

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
APRIL 9, 2019**

MINUTES

Members Present: Mayor Mary Wingfield, Council Members Randy LaFoy, Kevin Woolstencroft, John Fleck and Jessi Aakre.

Staff Present: City Administrator Tobin Lay, City Attorney Alan Kantrud and City Engineer Steve Thatcher.

Others Present: Steve Walgamot, Megan Malvey, Mary Jane LaVigne, Alan Christian, Judy Walker, Tom Hoffman, Terry Granec and Jessi Granec.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Mayor Wingfield: Called the regular meeting to order at 7:00 pm. The Pledge of Allegiance was recited.

APPROVE AGENDA

Councilmember LaFoy: Added the item, "Trees" to Council Member Reports under Councilmember LaFoy.

Mayor Wingfield: Added "Analog Phone Line" and "East County Line Repairs" to Council Member Reports under Mayor Wingfield and added "Lake Links Update" as item C.

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

OPEN PUBLIC FORUM

Terry and Jessi Granec (363 Lakewood Ln): Stated dissatisfaction with winter 2018-2019 snow removal services.

Megan Malvey (525 Lake Ave): Asserted that special assessment language should apply to all city-owned property and not just private property. Thanked council for seeking public feedback on the topic.

ANNOUNCEMENTS

- A. Open Committee Seats: Utilities; City Hall Improvements; Planning Commission
- B. Community Yoga Club Class – Tuesdays 5pm to 6pm at City Hall
- C. We are social. Follow us on Facebook and Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report
- B. BDA Boat Slip Update
- C. Roads Committee Meeting Minutes

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from March 12, 2019
- B. Approve Special Meeting Minutes from March 25, 2019
- C. Approve WBL Fireworks Fund Donation - \$200 (same as previous years)
- D. Approve Treasurer's Report

Mayor Wingfield: Removed Item D, Treasurer's Report, from the consent agenda for further discussion.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE CONSENT AGENDA. ALL AYES. MOTION PASSED.

Mayor Wingfield: Requested Treasurer Carroll merge sewer rehab and 2008 sewer debt accounts and move leaf pickup into the general fund. Stated concern that no income on the sewer/water report was shown this month. Also asked Carroll to look into animal control charge to ensure that City was reimbursed by the pet's owner.

Administrator Lay: Stated that the income data was recently entered, thus it did not make the report.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE TREASURER'S REPORT. ALL AYES. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

A. City Engineer Report

a. Storm Runoff Feasibility Study (Lake Ave)

Engineer Thatcher: Reported on mill and overlay dynamics as related to watershed management. Proposed feasibility study for drainage, which would provide idea of costs and assure less burden on and better results for other city projects.

Mayor Wingfield: Inquired if a survey conducted a few year's back would be usable as it would save money.

Engineer Thatcher: Responded that the previous survey would not work due to "differential settlement" of soil over time. Asserted more accurate data makes for better decision-making and map required in this case is to make a few important and very precise decisions.

Mayor, Council Members and Engineer Thatcher: Discussed water management and the proposed feasibility study.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE CITY ENGINEER THATCHER UP TO \$10,000 FOR A STORM RUNOFF DRAINAGE FEASIBILITY STUDY. RICE CREEK WATERSHED DISTRICT AND WASHINGTON COUNTY WILL ALSO BE CONTACTED FOR ANY GRANTS OR OTHER AID AVAILABLE. ALL AYES. MOTION PASSED.

b. Birchwood Lift Station Update

Engineer Thatcher: Summarized plan. Recommended using White Bear Township's (WBT) system at location proposed.

Tom Hoffman (39 Birchwood Ln): Asked about differences in water and sewer rates, service and reliability. Asked also why this system is not already in place if it is better for both communities.

Engineer Thatcher: Stated same crews maintain these stations. Reason why it does not connect already is unknown.

Mayor Wingfield: Assured Mr. Hoffman the rates will be similar, citing recent survey of local water/sewer rates.

Engineer Thatcher: Reiterated gravity system proposed is superior to pump system. WBT is lower elevation than BWV.

Mayor, Council Members and Administrator Lay: Continued discussion regarding the impact of partnering with WBT.

