

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
August 8, 2017**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council members: Kevin Woolstencroft, Trilby White, Randy LaFoy and Megan Malvey.

STAFF PRESENT: Tobin Lay, City Administrator; Alan Kantrud, City Attorney

OTHERS PRESENT: Nino Nardecchia, Houstoun Clinch, Mike Evangelist, Jim Nelson, Terry Granec, Michelle Atakpu, Alan Mitchell, Dana Klimp, Tami Heart, Jason Tell, Dyanne Ross-Hanson, Mary Sue Simmons

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

AGENDA APPROVAL:

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

OPEN PUBLIC FORUM:

- A. Alan Mitchell (23 Oakridge Drive):** He reminded Council that he had emailed each of the Council Members two days earlier suggesting that they add a summary of the closed meeting when they conducted the performance evaluation of Administrator Lay. He had also suggested that they take the employment agreement with Lay off the agenda and have a discussion about it.

ANNOUNCEMENTS:

- A.** Music in the Park, Sundays 6pm at one of the City easements or parks; inclement weather location is City Hall
- B.** We are social, follow us on Facebook/ Twitter or register for the email listserv
- C.** Chips from the chip seal process should be removed within the coming week
- D.** Dog Park Committee will be holding a Public Forum on August 22, 2017 at 5:30 pm

ADMINISTRATIVE PRESENTATION:

- A.** Sheriff Report
- B.** Dog Park Committee Update/ Minutes
- C.** School District Alignment Update
- D.** Wifi Access Point Replacement

CITY BUSINESS – CONSENT AGENDA

- ~~**A. Approval of Regular Meeting Minutes from June 13, 2017**~~
- ~~**B. Approval of Special Meeting Minutes from July 10, 2017**~~
- ~~**C. Approval of Town Hall Meeting Minutes from July 11, 2017**~~
- D.** Approval of Regular Meeting Minutes from July 11, 2017
- E.** Approve City Engineer Thatcher to televise City's sewer lines

- ~~F. Approval of Resolution 2017-20 and Employment Contract with Administrator Tobin Lay~~
- G. Approval of Consultant Agreement with SHC
- H. Approval of Videographer Contract
- I. Approval of Treasurer's Report

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

CITY BUSINESS - REGULAR AGENDA

A. Roads Committee Update and Recommendations

- a. **Administrator Lay:** He provided the update on behalf of the roads committee. He read a quote by Schifskys to improve the shoulder along Lake Ave. The improvements included removal of top soil along the Lake Ave shoulder, road repairs in front of 441 Lake Ave, and the addition of 4 inches of class 5 limestone along Lake Ave and the warming house parking lot. The total of all three projects would be \$9,650.
- b. **Council Members:** They discussed the Schifsky quote and asked questions about the materials included in the quote. They decided to have the roads committee clarify the materials used and to have the Parks Committee provide their input on the quote

B. Dog Park Committee Appointment

- a. MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPOINT LEASE WITTENBERG AS A MEMBER OF THE DOG PARK COMMITTEE. ALL AYES. MOTION PASSED.
- b. **Review of Dog Park Survey:**
 - i. Councilmember Malvey suggested that the survey should have a question that polled the amount of community support for a dog park.
 - ii. Tami Heart (Dog Park Committee): She clarified the intentions of the survey and stated that the survey is supposed to be simple and to the point. There will be surveys in the future that will be more specific.
 - iii. MOTION WAS MADE BY COUNCILMEMBER MALVEY AND SECONDED BY COUNCILMEMBER WHITE TO HAVE THE DOG PARK SURVEY ADD A QUESTION THAT WOULD GIVE RESIDENTS A "YES, NO, OR UNDECIDED" OPTION FOR A DOG PARK. ALL AYES. MOTION PASSED.

C. Parks and Natural Resources Update

- a. **Houstoun Clinch (Parks Committee Chair):** He briefed the council on the addition of a "Do you like the parks? Yes or No" question to the parks survey. He also suggested that the dog park committee become part of the parks committee. He informed the Council and public that there will be committee representatives at four different parks from 6:30-7 pm the night of August 22, 2017 to gather more information/ feedback from community members.
- b. **James Nelson (Parks Committee Member):** He suggested that the public land across from Ash Walkway be marked to allow residents take advantage of the public spaces.
- c. **Council Members:** They discussed the option of placing the dog park committee under the parks committee to help with long term goals and organization. The council. Council members didn't want to disrupt the work of the dog park committee and asked Houstoun to speak to Steve Schad, the Chair of the Dog Park Committee about this idea.

