

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
January 10, 2017**

MINUTES

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

STAFF PRESENT: Alan Kantrud, City Attorney and Tobin Lay, City Administrator.

OTHERS PRESENT: Steve Huntley, Kathy Blegen-Huntley, James Nelson, Trilby White, Tami Heart 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 Resolution 2017-06 to accept Mark Anderson's resignation and declare the Council vacancy.

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

Mayor Wingfield: Added update from Roads Committee after the consent agenda.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO APPROVE THE AGENDA AS AMENDED. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM:

Steve Huntley (620 Birchwood Ave): He offered observations about the warming house and ice rink and recommendations for improvements to them. He also offered his time as a volunteer.

Kathy Blegen-Huntley (620 Birchwood Ave): She provided an update from a recent meeting of expired Park Committee members and residents. She offered recommendations from the group for Council's consideration.

Administrator Tobin Lay: Upon Council's request, he provided an update and status of the Parks Committee and its members. City records show that the Parks Committee currently has no active members. The last Council reappointments to that committee were in August 2013, for three (3) year terms.

Mayor and Council Members: They deliberated over the status of the Parks Committee.

James Nelson (256 Wildwood Ave): He cited many things the City is doing well and thanked Mayor and Council Members for their efforts.

ANNOUNCEMENTS:

Mayor Wingfield: She made the following announcements:

- A. Tim Lessard Retirement Open House will be Held Jan 31, 5-7pm, at City Hall.
- B. Common Table Pot Luck will be Thursday Jan. 19, 5:30pm, at City Hall.
- C. February City Council Meeting will be Held on Valentine's Day.

RECOGNITION

Mayor and Council Members: They recognized Len Pratt for his years of service on the Planning Commission. Len stepped down from the Commission in Dec. 2016.

CITY BUSINESS – CONSENT AGENDA

- A. Request to Table Approval of Regular Meeting December 13, 2016 Minutes to February.
- B. Resolution 2017-01 Designating White Bear Press as the Official Newspaper for Publication.
- C. Resolution 2017-02 Naming U.S. Bank and the 4M Fund as Official Depositories of Municipal Funds.
- D. Resolution 2017-04 Accepting a Cash Donation from Artists Group Members.
- E. Approval of Treasurer's Report
- F. Airfresh Contract
- G. Whiter Bear Township JPA – Water System Supervision
- H. Sheriff Report

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

CITY BUSINESS - REGULAR AGENDA

- A. Resolution 2017-06: Accepting Mark Anderson's Resignation and Declaring a Council Vacancy

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER ANDERSON TO ACCEPT COUNCILMEMBER ANDERSON'S RESIGNATION, EFFECTIVE JANUARY 11, 2017. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE RESOLUTION 2017-06, DECLARING A COUNCIL VACANCY. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO PUBLISH THE COUNCIL VACANCY IN THE JANUARY NEWSLETTER AND TO ALLOW APPLICATIONS FOR THE SEAT UNTIL FEBRUARY 7, 2017. ALL AYES. MOTION PASSED.

- B. Roads Committee Update

Gene Ruehle (Committee Chair): He recommended, on behalf of the Committee, that the City provide additional sand/salt barrels at strategic locations around town, to aid in fighting icy

roads. The Committee will not be able to use the Sheriff's road counter during the winter and will have to wait until spring to count the traffic.

C. Resolution 2017-03 Authorizing RWSCC to Broadcast and Re-Broadcast City Council Meetings

Councilmember LaFoy: He checked with the RWSCC and there is no need to pass another resolution for this. The resolution passed when the relationship began with the RWSCC is enough.

D. NYFS Partnership Agreement

Councilmember Malvey: She asked about the services provided by the NYFS.

Mayor and Council Members: Discussed the NYFS and requested Administrator Lay invite a representative from the organization to attend a future Council meeting to explain their services. Discussion about approving the partnership agreement will be postponed until the NYFS visit.

E. Swearing in of Mayor & Council Members

Administrator Lay lead Mayor Wingfield and Councilmember LaFoy and Malvey in the Oath of Office and they each signed corresponding Oath documents.