Mary Jane LaVigne (31 Birchwood Ln): Stated concerns. Requested more details on problem and proposed solution.

Engineer Thatcher: Stated hard numbers not yet available, only two entities are involved with limited county involvement.

Administrator Lay: Addressed Ms. LaVigne's rate concerns and offered further background, citing similar arrangements.

Alan Christian (31 Birchwood Ln): Asked Engineer Thatcher what problems occurred in lift station and assessment.

Engineer Thatcher: Stated system is old and deep. Piping is needed throughout and repairs not guaranteed for several reasons.

Tom Hoffman (39 Birchwood Ln): Requested a full rate comparison.

Engineer Thatcher: Concluded stating plan is solid as WBT rests at a lower elevation, thus the fall or flow will likely be the same or better. Assured residents and council he will publish feasibility study results as soon as possible.

Mayor Wingfield: Stated project is not assessable, rate comparisons may be found online and the feasibility study will be posted online also. Summarized project is needed as city is operating on one suspect pump in that area with no backup generator at this time and already relies on WBT to assist with backups and maintenance.

Mayor and Council Members: Thanked City Engineer Thatcher for his time.

B. Third Reading – Special Assessment Policy

a. Public Hearing

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.

b. Council Deliberation and Approval

Administrator Lay: Updated council on background and status of the special assessment policy.

Mayor, Council Members and Attorney Kantrud: Discussed language changes in relation to special assessments.

Mayor and Council Members: Discussed special assessment costs and benefits as well as consistency in assessments.

Megan Malvey (525 Lake Ave): Inquired about responsibility and property value impact of city property abutting streets.

Attorney Kantrud: Clarified that assessments are based on private ownership benefits derived.

Mayor, Council Members, Attorney Kantrud and Megan Malvey (525 Lake Ave): Continued discussion.

Administrator Lay: Displayed the special assessment language being discussed. (Time Stamp 01:18:22)

Attorney Kantrud: Commented that current code cites costs not benefits. Policy moving forward is benefits-based from state law.

Mayor Wingfield: Proposed Attorney Kantrud change Sections 085.060 and 805.050 ahead of June's public hearing.

Terry Granec (363 Lakewood Ln): Stated the Roads Committee determined the policy involves a lot more than streets.

Attorney Kantrud: Offered example of difference in assessment between drainage projects in contrast to roads projects.

Mayor Wingfield: Asked if council is willing to proceed with language for special assessment policy as-is, as the basic document is ready for adoption. Amendments may later occur related to special improvement project cases as they arise.

Kathy Madore (413 Lake Ave): Asked council if the entire city is being considered when considering roads projects.

Mayor Wingfield: Stated city uses MNDOT specs for road projects. Assured Ms. Madore side roads will not be ignored.

Council Members and Administrator Lay: Discussed a few minor special assessment policy language changes.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE THIRD READING OF SPECIAL ASSESSMENT POLICY AS RECOMMENDED BY ROADS COMMITTEE AND AMENDED BY CITY COUNCIL. ALL AYES. MOTION PASSED.

C. Lake Links Trail Update

Steve Walgamot (Lake Links Association): Updated council on trail status along Birchwood Road. Commended city for traffic control achievements. Asserted the Lake Links Trail Plan in Birchwood is entirely under the control of the city.

Councilmember LaFoy: Requested an electronic copy of the Lake Links Trail Plan to forward to residents.

Mayor Wingfield: Stated the trouble is that Mahtomedi may have already committed to a trail plan that might not work well in Birchwood and there is much to discuss complicated by a narrowing time frame.

Steve Walgamot (Lake Links): Suggested meeting with Roads Committee and Council Members with a public meeting.

Mayor and Council Members: Decided to meet with Steve Walgamot and the Roads Committee Monday in May 6, 2019, 6:30pm at City Hall. To be posted as a special council meeting and open to the public.

D. First Reading Ordinance 2019-03-01, Permit Requirements and Standards (Road Escrow)

a. Public Hearing

MOTION WAS MADE BY LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.

b. Council Deliberation and Approval

Administrator Lay: Offered background on ordinance with a final formatted version for council consideration. Stated blank areas in the document are intended to populate with fee schedule information using the structure provided.

