ramsay moved to approve City Staff to work with the City's financial consultant to develop options and projections for completing street improvements in year 2023 as set forth in Cara Gerehen's Memorandum of January 11, 2022. McGill seconded and the motion was unanimously approved.

The following votes were taken:

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

McGill moved to approve authorizing Cara Gerehen to prepare a quote package for crack sealing of roads in 2022. Christopherson seconded and the motion was unanimously approved. The following votes were taken:

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

Cara stated that she and Council Member St. Martin are meeting with MNDOT on January 12, 2022 by remote means to discuss the transfer of Highway 244 to the City. This is an informational meeting for the purpose of obtaining MNDOT's position on the matter, and to also discuss the proposed recreational trail through Dellwood. She noted that Washington County is likely planning substantial improvements to Highway 96, the cost of which will be paid by way of negotiations with MNDOT at least in great part. There is a potential that Dellwood may be required to share in the costs associated with Highway 96. McGill stated that MNDOT should be made aware of the City's position on Highway 244, that is, that the City is not in favor of a turn-back.

**Revision to Fee Schedule:** Nate Sparks presented a proposed Ordinance No. 2022-02, copy attached to these Minutes, for purposes of amending the City's Fee Schedule only with regarding to septic system fees.

McGill moved to approve adoption of Ordinance NO. 2022-02 as submitted.

Boosalis and Ramsay joined in seconding the motion and it was thereupon approved unanimously.

McGill	Aye
Ramsay	Aye

Boosalis        Aye  
Christopherson Aye  
St. Martin      Aye

**2022 Appointments List:** Mayor McGill presented his proposed appointments for year 2022. (copy attached). The spelling of Ben Roby's name is to be corrected. St. Martin moved approval and McGill seconded. Upon vote, the Appointment List for year 2022 was unanimously approved.

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

**Temporary Gambling Permit:** Copeland stated that this is an Application by Children's Health Care Foundation for a Permit to conduct a one-day raffle event at White Bear Yacht Club on June 6, 2022. He has reviewed all the information submitted by the Applicant and has found everything to be in proper order. He is recommending approval of the Permit with no waiting period.

McGill moved to approve, seconded by Boosalis, and the Council resolved unanimously to approve a Temporary Gambling Permit to be issued to Children's Health Care Foundation to conduct a raffle at WBYC on June 6, 2022, with no waiting period required.

The following votes were taken:

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

**Claims and Receipts List:** Beich reported the claims are larger than normal due to an annual payment on the bond issue and payment on the Police Contract. Upon motion by St. Martin, seconded by Ramsay, the Claims and Receipts List was unanimously approved as submitted.

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

**Reports of Commissioners:**

**Beich** reported a bank balance of \$1,128,890.00.

**Boosalis** noted that a camera system could be installed on speed monitors within the amount of the bid, perhaps an annual fee of \$500 give or take.

**McGill** reported 2 Remodel Permits; one new construction; one demolition.

There being no further business, St. Martin moved to adjourn, and Christopherson seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 6:25 p.m. and the following votes were taken:

January 11, 2022 City Council Meeting

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

Respectfully submitted,



Joanne Frane  
Dellwood City Clerk / Administrator

**CITY OF DELLWOOD  
RESOLUTION NO. 2022-01**

**A RESOLUTION TO APPROVE SETTLEMENT AGREEMENT AND QUIT CLAIM  
DEED**

**WHEREAS**, Corey A. Gordon and Kelly S. Gordon (collectively the “Gordons”) are a married couple who reside and own the property located at 25 Lacosta Drive, Dellwood, Minnesota, legally described as: Lot 10, Block 2, Dellwood Hills Plat, Washington County, Minnesota (the “Gordon Property”).

**WHEREAS**, Angela Nutter and Ryan Nutter (collectively the “Nutters”) are a married couple who reside and own the property located at 11 Lacosta Circle, Dellwood, Minnesota, legally described as: Lot 11, Block 2, Dellwood Hills Plat, Washington County, Minnesota (the “Nutter Property”).

**WHEREAS**, the Gordon Property and the Nutter Property share a common north/south boundary line (the “Boundary”).

**WHEREAS**, in or around 1990, a previous owner of the Gordon Property was granted a Variance from the City of Dellwood to construct and install a swimming pool and adjacent fencing and retaining wall located in part on the Nutter Property, as platted, but benefitting the Gordon Property.

Said Variance was based on erroneous understanding of the location of the common property line between Lots 10 and 11, Block 2, Dellwood Hills Plat 2.

