

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
SEPTEMBER 13, 2022**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on September 13, 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 5:30 p.m.

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

Also present were City Clerk Joel Holstad, City Attorney Richard Copeland, City Planner Nate Sparks, Planning Commission Member Keith White, City Engineer Cara Gerehen.

Others present were: John Carr, Taylor May, David Tindall and Jane Schneeweis.

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

Agenda: Upon Motion by Boosalis, second by Ramsay, the Agenda for the meeting was approved with no changes.

The following votes were taken:

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| McGill | Aye |
| St. Martin | Aye |
| Boosalis | Aye |
| Ramsay | Aye |

Minutes of the August City Council Meeting were reviewed. Upon Motion by McGill, Second by Boosalis, the Minutes of the August Council meeting were approved as submitted with the following changes: "date" should read "data", Year "2019" should read "2017", "propels" should read "proposals".

The following votes were taken:

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| McGill | Aye |
| St. Martin | Aye |
| Boosalis | Aye |
| Ramsay | Aye |

ITEM 1: Waste Management Recycling Service Contract Renewal.

This was a continuation of the discussion from the August meeting. The City has received quotes from three Recyclers, Waste Management, Gene’s and Tennis. The low quote came from Waste Management. After further discussions, Mayor McGill moved to accept the proposal from Waste Management on a five-year basis, with certain changes to be made to the Contract by Attorney Copeland, which must be acceptable to Waste Management, including a list of items to be accepted for recycling. The motion was seconded by Ramsay and approved unanimously.

Mr. Copeland will draft a revised Agreement and submit it to Waste Management for approval.

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| McGill | Aye |
| St. Martin | Aye |
| Boosalis | Aye |
| Ramsay | Aye |

ITEM 2: Moratorium.

City Planner Nate Sparks described the nature of the Moratorium and why it is needed at this time. He had earlier submitted a proposed Resolution No. 2022-02.

Mr. Copeland stated that he has reviewed the Resolution and agrees that the City should adopt it. Sparks noted that the City needs to conduct a study to determine what changes need to be made to current City Ordinances in order to implement the density requirements of the Met Council. The time frame for doing so could be two months, but the Moratorium is in effect for one year unless terminated sooner. During the effective period of the Moratorium, the City will not accept Applications for Land Use Requests except for Variances.

Upon Motion by McGill, second by Boosalis, the Council resolved unanimously to enact Ordinance Number 2022-02 with the change to reflect that it terminates on September 13, 2023, unless terminated sooner by the City Council.

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| McGill | Aye |
| St. Martin | Aye |
| Boosalis | Aye |
| Ramsay | Aye |

Item 3: Drone Ordinance.

Questions were raised as to the provisions prohibiting surveillance capabilities on any drones. Mr. Copeland will review the proposed Ordinance to determine what revisions, if any, are appropriate. This matter was tabled to the October Council meeting, with no objections.

The following votes were taken.

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| McGill | Aye |
| St. Martin | Aye |
| Boosalis | Aye |
| Ramsay | Aye |

Item 4: License Plate Readers.

There was considerable discussion regarding how the requirements of the Minnesota Data Practices Act apply to data collected by the License Plate Readers (LPR). Taylor May and David Tindall of Rekor explained how such data is stored by Rekor. It is currently stored for 90 days but could be stored for such period of time as may be required by the Act.

Boosalis stated that he believes the expenses associated with the implementation of the camera system can be paid from ARPA funds.

Mr. Copeland stated that he will forward to the Council Members a list of uses to which ARPA funds may be applied, which list was generated by the U.S. Treasury. He also noted that City Treasurer Brian Beich has expressed concerns about the use of funds for LPRs.

Clerk Holstad stated that he had sent out earlier today a memo regarding that question.

McGill stated that the Council needs to have further input regarding the applicability of the Data Practices Act and the availability of ARPA funds for such use.

Boosalis stated that he would work on this with Copeland and Holstad and discuss it with City Officials at the City of Fridley, which has implemented the system there.

Treasurer Beich will be included in such discussions.

St. Martin noted that the City of St. Mary's Point has adopted the system and is more in line with the size of Dellwood.

David Tindall stated that the collection and retention of data can match any and all requirements of the Data Practices Act.

This matter was tabled to such time as Mr. Boosalis wishes to bring it back to the Council.