Mayor, Council Members and Attorney Kantrud: Discussed Ordinance 2019-03-01 in detail. Determined the version offered was not pared down to distinguish homeowner projects from ROW ordinance for professional contractors.

Mayor and Council Members: Asked Attorney Kantrud to revise ordinance for continuity with code, citing homeowner projects and small projects. Set a council review for ordinance 2019-03-01 in May and a public hearing in June.

c. Approve Summary Publication

Councilmember LaFoy: Motioned and then withdrew his motion to move the item to May's agenda.

E. Third Reading – Ordinance 2019-01-01, Easement Usage

a. Council Deliberation and Approval

Administrator Lay: Summarized status and recent background of Ordinance 2019-01-01, Easement Usage.

Mayor, Council Members and Attorney Kantrud: Discussed access to Tighe-Schmidt Park and other parks regarding easement usage for properties in addition to lake tracts. Discussed ordinance language in detail.

Mayor and Council Members: Decided to replace "license" with "limited license" and "public lake tract" with "city property" throughout the document. Decided also to place in a different code – not lake tracts code.

Mayor Wingfield: Suggested Administrator Lay creates a "licenses for use of city property" document for council in May and requested he add on page 58, second paragraph of the ordinance, "city parks and open spaces shall not be used for parking vehicles or staging materials or equipment".

Mayor and Council Members: Decided to review corrections and give final approval to Ordinance 2019-01-01 in May.

Attorney Kantrud: Assured council a completed copy will come back with other suggested language as discussed.

F. Parks Committee Recommendations

a. City Cleanup Day

Administrator Lay: Stated the Parks Committee will start earlier next year with the city cleanup day information.

b. Hockey Rink Upgrades (Pickleball & LED lighting)

Mayor, Council Members, Administrator Lay and Judy Walker (Parks Committee): Discussed Xcel lighting installation costs, rebates, alternative parks functions in warm weather, cost savings and contracting for lighting services.

Mayor and Council Members: Noted the lights are city-owned and are not owned by Xcel. Decided the topic is best approached after review of the Parks Improvement Plan in May.

Judy Walker (Parks Committee): Inquired when the new basketball backboards will be installed.

Administrator Lay: Assured Ms. Walker backboards will be installed as soon as possible but it is weather dependent.

c. Buoys

Administrator Lay: Informed Council that the Parks Committee (Parks) recommended no buoys, citing safety concerns.

Mayor, Council Members and Mary Walker (Parks Committee): Discussed buoys at or near lake easements as well as possible public activities or parks features as well as the expansion and maintenance of walking trails.

Mayor and Council Members: Decided to use email listserv, website posts and social media solicitations to gather level of resident interest in buoys with request for proposal input from residents to be reviewed in May.

d. Managing Deer Population

Judy Walker (Parks Committee): Stated Parks recommends bringing in the DNR to consult on deer population control.

Mayor, Council Members and Judy Walker (Parks Committee): Discussed managing deer population in detail.

Mayor and Council Members: Decided Parks will set up an open house and invite a DNR representative. To complete the Initiative Proposal (IP) template for Council's review.

Administrator Lay: Clarified for council that Parks is only willing to take this on if the City Council agrees to participate in the open house.

Councilmember Fleck: Stated he is unable to attend the meeting May 23rd (he is the Parks liaison).

Mayor and Council Members: Reiterated Parks is to return with a plan using the IP template. Thanked Ms. Walker.

G. Appoint Commission/Committee Seats

a. City Hall Improvements Committee

Mayor Wingfield: Reported on volunteers for this task force that the Council agreed previously to create; three volunteers so far.

Councilmember LaFoy: Expressed concern with scope. Recommended using IP template.

Mayor Wingfield: Offered that without a committee in place, there is no one to complete the IP template.

Mayor and Council Members, Administrator Lay and Attorney Kantrud: Discussed how to structure the information gathering process and planning of any rebuild or restoration project at city hall.

Mayor and Council Members: Decided Councilmember LaFoy will explore the topic further and report back in May.