**WHEREAS**, in 2021, a dispute arose between the parties related to, among other things, the location of the Boundary and the use, improvement and maintenance of the septic system and irrigation system serving the Gordon Property and a swimming pool, fence and retaining wall belonging to the Gordons, located on a portion of the Nutter Property, as platted.

**WHEREAS**, the Gordons initiated a lawsuit against the Nutters and other interested parties, which lawsuit was filed in Washington County District Court and assigned Court File No. 82-CV-21-2720 (the “Litigation”), wherein the Gordons asserted a claim to the portion of the Nutter Property that they alleged that they and their predecessors in interest used, improved, and maintained under theories of adverse possession and boundary by practical location, which the Nutters disputed.

**WHEREAS**, the Gordons and the Nutters resolved the disputes between them in relation to the Litigation, as set forth in a Settlement Agreement between the parties (the “Settlement Agreement”), which obligates the Nutters to convey a portion of the Nutter Property (as defined in the Settlement Agreement as the “Settlement Parcel”) to the Gordons by and through a quit claim deed (the “Deed”).

**WHEREAS**, the Gordon Property and Nutter Property are zoned as “R2” which, pursuant to Dellwood Ordinance 152.2.I, requires a minimum of two (2) acres per lot.

**WHEREAS**, as originally platted, Lot 10 had an area of approximately 1.86 acres and Lot 11 has an area of approximately 1.91 acres.

Under the terms of the Settlement Agreement, the area of the land to be conveyed by Nutter to the Gordon consists of approximately .09 acre.

After the conveyance of said land Lot 10 will consist of approximately 1.95 acres and Lot 11 will contain approximately 1.82 acres.

**WHEREAS**, the survey attached to this Resolution as Exhibit A shows that the existing dwelling on Lot 11 lies within the required setback area from the westerly line of said Lot 11, and that the existing pool structure and other improvements on Lot 10 including a part of the Septic system, may lie within the required setback area from the westerly line of said Lot 11.

These improvements were constructed and approved by the City of Dellwood years ago as a result of a mistaken assumption as to their respective lot lines.

The action carried out in Washington County District Court has resolved the issues regarding the location of the property lines encompassing said Lots 10 and 11.

**WHEREAS**, in consultation with the Attorney for the City of Dellwood, the Settlement Agreement requires approval by the City of Dellwood to the configuration of the respective property lines and to the location of the existing structures on said Lots 10 and 11, as shown on the survey (Exhibit A). The City Attorney has recommended to the City Council of Dellwood that the terms of the Settlement Agreement be accepted and approved by the City as a Lot Line Adjustment in keeping with the Settlement Agreement approved by the Court, including the respective resultant lot sizes for Lot 10 and Lot 11, and the location upon said lots of the existing structures as shown on Exhibit A.

The City Attorney has further recommended that the proposed Deed from Nutter to Gordon, as attached hereto as Exhibit B, be approved by the City for recording in the land records of Washington County.

The Settlement Agreement of the parties is attached to this Resolution as Exhibit C.

**WHEREAS**, pursuant to Paragraph 2 of the Settlement Agreement, the Gordons submit the Settlement Agreement and Deed to the City Council for the City of Dellwood for approval, along with this Resolution for signature.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELLWOOD, MINNESOTA AS FOLLOWS:**

1. Having reviewed the Settlement Agreement between the Gordons and the Nutters, the City Council hereby approves the Settlement Agreement for signature by the parties.
2. Having reviewed the Deed, the City Council hereby approves the Deed and provides its endorsement to the parties that the Deed shall be executed by the Nutters and recorded in the Office of the County Recorder in and for Washington County, Minnesota.
3. That the improvements located on the Settlement Parcel and the Gordon Property, including the swimming pool, adjacent fencing and retaining wall, and a portion of the septic system are hereby approved as to their location consistent with the 1990 variance granted by the City of Dellwood, and as shown on Exhibit A attached hereto.
4. That the Gordon Property and Nutter Property are hereby excepted from the two-acre minimum zoning requirement in that Lot 10 shall consist of approximately 1.95 acres and Lot 11 shall consist of approximately 1.82 acres.
5. This Resolution shall be recorded along with the Deed in the Office of the County Recorder in and for Washington County, Minnesota as evidence of the approval of the City Council and its endorsement of the Deed.

Adopted by the City Council of Dellwood, Minnesota this 11 day of January, 2022.

