



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
November 1, 2016
7:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting Minutes from October 11, 2016* (pages 2-6)
- B. Approval of Regular Meeting Minutes from September 13, 2016* (pages 7-14)
- C. Approval of Special Meeting Minutes September 7, 2016* (pages 15-16)
- D. Approval of Treasurer's Report* (pages 17-25)

CITY BUSINESS – REGULAR AGENDA

- A. Patty Wetterling Presentation
- B. Resolution 2016-12, Accepting the Resignation of Current City Administrator Mike Anderson and Naming Current City Treasurer Tobin Lay as City Administrator* (pages 26-27)

ADJOURN

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
October 11, 2016**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council members: Kevin Woolstencroft, Mark Anderson Randy LaFoy and Bill Hullsiek.

STAFF PRESENT: Mike Anderson, City Administrator; John Manship, City Water.

OTHERS PRESENT: Bryan McGinnis, James Nelson, Gene Ruehle, Susan Mahoney, Mike Evangelist, Lynn Hanson, and others.

Mayor Wingfield called the regular meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

AGENDA APPROVAL:

Mayor Wingfield: Added 1) Roads Committee, 2) Manship / water supply issue / joint powers agreement.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER ANDERSON TO APPROVE THE AGENDA AS AMENDED. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM:

Bryan McGinnis (194 Wildwood): He requested Council take action on possible violations of zoning code 302.055 – land disturbance activity standard. He pointed out 3 examples of properties he thought were in violations but believed that this code was not being adequately enforced in general. The three properties he gave as examples were 433 Lake, 232 Wildwood, and 369 Wildwood.

Mayor Wingfield & Council Members: Discussed the properties in question and said that they were aware of the problems at each and had already been working to correct them.

James Nelson (256 Wildwood): He added to the comments made by the previous resident, saying that there remains a lot of sand and silt on the roads. He guessed that 90% of the silt problem originates from 232 Wildwood but pointed out that there are other problems throughout the City that need to be addressed that add to this problem. The overflow water drain behind City Hall, for example, is ineffective and should be excavated. He suggested Council resolve this problem with a committee modeled after the Roads Committee who would use the Dock Ass'n funds. Funds from the Dock Ass'n should be used for projects like this that help save the lake and not for unrelated projects like Music-in-the-Park. He also thanked the Mayor and Council for running the City efficiently.

Mayor Wingfield: She said that Council was talking about ways to solve this silt problem, including collecting upfront clean-up fees from contractors working within the City.

Gene Ruehle (262 Wildwood): Agreed with comments from the other residents about the water basin problem.

Mayor Wingfield: Agreed that the storm sewer system is probably not a comprehensive one and it should be looked at from a big picture perspective.

Mayor Wingfield: She announced the upcoming leaf pick-up service. H&B will provide this service and will post signs throughout the City shortly. The pick-up will take place on two separate Mondays, two weeks apart, and the cost will be \$25 for a small pile, \$50 for a large pile, and huge piles will be determined on a case-by-case basis. There is also a \$2 fee charged to the City for this service.

John Manship: He updated Council on an incident that occurred the previous Saturday in Oakhill Court where someone had blown air into the City water system while blowing out an irrigation system. This is a contamination issue so he notified neighboring homes to flush their systems; he flushed the fire hydrants; and he notified the State Health Dept., which is testing the water. He said that this kind of mistake is extremely rare but potentially dangerous and the City should consider updating its Ordinances to establish a protocol for maintaining and inspecting irrigation systems. He spoke to the City of White Bear Lake and was told that an error of this kind in that City would lead to the contractor being banned from operating in the City. He suggested requiring the backflow preventer be installed inside the home, up-stream from any irrigation system and requiring the home owner or contractor to pay for violations to the ordinance/protocol. He said he would work with City Administrator Anderson to draw up recommendations. The current cost to the City for this error is between \$500-\$600.

He also informed the Council that he has spoken to the Public Works department of White Bear Township and recommends the City establishes a Joint-Powers Agreement with them to provide backup water maintenance in his absence. He currently sets up a backup whenever he will be unavailable but he thinks an agreement with the Township would be better for the City. He would continue to coordinate any need for backup.

Mayor Wingfield: She said she spoke with the homeowner where the irrigation problem occurred. The homeowner was apologetic for the error and accepted blame. She asked John to put together a rough amount that will be billed to the home owner, about \$500-\$600.

Councilmember Hullsiek: He suggested requiring a permit for having an irrigation system.

City Administrator Anderson: He created a draft joint powers agreement to use with White Bear Township but has not yet contacted the Township.

ANNOUNCEMENTS: Patty Wetterling will be speaking at the November 1 regular City Council meeting, which starts at 7:00 p.m. It will also be available online.

Elections will be held at City Hall on November 8 from 7 a.m. until 8 p.m.

CITY BUSINESS – CONSENT AGENDA

A. Approval of Regular Meeting Minutes from September 13, 2016.

Mayor Wingfield & Council Members: Identified several errors in the Minutes and asked that a revised version be presented at the next Council Meeting.

