

**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
JANUARY 8, 2019**

**MINUTES**

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

**Staff Present:** City Administrator Tobin Lay and City Attorney Alan Kantrud.

**Others Present:** Cameron Sigecan.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

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

**SWEARING IN**

A. Swear in Mayor and Council Members.

**Administrator Lay:** Swore in Mayor and Council Members. Received the appropriate signed paperwork from Council.

**APPROVE AGENDA**

**Mayor Wingfield:** Requested to add Escrow to the Roads Committee section of the agenda.

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

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. Street Snow Removal comments should be sent to: [info@cityofbirchwood.com](mailto:info@cityofbirchwood.com)
- B. We need a representative for the White Bear Lake Conservation District (WBLCD). Contact City Hall if interested
- C. Community Club Yoga Class – Every Tuesday from 5pm-6pm at City Hall
- D. We are social. Follow us on Facebook and Twitter and/or register for the email listserv

**ADMINISTRATIVE PRESENTATION**

**Mayor Wingfield:** Requested to move action item, Digitizing City Historical Records Update, into the Consent Agenda.

- A. Sheriff Report
- B. Birchwood Historical Article
- C. Sex Offender Laws

**CITY BUSINESS – CONSENT AGENDA**

**Mayor Wingfield:** Requested to move Approve White Bear Lake (WBL) Fire Services Agreement and Rate Increase, to the regular agenda.

- A. Approve Regular Meeting Minutes from December 11, 2018
- B. Approve Treasurer's Report
- C. Approve Resolution 2019-01, Designating the White Bear Press as the Official Newspaper for Publication
- D. Approve Resolution 2019-02, Naming US Bank and the 4M Fund as Official Depositories of Municipal Funds

- E. Approve Resolution 2019-03, Accepting Cash Donations from Artists Group Members
- F. Approve Northeast Youth and Family Services (NYFS) Agreement and Rate Increase
- G. Water Superintendent Standby Rate Increase
- H. Digitizing City Historical Records Update

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

**CITY BUSINESS – REGULAR AGENDA**

- A. WBLCD Appointment
  - a. Review Letter of Interest
  - b. Council Deliberation and Selection

**Mayor Wingfield:** Noted the position has been posted for several months. Introduced Mr. Sigecan.

**Cameron Sigecan:** Introduced himself as a new resident and highlighted his interest in preserving the integrity of WBL.

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER AAKRE TO ACCEPT CAMERON SIGECAN’S APPOINTMENT AS REPRESENTATIVE TO THE WBLCD IN REPLACEMENT OF MR. BARTON WINTER. ALL AYES. MOTION PASSED.**

- B. Approve WBL Fire Services Agreement and Rate Increase

**Mayor Wingfield:** Stated increase is result of “WBL fire restructuring” which caused a rate increase. Invited Administrator Lay to explore and confirm rates from Mahtomedi and compare rates with the City of Dellwood.

**Mayor and Council Members:** Discussed the increase. Asked Administrator Lay to follow up and report back to Council.

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE THE WBL FIRE SERVICES AGREEMENT FOR 2019 AS PROPOSED. ALL AYES. MOTION PASSED.**

- C. Council Business
  - a. Council Member Assignments

**Mayor Wingfield:** Stated “Weed Inspector” is statutory Mayoral duty. Asked for Council input on remaining duties.

**Councilmember Aakre:** Volunteered to pursue Dock Association and Capital Improvement Plan.

**Councilmember Fleck:** Volunteered to pursue Storm Water Issues and Parks.

**Mayor Wingfield:** Volunteered to do City Buildings also due to planned inspections presently taking place.

**Councilmember Woolstencroft:** Volunteered for Roads and Assistant Weed Inspector.

**Mayor, Council Members and Administrator Lay:** Discussed the fact that some items can occur on an ad hoc basis.

**Mayor and Council Members:** Decided, Recycling and Garbage would be stricken. Agreed Councilmember LaFoy may keep his assignments. Decided Planning Commission and Comp Plan liaisons may occur as needed.