H. Planning Commission Recommendations

a. Ordinance 2019-03-02, Undersized Lots (302.015)

Administrator Lay: Informed council of the Planning Commission's (PC) recommended changes and reviewed in detail.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed ordinance 2019-03-02 language, interpretation, changes and PC recommendations related to setbacks, lot size requirements and proper legal references.

Mayor and Council Members: Determined changes will be made as discussed and a first reading will occur in May, with a public hearing to occur at the second reading to allow for even tighter language.

I. Music in the Park

a. Council Deliberation

Councilmember LaFoy: Referred to Treasurer Carroll's enclosed memo and requested new signage for MIP.

Mayor and Council Members: Approved \$240 for new signage and agreed the other items listed will not be authorized.

Councilmember LaFoy: Stated same amount has been budgeted for MIP for 8 years. Requested increase to \$2000.

Mayor and Council Members: Denied request due to substantial costs from city commitment in staffing events.

J. Trees

Councilmember LaFoy: Asked council what the budget for tree planting should be and what varieties of trees to plant.

Mayor and Council Members: Discussed tree planting and tree management with respect to invasive and diseased trees. Decided to generate a tree plan using the IP template first.

K. Section 615, Exterior Storage Amendments

a. Council Deliberation

Councilmember Aakre: Highlighted a few loopholes and areas for improvement. Requested Attorney Kantrud review the code for additional needs.

Mayor and Council Members: Discussed enforcement in light of language changes.

Attorney Kantrud: Recommended a workshop or PC referral be established, then perhaps a policy and then code language to use as enforcement of language. Requires direction of entire council to proceed.

Mayor Wingfield: Suggested other cities' language be sought that may have similar issues. Recommended that if changes are desired, very specific language corrections be proposed and decided upon an item-by-item basis.

Attorney Kantrud: Argued that the proposed are not entirely technical language corrections and are instead general idea propositions and are thus partially within the domain of the PC.

Mayor and Council Members: Decided Administrator Lay will send Councilmember Aakre a word document of Section 615 to make redlined recommendations for Kantrud's review and then to council for review in May and then assign to Planning Commission.

L. Council Member Reports:

a. Mayor Wingfield

i. Analog Phone

Mayor Wingfield: Summarized the issue regarding city hall's analog phone line.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE ADMINISTRATOR LAY TO DISCONTINUE THE CITY'S ANALOG PHONE LINE. THE EXPIRATION OR IMMEDIATE TERMINATION WILL BE AUTHORIZED BASED ON WHICH IS MORE COST EFFECTIVE. ALL AYES. MOTION PASSED.

ii. Repairs along East County Line Road

Mayor Wingfield: Articulated need for County to expedite repairs along East County Line Road. Cited recent flooding.

Mayor and Council Members: Discussed the issue. Decided to have Attorney Kantrud draft a letter to Washington County; for Council's review in May.

- iii. 11% property valuation increase

Mayor Wingfield: Noted the valuation increase for the record for taxes payable in 2019.

b. Councilmember LaFoy

- i. Letter supporting State Aid Bill H.F. 2031

Councilmember LaFoy: Summarized item as a good deal for Birchwood. Requested approval to send attached letter.

Mayor and Council Members: Approved.

M. City Administrator's Report

- i. Assessment Abatement Update

Administrator Lay: Stated affected residents may pay what is asked upfront and will then be credited, or may instead contact Heather at the Washington County Tax Department for the precise amount owed and ignore the incomplete payment amount notice. Informed council the residents required have been notified and may contact him with questions.

- ii. Donated Pavers

Administrator Lay: Stated Councilmember LaFoy has donated cement pavers. Asked approval to use pavers at Birch easement.

Mayor and Council members: Discussed erosion control briefly. No consensus on the request. Tabled the item.

- iii. Old City Equipment

Administrator Lay: Asked approval to dispose of old, unusable city equipment such as a rusted out wheelbarrow.

Mayor and Council Members: Approved.

- iv. Leaf Pickup Dates

Administrator Lay: Stated the announcements that were not read at the beginning of meeting. Proposed May 6 & 13 for spring leaf pickup dates.

Mayor and Council Members: Approved.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 10:22 PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator – Clerk