  
\_\_\_\_\_  
Mayor – Mike McGill

Attested:

  
\_\_\_\_\_  
City Clerk -- Joanne Frane



**Advance**  
Surveying & Engineering, Co.

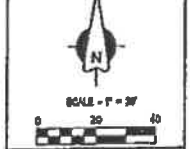
2015 Highway 9  
Mendota, Minnesota 55124  
Phone (612) 437-9100  
Fax: (612) 437-9101

PROPERTY OWNER: THE RYAN NUTTER TRUST  
PROJECT NO: 2021-001  
DATE: MAY 7, 2021

PROJECT TITLE: EXISTING CONDITIONS SURVEY

DATE: MAY 7, 2021

SCALE: 1" = 20'



CLIENT: RYAN NUTTER

**RYAN  
NUTTER**  
11 LACOSTA  
CIRCLE  
DELLWOOD, MN

**LEGEND**

●	Survey Station
○	Iron Spike
○	Iron Nail
○	Iron Pipe
○	Iron Rod
○	Iron Stake
○	Iron Bolt
○	Iron Nut
○	Iron Washer
○	Iron Plate
○	Iron Sheet
○	Iron Tube
○	Iron Wire
○	Iron Chain
○	Iron Rope
○	Iron Cable
○	Iron Band
○	Iron Strap
○	Iron Belt
○	Iron Harness
○	Iron Saddle
○	Iron Bridle
○	Iron Bit
○	Iron Girth
○	Iron Collar
○	Iron Halter
○	Iron Muzzle
○	Iron Mask
○	Iron Blind
○	Iron Blinkers
○	Iron Fly Sheet
○	Iron Leg Wraps
○	Iron Hooves
○	Iron Shoes
○	Iron Boots
○	Iron Socks
○	Iron Goggles
○	Iron Helmets
○	Iron Caps
○	Iron Hats
○	Iron Coats
○	Iron Jackets
○	Iron Vests
○	Iron Pants
○	Iron Shorts
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○	Iron Socks
○	Iron Shoes
○	Iron Boots
○	Iron Socks
○	Iron Shoes
○	Iron Boots

