

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
NOVEMBER 7, 2022**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on November 7, 2022.

The Dellwood City Council held its meeting on Monday November 7, 2022, upon due notice given. The regular meeting date of November 8th was not available due to the mid-term election. 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 5:32 p.m. Councilpersons – Greg Boosalis and Deb Christopherson were present. Absent were St. Martin and Ramsay and City Engineer Cara Geheren. Also present were City Clerk Joel Holstad, City Attorney Richard Copeland, City Planner Nate Sparks, and City Treasurer Brian Beich.

Others present were: Ryan Nutter and Kevin Hart.

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

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

The following votes were taken:

McGill	Aye
Boosalis	Aye
Christopherson	Aye

Minutes of the October City Council Meeting were reviewed. Upon Motion by Christopherson, second by McGill, the Minutes of the October Council meeting were approved as submitted.

The following votes were taken:

McGill	Aye
Boosalis	Aye
Christopherson	Aye

ITEM 1: Waste Management Contract.

Clerk Holstad stated that Waste Management has in effect an auto pay arrangement whereby it can charge the City’s bank account at any time. Mr. Holstad was instructed to take steps to revoke the auto-pay provision immediately.

Copeland explained that he has not been able to arrive at any acceptable renewed Contract with Waste Management. He did submit a proposed draft to Waste Management, which for the most part was declined by Waste Management with no comments. In Mr. Copeland’s opinion, the Waste Management proposal is not workable for the City of Dellwood in several regards. He will make further attempts to negotiate with Waste Management and report to the Council prior to its December meeting. In the meantime, he recommended that the City continue to pay Waste Management for recycling services at Waste Management’s rate scale shown in its proposed renewal Contract, starting as of the month of June 2022.

Upon Motion by McGill, second by Boosalis, the Council resolved to continue payments to Waste Management according to its June 2022 proposal while Contract negotiations are carried out.

McGill Aye
Boosalis Aye
Christopherson Aye

ITEM 2: LMCIT Insurance.

On motion by Boosalis, seconded by Christopherson, the Council voted to instruct League of Minnesota Cities Insurance Trust that the City of Dellwood does not waive the Statutory Monetary Liability Limits provided by Minnesota Statutes.

McGill Aye
Boosalis Aye
Christopherson Aye

Item 3: Emergency Vehicle Passage between Doral Road and Apple Orchard Court.

Ryan Nutter described the situation on this “roadway”, which is restricted to use by emergency vehicles only. He stated that multiple private and corporate vehicles are using this pathway for access to and from the Apple Orchard. He has put cones and chains in place which have been of no effect. The area is clearly marked for Emergency Vehicle Use Only, but something more needs to be done to prevent this type of traffic.

Mayor McGill proposed that Road Commissioner Ramsay and Road Maintenance Contractor Ken Johnson look into this situation and make recommendations. The City has the authority to close a street from public travel, and that was done many years ago.

The Council Members agreed to have Mr. Ramsay and Mr. Johnson together inspect this area and report to the Council as to what measures should be taken to prevent use by the public.

The following votes were taken.

McGill Aye
Boosalis Aye
Christopherson Aye

Item 4: Engineer Discussion.

Engineer discussion has been removed from the Agenda at the request of Cara Geheren.

Item 5: Extension of Building Permit at 53 Peninsula Road.

The property owner Kevin Hart, applied for, paid for, and received a Building Permit over six months ago. Due to COVID 19 issues and other problems, he was unable to start work within the six month period imposed by the State Building Code. He was not aware of the 6 month restriction.

Mr. Hart stated that nothing has changed since the Permit was issued.

McGill noted that it is necessary for the City to inspect the property to determine that the original Permit is still applicable without the need for additions or changes. The City has to adhere to its Ordinance and be careful about setting a precedence.

McGill moved to approve an extension of the Permit for an additional six months upon payment by Mr. Hart of an inspection fee equal to 20% of the initial fee.

Mr. Hart was agreeable to that and could see that the work is started within six months.

Christopherson seconded the motion and the Council voted unanimously to approve an extension of the Building Permit for a period of six months with no changes except any which are required by the property re-inspection, and that a re-inspection fee be required in an amount equal to 20% of the original Permit Fee. Further, that Inspector Jack Kramer, establish a date by which the project must be completed.

McGill Aye
Boosalis Aye
Christopherson Aye

Claims and Receipts List: September 2022.

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

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

The following votes were taken: McGill Aye
 Boosalis Aye
 Christopherson Aye

Reports of Commissioners:

Boosalis reported that he had contact with Washington County Commissioner Fran Myron regarding any possible assistance the County may be able to provide to Dellwood regarding a recreational trail along Highway 244. Mr. Myron is exploring options in that regard. He did express his feeling that it may not be fair to burden Dellwood. The County is not interested in assuming ownership of 244, but is willing to assist in some way.

Boosalis also reported that he has received emails from Mike Brooks of the Lake Links Trail Association seeking permission to make comments or representations about the trail on behalf of Dellwood.

Boosalis stated that he advised Mr. Brooks that he would not speak on behalf of Dellwood regarding the proposed trail.

There being no further business, McGill moved to adjourn, Boosalis seconded. The Council Members voted unanimously by roll-call to adjourn the meeting at 6:27 p.m., and the following votes were taken:

McGill Aye
Boosalis Aye
Christopherson Aye

Respectfully submitted,

Joel Holstad Dellwood City Clerk / Administrator