B. Approval of Special Meeting Minutes September 7, 2016.

Mayor Wingfield: Requested that errors in these Minutes also be corrected and a revised version be presented at the next Council Meeting.

C. Approval of Treasurer's Report

Mayor Wingfield & Council Members: Identified many problems with the financial report as prepared from the new version of CTAS and asked City Administrator Anderson what can be done to correct these problems.

City Administrator Anderson: Informed the Council that the City received an update to the CTAS program and was still working out all of the bugs. The upgrade was necessary as the old version was no longer supported by the State Auditor and was not compatible with year-end reporting procedures with the State.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE PAYMENT OF THE CITY'S BILLS. ALL AYES. MOTION PASSED.

CITY BUSINESS - REGULAR AGENDA

A. First Reading: Ordinance 302.045 and 302.070 (Fence language)

Administrator Anderson: He provided a summary of the recommended changes to Ordinance 302.045 and 302.070 that came out of the Joint Planning and Council Meeting.

Susan Mahoney (479 Lake Ave): She reiterated her concern as presented at a previous Council meeting, that posts should be defined as part of the fence guidelines and accordingly should not be taller than 72".

Mayor Wingfield & Council Members: Explained that the previous code was somewhat ambiguous as to fence posts. After consulting numerous outside sources, the Council determined that the standard practice in the industry and other Cities has been to not include posts in the fence guidelines.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER HULLSIEK TO APPROVE THE FIRST READING OF ORDINANCE 302.045 AND 302.070. ALL AYES. MOTION PASSED.

B. Dock Association: Mike Evangelist

Mike Evangelist & Lynn Hanson (Birchwood Dock Ass'n): They informed Council that the Dock Ass'n has decided to remove the docks within the following week; except Kay Dock, which was taken over by the City. They passed out the latest Dock Waiting List and explained the new lottery scheme as proposed by the Dock Ass'n that is meant to avoid problems like those that occurred this past summer. They also recommended Council update Ordinance 617.380 section 6 to allow longer boats at all of the City's beaches, not just at Birch. Because Birch is such a popular dock, the Ass'n has discussed possible dock reconfiguration in the future to allow more boats.

Mayor Wingfield & Council Members: They questioned Mr. Evangelist and Mr. Hanson further regarding Ass'n procedure, dock configurations, and removal of Kay Dock. They discussed the dock arrangements and identified errors in the Dock Permit application that was included in the packet. Councilmember Hullsiek will email the correct dock configuration and details from last year's permit application to City Administrator Anderson.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO SUBMIT THE CITY AND DOCK ASSOCIATION DOCK PERMIT APPLICATION TO THE WHITE BEAR LAKE CONSERVATION DISTRICT. ALL AYES. MOTION PASSED.

C. Council Member LaFoy Updates

a. Generator Decal

Councilmember LaFoy: He introduced details and cost estimates for putting photo decals on the Wildwood Park generator and showed samples.

Mayor Wingfield & Council Members: They discussed the details presented by Councilmember LaFoy and suggested additional options; including planting brush or installing a fence. The Council agreed to have Councilmember LaFoy research info regarding planting around the generator; LaFoy accepted.

b. AED Update

Councilmember LaFoy: He informed Council that Councilmember Anderson had offered to donate an AED machine for City Hall. The machine will need a new battery and pads, which he presented a quote for. He also recommended purchasing an AED cabinet that would be linked to White Bear Lake Fire Dept.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER HULLSIEK TO APPROVE THE QUOTE FOR \$671 AND PURCHASE OF MATERIALS USED TO UPDATE THE AED, AS DISCUSSED. ALL AYES. MOTION PASSED.

D. Wetterling Signs/Postings

Mayor Wingfield & Council Members: They discussed advertising measures being taken for the November 1 Wetterling presentation. Councilmember LaFoy will lend his A-Frame signs. City Administrator Anderson has posted it to the City website and will also have it published in the newspaper and post it on the City Hall bulletin board.

E. Noise Complaints

Mayor Wingfield: She said that the noise ordinance needs to be amended because as written, the Sheriff's Dept. has not been able to enforce the code in relation to several noise complaints received recently. She recommended that this be tabled until City Attorney Kantrud is in attendance.

F. Plaque for Jeffrey Lutz at Hockey Rink

Mayor Wingfield: She explained that some residents have requested to have a plaque made and installed in honor of Jeffrey Lutz, who has spent many hours teaching children at the Hockey Rink. Mr. Lutz passed away this past summer.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER ANDERSON TO APPROVE THE REIMBURSEMENT OF COSTS ASSOCIATED WITH THE CREATION OF THE JEFFERY LUTZ PLAQUE. ALL AYES. MOTION PASSED.

G. Special Revenue Account #210

Mayor Wingfield: She confirmed with City Administrator Anderson that payment of lift fees and boat fees are being sought and will be coming into the Special Revenue Account.

