

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
APRIL 12, 2022**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on April 12, 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 was effective through September, 2021. The City Council has decided that it is not in the City's best interest to hold in-person meetings and this time and 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 Deb Christopherson were present. Brady Ramsay absent.

Also present were City Clerk Joanne Frane, Treasurer Brian Beich, City Attorney Richard Copeland and City Planner Nate Sparks. Planning Commission Chairman Lin Lindbeck was present.

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

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

Agenda: Motion by Boosalis to approve the Agenda, second by Christopherson, approved as submitted. The following votes were taken:

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

Minutes: Minutes of the March City Council Meeting were reviewed. Motion by St. Martin, Second by McGill, the Minutes of the March Council meeting were approved as submitted.

The following votes were taken:

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

MS4 Permit Public Hearing: Nate Sparks explained the need for an annual Council meeting to hear comments from the public regarding matters associated with the MS4 Permit issued to the City. There were no persons present to make comment and none has been filed with the City Clerk.

Comprehensive Plan Update: City Planner Nate Sparks explained that the City is required to update its Comprehensive Plan every 10 years. The City submitted its updated Plan to Met Council for review and approval. Met Council delivered a Notice of Action Letter to the City dated February 3, 2022, notifying the City that its Updated Plan conforms to all requirements of the Met Council's Metropolitan Land

Planning Act and Regional Systems Plan. The City is authorized to place its 2040 Comp. Plan Update into effect. A Resolution to that effect is required by a 4/5th vote of the City Council. The City must within nine months amend its Zoning Ordinance and Subdivision Ordinance, and any other Ordinances, to comply with the Updated Comp. Plan.

On Motion by McGill, second by Christopherson, the City Council adopted Resolution 2022-04 (attached).

Voting in favor of the Resolution:

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

Echo Street Resolution: Mr. Copeland reviewed the history of Echo Street and why he is recommending passage of the proposed Resolution. A copy of his Memorandum regarding Echo Street is attached to these Minutes. The purpose of the Resolution at this time is to document the City's position that although the Street has been closed for public use for many years, the City has not abandoned its rights to at any time re-open the Street right-of-way as a public Street, or for such other public purposes which may be determined by the City Council. The City's position has been previously stated at various times in the Minutes of the City Council meetings. Mr. Copeland is in possession of various documents, correspondences, maps and surveys pertaining to Echo Street which he will make available to the City Engineer for review. Last year, the WBYC had its Surveyor place markers along the line of the Echo Street right-of-way from the point where the barricade used to close off the Street is situated, to show the location of the land which was deeded to the City in 1939 for public roadway purposes. He will ask the Club to make sure that those markers remain in place and to place additional markers as needed to delineate the right-of-way line.

On Motion by McGill, second by Christopherson, the Council voted unanimously to adopt Resolution 2022-03 (attached).

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

Temporary Gambling Permits: Camp Odayin and Burn Aid Foundation submitted Applications for a Temporary Gambling Permit. Copeland stated that he has reviewed the Applications submitted by Camp Odayin and also by Burn Aid Foundation. Each of these entities desire to hold a raffle at Dellwood County Club, Camp Odayin on June 13, 2022 and Burn Aid on September 12, 2022.

He has received from each of the Applicants supplemental information which confirms that each Applicant is currently a charitable non-profit tax exempt 501(c)(3) organization and entitled to be issued a temporary gambling permit to conduct a raffle at the places and dates stated above, without a waiting period required.

On Motion by McGill, second by St. Martin, the Council voted unanimously to approve the issuance of a Temporary Gambling Permit to Camp Odayin and Burn Aid Foundation with no waiting period.

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

Resignation of Joanne Frane as City Clerk/Administrator: Mayor McGill noted that the City has regulations in effect regarding the City's payment of vacation payment to employees, which are set forth in the City Handbook for Employees. The City Council is authorized to decide upon terms different from those stated in the Handbook. He noted that Joanne has been a reliable and valuable employee for over 25 years and has accumulated over 800 hours of unused vacation time. An average rate of pay over the past 25 years would be \$18.75 per hour. He is proposing that the City pay Joanne Frane \$15,000.00 in unused vacation pay, which represents 800 hours at \$18.75 per hour. There are restrictions in the Handbook which limit the amount of total hours which are allowed to be carried over from year to year. The Council can decide to waive such restrictions. In light of all circumstances, he feels the proposal is fair to all. St. Martin, Christopherson and Boosalis all stated they were in agreement and expressed their appreciation to Joanne for her excellent services over many years. On Motion by St. Martin, second by Boosalis, the Council voted to pay unused vacation pay to Joanne Frane in the amount of \$15,000.00.