**Councilmember Woolstencroft:** Informed Council his schedule will soon change and this may impact his assignments.

**Mayor and Council Members:** Decided Councilmember Woolstencroft’s assignments will be final once his schedule is established. Agreed these council member assignments will occur as a tacit agreement and would not require a vote.

- b. Council Member Training

**Administrator Lay:** Requested approval for League of MN Cities (LMC) Elected Official training course for council members and recommended it.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE A \$25 PAYMENT FOR COUNCIL MEMBER TRAINING TO BE ATTENDED BY COUNCILMEMBER FLECK. ALL AYES. MOTION PASSED.**

c. Council Agenda Guidelines

**Administrator Lay:** Introduced Council Agenda Guidelines. Stated purpose is to increase meeting efficiency.

**Mayor, Council Members and Administrator Lay:** Discussed the guidelines and policy language.

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER FLECK TO ADOPT RESOLUTION 2019-04, AMENDING BIRCHWOOD VILLAGE RULES OF PROCEDURE, ARTICLE 3, AGENDAS. ALL AYES. MOTION PASSED.**

d. Committee/Commission Guidelines

**Councilmember Aakre:** Requested a template of requests for proposals requiring funds, approval or ordinance changes.

**Administrator Lay:** Reminded council these templates should support the scope of authority in committee bylaws.

**Mayor and Council Members:** Discussed guidelines further. Agreed a basic document may better frame public issues and enhance community participation. Discussed process and asked Councilmember Aakre to prepare a draft for review and discussion in February.

D. Sewer Lift Station #1

a. Approve Scope Expenses

**Administrator Lay:** Summarized the emergency and a history/technical analysis of Sewer Lift Station #1. Requested Council authorize \$300 for a scope to confirm if tie in to WB Township can occur and authorize \$1000 in emergency money used for immediate repair. Stated details should be available by February and serious changes are needed.

**Mayor Wingfield:** Summarized the issue by stating that the lift station is obsolete, a tie into WBT is easily the most desirable, and listed several reasons. Added that sharing services with other communities is good use of government resources.

b. Ratify Emergency Approval for Engineering Expenses

**MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE \$300 FOR SCOPE RELATED EXPENSES AND RATIFY USE OF \$1000 OF EMERGENCY FUNDS TO MAKE THE NECESSARY EMERGENCY REPAIRS FOR LIFT STATION #1 IN DECEMBER, 2018. ALL AYES. MOTION PASSED.**

E. Utility Rate Increases

a. Approve Rate Increases

**Mayor Wingfield:** Stated sewer rates would need to stay the same in light of Lift Station #1 and recommendations included increasing sewer flat fee from \$70 to \$80, base water rate from \$15 to \$21 per quarter to reflect cost of mailings and lake litigation fees and a rate fee increase of 4%. Cited recent local article showing BWV utility rates are lower than metro area average.

**Mayor, Council Members and Attorney Kantrud:** Discussed the lake litigation fee and how to recover the costs.

**Attorney Kantrud:** Stated only way to pursue action would likely be legal and he is not aware of other communities pursuing action but residents and businesses are not fond of the fee. Stated he will update council with status changes, if any.

b. Approve ACH Cost Savings Proposal

**Mayor Wingfield:** Requested to pass on savings of \$2 per quarter to residents who use the option.

**Mayor and Council Members:** Asked Administrator Lay to include a note on bills reminding residents of the ACH feature.

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE THE FIRST READING OF THE WATER FEE INCREASE, SEWER RATE INCREASE AND ACH COST SAVINGS PROPOSAL AND ORDER A PUBLIC HEARING IN FEBRUARY 2019. ALL AYES. MOTION PASSED.**

**F.** Planning Commission Appointments

**a.** Review Letters of Interest

**Administrator Lay:** Summarized by stating vacancies have been posted and deadline for letters of interest has expired. Andy Sorenson and Mark Foster have applied and Mr. Foster has also applied for the Roads Committee.

**b.** Council Deliberation and Selection

**Mayor and Council Members:** Discussed appointments briefly. Decided to invite Mr. Foster to also serve with the Roads Committee if he wants to volunteer for both positions..

**MOTION WAS MADE BY COUNCILMEMBER FLECK TO APPOINT MR. ANDY SORENSON AND MR. MARK FOSTER TO THE PLANNING COMMISSION. ALL AYES. MOTION PASSED.**

**c.** Review Special Assessment Policy (Time Stamp 00:39:00)

**Mayor Wingfield:** Noted inconsistencies in the mill & overlay recommendation.

**Mayor Wingfield, Council Members and Attorney Kantrud:** Discussed if a mill & overlay project can be assessed.

**Attorney Kantrud:** Stated Roads Committee had recently determined it qualifies for special assessment and smaller items, such as chip seal or crack filling, are defined as maintenance items.

**Mayor Wingfield:** Summarized for Council the background of the current mill & overlay project.

**Administrator Lay:** Provided definition for "mill and overlay." Explained that the recommendation of the Roads Committee is that those improvements be specially assessed by unit parcel..

**Attorney Kantrud:** Recommended to use only the first sentence of the city's legal definition and strike the remainder.

**Mayor and Council Members:** Discussed the mill and overlay project and determined no public hearing is required. Decided Attorney Kantrud and Administrator Lay will work on the language and it will be included in February's meeting.

**d.** Escrow

**Attorney Kantrud:** Stated Roads Committee recommended using escrows and that it is a common practice.

**Mayor and Council Members:** Asked Attorney Kantrud to draft escrow policy language for February's meeting.

**Mayor Wingfield:** Concluded with a brief summary of escrows in relation to past projects that had cost the city money.

**G.** City Attorney's Report

Dog Ordinance Update

**Mayor Wingfield:** Summarized the revised version of what Council had reviewed in 2018. Highlighted concerns.

**Mayor, Council Members and Attorney Kantrud:** Reviewed the unattended dogs section in detail.

**Mayor and Council Members:** Decided to strike fifth page, second paragraph ("paragraph C"), citing 605.112.

**Attorney Kantrud:** Recommended changing “may” to “shall” regarding 605.023, return of dog at large to owner.

**Mayor Wingfield:** Stated dogcatcher call prior to impoundment should be required as a courtesy and to save on trip fees.

**Mayor and Council Members:** Discussed requiring a courtesy call. Decided to change word “may” to “shall”.

**Mayor Wingfield:** Recommended change in potentially dangerous dog section regarding provocation definition.

**Mayor and Council Members and Attorney Kantrud:** Discussed interpretation of potentially dangerous dogs in detail.

**Mayor and Council Members:** Decided to make no change in the language regarding potentially dangerous dog.

**Councilmember Aakre:** Recommended rabies vaccine requirement for dogs older than three months be changed to six.

**Mayor Wingfield:** Agreed. Recommended discussion be the first reading and go to public hearing in February.

**MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE FIRST READING OF AMENDMENTS TO THE CITY DOG ORDINANCE AS AMENDED AND ORDER A SECOND READING AND PUBLIC HEARING DURING THE FEBRUARY 2019 REGULAR CITY COUNCIL MEETING. ALL AYES. MOTION PASSED.**

a. Easement Usage License

i. Approve Ordinance 2019-01-01

**Attorney Kantrud:** Summarized the license for accessing public tracts.

**Councilmember Fleck:** Asked if term “maintenance” is defined as sole acceptable purpose for access. Suggested the interpretation may be too limited in scope if so.

