

MINUTES OF MEETING - DELLWOOD CITY COUNCIL
December 12, 2023

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on December 12, 2023.

Present: Mayor Mike McGill called the meeting to order at 5:30 p.m. This meeting was held in-person with non-council members allowed to attend by remote means.

Councilpersons attending in-person were Brady Ramsay and Greg Boosalis. Council member Scott St. Martin Deb Christopherson were absent. City Staff members attending in person were City Clerk Joel Holstad, City Planner Nate Sparks, City Treasurer Brian Beich, City Attorney Richard W. Copeland and Brian Humpal, City Septic Inspector. Others present in person were: John Carr of LLTA and Mark Wisniewski 44 Dellwood Ave.

Mayor McGill asked if anyone was present for public comment: No one was present for public comments.

Mayor McGill noted that item No. 1 on the Agenda has been removed as Cara Geheren was unable to attend.

Agenda: Upon motion by Boosalis, second by Ramsay, the Agenda for this meeting was unanimously approved with the deletion of Item 1.

November Council Minutes. Upon motion by McGill, second by Boosalis, the Minutes of the November 14, 2023, City Council Minutes were unanimously approved, with a typo under item 2, second line "property" corrected to read proper.

ITEM 2: Budget Hearing.

Mayor McGill opened the Public Hearing on the 2024 Budget at 6:30 p.m. there were no people present in connection with this item. Treasurer Beich explained that no changes have been made to the previously approved Budget except for a reduction of approximately \$4000.00. Upon motion by McGill, second by Boosalis, the 2024 Budget was unanimously approved as presented and approved at the December 7, 2023, Council meeting.

ITEM 3: Dog Ordinance.

Mr. Copeland explained that in light of some problems the City encountered in connection with a prior dog bite case, he has drafted a new proposed Ordinance with accompanying forms to address Dangerous Dogs and Potentially Dangerous Dogs. The purpose of this revision is to clarify the procedure to be followed and the meaning of certain terms on the previous regulations. The meaning of the word "killed" is defined to include the situation where a dog has inflicted such serious damage to another dog that the injured animal has been later euthanized at the recommendation of a licensed Doctor of Veterinary Medicine. The meaning of the word "provoked" is defined to clarify the situation where a person attempts to intervene in a dog fight with the intent to prevent harm to an animal or human and the person suffers a dog bite, that act by itself does not constitute "provocation" on the part of the intervening person. Also, the fact that such person is bitten by one or more of the dogs in the fight during his/her attempt to separate the dogs, does not by itself render the dog, or dogs, Dangerous or Potentially Dangerous.

The changes also clarify that the Washington County Sheriff's Department is the designated Animal Control Authority for purposes of designating a dog to be "Dangerous" or "Potentially Dangerous". The Council decided to table this item to the January 2024 Council meeting.

ITEM 4: 245 Dwinnell Avenue.

Mr. Copeland and Clerk Holstad explained that the resident at 245 Dwinnell decided to be a Dellwood resident. Currently, the property is considered to have a Mahtomedi address. The dividing line between Dellwood and Mahtomedi bisects the house.

Holstad has talked with Mahtomedi officials and its City Attorney told him that she would draw up the documents to make it happen.

Copeland remarked that the procedure is called a Concurrent Detachment and Annexation process which the Minnesota Municipal Commission will approve with the consent of each City. This will require a Resolution by each City's Council. Acquisition of this parcel would appear to be a benefit to Dellwood as the City already inspects and monitors the septic system and maintains part of Dwinnell Avenue. Property taxes payable to Dellwood would increase significantly.

ITEM 5: Adopt Code Book.

Mr. Copeland is asking that the amendments to the Zoning and Subdivision Ordinances which were recommended by Nate Sparks and approved by the Council earlier be formally completed. The Council approved publication of a Summary of the Ordinance, but it appears that no publication had been done. In order to make the Ordinance effective, publication of the Summary is necessary.

Nate Sparks will bring this matter back to the Council in January.

ITEM 6: Resolution under M.S. 272.12, subd. 3(b).

That Statute allows a City to opt to be notified by the County Recorder of any deed presented to that office which appears to create a subdivision of land which does not conform to the City's land use regulations, such as minimum lot size. Filing this Resolution with the County Recorder would assure the City will receive notice of any such deed being presented for recording and give the City the opportunity to respond by way of approval or disapproval. This is essential to protect the City's Zoning and Subdivision Ordinances.

On motion by McGill, second by Ramsay the Council resolved to approve the proposed Resolution as presented, and authorized Mayor McGill and Clerk Holstead to sign the same and to see that it is filed in the Washington County Recorder's Office and Registrar of Titles offices.

Item 7: Septic Update.

Brian Humpal presented his report of the annual review of all septic systems in the City. He has not been getting more reports from many pumpers and has a tracking system for determining maintenance requirements. He states that the City is in good shape regarding its septic system overall.

Copeland stated that there is a disconnect between the requirements of the Septic Sewer Ordinance and actual practice. The Ordinance requires full-blown Compliance Inspection of every system prior to the transfer of any real property. However, there is no process in place by the City is to be notified of any pending sale or transfer.

Many transfers may be taking place without the required Compliance Inspection. The parties to the transaction simply ignore this Ordinance by ignorance or on purpose to avoid an unfavorable result. The County Recorder is not obligated to notify the City that a deed has been offered for recording which may result in a transfer of property without a Compliance Inspection.

There is no exemption to the Ordinance requirement except for systems which have been completed within the past five years. The parties to the sale/transfer cannot agree to waive the inspection.