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

Claims and Receipts List: Upon motion by McGill, second by Christopherson, the Council approved the Claims and Receipts List for March, 2022 as submitted. The following votes were taken:

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

Reports of Commissioners:

St. Martin stated that he is working with the Sheriff's Office to obtain more detailed information about some selected incidents shown on the Sheriff's report for the month of March. He will discuss with the Sheriff's Office the need for the City to have additional information beyond the abbreviated code descriptions used in their reports. Scott stated that the Sheriff is now putting out a Newsletter which is somewhat helpful.

McGill reported 3 remodel and 1 new home construction Permits.

Beich reported \$1,028,367 in the General Fund.

There being no further business, Boosalis moved to adjourn, Christopherson seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 6:12 p.m., and the following votes were taken:

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

Respectfully submitted,



Joanne Frane
Dellwood City Clerk / Administrator

**CITY OF DELLWOOD
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2022 -04**

**A RESOLUTION FORMALLY ADOPTING & PLACING
THE CITY OF DELLWOOD 2040 COMPREHENSIVE PLAN INTO EFFECT**

WHEREAS, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans; and

WHEREAS, the Dellwood City Council authorized the review and update of its Comprehensive Plan; and

WHEREAS, the Dellwood 2040 Comprehensive Plan is a planning tool intended to guide the future growth and development of the City in a manner that conforms with metropolitan system plans and complies with the Metropolitan Land Planning Act and other applicable planning statutes; and

WHEREAS, the proposed Dellwood 2040 Comprehensive Plan reflects a community planning process involving elected officials, appointed officials, city staff, community organizations, the public at large, developers, and other stakeholders; and

WHEREAS, the City conducted public hearings on May 1, 2018 and May 8, 2018 relative to the Comprehensive Plan; and

WHEREAS, pursuant to Minnesota Statutes section 473.858, the proposed 2040 Comprehensive Plan was submitted to adjacent governmental units and affected special districts and school districts for review and comment on March 8, 2019; and

WHEREAS, the City Council authorized the proposed 2040 Comprehensive Plan to be submitted to the Metropolitan Council for review on October 8, 2019; and


WHEREAS, at its regular meeting on January 18, 2022, the Metropolitan Council completed its review of the proposed 2040 Comprehensive Plan and found that the Plan meets the requirements of the Metropolitan Land Planning Act; conforms to the metropolitan system plans for transportation water resources, and parks; is consistent with *Thrive MSP 2040*; and is compatible with the plans of adjacent jurisdictions and affected special districts and school districts; and

WHEREAS, the 2040 Comprehensive Plan includes all revisions required during the review process and responds to additional advisory comments that are part of the Metropolitan Council's actions authorizing the City of Dellwood to place its proposed 2040 Comprehensive Plan into effect; and


NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Dellwood hereby states that the 2040 Comprehensive Plan is adopted and is effective as of the date of this resolution.

BE IT FURTHER RESOLVED that, pursuant to sections 473.864 and 473.865 of the Metropolitan Land Planning Act, the City will: (1) review its fiscal devices and official controls; (2) if necessary, amend its fiscal devices and official controls to ensure they do not conflict with the 2040 Comprehensive Plan or permit activity in conflict with metropolitan system plans; and (3) submit amendments to fiscal devices or official controls to the Metropolitan Council for information purposes.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF DELLWOOD THIS 12TH DAY OF APRIL 2022.