H. City Administrator's Report

AC Unit at City Hall

Administrator Anderson: He introduced new bids for replacing City Hall's AC Unit. He is still awaiting more quotes and will present those at the December Council meeting.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:06 P.M.

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
September 13, 2016**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council members: Kevin Woolstencroft, Mark Anderson Randy LaFoy and Bill Hullsiek.

STAFF PRESENT: Mike Anderson, City Administrator; Alan Kantrud, City Attorney; and Jack Kramer, Building Official

OTHERS PRESENT: Kathy Blegen-Huntley, Steve Schad, Megan Malvey, John Waller, Gene Ruehle, Doug Danks, James and Margie Nelson, and others.

Mayor Wingfield called the regular meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

AGENDA APPROVAL:

Mayor Wingfield: She informed those in attendance that Patty Wetterling, who was scheduled to speak at the meeting, would not be able to make it. She will reschedule her visit for a future City Council meeting - to be determined.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE AGENDA. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM:

John Waller (14010 Homestead Ave, Hugo MN): He is the manager of the Washington County Rice Creek Watershed. He invited a representative from the City to attend the Watershed meeting - time and date to be determined. To date, Birchwood has not been represented at these meetings.

Gene Ruehle (262 Wildwood Ave): He gave an update from the Road Committee. The Committee suggests converting part of Hall Ave into a walk path.

Mayor & Council Members: Would like to wait and analyze the effects of the new stop signs before approving additional safety measures.

ANNOUNCEMENTS: The Fall Plant Exchange will take place on September 24th at 10AM.

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Special Meeting Minutes July 26, 2016**
- B. Approval of Treasurer's Report**

C. Sheriff's Report

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE THE CONSENT AGENDA AS AMENDED. ALL AYES. MOTION PASSED.

D. Approval of Regular Meeting Minutes from July 12, August 17, 2016

Mayor Wingfield: She asked that the word "pervious *service*" on p. 8 be corrected to read "pervious surface." She also confirmed with Administrator Anderson how the leaf pickup will work this Fall. Anderson will contact H&B Services to confirm correct procedure for leaf pickup.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE JULY REGULAR MEETING MINUTES, AS DISCUSSED. ALL AYES. MOTION PASSED.

CITY BUSINESS - REGULAR AGENDA

A. Second Reading Safety Committee Ordinance

Administrator Anderson: He provided the procedural history of this ordinance.

Mayor Wingfield: Opened the floor to public hearing on this issue.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.

Mayor Wingfield: Invited Kathy Blegen-Huntley to stand and explain the proposed ordinance.

Kathy Blegen-Huntley: She further explained the intent for this ordinance and the effort that has been expended by the Safety Committee to make the ordinance fair and legally defensible.

Mayor and Council Members: Thanked the committee for their efforts.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE THE CODE AS PRESENTED BY THE SAFETY COMMITTEE. ALL AYES. MOTION PASSED.

Administrator Anderson: Presented the summary resolution for this code and made corrections per Council's instruction.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE SUMMARY RESOLUTION AS AMENDED. ALL AYES. MOTION PASSED.

B. Second Reading of Ordinance 605.043 and Striking Language 607.360 (Dogs in the Parks)

Mayor Wingfield: Opened the Public Hearing.

Mayor Wingfield: She provided a background on this issue stating that there have been issues with dogs at the beach and residents would like to see Kay beach off limits to dogs. She also mentioned that dogs can enter the other easements on a leash as well as Tighe Schmitz Park. Then she stated that having a safe zone at Kay beach for kids is necessary for parents to not have to worry about their kids being bitten or getting sick from feces in the sand. She then asked for a motion to close the Public Hearing.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.

Administrator Anderson: Presented the proposed ordinance language as approved by the Planning Commission. Commissioners voted to keep 605.043 as written, strike 607.360 altogether, and change the definition of restraint under 605.040 to mean "leashed."

Mayor and Council Members: Deliberated over the Planning Commission's recommendation and accepted the recommendation to strike 607.360 but not to change 605.040.

Mayor Wingfield: Informed the council she was content with striking 607.360 but would like to see Kay Beach off limits to pets. She explained that all other beaches in White Bear Lake had pets off limits where swimmers were present.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER LAFOY TO STRIKE 607.360 FROM CITY CODE. ALL AYES. MOTION PASSED.

Mayor Wingfield: Then brought into discussion 605.043 on allowing or not allowing dogs into Kay Beach.

Council Member Woolstencroft: Stated he would like to see dogs allowed in Kay Beach.

Mayor and Council Members: Discussed the language to 605.043 and remove Kay Beach and service dogs from the current language.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE CHANGES TO 605.043 AS DISCUSSED. FOUR AYES. MAYOR WINGFIELD OPPOSED. MOTION PASSED.

Mayor Wingfield: Requested Administrator Anderson publish the code as changed; no need to publish a summary.

C. Approval of Ordinance 2016-08-16: Opting Out of Temporary Family Health Care Dwellings

Attorney Kantrud: Provided background to this ordinance.

Mayor Wingfield: Opened the floor for public hearing on this issue.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.