F. Council Assignments

Mayor and Council Members: They talked about keeping the current assignments until the topic is discussed at an upcoming workshop; Councilmember Malvey would take on Councilmember Hullsiek's assignments until then.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO HAVE EACH COUNCIL MEMBER KEEP THE CURRENT ASSIGNMENTS GIVEN THEIR SEAT UNTIL DISCUSSED FURTHER AT AN UPCOMING WORKSHOP. ALL AYES. MOTION PASSED.

G. Dog Park Update

Administrator Lay: He provided a list of residents interested in serving on the new Dog Park committee - eight (one couple) submitted letters of interest by the cutoff date. Two (2) residents applied after the cutoff.

Mayor and Council Members: They discussed whether to have a Dog Parks Committee or to re-staff the Parks Committee with the assignment of pursuing a Dog Park.

Trilby White (Dog Park Committee Candidate): She would be willing to take on all the Parks issues but would also support the limited charge of just establishing a Dog Park as well.

Tami Heart (Dog Park Committee Candidate): She introduced the motive behind having a Dog Park in Birchwood – the family of the late David Reynolds, a Birchwood resident known for

loving dogs, has offered to donate money towards a Dog Park. She pointed out that Birchwood has spent money on worthy causes before, like building the warming house, and should continue that tradition by creating a dog park.

Councilmember Malvey: She said she wants to hear from the community at large about the kind of dog park wanted – whether it be a new park or a repurposed park. Assigning this task to the Parks Committee would provide the broader perspective needed. She supports delaying the formation of a Dog Park Committee until after the Council has determined what to do with the Parks Committee.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ESTABLISH A DOG PARK COMMITTEE THAT WOULD FOLLOW THE BYLAWS OF THE PARKS COMMITTEE WITH THE PURPOSE OF PURSUING A DOG PARK BY RESEARCHING AND ESTABLISH WHAT THE COMMUNITY WANTS TO DO WITH A DOG PARK AND APPROVE THE NAMES PRESENTED AS MEMBERS OF THE DOG PARK COMMITTEE, WITH THE EXCEPTION OF TRACY SCHAD. FOUR AYES. COUNCILMEMBER MALVEY OPPOSING. MOTION PASSED.

H. First Reading of Ordinance 2017-01-01 Amending Impervious Surface Requirements in City Code

Administrator Lay: He provided background and introduced the amendment as recommended by the Planning Commission. 300.020 would be left unchanged and 302.050 amended as provided in the packet.

Mayor, Council Members, and Attorney Kantrud: They discussed whether the ordinance must be reviewed by the DNR.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO HAVE FIRST READING OF ORDINANCE 2017-01-01 NOW AND THEN FORWARD IT TO THE DNR FOR REVIEW AND APPROVAL; KEEPING THE PLANNING COMMISSION COPIED FOR THEIR REVIEW AND APPROVAL OF THE DNR'S APPROVAL. SECOND READING TO TAKE PLACE AFTER THE DNR'S AND PLANNING COMMISSION'S SUBSEQUENT APPROVALS. ALL AYES. MOTION PASSED.

I. Dock Ass'n / Boat Length – Status

Administrator Lay: He informed Council that the Dock Ass'n has requested this agenda item be removed until further notice.

J. Interim Plan / Zoning Reviewer – TKDA Contract has Expired

Administrator Lay: He informed Council that the TKDA contract has expired and presented three (3) options to choose from going forward. He requested Council's approval to seek additional plan reviewer options for Council's consideration at a later date.

Mayor and Council Members: They discussed whether or not to re-contract with TKDA for plan review services. Council Member LaFoy supports continuing to use TKDA for plan reviewer

services on a case-by-case basis. Council Member Anderson and Woolstencroft said they would prefer to use the existing City Engineer instead.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER ANDERSON TO USE THATCHER ENGINEERING FOR INTERIM PLAN REVIEW SERVICES WHILE ADMINISTRATOR LAY SEARCHES FOR ALTERNATIVE PLAN REVIEWER OPTIONS. THREE AYES. COUNCILMEMBER LAFOY OPPOSING AND COUNCILMEMBER MALVEY ABSTAINING. MOTION PASSED.