Mike McGill, Mayor

ATTEST:


Joanne Frane, City Clerk

**CITY OF DELLWOOD
RESOLUTION NO. 2022- 03**

THE COUNCIL OF THE CITY OF DELLWOOD DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, Echo Street is the name given to a public street right-of-way which runs in a North/South direction between State Trunk Highway No. 244 and State Trunk Highway No. 96, and

WHEREAS, the distance between Meadow Lane and Quail Road along Highway 96 is over one (1) mile and the distance between Meadow Lane and Quail Road along Highway 244 is approximately one and one-half miles (1.5), and

WHEREAS, those three roads constitute the only connector roads between the major arterial roads Highway 96 and Highway 244, and

WHEREAS, a portion of Echo Street has been temporarily closed for public travel for a number of years, but the City has not vacated Echo Street because of a determination by the City that it will meet the potential need for a public purpose in the future,


NOW THEREFORE, IT IS HEREBY RESOLVED, that the City Council of Dellwood hereby resolves that Vacation of Echo Street would not be of benefit to the public because it serves as an important tool for future planning in Dellwood.

This Resolution is passed and adopted by the City Council of Dellwood on the 12 day of April, 2022.



Mike McGill, Mayor City of Dellwood

ATTEST:



Joanne Frane, City Clerk

MEMORANDUM
RE: ECHO STREET RIGHT – OF – WAY

The closed-off portion of Echo Street, from the point where a barricade is now in place, Northerly to its intersection with State Highway 96 derives its location from two sources:

- 1) The Plat of Yacht Club Division filed in 1916, and
- 2) The Deed from Rachel Boeckmann and her husband to the City of Dellwood in 1939.

A public roadway may have been shown prior to 1916 in the Plat of Wildwood, but that Plat was vacated entirely, including all Streets shown on the Plat.

It is safe to say that no public roadway was in existence in 1911 and 1912 when the WBYC Golf Course was constructed. A survey of the Golf Course done in March 1915 shows the Golf Course layout as constructed. At the very Southeast corner of the survey it shows that a small part of the Course encroached beyond the Easterly line of the property owned by WBYC. This is the area now in dispute, and parts of the 4th Hole Tee Box, 3rd Green and Sand Bunker adjacent to the 3rd Green lie within the disputed area.

In 1916, the Plat of White Bear Yacht Division was created, and it shows a 33-foot public roadway running along the Easterly boundary line of the Plat, being dedicated to the public. Apparently, the creator of the Plat had not made a visual inspection of the land itself because the 33-foot roadway ran directly through the in-place Golf Course facilities described above. The layout of the Golf Course has not changed since its construction in 1911 and 1912.

Thereafter, as a part of the development of the WBYC Division Plat, a roadway was constructed which generally followed the 33-foot strip shown in the Plat. However, the road as actually constructed skirted the Golf Course in the now disputed area, and, as used and travelled ran, Easterly of those facilities and onto the neighboring property then owned by the Boeckmanns, and now owned by Ron Peltier's family.

In 1939, this problem was recognized and addressed by the Boeckmanns and the City of Dellwood. By agreement, the City vacated a portion of Echo Street which lay on the Boeckmann property and Boeckmann's deeded a portion of their property to the City to be used for "public roadway purposes". The apparent intent of the parties was to document that Echo Street, as laid out and travelled, did not in fact run directly through the Golf Course facilities, but passed around them to the East. (a survey of the land contained in the deed from Boeckmanns to the City is attached hereto.)

The problem is the deed only ran to the City and no part of the land was deeded to the White Bear Yacht Club.

What should have been done at that time was that the Boeckmanns and the City should have Quit Claimed to the WBYC all that part of the existing Golf Course which lay within the boundaries of Echo Street as platted and within the Boeckmann property. Their failure to do so resulted in the Yacht Club golf facilities still at this time remain to be located on the right-of-way of Echo Street.