DATE	REVISION DESCRIPTION
10/1/21	ADD ADDITIONAL AREA
12/21/21	CHANGE ADDITIONAL AREA

DATE: MAY 7, 2021

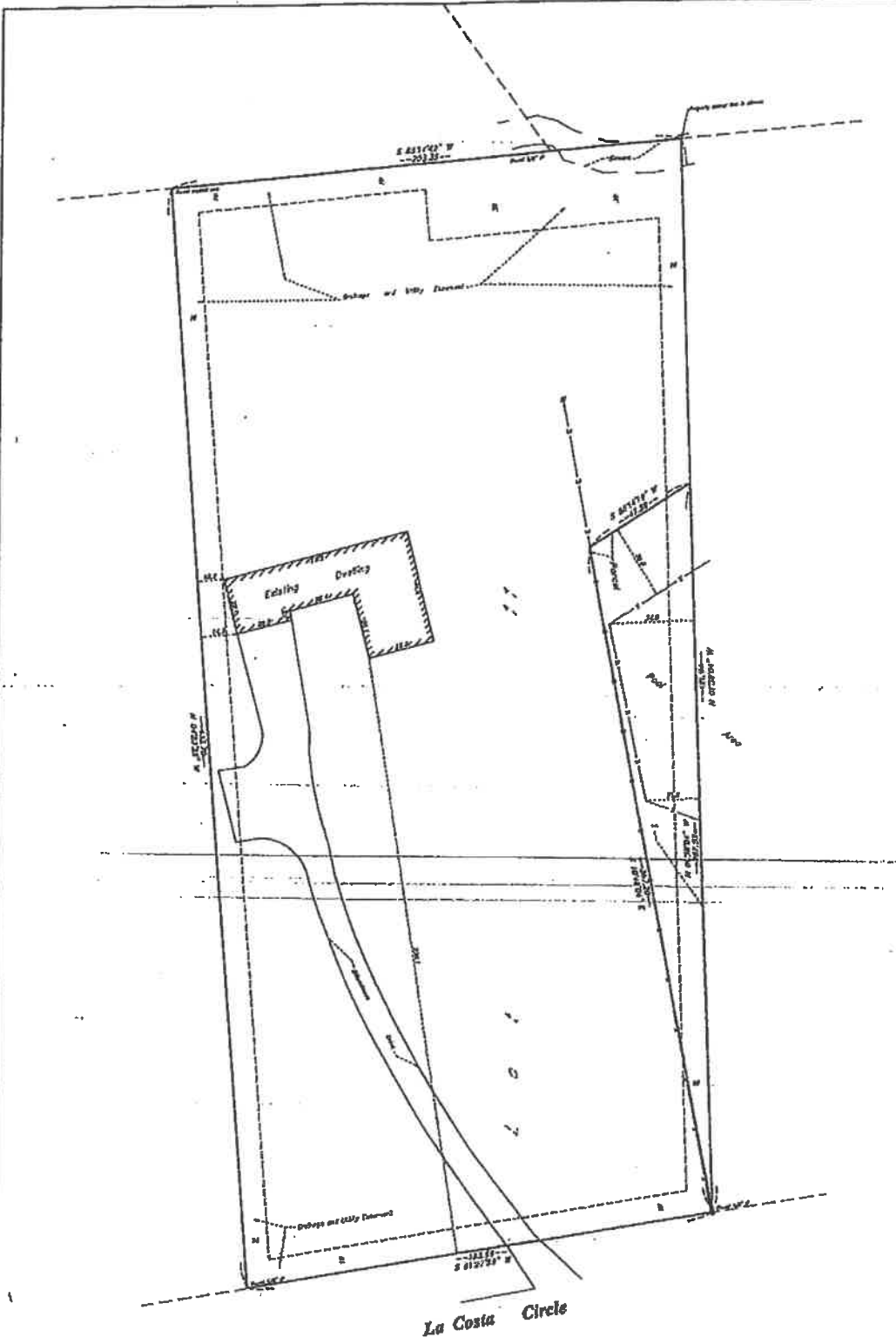
DATE: MAY 7, 2021

PROJECT TITLE: EXISTING CONDITIONS SURVEY

PROJECT NO: 210708 TB REV 10-28

PROJECT SIZE: 22 X 34

PROJECT NAME: S1



**LEGAL DESCRIPTION:**  
Lot 11, Block 2, DELLWOOD HILLS PLAT 2, Washington County, Minnesota.

- SCOPE OF WORK & LIMITATIONS:**
- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
  - Showing the location of observed existing improvements we deem necessary for the survey.
  - Setting survey markers or verifying existing survey markers to establish the corners of the property.
  - This survey has been completed without the benefit of a current tide commitment. There may be existing easements or other encumbrances that would be revealed by a current tide commitment. Therefore, this survey does not purport to show any easements or encumbrances other than those shown hereon.
  - Note that all building dimensions and building to dimensions to the property lines, are taken from the siding and/or stone of the building.

**STANDARD SYMBOLS & CONVENTIONS:**  
● Iron Stake from survey marker, set, unless otherwise noted.

**PROPOSED LEGAL DESCRIPTION OF PARCEL 1:**  
That part of Lot 11, Block 2, DELLWOOD HILLS PLAT 2, Washington County, Minnesota, described as follows: Beginning at the southeast corner of said Lot 11; thence North 01 degree 54 minutes 04 seconds West, along the easterly line of said Lot 11, a distance of 227.53 feet; thence South 55 degree 14 minutes 19 seconds West, a distance of 47.25 feet; thence South 10 degree 48 minutes 04 seconds East, a distance of 267.20 feet to the point of beginning.

**EXHIBIT A**

S1

**City Council Memorandum**

**To:** Mayor and City Council  
**From:** Cara Geheren – City Engineer  
**Date:** January 11, 2022  
**Item:** Town Board Meeting – Future Street Improvements

**City Council Action Requested:**

**MOTION NO. 1:** Direct staff to work with the City's financial consultant to develop options and projections for completing improvements to the streets identified in this memo in 2023.

**MOTION NO. 2:** Authorize preparation of quote packages for the 2022 Crack Seal Project.

**Background Information:**

Historically the City implemented a street reconstruction plan for the city's streets such that a capital project would occur every 5 years using bond proceeds to fund the improvements with a 5-year payback period. Projects were completed in 2013 and 2018. The next round of improvements is anticipated in 2023.

In anticipation of the upcoming project, staff has been evaluating conditions of the streets in need of a capital improvement. Site visits have occurred, maintenance records reviewed, and per previous Council authorization, Braun Intertec has completed the attached Pavement and Geotechnical Evaluation Report. Based on our evaluation, staff is recommending that the streets highlighted in blue on the attached street inventory to be considered for inclusion in the 2023 project. The anticipated scope would include reclaiming the existing pavement and base to create a new base section followed by paving of two new layers of asphalt. Any existing culverts located within the street would also be evaluated for possible repair or replacement and disturbed areas adjacent to the street would be restored with topsoil and seed.