D. Docks Task Force Final Report Submission

- a. Nino Nardecchia (Docks Task Force):** He introduced the final report that was submitted and added to the city council packet. He provided comments for emphasis and clarification as to the task that was assigned to the Docks Task Force.
 - i.** Item 1, Subparagraph 2 Clarification (assessment of current situation)- Nino announced that on July 23, 2017 the Docks Association decided to waive the \$35 docks association fee that restricted the use of docks to only members, under the condition that the council will not overturn the current system which would be contrary to Chapter 617.
 - ii.** He provided his personal recommendations to resolve the current docks issues, including strengthening Chapter 617, and clarifying the roles of both the Dock Association and the City.
 - iii.** He hoped that the Council would honor the revenue neutral system that is now in place rather than allowing the docks to be revenue positive, meaning that the costs for the dock fees would not increase to be comparable to Talley's.
- b. Councilmember Malvey:** She stated that she did not fully believe that the Dock's Association decision to waive the \$35 dock fee was necessary, but she was thankful for the work that the Docks Task Force completed.
- c. Councilmember White:** She asked questions about the function of the Docks Association and what the benefit is of having a private entity manage the city docks. She wondered if it would be beneficial to have the Docks Association under the umbrella of the Parks Committee.
- d. Public Discussion:**
 - i. Jason Tell (697 Hall Ave.):** He provided his input on the benefits of having the Docks Association as a private entity. He explained that it allowed residents to have boats on a dock under market price rates, as well as additional security to the private resident boats.
 - ii. James Nelson (256 Wildwood Ave.):** He provided historical information as to why the Docks are a "heated topic" in the community.
 - iii. Mike Evangelist (Docks Ass'n):** He spoke on behalf of the Docks Association, explaining that the Docks have no possibility of being completely free. The cost of \$35 for dock usage, but the cost will be \$29 in tax revenue.
 - iv. Dyanne Ross-Hansen (Docks Ass'n):** She spoke about the "us vs them" mentality in the community concerning dock usage. She explained the positive role that the Docks Association plays within the community, and that the information provided by the Dock Task Force will allow them to make adjustments.
 - v. Mary Sue Simmons (Docks Ass'n):** She provided additional historical information as to how far the Docks Association has come over the years.
 - vi. Dana Klimp (414 Birchwood Courts):** He spoke about the progress that has been made with the docks from ordinance 617 and how the Docks Association benefits the community.
- e. Mayor Wingfield:** She explained that her original goal was to have dock access for all community members, and she was happy to see that progress has been made in this direction. She was concerned however, about the corporation laws surrounding the Docks Association's legal formation; the Articles of Corporation were 501C3 non-profit. She explained that the Association was organized incorrectly and accordingly, each member could be exposed to legal liability.

- f. **Council Members:** There was discussion on the current role of the Docks Association and the possible need for oversight. They also discussed amending the bylaws to resolve any possible procedural legal issues.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO MOVE THE DISCUSSION TO A WORKSHOP WHERE THE COUNCIL COULD FURTHER DISCUSS AMENDMENTS TO 617 AND LEGAL ISSUES. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER MALVEY AND SECONDED BY COUNCILMEMBER LAFOY TO COMMIT TO OPTION 1 AND MAKE AMENDMENTS TO 617. ALL AYES. MOTION PASSED.

E. Diseased Trees Ordinance

- a. **Administrator Lay:** He summarized the previous diseased tree ordinance and the need for amendments to the ordinance. He also introduced the policies that are used by other communities for diseased trees. He recommended that rewriting the ordinance should be taken over by a committee or the council directly. He suggested that the current ordinance be suspended until updates are made to the ordinance.
- b. **Council Members:** They discussed the existing code and further investigating amending the tree ordinance. There was a recommendation for an educational component to protect the trees in the city. They decided to get a quote from Rainbow, and to move the discussion to a workshop.

F. Right of Way Ordinance: Possible First Reading

- a. **Administrator Lay:** He summarized the City of Grant's Right of Way Ordinance as well as an example from City Attorney Kantrud. The request was that the City do a first reading of the Grant ordinance and send the both options to the planning commission for further drafting and recommendation.
- b. **Council Members:** They discussed the Right of Way Ordinance options.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO HAVE THE PLANNING COMMISSIONWORK WITH CITY ATTORNEY KANTRUD TO DRAFT A RIGHT OF WAY ORDINANCE. ALL AYES. MOTION PASSED.

G. Curfew Options

- a. **Council Members and Attorney Kantrud:** They discussed setting a curfew time at 10 pm, which would allow the council members to have a set time to recess the meeting. They also discussion adding a "time budget" to items on the agenda to keep the meeting focused.

H. City Hall Air Conditioning: Topic tabled until the September Council Meeting.

I. Council Member Reports

a. Councilmember Malvey:

- i. She pulled the Town Hall Meeting Minutes from the consent agenda to add more items that needed to be documented. The minutes will be on the consent agenda for the September meeting.
- ii. She also pulled the June Council Meeting Minutes from the consent agenda to make wording alterations.

1. MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE OF THE CHANGES MADE BY COUNCILMEMBER MALVEY TO THE JUNE COUNCIL MEETING MINUTES. ALL AYES. MOTION PASSED.

J. City Administrator's Report

- a. **Comp Plan Update — Vision Statement:** Discussion tabled until the September Council Meeting.
- b. **Schedule Budget Workshop:** Administrator Lay was asked to create a Doodle Poll to schedule a Budget Workshop.

K. City Attorney Report

- a. **Harrod Dock Situation:** He summarized discussions he had with the Harrods regarding their property line along Kay Beach Easement. He stated that the Harrod's are willing to work with the City, and when there is further discussion Attorney Kantrud will bring it forward to the Council.

L. Approval of Resolution 2017-20 and Employment Contract with Administrator Tobin Lay

- a. MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO MOVE THE TOPIC TO A PERSONNEL COMMITTEE MEETING AND TABLE THE DECISION UNTIL THE SEPTEMBER MEETING. ALL AYES. MOTION PASSED.
- b. MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE AN ALTERNATE RESOLUTION 2017-20 THAT EXTENDS ADMINISTRATOR LAY AS INTERIM CITY ADMINISTRATOR FOR TWO MORE MONTHS. ALL AYES. MOTION PASSED.

M. Approval of Special Meeting Minutes from July 10, 2017

- a. **City Attorney Kantrud:** He summarized the conclusions from closed portion of the special meeting. He provided recommendations that would make the report more inclusive.
- b. **Council Members:** They discussed Attorney Kantrud's summary and recommendation. Mayor Wingfield read aloud the amendments to the minutes.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE OF THE JULY 10, 2017, SPECIAL MEETING MINUTES AS AMENDED. FOUR AYES. COUNCILMEMBER WOOLSTENCROFT ABSTAINED BECAUSE HE WAS NOT PRESENT AT THE JULY 10 MEETING. MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 10:06 P.M.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk