

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
OCTOBER 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 October 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 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 the perceived lingering effects of the virus.

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. Members of the public were able to participate in the meeting and were able to hear all discussions.

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

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

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

Others present were: John Carr, Fran Miron, Andrew Giesen, Dennis Lindeke 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:

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

Minutes of the September City Council Meeting were reviewed. Upon Motion by McGill, Second by St. Martin, the Minutes of the September Council meeting were approved as submitted with the following changes: In item 7, it should read Bolton Menk on the second line.

The following votes were taken:

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

ITEM 1: Remote Meetings.

City Clerk Joel Holstad stated that the City of Willernie has no objections at this time to use its building for in-person meetings. There are still concerns about the continuing spread of the virus. He stated that the November and December City Council Meetings would be held remotely by way of Zoom. In-person meetings will resume in January.

McGill moved to approve virtual meetings in November and December 2022 and resume in-person meetings in January 2023. Christopherson seconded the motion and the following votes were taken:

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

ITEM 2: Recycle Contract.

Mr. Copeland stated that he drafted a proposed renewal contract with Waste Management and sent it on to the Company’s representative. The last communication from Waste Management was that the draft had been referred to its Attorneys for review. He asked that the matter be tabled to the November Council Meeting. Upon motion by McGill, second by Boosalis, the matter was tabled to the November Council Meeting.

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

Item 3: Police / Fire Contract

Scott St. Martin remarked that he is satisfied with the proposed renewal contracts. He noted that he, Joel and Mr. Copeland had a good productive meeting with the Sheriff’s Office, and that recent ICR Reports are much more informative. He noted that the Sheriff has now resumed periodic radar speed monitoring in the City.

He also noted that the renewal Contract with WBL Fire Department appears to be in good order and that he is recommending that both Police and Fire Contracts be approved. Upon motion by McGill, second by St. Martin, the Council voted unanimously to approve the renewal Police Services Contract with the Washington County Sheriff.

The following votes were taken.

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

Upon motion by St. Martin, second by Christopherson, the extension of the Fire & Rescue Services Contract with the City of White Bear Lake was approved unanimously.

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

Item 4: Drone Ordinance.

Mr. Copeland explained that the proposed Ordinance prohibits use of drones except on the Operators own property with a few stated exceptions. It does not address commercial delivery by drone of goods and merchandise. He is recommending that the proposed Ordinance be enacted at this time, and if necessary the City can address any changes relating to delivery issues in the future. On motion by McGill, second by Ramsay, the Council resolved unanimously to enact Ordinance Number 2022- ____, as submitted.

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

Item 5: Sign Ordinance.

Mr. Copeland explained the provisions of the proposed new Sign Ordinance, which basically prohibits all off-site signs with a few exceptions for safety related reasons. The Ordinance would include off-site real estate sale signs, open house directional “arrow” signs, as well as all commercial signs including garage sale signs.

He noted that signs placed within the right-of-way of any State Highway are prohibited by State law, including campaign signs. This Ordinance likewise prohibits placement of signs within City Streets or public property. Council Members expressed concerns about inability of residents to place off-site signs for garage sales and the like. They are looking for a middle ground of some kind.

After much discussion, the Council voted unanimously to table this matter and to instruct Mr. Copeland and City Planner Sparks to work on a reasonable alternative to a total ban on off-site signs if possible, which will comply with legal requirements.

On motion by McGill, second by Boosalis, this matter was tabled to a future Council meeting for purposes of allowing Mr. Copeland and Mr. Sparks to explore the possibilities of reaching a middle ground of sorts, with regard to posting off-site “for sale” signs.

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

Item 6: License Plate Readers.

Boosalis explained that the primary objective of the License Plate Readers was the safety and protection of the Citizens of Dellwood and the deterrence of crime within the City. He has talked with Officials of the City of Fridley, which has adopted a policy on License Plate Readers. He spoke of the data collected re: persons entering the City. The purpose is not to issue citations. This data is valuable in the event of a significant violation of laws in the City and would be helpful to Sheriff’s investigations.