Doug Danks: He explained that the Planning Commission agreed with opting out of this statute but also felt that the underlying intent of this statute was worth the City's attention to solving the problem in another way.

Mayor and Council Members: Agreed that they would support the Planning Commission looking into this issue further and find another solution.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO APPROVE THE ORDINANCE AS PROPOSED. ALL AYES. MOTION PASSED.

D. Patty Wetterling Presentation .

Mayor Wingfield: Explained the need to vote on a new November Council Meeting date due to the conflict with Election Day. She suggested holding Council Meeting on November 1 and offered to coordinate rescheduling Patty Wetterling. She also asked Administrator Anderson to publish the Wetterling visit on the City website and possibly in the White Bear Press newspaper.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER ANDERSON TO MOVE THE NOVEMBER COUNCIL MEETING TO NOVEMBER 1. ALL AYES. MOTION PASSED.

E. Resolution 2016-19, Establishing the Preliminary Levy Certification for the City's 2016 General Fund at \$326,299.

Mike Anderson: Explained the proposed Levy is consistent with previous years which the City has been operating at and sees no need to raise the Levy based on the cost the City needs to operate.

Mayor and Council Members: Deliberated potential programs that could increase the Levy but decided the budget had enough money for miscellaneous expenses to cover these programs. Any programs exceeding the budget will be funded through private donations.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2016-19. ALL AYES. MOTION PASSED.

F. First Reading: Impervious Surface

Mayor Wingfield: She explained that the Planning Commission reviewed the Dellwood impervious ordinance and felt it was too complicated. The DNR requires that Shoreland overlay districts, which Birchwood is, cap their impervious surface at 25%. The problem is that Birchwood Village doesn't currently include impervious surfaces that are common to almost every other City's ordinances, such as swimming pools and decks. The DNR, for example applies pools and decks to its impervious figure.

Doug Danks: Dellwood's ordinance is not too complex, rather it is too vague and general. The Planning Commission gives a unanimous and strong recommendation to keep the language as it currently exists. If need be, the Commission would be willing to add a line item to the existing language to include swimming pools. The Planning Commission deals with impervious surface more than any other issue - it's part of everything they do. The existing language is well tested and has served the Commission and City well. Birchwood's current ordinance is more specific than others

the Commission looked at. With smaller lot sizes and greater density, such as White Bear Lake and Birchwood Village, these ordinances get tested. The current policy in Birchwood is that decks should not count as impervious surface unless they are solid surface or have an impervious layer under the deck. Otherwise, the open spaces between the deck allows water to drain beneath. The Commission wants to leave room in the ordinance for partially pervious products because Birchwood has such small lot sizes.

Attorney Kantrud: He likes the idea of adding to the specificity of the existing ordinance, rather than replacing the existing ordinance with a more general ordinance.

Mayor Wingfield: Her concern is with the engineered pavement products that are only pervious if maintained - if these surfaces are not maintained then they should be treated as impervious.

Doug Danks: We could go back to having the City Engineer review these. Engineered products become less pervious but not completely impervious. He has reservations about backing the Commission into a corner where they don't have the tools necessary to help them make a determination. The Commission could take a look at including decks and pavers as impervious surfaces if they can also allow mitigating measures that would make them pervious. He requests that the Council table any movement on this topic until the Planning Commission can meet with Sherry.

Mayor Wingfield: This topic is beyond everyone's experience at the meeting. Accordingly, city planner Sherry Buss should be invited to give input.

The council agreed that Ms. Buss should to come to joint City Council/Planning Commission meeting to help resolve this issue.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO TABLE THIS TOPIC. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO HOLD A JOINT COUNCIL WORKSHOP WITH THE PLANNING COMMISSION AND SHERRY. ALL AYES. MOTION PASSED.

Council Member LaFoy: He asked Administrator Anderson to schedule this Workshop

G. Siltation at 232 Wildwood Ave Discussion

James and Margie Nelson (256 Wildwood): Showed and explained a video of silt runoff from 232 Wildwood during a rainstorm.

Jack Kramer (Building Official): Provided the history behind the 232 Wildwood project and efforts that had been made by City staff to stop the siltation.

Attorney Kantrud: Provided a legal analysis and advice.

Doug Danks: Compared the project differences from 232 Wildwood to other projects.

John Waller: He offered Council advice for solving siltation within constructions sites. He will also check the permit for this site.

Mayor and Council Members: Deliberated this issue. Attorney Kantrud will work with Administrator Anderson to establish code language to resolve siltation and work with the building Official to initiate a formal complaint.

H. Mayor Wingfield:

a. Halls Marsh

Mayor Wingfield: She provided a background to the Halls Marsh situation. Currently the pipe running from the Marsh to the Lake has been clogged and does not allow for proper drainage. Rice Creek Watershed has stated that it is the next budget item to get fixed in late 2016 or early 2017.

