

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
JANUARY 10, 2023**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on January 10, 2023.

The regular meeting of the Council of the City of Dellwood was held in-person on January 10, 2023 in the City Offices at 111 Wildwood Road, Willernie, MN.

Present: Mayor Mike McGill called the meeting to order at 5:32 p.m.

Councilpersons – Scott St. Martin, Greg Boosalis, Brady Ramsay and Deb Christopherson were present. Also present were City Clerk Joel Holstad, City Attorney Richard Copeland, City Planner Nate Sparks attended by Zoom, and City Treasurer Brian Beich.

Others present were: John Carr of Lake Links Trail Association, State Representative Patti Anderson and WCSO Deputy Ryan Cornyea.

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

Mayor McGill called upon Deputy Cornyea who proceeded to introduce himself as the new Liaison Officer for Dellwood.

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

The following votes were taken:

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

Minutes of the December City Council Meeting were reviewed. Upon Motion by Boosalis, second by Christopherson, the Minutes of the December Council meeting were approved as submitted with a change in the second paragraph at page 1 to correct the date of the meeting to December 13, 2022.

The following votes were taken:

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

ITEM 1: Recycle Contract Update:

Mr. Copeland stated that at the December Council meeting he was instructed to continue negotiations with Waste Management regarding the renewal of its prior contract. He explained that he had emailed a message to Jason Hartman, the Representative of Waste Management, asking him to contact Mr. Copeland to discuss the matter. He received no response. He then contacted Mr. Hartman by telephone, and Mr. Hartman stated he was on another call and would call back shortly. Mr. Hartman

did not return the call. Later, Mr. Copeland sent another email to Mr. Hartman again asking that he contact Mr. Copeland for the purpose of discussing the terms of a renewal contract with Waste Management. Again, Mr. Hartman failed to respond, and no discussions have been had. Clerk Holstad and Councilman St. Martin remarked about the services of Waste Management. Mayor McGill stated that it appeared that Waste management is no longer interested in contracting with Dellwood. Clerk Holstad stated that he has had conversations with Gene's Disposal regarding recycling services. Gene's appears to be ready and willing to enter into a contract with Dellwood and could commence services by April 1st.

Upon motion by Ramsay, seconded by McGill, the Council resolved unanimously to have Mr. Copeland negotiate a recycling services contract with Gene's Disposal in the form and content of the proposed contract Mr. Copeland had earlier presented to Waste Management in its request for a renewed contract. Mr. Copeland is to report on the matter at the February Council meeting.

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

ITEM 2: Temporary Gambling Permit.

This is an application for a one-day permit to allow Children's Health Care Foundation to conduct a raffle at WBYC on June 5, 2023. Mr. Copeland stated that he found the Application to be in good order, except that the City needs to have confirmation that the Applicants Tax Exempt charitable organization status is currently in effect. The letter from IRS determining that the Applicant is tax exempt by reason of it being a public charity is dated December 28, 2005. The City needs to have written confirmation from the Applicant that such status with IRS is still in full force and effect as of the date of the Application filed with the City.

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

Item 3: Lake Links Trail Update

Mr. Boosalis presented material showing the estimated costs prepared by Washington County for the City to construct a public recreational trail within the right-of-way of Highway 244, in the event that Highway 244 is turned back to the City by MNDOT. There have been increases since the initial estimates given by WSB. There is a significant gap between the funds appropriated to Dellwood for trail purposes in the sum of 2.6 million. In his opinion the gap is too large for the City to accept. St. Martin agreed. Boosalis presented a proposed Resolution for the City Council's consideration, a copy of which is attached to these Minutes. The Resolution is for the purpose of stating the City's position regarding its involvement with any trail to be constructed within the City.

Copeland raised questions concerning the letter from MNDOT addressed to the City Engineer dated July 21, 2022, wherein Adam Josephson, MNDOT Metro East Area Manager, stated that the funds appropriated to Dellwood came from General Obligation Bonds of the State, and that such funds cannot be used for improvements to Trunk Highway 244. Widening of the shoulder to accommodate a public trail would be deemed to be a highway improvement and therefore not an eligible use for General Obligation Bond funding.