The following votes were taken:

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| McGill | Aye |
| St. Martin | Aye |
| Boosalis | Aye |
| Ramsay | Aye |

Item 5: Budget Resolution for year 2023.

Joel Holstad stated that the proposed Resolution fixes the amount of the 2023 Budget only with respect to the maximum. The total budget may be reduced but not increased hereafter.

Expenses associated with License Plate Readers have not been budgeted but may be paid through ARPA funds.

St. Martin moved to adopt the Budget Resolution at this time. Ramsay seconded, and the Council resolved to adopt Resolution 2022-07, as submitted.

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| McGill | Aye |
| St. Martin | Aye |
| Boosalis | Aye |
| Ramsay | Aye |

Item 6: Police Contract / Fire Contract.

St. Martin stated that he, Clerk Holstad and Attorney Copeland had met with Officers of the Washington County Sheriff's Department to discuss the City's expectations for public services.

Copeland stated that the current Contract covers Dellwood as well as Mahtomedi, Willernie and Birchwood. To make changes to the Contract would require the consent of those Cities. He believes the meeting served to inform the Sheriff's Office to the concerns we have about speeding on Highways 244 and 96 and parking issues on Highway 96. He believes the Sheriff will cooperate with the City's requests for periodic stationary speed monitoring on the highways and response to parking complaints. The monthly ICR Reports already appear to have been changed to describe in more detail the incidents reported in Dellwood.

St. Martin stated that he had met with the Fire Chief and other Officials at the City of White Bear Lake and noted that the Chief is willing to come to a Dellwood Council meeting if so requested. The WBL Fire and Rescue Department has transitioned from volunteer to a paid staff.

Inspections to be performed by the WBL Fire Department include Golf Clubs, the Orchard and the Winery, all of which are high volume facilities. He noted that the costs of such inspections can be charged back to those entities.

Ramsey noted the good work of former Council Member Frank Pazlar in re-negotiating a satisfactory Contract with the Washington County Sheriff. He believes a 12% increase in the Contract Fee is reasonable.

St. Martin noted that real property values in the City have skyrocketed.

Clerk Holstad stated that he is quite impressed with the average EMT response time of six minutes.

(At this point, Mr. Boosalis had to leave the meeting. He stated that he would attempt to talk with the person in the Legislature who authorized the appropriation bill for the recreational trail to determine if the bill can be amended to allow the City to transfer funds to MNDOT for trail purposes).

Item 7: Street Improvement Bonding Issues.

City Engineer Cara Geheren provide a power point presentation and a memo.

Bolton Menk has submitted a proposal for completion of any design work to reconstruct, rather than reclaim certain City Streets. She noted that many streets are quite old and have deteriorated to the point where repairs are no longer sufficient.

McGill and Ramsay each stated that many roadways are failing and the City has no options at this point.

Cara is asking for approval of Bolton Menks' proposal for design work at a cost of \$139,000. This expense is not in the 2023 Budget Resolution.

McGill stated that this cost can be paid from cash reserves and reimbursed to the City from bond issue proceeds. Cash reserves are in the form of C/Ds in the Bank and earmarked for road improvements. Funds earlier budgeted for seal coating and crack sealing will not be used and can be allocated to street construction.

Ramsay moved to approve the proposal of Bolton Menk for the design work phase of street improvements.

St. Martin seconded, and the Motion was unanimously approved.

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| McGill | Aye |
| St. Martin | Aye |
| Boosalis | Aye |
| Ramsay | Aye |

Claims and Receipts List: August 2022.

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

St. Martin moved to approve the Claims and Receipts List for the Month of August 2022, McGill seconded. The Council resolved unanimously to approve the List as submitted.

The following votes were taken:

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| McGill | Aye |
| St. Martin | Aye |
| Ramsay | Aye |

Boosalis had left the meeting.

Reports of Commissioners:

McGill reported 18 remodel permits for new roofs.

Ramsay reported issues with trees on Apple Orchard Road, including power outages and fires. He has discussed these with Ken Johnson and will get an estimate from WoodChuck for trimming and removal work to be done.

There being no further business, Ramsay moved to adjourn, St. Martin seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 7:10 p.m., and the following votes were taken:

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| McGill | Aye |
| St. Martin | Aye |
| Ramsay | Aye |
| Boosalis | had left the meeting |

Respectfully submitted,

Joel Holstad Dellwood City Clerk / Administrator