After the 2023 project only neighborhood (Dellwood Hills) will remain for a future reclaim project. The pavement in this neighborhood will be 20 years old between 2026-2029, so we would anticipate these roads needed to be reclaimed around that timeframe.

For the streets highlighted in pink, it is recommended that the streets be crack sealed in 2022. The streets have either new pavement that was placed in 2013 or are not yet ready for a capital improvement (Dellwood Hills). Staff is not recommending completing a seal coat after the crack seal due to issues noted on streets that have been previously seal coated.

**Financial Impact:**

Based on planning level estimates, the anticipated budget range for capital improvements (for the streets in blue) could be \$2.5 million to \$3 million. Estimates will be further refined once design work is underway. The estimated cost for the crack seal scope (for streets in pink) is approximately \$20,000 to \$25,000.

**Next Steps:**

Staff recommends engaging with the City's financial consultant to develop bonding scenarios for consideration including extending the payback period beyond the 5 years that was historically used in the past. We also recommend initiating design services such that more detailed estimates can be prepared for use in setting the budget. We anticipate having a recommendation for a design firm for consideration by the Council at the February meeting. A draft project schedule is included outlining the timeline for construction in 2023.

For the streets that will be crack sealed, we recommend proceeding with obtaining quotes for this work to be completed in early summer.

**Attachments:**

- Street Inventory
- DRAFT Project Schedule
- Pavement and Geotechnical Evaluation Report

ORDINANCE 2022-01

AN ORDINANCE AMENDING THE FEE SCHEDULE  
SECTION 30.11.F.16 RELATED TO SEPTIC PERMIT FEES

THE CITY OF DELLWOOD ORDAINS:

Section 1. Code Amended. That Section 30.11.F.16 is hereby amended to read as follows:

16. Septic Permit: \$728.00  
Maintenance Report Fee: \$20.00


Section 2. This Ordinance shall be effective upon passage and publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DELLWOOD THIS 11<sup>th</sup>  
DAY OF JANUARY 2022.

APPROVED:

  
Mike McGill  
Mayor

ATTEST:

  
Joanne Frane  
City Clerk

(seal)

## APPOINTMENTS FOR 2022

OFFICIAL BANK	MIDWEST ONE BANK
OFFICIAL PAPER	WHITE BEAR PRESS
CITY ATTORNEY	RICHARD W. COPELAND
BUILDING, PLUMBING, HEATING INSPECTOR	JACK KRAMER
PROPERTY COMPLIANCE OFFICER	JACK KRAMER
SEPTIC INSPECTOR	BRIAN HUMPAL
DEPUTY MAYOR	SCOTT ST. MARTIN
WEED INSPECTOR	MIKE MCGILL
DEPUTY WEED INSPECTOR	SCOTT ST. MARTIN
SAFETY COMM. (POLICE, FIRE, & ANIMAL)	SCOTT ST. MARTIN
BUILDING & SEPTIC COMMISSISONER	MIKE MCGILL
ROAD COMMISSIONER	BRADY RAMSAY
SPECIAL PROJECTS COMMISSIONER	MIKE MCGILL
WBLCD REPRESENTATIVES	MEREDITH WALBURG and SCOTT O'CONNOR
CABLE COMMISSION REP.	ROBERT NUFFORT, JOANNE FRANE-ALTERNATE
CIVIL DEFENSE DIRECTOR	GREG BOOSALIS
CLERK/ADM/ZONING ADM	JOANNE FRANE
CITY INSURANCE	BEARENCE MANAGEMENT GROUP - MARK LENZ
CITY ENGINEER	FOCUS ENGINEERING- CARA GEHEREN
ACCOUNTANT	FOLEY KALSEIM & CO-DUSTIN MOELLER
TREASURER	BRIAN BEICH
CITY ASSESSOR	CHASE PELOQUIN
WEBMASTER	BEN ROBY
TREE INSPECTOR	WOODCHUCK-TYLER JACOBSON
ANIMAL CONTROL OFFICER	COMPANION ANIMAL CONTROL-BRIT HARMON
ROAD MAINTENANCE (per contract)	KEJ ENTERPRISES, INC. - KEN JOHNSON
DATA PRACTICES COMPLIANCE OFFICIAL	JOANNE FRANE
CITY PLANNER	NORTHWEST ASSOCIATED CONSULTANTS-NATE SPARKS