John Waller: He explained the relationship between Halls Marsh and the Rice Creek Watershed District. The Watershed District owns Halls Marsh and is responsible for maintaining and repairing it.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE RESOLUTION. ALL AYES. MOTION PASSED.

b. Impeller/Swiffer Cost Issue

Mayor Wingfield: She provided an update of her conversation with City Engineer Steve Thatcher regarding the lift station / impeller problem. The waste stream seems to be the cause of the problem - improper sewer disposal practices of "flushables" and other items not permitted to be flushed go down into the lift stations, causing the lift station pump to work harder which wears on the impellers at a faster rate than normal.

Mayor and Council Members: Discussed ways to educate residents on sewer practices.

c. Letter to Mahtomedi

Mayor and Council Members: Discussed a letter the Mayor has drafted to Mahtomedi, inviting them to join Birchwood in working to reduce traffic speeds and add safer pedestrian options throughout the two communities. The discussion revolved around the increased speed once motorists got past Hall & Jay Street. It appears that they speed up heading towards Mahtomedi to make up for lost time travelling through Birchwood. Council would like Mahtomedi to help decrease speed along Hall to disinterest motorists from using Hall as a pass through from WBL to Mahtomedi.

I. First Reading: Ordinance 302.045 and 302.070 Discussion - Fence

Jack Kramer: Introduced proposed ordinance language that included a requirement that the fence not be placed more than 3" above grade.

Administrator Anderson: He pointed out that Jack's proposed language is included in the memo but the two subsequent pages after the memo was added by Anderson and was based off of the direction given at the past City Council meeting.

Mayor Wingfield: She asked Attorney Kantrud if there be any good reason for having fence height governed by two separate codes; 302.045 and 302.070. If not, she proposes cutting out fence height language from 302.045.

Attorney Kantrud: He said there is no need to have both ordinances cover fences. He recommends the ordinance stipulate 6'-6" (78") for any part of the fence, be it post or pickets.

Council Member Hullsiek: Said that he interprets the current ordinance to include fence posts in the 6'-6" height maximum.

Larry and Susan Mahoney (479 Lake Ave): Introduced their interpretation of the code and showed pictures of various fences throughout the City.

Attorney Kantrud: Said he would draft an ordinance revising height restrictions to 6'-6" (78") for the highest part of the fence or post. He will present this at next month's meeting to be read as a first reading.

J. Planning and Zoning: Permission to begin discussions with White Bear Lake

Mayor and Council Members: Discussed whether to have Administrator Anderson ask the City of White Bear Lake about performing Birchwood's Planning and Zoning duties.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE ASKING THE CITY OF WHITE BEAR LAKE ABOUT ENTERING A JOINT POWERS AGREEMENT FOR PLANNING AND ZONING . ALL AYES. MOTION PASSED.

K. Dock Association presentation at October meeting

Mayor and Council Members: Discussed the need to update the dock usage and the waiting list and specific information the council is requesting from the dock association. They also discussed the status of the docks and the beaches. Administrator Anderson will find out when the next Dock Association meeting will take place.

L. WBLCD: Appointment of Paul Steinhauser as Birchwood Representative

Mayor and Council Members: Paul Steinhauser submitted a letter requesting consideration for the position of WBLCD board member. The council discussed appointing Paul Steinhauser as Birchwood's representative with the White Bear Lake Conservation District.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER ANDERSON TO APPOINT PAUL STEINHAUSER AS BIRCHWOODS WBLCD REPRESENTATIVE. ALL AYES. MOTION PASSED.

M. City Administrator's Report

a. City Portable Restrooms

Administrator Anderson: He introduced a quote received from AirFresh Industries to maintain the City's portable restrooms.

Mayor and Council Members: Discussed whether to accept the quote to replace Onsite Sanitation's services and if so, when.

b. AC Unit at City Hall

Administrator Anderson: Informed the Council of the need to replace City Halls A/C unit. The existing unit is over 18 years old and has experienced several problems recently.

Mayor and Council Members: Discussed a quote received to replace the entire A/C unit. Administrator Anderson will seek quotes from additional companies.

ADJOURN

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER ANDERSON TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:59 P.M.

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk

**CITY OF BIRCHWOOD VILLAGE
CITY COUNCIL WORKSHOP MEETING
September 7, 2016**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council members, Randy LaFoy and Bill Hullsiek. **Absent:** Mark Anderson, Kevin Woolstencroft

STAFF PRESENT: Mike Anderson, City Administrator; Alan Kantrud, City Attorney

OTHERS PRESENT: Jim & Debbie Herrod, Terry: Midwest Fence Representative

Mayor Wingfield called the regular meeting to order at 7 p.m.

Administrator Anderson: some issues came about with the construction of a fence at 483 Lake Ave. The issue was with the structure height allowed by City Code and what was built on site. After the construction of the fence, some complaints had been registered regarding the height of the fence/design and what is allowed in City Code 605.043.

CITY BUSINESS - REGULAR AGENDA

A. Review Ordinance 302.045 (Fence Height) and 302.070 City Fence Ordinance

Administrator Anderson: Presented a summary of the fence at 483 Lake Ave from the start of the permit process to the current state of the construction.