The Appropriation Bill would have to be revised to consist of funds from Trunk Highway Bonds which is the correct source for Highway improvements such as widening of the shoulders. The description of the trail approved by the Appropriation Bill does not mention use of funds for highway improvements. The consensus of the Council was that no trail could be constructed within the right-of-way of Highway 244 so long as the State remains to be the owner, without a revision to the Appropriation Bill to appropriate funds to the City by way of Trunk Highway Bonds.

It was noted that the City has not committed to expending City funds for trail purposes and will not exercise eminent domain proceedings to acquire private property for trail purposes.

Upon motion by St. Martin, second by Boosalis, the Council resolved unanimously to approve the adoption of Resolution Number 2023-1. John Carr accepted copies of the Resolution to be provided to Washington County and MDOT.

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

At this point, Mayor McGill called upon Patti Anderson who wished to introduce herself as the State Representative for the City of Dellwood. She stated that she has served on municipal boards and councils in the past and is aware of the problems facing the City with regard to the public trail, including the safety issues. She stated that her office is always available to assist the City in any way possible. St. Martin stated that avid bikers will not use the trail but will continue to ride on the roadway. He personally could not vote to approve any trail which would cross over Highway 244. He also remarked that lower speed limits should be required in the event any public trail is placed with or alongside the travelled portions of Highway 244 and County Highway 96.

Boosalis and John Carr stated that they will brief Ms. Anderson regarding the actions taking place in connection with a trail in Dellwood.

At this point, Clerk Holstad stated that he has been in conversations regarding the watering ban to become effective should the elevation of White Bear Lake fall below a stated point. People seem to agree that the 5-mile radius from the lake, which is the area within which all wells would be affected is an arbitrary figure, which may be revised downward.

Item 4: Banking Relationships:

Clerk Holstad is recommending that the City Council consider using First Resource and/or Premier Bank for its banking services. He is recommending using Premier Bank for C/D's. the reason for splitting funds into two separate banks is related to FDIC dollar limits and the need to protect City funds. He can report further at the February meeting.

Upon motion by St. Martin, second by McGill, this matter was tabled to the February Council meeting, and the Mayor's appointment list will temporarily remain open as to the City's Official Bank. The designation of Midwest One as the City's Bank will be temporarily deleted pending further action at the February meeting.

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

Item 5: Appointment List.

The Mayor’s proposed appointments for year 2023 was reviewed and approved unanimously. Upon motion by St. Martin, seconded by Ramsay, with the exception of the removal of Midwest One and leaving the designation of the Office City Bank temporarily open.

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

Claims and Receipts List: December 2022.

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

On motion by Boosalis, second by Christopherson, the Council approved the Claims and Receipts List as submitted.

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

Reports of Commissioners:

Ramsay reported that Apple Orchard Road has been cleared of overhanging branches from Highway 96 to the Railroad tracks.

McGill reported 4 Building Permits, being 1 remodel, 2 roofing, and 1 solar panel.

St. Martin reported no significant issues with the Fire and Rescue Services contract with the City of White Bar Lake.

Treasurer Beich stated that he does not have the updated report on City Bank balances but will send it out shortly.

Copeland discussed briefly the ability of the City to hold Council meetings, Planning Commission meetings and other public meetings by way of remote interactive television such as Zoom. He stated that in his opinion, such meetings cannot be held in the absence of the existence of all conditions required by State Law. There are specific requirements set forth in the applicable Statute for attendance by Council members and Planning Commission members. It is the intention of the law that all Council members and Planning Commission members be present in-person and not remotely except under one of the exceptions stated in the Statute. In his opinion, the purpose of the law is to assure that all such meetings are open and accessible to the public in all respects. The term “public” is to mean the residents of the City and others who may have an interest in the City’s affairs, and not members of the public in general who may reside in remote locations and have no interest in the affairs of the City of Dellwood. For instance, when the Statute allows a Council member to attend from a remote location, which location must be open and accessible by the public, that does not mean that a Council member can attend remotely from a public location, say in Florida, Mexico, etc. That would not be in keeping with the intent of the Open Meeting Law. He suggested that the City Clerk submit the question to the League of Cities.

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 6:40 p.m., and the following votes were taken:

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

Respectfully submitted,

Joel Holstad Dellwood City Clerk / Administrator