K. Shoreland Overlay Ordinance – Request Comprehensive Review by DNR

Administrator Lay: He introduced an email from the DNR regarding a new model shoreland overlay ordinance. The DNR recommends updating the City's shoreland overlay ordinance to follow the model ordinance.

Mayor and Council Members: They asked City Administrator Lay to forward the City's existing shoreland overlay ordinance to the DNR for comprehensive review and analysis.

L. City Sewer Lining – Request Advice from City Engineer

Mayor Wingfield: She informed Council that several sections of sanitary sewer system were left out of the last sewer upgrades. She asked Council's approval to invite City Engineer Thatcher to present to Council at a future Council meeting what things should be considered with upgrading these sections now and the cost estimates for such.

Mayor and Council Members: They discussed this item and asked Administrator Lay to invite Mr. Thatcher as requested by Mayor Wingfield. They also requested a map be provided of residents who might be affected by an assessment.

M. Local Water Plan Representative – Request for Appointment

Administrator Lay: He informed Council that the City is required to create and submit a Local Water Plan to Rice Creek Watershed. He asked for a representative from the community to work with Rice Creek and spearhead this plan.

Councilmember LaFoy: He volunteered to work with Administrator Lay on this plan.

N. Planning Commission Vacancy

Mayor and Council Members: They acknowledged the vacancy on the Planning Commission and called for applications to fill the position. This will also be posted in the January newsletter.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO PUBLISH THE PLANNING COMMISSION VACANCY AND ACCEPT APPLICATIONS UNTIL FEBRUARY 7, 2017. ALL AYES. MOTION PASSED.

O. Council Member Reports:

1. Councilmember Malvey:

a. Parks Committee Status & Hall Rental Refund

Councilmember Malvey: She explained that the City Parks are an important subject to her and other residents. She has many ideas for improving and maintaining the parks and believes that re-staffing the Parks and Natural Resources Committee is a necessary step for making these changes. The now expired members of the Parks Committee posted notice and held a meeting recently at City Hall to discuss the status of the Parks and the Parks Committee. The group was charged the reservation fee for using the City Hall. She believes the Council should reappoint the last members of the Parks Committee, that the Parks Committee should have oversight of the dog park project, and that the group should be refunded the City Hall reservation fee that was paid.

Administrator Lay: He provided background on the committee member status and the charge.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO REFUND THE RESERVATION FEE. ALL AYES. MOTION PASSED.

Mayor and Council Members: They discussed the history and purpose of the Parks Committee and the possibility of tabling this topic until a workshop.

MOTION WAS MADE BY COUNCILMEMBER MALVEY TO ALLOW RESIDENTS TO APPLY FOR THE PARKS AND NATURAL RESOURCES COMMITTEE BY FEBRUARY 7, 2017. NO SECOND. MOTION FAILED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO TABLE THIS TOPIC UNTIL A WORKSHOP. ALL AYES. MOTION PASSED.

b. Request for Ice Rink Info

Councilmember Malvey: She requested an update on the ice rink / warming house because it has been closed a lot this season.

Administrator Lay: He read an email from Ice Rink Manager Scott Howe regarding the warming house closures. There have been an unusual number of warm weather days, causing the warming house to be closed.

Mayor and Council Members: They discussed the need to provide notice of closure and asked about other warming house issues.

Administrator Lay: He informed Council that he already spoke to Mr. Howe about posting notice of closures. He thanked the residents who had offered to assist with the warming house and said he would speak to Mr. Howe about ways to use them.

c. School District realignment Survey

Councilmember Malvey: She wants to learn what interest there is in the community to move school districts from White Bear to Mahtomedi. She requested residents contact her about this.

Mayor and Council Members: They discussed how difficult this boundary change would be, including requiring both school districts and Cities to approve, as well as state legislation. Councilmember LaFoy has looked into this idea before and volunteered to work on it again with Councilmember Malvey.

Attorney Kantrud: He recommended that the County Commissioners be involved as well.

d. Council Member Email Addresses: She requested that Council use City email addresses in an effort to be more professional. She provided information on cost and what surrounding communities do.