Mayor and Council: Discussed the ordinance language.

Resident Harrod: Explained their situation on the fence and believe the fence is in compliance with city code. She believes the posts are in compliance, but some of the boards might be too tall. After speaking with Midwest Fence and standard fence construction she believes the fence is to code.

Terry MWF: boards are cut at a standard 6" and placed a few inches off the ground. Midwest Fence installs 3400-3600 fences per year. All of those installations vary in style but standard process applies to all. The open air space is compliant to the 30% required by the City. The fence posts are always placed higher than the boards. We use 9" posts and place them in the ground to stand over the boards. We never recommend the fence boards be placed on the ground as they are not treated.

Mayor Wingfield: Discussed the language and expressed the need for it to be revamped. She asked Attorney Kantrud where the City stands tonight on the fence at 483 Lake Ave according to current code language.

Attorney Kantrud: Gave his comments about the fence ordinance and how the City uses common practice in determining fence height. He mentioned how he likes St. Paul's language on how they give an overall height. He recommends changing our language to give an overall height and table this manner until a future meeting while council looks at alternative language.

Mayor Wingfield: Would like to see posts included in the overall height and until then table the matter.

Attorney Kantrud: Stated that this is a zoning issue, the Planning Commission will need to review it to give their comments and recommendations to Council.

Mayor Wingfield: Agreed to table this matter, have this reviewed at a Planning Commission Meeting and will present a first reading at the October meeting.

ADJOURN: The meeting ended at 7:30 p.m.

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: October 28, 2016
SUBJECT: Treasurers Report

The City just recently replaced CTAS7 with CTAS8. The State of MN will no longer accept annual reports from CTAS7 so the switch was needed. Making the switch at this time will allow staff to get comfortable with the program heading into 2017.

At the October meeting, the first reports printed from CTAS8 were difficult to understand. Staff is still working on getting the issues corrected with the reports. It was asked of staff to go back to using CTAS7 until the end of the year however staff will be unable to do so. Checks and Receipts were entered into CTAS8 in the months of September and October and using CTAS7 will have incorrect reports.

This month's report is accurate and only the necessary accounts have been printed for council review. Staff are continuing to look into the issues with CTAS8 and will hopefully have them all corrected for the December Council Meeting. Staff asks and appreciates your patience as we deal with this issue.

If you have questions regarding this change please contact Mike Anderson at 651-426-3403 or

Mike.Anderson@CityofBirchwood.com

For the Period : 10/12/2016 To 10/27/2016

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$567,382.29	\$259.00	\$18,075.97	\$549,565.32
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$3,015.02	\$1,100.00	\$0.00	\$4,115.02
Library	\$0.00	\$0.00	\$0.00	\$0.00
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00
General Debt Service (Identify)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab 2008 Debt	\$8,424.62	\$0.00	\$0.00	\$8,424.62
General Capital Projects	\$40,108.91	\$0.00	\$0.00	\$40,108.91
Municipal State Aid Streets - Construction	\$0.00	\$0.00	\$0.00	\$0.00
Open Spaces Acquisition (Optional)	\$0.00	\$0.00	\$0.00	\$0.00
Water	\$13,844.35	\$0.00	\$0.00	\$13,844.35
Sewer	\$61,501.77	\$0.00	\$2,116.77	\$59,385.00
Transit System	\$3,845.00	\$0.00	\$0.00	\$3,845.00
Total	\$698,121.96	\$1,359.00	\$20,192.74	\$679,288.22

City of Birchwood Village

Receipts Register

10/27/2016 9

Fund Name: All Funds

Date Range: 10/11/2016 To 10/27/2016

Date	Remitter	Receipt #	Description	Deposit ID	Void	Account Name	F-A-P	Total
10/24/2016	Jeanette Kallstrom	1840	Permit	(10/24/2016) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 85.00
								<u>\$ 85.00</u>
10/24/2016	Silver Tree Plumbing & Heating Inc	1841	Permit	(10/24/2016) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 20.50
								<u>\$ 20.50</u>
10/24/2016	Keith Barton	1842	Permit	(10/24/2016) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 24.00
								<u>\$ 24.00</u>
10/24/2016	Randall LaFoy	1843	Dog License	(10/24/2016) -	N	Animal Licenses	100-32240-	\$ 10.00
								<u>\$ 10.00</u>
10/24/2016	Kline Corporation	1844	Permit	(10/24/2016) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 10.50
								<u>\$ 10.50</u>
10/24/2016	Fireside Hearth & Home	1845	Permit	(10/24/2016) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 81.00
								<u>\$ 81.00</u>
10/24/2016	Paul Vadnais Plumbing & Well Inc	1846	Permit	(10/24/2016) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 28.00
								<u>\$ 28.00</u>
10/24/2016	John Elias	1847	2016 Boat Slip Fee	(10/24/2016) -	N	Dock/Lift Permit Fee	210-32260-	\$ 300.00
								<u>\$ 300.00</u>
10/24/2016	Christopher Churchill	1848	2016 Boat Slip Fee	(10/24/2016) -	N	Dock/Lift Permit Fee	210-32260-	\$ 300.00
								<u>\$ 300.00</u>
10/24/2016	John Arlandson	1849	Boat Slip Wait List Fee	(10/24/2016) -	N	Dock/Lift Permit Fee	210-32260-	\$ 200.00
								<u>\$ 200.00</u>