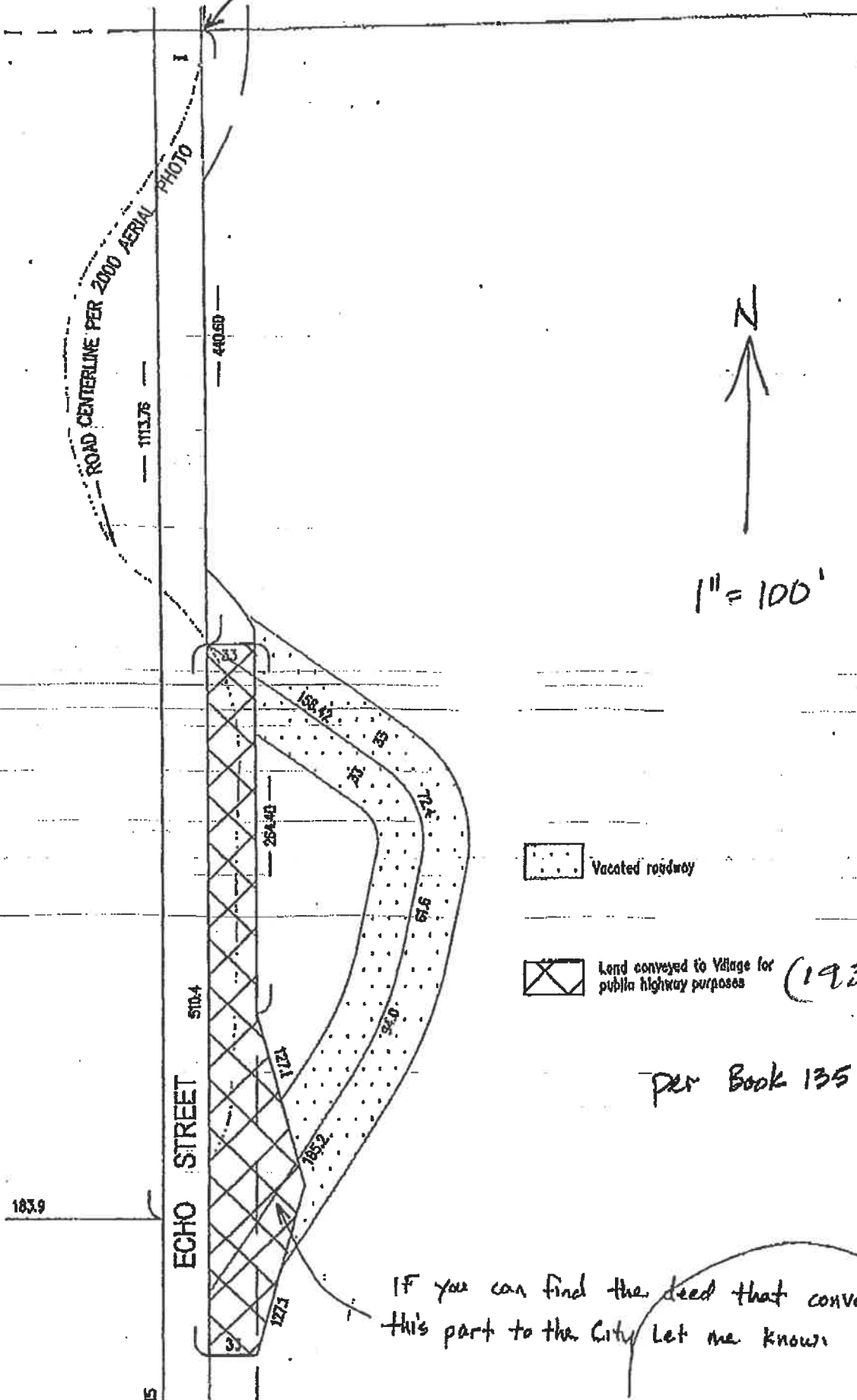
Further, if Ron Peltier should decide to claim ownership of the Echo Street right-of-way which was conditionally deeded to the City in 1939, then the legal battle would involve the respective rights of the WBYC, the City of Dellwood and Mr. Peltier.

At my request, the Manager of the WBYC met with Mr. Peltier to explore avenues which could resolve those issues. I have not been informed as to what may have been discussed or decided.

The bottom line is the City could be forced into defending a claim that the portion of the Echo Street right-of-way encompassed within the 1939 deed has reverted to Mr. Peltier by reason of not having been used for public roadway purposes for over 25 years.


In its current condition, the right-of-way is not suitable for roadway use without significant restoration work. The Washington County Surveyor's Office states that the right-of-way of Echo Street lying North of the disputed area to its intersection with Highway 96 is 33 feet in width. The County Surveyor can find no dedication of Echo Street Northerly of the barricade except that 33-foot wide strip.

Therefore, the width of any public roadway in that location which may be created in the future is restricted to 33 feet, unless other land is acquired from Mr. Peltier or the White Bear Yacht Club.



1" = 100'

 Vacated roadway

 Land conveyed to Village for public highway purposes (1939)

per Book 135 pg. 316

IF you can find the deed that conveyed this part to the City let me know