MOTION WAS MADE BY COUNCILMEMBER MALVEY TO PROVIDE A CITY EMAIL ADDRESS FOR THE MAYOR AND EACH COUNCIL MEMBER. NO SECOND. MOTION FAILED.

P. City Administrator's Report

1. City Council Public Hearing Policy

Attorney Kantrud: He said that he and Administrator Lay have not been able to complete the Council's December meeting request to investigate Planning Commissioner Doug Dank's complaint. He and Administrator Lay will provide an answer at the next Council meeting.

2. Update on Social Media Profiles

Administrator Lay: He informed Council that he had created a City Facebook and Twitter profile as was approved by Council in December.

3. Council Workshop for Orientation, Capital Improvement, and Goals

Administrator Lay: He recommended Council hold several workshops, including an orientation workshop. He asked for available February dates.

Mayor and Council Members: They briefly discussed February availability and asked that Administrator Lay follow up on a date via email.

4. Change Office Hours to 9:30am

Administrator Lay: He requested the office hours be changed from 9:00am to 9:30am.

Mayor and Council Members: They discussed the request and had no issues with the change.

5. Resolution 2017-05 Interim Treasurer Extension

Administrator Lay: He presented Resolution 2017-05 to extend Cynthia Govan's role as Interim City Treasurer until March 15.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2017-05 TO EXTEND THE INTERIM CITY TREASURER POSITION UNTIL MARCH 15, 2017. ALL AYES. MOTION PASSED.

6. City Safe Quotes

Administrator Lay: He provided an update on quotes for retrofitting the City safe.

Mayor and Council Members: They recommended Administrator Lay contact Kat-Keys for a quote.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE ADMINISTRATOR LAY TO SPEND UP TO \$640 ON THE CITY SAFE RETROFIT. ALL AYES. MOTION PASSED.

7. Ice Rink Emergency Repairs

Administrator Lay: He informed Council of an emergency repair that took place at the ice rink during the month and that Mayor Wingfield had approved the expenditure after speaking to Ice Rink Manager Scott Howe. The repairs did not include LED upgrades, which is planned for this summer.

8. Birch Easement Rain Garden

Administrator Lay: He informed Council that he, the Mayor, and resident Mary Sue Simmons met with the County at Birch Easement to discuss an alleged mishandling of that rain garden. The County found no evidence of mishandling but will work with Rice Creek Watershed to provide the City with best practices for maintaining the City's rain gardens.

9. Tree Inspection Procedure – Giving Notice

Administrator Lay: He informed Council that the Sheriff contacted him about complaints regarding the tree inspector entering yards without notice. He asked the Council what changes they would like to make to the tree inspection procedures to improve relations with the community.

Attorney Kantrud: He informed Council that state law allows for official tree inspectors to enter private property without notice.

Mayor and Council Members: They discussed the tree inspection process and past notice practices. They considered possible changes. They asked Administrator Lay to determine how many residents complained, find the early notification list employed in the past, and check procedures used by other Cities.

10. SL-Serco Contracts – Water Meter Reads and Repairs

Administrator Lay: He presented water meter read and repair contracts with SL-Serco. He highlighted the increase in the fee from previous years and the justification for the increase. He will check with St. Anthony Village to see if Birchwood can use SL-Serco under their contract.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO AUTHORIZE ADMINISTRATOR LAY TO CONTRACT WITH SL-SERCO FOR WATER METER READING AND REPAIRS, EITHER UNDER THE CITY OF ST. ANTHONY VILLAGE OR DIRECTLY. ALL AYES. MOTION PASSED.

11. MAMA Membership

Administrator Lay: He requested Council approve payment of his membership in the Metropolitan Area Management Association (MAMA).

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE PAYMENT OF ADMINISTRATOR LAY'S MEMBERSHIP FEES TO THE METROPOLITAN AREA MANAGEMENT ASSOCIATION. ALL AYES. MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER ANDERSON AND SECONDED BY MAYOR WINGFIELD TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:33 P.M.

ATTEST:

Mary Wingfield
Mayor

City Administrator-Clerk
Tobin Lay