Fund Name: All Funds

Date Range: 10/11/2016 To 10/27/2016

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
10/24/2016	John Arlandson	1850	2016 Boat Slip Fee	(10/24/2016) -	N Dock/Lift Permit Fee	210-32260-	\$ 300.00
Total for Selected Receipts							\$ 1,359.00

\$ 300.00
 \$ 300.00
 \$ 1,359.00

City of Birchwood Village

Disbursements Register

10/27/2016 ²

Fund Name: All Funds

Date Range: 10/11/2016 To 10/27/2016

Date	Vendor	Check #	Description	Void	Account Name	FA-O-P	Total
10/11/2016	Payroll Period Ending 10/11/2016	29328		N	Clerk - Treasurer	100-41401-100-	\$ 1,410.08
	Total For Check	29328					\$ 1,410.08
10/11/2016	Payroll Period Ending 10/11/2016	29329		N	Clerk - Treasurer	100-41401-100-	\$ 407.89
	Total For Check	29329					\$ 407.89
10/11/2016	PERA	EFT101116	Employee Retirement	N	Clerk - Treasurer	100-41401-121-	\$ 274.40
	Total For Check	EFT101116					\$ 274.40
10/14/2016	Woolstencroft, Kevin	29330	Reimbursement	N	Unallocated Expenditures	100-49201-810-	\$ 55.30
	Total For Check	29330					\$ 55.30
10/24/2016	Payroll Period Ending 10/11/2016	29331		N	Supervision	100-45201-100-	\$ 126.98
	Total For Check	29331					\$ 126.98
10/24/2016	Mark Nagel	29332	Professional Coaching Services	N	Unallocated Expenditures	100-49201-999-	\$ 210.00
	Total For Check	29332					\$ 210.00
10/24/2016	Ronnan, Kenny	29333	Council Meeting Services 10/11/16	N	Cable Eqmpt and Service	100-41950-305-	\$ 67.50
	Total For Check	29333					\$ 67.50
10/24/2016	TSE, INC	29334	City Hall Janitorial Services X2	N	General Government Buildings and Plant	100-41940-305-	\$ 25.00
	Total For Check	29334					\$ 25.00
10/24/2016	Press Publications	29335	Legal Notice Publications x11.5	N	Ordinances and Proceedings	100-41130-351-	\$ 31.36
		29335				100-41130-351-	\$ 101.92
		29335				100-41130-351-	\$ 94.08
	Total For Check	29335					\$ 227.36
10/24/2016	On-Site Sanitation Inc	29336	Rental Monthly Units x 2	N	Supervision	100-45201-305-	\$ 99.13
		29336				100-45201-305-	\$ 99.13
	Total For Check	29336					\$ 198.26
10/24/2016	City of Roseville	29337	Oct 2016 IT/Phone Services	N	Phone/IT	100-41955-320-	\$ 60.47
		29337				100-41955-320-	\$ 274.75
	Total For Check	29337					\$ 335.22

Fund Name: All Funds

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Date Range: 10/11/2016 To 10/27/2016

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
10/24/2016	TA Schifsky & Sons, INC	29338	Street Sweeping	N	Streets and Road Mntnc	100-43101-305-	\$ 12,082.00
	Total For Check	29338					\$ 12,082.00
10/24/2016	White Bear Township	29339	Lift Station Check / Repairs (10/03/16 - 10/16/16)	N	Sewer Utility	605-43190-305-	\$ 1,548.00
	Total For Check	29339					\$ 1,548.00
10/24/2016	City of White Bear Lake	29340	Fire Services - October 2016	N	Fire	100-42201-305-	\$ 1,568.75
	Total For Check	29340					\$ 1,568.75
10/24/2016	Xcel Energy	EFTa102416	Electric for Lift Stations/Warminghouse	N	General Government Buildings and Plant	100-41940-380-	\$ 141.25
		EFTa102416			Supervision	100-45201-380-	\$ 12.56
		EFTa102416			Sewer Utility	605-43190-380-	\$ 568.77
	Total For Check	EFTa102416					\$ 722.58
10/24/2016	Xcel Energy	EFTb102416	Electric for Street Lights	N	Street Lighting	100-43160-380-	\$ 1,241.20
	Total For Check	EFTb102416					\$ 1,241.20
10/24/2016	Xcel Energy	EFTc102416	Gas for Generator	N	Street Lighting	100-43160-380-	\$ 100.11
	Total For Check	EFTc102416					\$ 100.11
10/25/2016	Payroll Period Ending 10/25/2016	29341		N	Clerk - Treasurer	100-41401-100-	\$ 1,410.08
	Total For Check	29341					\$ 1,410.08
10/25/2016	PERA	EFT102516	Employee Retirement	N	Clerk - Treasurer	100-41401-121-	\$ 274.40
	Total For Check	EFT102516					\$ 274.40
	Total For Selected Checks						\$ 22,285.11

