

**MINUTES OF MEETING  
DELLWOOD CITY COUNCIL  
AUGUST 8, 2022**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on August 8, 2022. The regular meeting day of Tuesday, August 9<sup>th</sup> was changed due to the primary election in Minnesota being held on August 9, 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 called the meeting to order at 5:31 p.m.

Councilpersons – Scott St. Martin, Greg Boosalis and Deb Christopherson were present. Ramsay Absent.

Also present were City Clerk Joel Holstad, City Attorney Richard Copeland, City Planner Nate Sparks. City Treasurer Brian Beich, City Engineer Cara Gerehen.

Others present were: Mike Brooks, John Carr, Dennis Lindeke, Blanche Hawkins and Nick Myhre.

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

**Agenda:** Upon Motion by McGill, second by Christopherson, the Agenda for the meeting was approved with no changes.

The following votes were taken:

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

Minutes of the May 10th City Council Meeting were reviewed. Upon Motion by Boosalis, Second by St. Martin, the Minutes of the July Council meeting were approved as submitted with no changes.

The following votes were taken:

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

**ITEM 1: Waste Management Recycling Service Contract Renewal.**

Clerk Holstad stated that the City had asked for quotes from other recyclers in the area, and that two had submitted quotes. He noted that Gene's and Tennis Co. submitted quotes at rates which were very similar to those of Waste Management. Over a 5-year period, Waste Management's bid appeared to be slightly lower than the others. Holstad stated that the Council could opt to deal with a local company such as Gene's or Tennis or stay with Waste Management the current supplier of recycle services. He noted that he was personally aware of some minor issues with Waste Management which likely were due to staffing problems.

Boosalis stated that Gene's picks up his garbage and that he has had a very good experience with them. St. Martin stated that he uses Gene's for his garbage service and that it has been good. He remarked that some of his neighbors have experienced minor issues with Waste Management.

Copeland stated that the list of recyclable items accepted by Waste Management could be clarified. Items which are accepted for recycling are pretty much standard throughout the industry.

McGill asked that the matter could be tabled to the September Council meeting.

Copeland stated that it could be tabled and in the meantime, a letter could be sent to all those who submitted quotes to confirm what items the City requires to be accepted for recycling. He also noted that the current contract with Waste Management may require a notice period prior to cancellation. Holstad stated that a new recycler may need up to 90 days to get setup for service.

On motion by McGill, second by Boosalis, the Council voted to table the matter to the September council meeting and to send out a letter to all companies confirming the list of recyclable materials which the City will require under its contract.

Copeland will check on the cancellation period in the current Waste Management contract.

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

**ITEM 2: License Plate Reader Proposal.**

Boosalis stated that he has discussed this proposal with the Washington County Sheriff Starry and the Sheriff's response was favorable. The Washington County Attorney's Office is reviewing it, as to the City sharing information with the Sheriff's Office and issues of compliance with the Minnesota Data Practices Act.

Boosalis has sent out a map showing the locations of the proposed readers, and he may add one additional location at the northern limits of the City.

Boosalis stated that he is assembling more information and will bring the matter back to the Council when ready.

**Item 3: Police Services for 2023.**

St. Martin and Copeland are working on submission of a recommendation to the Council. Each of them feels that the City should be able to have a more detailed explanation of the incidents handled by the Sheriff's Office each month.

Copeland stated that there may be some confusion as to the Sheriff's obligations with respect to parking violations on Highways 96 and 244. Copeland feels some stationary radar monitoring should be conducted periodically to address speeding issues on Highways 244 and 96, as was done in prior years. This matter will be considered further at the September Council meeting.

The following votes were taken.

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

**Item 4: White Bear Lake Conservation District Assessment for 2023.**

Clerk Holstad stated the 2023 Assessment to Dellwood will be \$2750.46, which is a bit less than the assessment in 2022.

St. Martin moved to approve the report of WBLCD and to approve the 2023 Assessment amount of \$2750.46.

Boosalis seconded the motion and the Council voted to accept the report and accept the 2023 Assessment of \$2750.46.

The following votes were taken:

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

**Item 5: Storm Sewer Maintenance and WBLCD “Adopt a Drain”.**

Clerk Holstad described the confusion over the number of storm drains location it the City. WBLCD has stated that there are 21 storm drains in Dellwood most or all of which have not been properly maintained. Its data is based on informal reports apparently submitted by employees of the Mosquito Control District.

Holstad disagrees with this report and submits that such date may include catch basins which may be located on private property. He recommends that the City conduct an inventory of the location and identity of storm drains and catch basins; identify the device and determine the City’s duty to maintain it.

Boosalis stated that Mosquito Control probably has maps which may help.

Holstad will inquire and also attempt to determine the location of all storm drains and catch basins in particular those situated within City Street rights-of-way.

He stated that the Adopt a Drain Program of WBLCD is mostly intended for such devices on private property.

**Item 6: Consideration of Variance Request at 19 LaCosta Drive.**

McGill stated that this involves a request for a Variance to allow a part of the new septic system to be located within the setback area from the existing wetland and the northerly lot line.

The City Sewer Inspector, Brian Humpal, has reviewed the design and proposed location of the new system and has found it to be the best and only solution for this property. This request has been considered by the Planning Commission at a public hearing held on July 26, 2022. The Planning Commission found that the criteria for granting the requested Variance have been demonstrated by the Applicants and has recommended approval. The council has reviewed the report of the Planning Commission and is in agreement with its findings and recommendation, subject to the conditions that the installation be completed within one year and in conformity with the septic system design of Zuerke Company dated June 30, 2022 and as approved by Brian Humpal.

On motion by Boosalis, second by Christopherson, the Council resolved to approve the granting of a Variance to allow placement of the septic system 55 feet into the required 75 foot setback from the wetland and 5 feet into the required 30 foot setback from the northerly side line of the property, subject to the conditions stated above, and that the Applicants have significantly demonstrated that practical difficulties exist which prevent them from strict compliance with the Ordinance.

The following votes were taken:

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

**Item 7: Moratorium on Subdivisions.**

Nate Sparks described the need for an Interim Ordinance to impose a hold on request for subdivisions of property for one year, in order to allow the City to complete a study regarding enactment of Ordinances to implement the controls which Met Council has required of the City.

Basically, Met Council has stated its concern about the minimum lot sizes allowed under Dellwood's current zoning and subdivision ordinances. This would be a new Moratorium for that purpose. He has submitted a proposed Ordinance for the Council's consideration, but it appears that such draft has not been received by all Council Members.

Copeland suggested that the matter be tabled to the September Council meeting to allow all Council members to review and comment on the proposed Ordinance. The Council has the authority to enact such an Ordinance to be effective for a period of not more than one year from the date of its passage.

Upon Motion by McGill, second by Boosalis, the Council voted to table this matter to the September Council meeting.

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

**Item 8: Lake Links Trail Report; 2023 Street Improvements; MS4 Update.**

Cara Geheren reported on the Lake Links Trail status. She is waiting for a response from MNDOT to the City's request that MNDOT agree to widen the shoulders of Highway 244 to accommodate a trail. She emphasized that the City cannot assign to MNDOT any of the funds appropriated to the City for trail purposes. Further, that MNDOT does not construct or maintain recreational trails. That is not within the scope of the grant. There is a gap between the amount of the appropriation of funds to Dellwood and the estimated costs to construct a trail which conforms more or less to the schematic prepared by WSB in 2018. The anticipated costs according to WSB were about 3.5 million dollars. Whereas the amount of the grant money is 2.6 million dollars.

The City resolved in 2019 that it would not approve expenditure of any City funds for trail purposes.

Cara estimates that necessary further engineering consulting work may cost up to \$30,000.00, and the City cannot access any of the grant money until and unless the City is quite sure that the project will proceed as planned.

Cara had earlier recommended that the City issue a request for proposals, however, the City has no solid specifics to give the public at this time.

St. Martin stated that the City has not received any input from LLTA regarding trail maintenance issues.

Boosalis asked if the City has any information regarding up to date cost estimates, in light of the fact that the WSB estimate is about 4 years old and that significant inflation may have occurred since then.

Cara stated that she would get an update from WSB.

Mike Brooks of LLTA offers remarks that as originally planned, the trail would be located as much as possible within the railroad right of way. He suggested that the City engage in talks with Washington County and MNDOT to explore shared funding.

McGill stated that more study is needed. There is opposition from some landowners and there are some supportive.

The City Council has no appetite for taking land by eminent domain for trail purposes.

Boosalis stated that the best solution is to have MNDOT widen the shoulders of Highway 244.

Cara stated that there is a 1987 MNDOT report regarding bicycle safety on Highways 244 and 96.

McGill said that Cara should use Boosalis as being the City's liaison on trail issues.

Cara discussed 2023 street improvements. She will work with City Treasurer Brian Beich to determine what City funds may be available. She is also meeting with Council Member Ramsay to discuss street issues. Cara noted that she will not be present at the September Council meeting as she will be inspecting streets in Paris.

MS4 Update – There has been a new Permit approved in 2021 which has new requirements. She is recommending that WSB be brought in to assist Focus Engineering. This work will include the issues about storm drains and catch basins, and the City's responsibility for maintenance. They will provide proposals for infrastructure mapping. While the last audit of the City was good, under the new regulations it likely will be more complex. Written reporting of culvert inspections is now required. The City needs a more complete system map.

Christopherson and Boosalis stated that they were in agreement with Cara's recommendations.

McGill moved to allocate up to \$10,000.00 to pay the cost of a study to be conducted by WSB and Focus Engineering to implement the new MS4 Permit requirements.

Christopherson seconded and the Council members present voted unanimously to approve the motion.

McGill	Aye
St. Martin	Aye
Boosalis	Aye
Christopherson	Aye

#### **Item 9: Cable Commission.**

Holstad reported that the Cable Franchise fees has decreased probably due to people abandoning cable and switching to streaming services.

#### **Claims and Receipts List: July 2022.**

The Claims and Receipts List for July 2022 was reviewed and discussed.

Boosalis moved to approve the Claims and Receipts List for the Month of July 2022, Christopherson seconded. The Council resolved unanimously to approve the List as submitted.

The following votes were taken:

McGill	Aye
Boosalis	Aye
Christopherson	Aye

St. Martin had left the meeting.

#### **Reports of Commissioners:**

**McGill** reported 15 remodel permits. (13 new roof, 1 window/door and 1 pool.)

There being no further business, McGill moved to adjourn, Boosalis seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 7:36 p.m., and the following votes were taken:

McGill	Aye
Boosalis	Aye
Christopherson	Aye

Respectfully submitted,



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Joel Holstad    Dellwood City Clerk / Administrator