**Mayor, Council Members and Attorney Kantrud:** Discussed the language in detail.

**Mayor Wingfield:** Recommended language and changes to first sentence of 167.165, agreed no further changes were needed and noted purpose may not be limited to maintenance but must be stated in application. (Time Stamp 01:06:05)

**Mayor and Council Members:** Discussed Easement Usage License language again briefly.

**MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE THE FIRST READING AND ORDER A PUBLIC HEARING OF THE EASEMENT USAGE LICENSE AS AMENDED. ALL AYES. MOTION PASSED.**

**Administrator Lay:** Requested guidance on moratorium now that there is a decision in place.

**Councilmember Fleck:** recommend moratorium be lifted for limited purpose of tree work at most.

**Mayor and Council Members:** Decided tree work may occur during icy periods of winter to limit any possible damage.

**Attorney Kantrud:** Recommend a motion on the moratorium occur and authorize Administrator Lay with discretion to allow activity pending passage of the easement usage license.

**Mayor Wingfield:** Added the license must include time limits to easement access.

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER FLECK TO LIFT THE MORATORIUM ON EASEMENT ACCESS PENDING THE PASSAGE OF THE EASEMENT USAGE LICENSE AND FOR THE NEXT SIXTY DAYS AUTHORIZE ADMINISTRATOR LAY TO ALLOW EASEMENT RELATED ACTIVITY AT HIS DISCRETION WITH SET TIME LIMITS FOR ACCESS. ALL AYES. MOTION PASSED.**

ii. Discuss Next Step – License

**Administrator Lay:** Noted this is ordinance language and that it may be a good idea to review and approve the license.

**Attorney Kantrud:** Stated a standard application form may be applied. Volunteered to help Administrator Lay.

**Mayor and Council Members:** Asked Attorney Kantrud and Administrator Lay to draft a license for review in February.

**H.** Roads Committee Recommendations and Appointments

**Administrator Lay:** Reminded Council of Tom Stangl's resignation and that in fact two seats will be available.

- a. Review Letters of Interest
- b. Council Deliberation and Selection

**Mayor, Council Members and Administrator Lay:** Discussed appointments available and actions taken thus far.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO APPOINT MR. SETH PLUNKETT AND MR. MARK FOSTER TO THE ROADS COMMITTEE PENDING THEIR ACCEPTANCE OF THE APPOINTED POSITIONS. ALL AYES. MOTION PASSED.**

- I. Council Member Reports: None
- J. City Administrator's Report
  - a. City Hall Inspection Update

**Administrator Lay:** Stated no new information at this time. Has reached out to engineer regarding inspection.

- b. Kayak Rack Reservation Fees

**Administrator Lay:** Stated WBLCD is not charging municipalities for boat storage and stated fees were on the application in error.

**Mayor and Council Members:** Decided to give public notice and add the item as an official agenda item in February with rate recommendations from Administrator Lay. Determined a public hearing is not required.

- c. City of Birchwood Banking Card

**Administrator Lay:** Requested the city obtain a single debit/credit card in the name of City Administrator from the City's bank to be used for increasing number of automatic renewals that require credit cards, such as the City website. Currently, employee's personal credit cards are used for these transactions. This service is free with our current bank account.

**Mayor and Council Members:** Discussed a city debit/credit card. Decided \$5000 is an appropriate limit amount and that spending controls based on position and follow existing city policy.

**Attorney Kantrud:** Recommended a motion be made to make the approval official.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE CITY ADMINISTRATOR LAY TO OBTAIN A SINGLE US BANK VISA CREDIT CARD WITH A \$5000 CREDIT LIMIT FOR CITY-RELATED SMALL ITEM PURCHASES WITH LIMITS ON PURCHASES TO BE CONSISTENT WITH PRESENT CITY PURCHASING POLICIES. ALL AYES. MOTION PASSED.**

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 8:19PM CST.**

**ATTEST:**

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**Mary Wingfield**  
Mayor

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**Tobin Lay**  
City Administrator - Clerk