10/27/2016

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	5,200.00	5,200.00
Total Acct 322	0.00	5,200.00	5,200.00
Total Revenues	0.00	5,200.00	5,200.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation	0.00	1,100.00	(1,100.00)
Total Acct 451	0.00	1,100.00	(1,100.00)
Supervision	0.00	2,585.00	(2,585.00)
Total Acct 452	0.00	2,585.00	(2,585.00)
Unallocated Expenditures	0.00	200.00	(200.00)
Total Acct 492	0.00	200.00	(200.00)
Total Disbursements	0.00	3,885.00	(3,885.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		2,800.02	
Total Receipts and Other Financing Sources		5,200.00	
Total Disbursements and Other Financing Uses		3,885.00	
Cash Balance as of 10/27/2016		4,115.02	

10/27/2016

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	50,998.44	50,998.44
Penalty - Late Water/Sewer	0.00	271.62	271.62
State and Misc fees	0.00	1,530.84	1,530.84
Total Acct 341	0.00	52,800.90	52,800.90
Total Revenues	0.00	52,800.90	52,800.90
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits	0.00	125.34	(125.34)
Total Acct 414	0.00	125.34	(125.34)
Financial Administration	0.00	5,694.05	(5,694.05)
Total Acct 415	0.00	5,694.05	(5,694.05)
Water Utility	0.00	44,674.66	(44,674.66)
Sewer Utility	0.00	4,080.09	(4,080.09)
Total Acct 431	0.00	48,754.75	(48,754.75)
Total Disbursements	0.00	54,574.14	(54,574.14)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		15,617.59	
Total Receipts and Other Financing Sources		52,800.90	
Total Disbursements and Other Financing Uses		54,574.14	
Cash Balance as of 10/27/2016		13,844.35	

10/27/2016

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	562.97	562.97
Sewer Fee	0.00	78,234.71	78,234.71
Total Acct 341	0.00	78,797.68	78,797.68
Total Revenues	0.00	78,797.68	78,797.68
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits	0.00	250.68	(250.68)
Total Acct 414	0.00	250.68	(250.68)
Sewer Utility	0.00	91,598.59	(91,598.59)
Total Acct 431	0.00	91,598.59	(91,598.59)
Total Disbursements	0.00	91,849.27	(91,849.27)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		72,436.59	
Total Receipts and Other Financing Sources		78,797.68	
Total Disbursements and Other Financing Uses		91,849.27	
Cash Balance as of 10/27/2016		59,385.00	

RESOLUTION 2016-12

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**ACCEPTING THE RESIGNATION OF CURRENT CITY ADMINISTRATOR
MIKE ANDERSON AND NAMING CURRENT CITY TREASURER TOBIN LAY
AS INTERIM CITY ADMINISTRATOR**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, November 1, 2016, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Mark Anderson, Bill Hullsiek, Randy LaFoy, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

WHEREAS, Current City Administrator Mike Anderson will be resigning his position effective as of November 17, 2016; and

WHEREAS, Current City Administrator Mike Anderson recommends Current City Treasurer Tobin Lay be appointed as City Administrator in his stead; and

WHEREAS, Current City Treasurer Tobin Lay requests to negotiate terms of the City Administrator position after January 1, 2017; and

WHEREAS, Hiring an Interim City Administrator that can work directly with outgoing City Administrator Mike Anderson will be beneficial for the continuity of city operations; and

WHEREAS, The Interim City Administrator shall promptly commence to interact and work closely with Current City Administrator Mike Anderson in order to ensure a smooth orientation and transition of duties; and

WHEREAS, The Interim City Administrator shall have all powers and duties of the City Administrator; and

WHEREAS, Current City Treasurer Tobin Lay agrees to serve as Interim City Administrator for the City of Birchwood Village at the same wage and benefits currently budgeted for through 2016 until terms of the City Administrator position have been mutually agreed upon or upon appointment of another as City Administrator.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby accepts the resignation of Mike Anderson effective November 17, 2016, and approves the hiring and appointment of Tobin Lay as Interim City

Administrator, effective November 3, 2016 and continue until terms of the City Administrator position have been mutually agreed upon.

BE IT FURTHER RESOLVED AND UNDERSTOOD that:

1. This appointment is a temporary assignment. 2. The term of this appointment is not intended to exceed six months. 3. If terms of the City Administrator position have not been mutually agreed upon by the City Council and the Interim City Administrator by May 3, 2017, the Interim City Administrator will remain in the Interim City Administrator position up to 90 days while a permanent City Administrator is sought, appointed, and trained.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 1st day of November, 2016.

Mary Wingfield, Mayor

Attest:

Mike Anderson
City Administrator-Clerk