Collected data must be purged within a reasonable time, say 30 to 60 days. All data is subject to the Minnesota Data Practices Policy. One unresolved question is whether the City is authorized to use ARPA funds for this project. Boosalis believes it is allowed and that many Cities are doing so.

He stated that more information and input is necessary. He will have an update at the November meeting.

Item 7: Flags on Dellwood Avenue.

Mr. Holstad stated that in the past, utility poles in the City had brackets in which flags could be placed on holidays such as July 4th, Memorial Day, etc. Some poles and brackets are in need of restoration, which can be done at a cost to the City of \$670. St. Martin moved that the City approve the expenditure of \$670 to cover the cost of restoration. Boosalis seconded, the Council voted unanimously to approve the motion.

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

Item 8: Data Practices Act.

Mr. Copeland explained that every City is required to comply with the Minnesota Data Practices Act. He has looked at old City records and found that the City is no longer in compliance. A proposed Resolution has been drafted to appoint the City Clerk, as the City’s designated Responsible Authority and Compliance Official under the Act, and to adopt an updated Data Practices Policy with Official Data Request forms.

On motion by Boosalis, second by Christopherson, the Council voted to approve Resolution 2022-____, appointing Joel Holstad as the Responsible Authority and Compliance Official for the City of Dellwood under the Minnesota Data Practices Act, and adopting the Data Practice Policy of the City.

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

(copies of the official Data Request Forms are attached to these Minutes.

Item 9: Ehlers Bond Repayment Estimates.

Treasurer Brian Beich and City Engineer Cara Geheren explained the options for the potential scope and market rates for bonding of the 2023 Street Reconstruction Project. A copy of Ehlers and Associates sample Bond Repayment Terms is attached to these Minutes.

Item 10: Engineer’s Update and Highway 96 Transfer.

Cara Geheren reported that initial surveying should have already begun. She will be sending an informational letter to affected homeowners.

The City will have the opportunity to participate in discussions relative to the turn-back of Highway 96 to the County. An Advisory Committee will be formed likely in 2025 consisting of representatives from the County and affected Cities and Towns. Safety issues, speed concerns in Dellwood will be addressed at that time, or earlier. She recommended that the City make its concerns known to the County early on, prior to 2025. She noted that we have heard nothing new from MNDOT about Highway 244. She has been contacted by a resident on 244 and she will return the call.

Fran Miron of the Washington County Board and Andrew Geison, Washington County Project Manager, were present to discuss the Highway 96 turnback to the County. They presented a visual describing the various types of roads and the primary function of each type. Jurisdictional ownership of a roadway is generally determined by its usage, high volume being State ownership, medium by the County and low by the City or Town. This Fall, County operations will commence and continue in 2023. A study for future improvements to Highway 96 will be made in 2025, including issues related to pavement,

drainage, recreational trail, and safety. The County will require the State to conduct a speed study to determine speed limits on Highway 96. The City of Dellwood will participate in such discussions. McGill noted that there are several places in Dellwood which present safety issues for drivers attempting to enter Highway 96, and that speed limit of 45 mph is not a safe speed in those areas.

Claims and Receipts List: September 2022.

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

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

The following votes were taken:

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

Reports of Commissioners:

McGill reported 12 new building permits.

Ramsay reported that trees overhanging Apple Orchard Road are being trimmed. The estimate from Woodchuck is \$4800.

Electronic speed reading signs are in the process of being installed. They require a concrete footing. It was suggested that permanent installation be delayed pending completion of street improvements to Apple Orchard Road.

Ramsay reported that Xcel Energy does not participate in trimming of trees which do not threaten their equipment.

Dennis Lindeke inquired as to whether the County can assist the City in funding for the recreational trail on Highway 244.

Boosalis reported that he has contacted State Senator Wiger to determine if the funds appropriated to Dellwood for a trail on Highway 244 can be re-directed to MNDOT. Wiger asked him to wait until after the election since Wiger is not running for re-election.

There being no further business, Ramsay moved to adjourn, Christopherson seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 7:16 p.m., and the following votes were taken:

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

Respectfully submitted,

Joel Holstad Dellwood City Clerk / Administrator