

**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
July 11, 2017**

**MINUTES**

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

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

**OTHERS PRESENT:** Mike Kraemer, Mike Evangelist, Chris Sorenson, Debbie Harrod, Jim Harrod, Julie Mckenzie, Tami Heart, Dyanne Ross- Hanson, Lynn Hanson, Judy Duffy, Alan Mitchell, Bryan McGinnis, Mary Hauser, Judy Walker, Larry Walker, Bridget Sperl, Kathy Blegen-Huntley, and others

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 WHITE TO APPROVE THE AGENDA. ALL AYES. MOTION PASSED.**

**OPEN PUBLIC FORUM:**

- A. Alan Mitchell (23 Oakridge Dr): He spoke about the discussion that had occurred during the June 2017 Council Meeting concerning the use of staff time. He stated that he felt personally criticized by Mayor Wingfield. He also had questions about an item on the agenda- the Dock Association.
- B. Dyanne Ross-Hanson (700 Hall Ave): She provided her perspective about the current operations of the Dock Association and whether the tasks should be shifted to the city. She requested that the Dock Task Force membership be expanded for more objective perspectives.
- C. Debbie Harrod (483 Lake Ave): She asked if she needed to speak about Kay Beach during the open forum or if she could speak during the regular agenda. She also commented on her participation in the Dock Association Task Force and the Dock Association itself.
- D. Judy Duffy (505 Lake Ave): She asked to speak during the regular agenda topic of the Kay Beach Boundary Issue
- E. Judy Walker (4020 E County Line Rd): She complimented the city council and Administrator Lay for their work and effort that has gone into keeping the community moving.

**ANNOUNCEMENTS:**

- A. Music in the Park, Sundays 6pm at one of the City easements or parks; inclement weather location is City Hall
- B. Marian Johnson Across the Lake Swim - July 29, 7am at Birch Beach
- C. Recent Break-Ins — Please Lock Doors and Windows
- D. We are social! Follow us on Facebook/Twitter or register for the email listserv
- E. National Night Out - August 1, 2017

## ADMINISTRATIVE PRESENTATION

- A. Sheriff Report: No report verbally given, but the report was provided as an FYI to the community

## CITY BUSINESS – CONSENT AGENDA

- A. Approval of Orientation Workshop Minutes from March 16, 2017
- B. Approval of Regular Meeting Minutes from April 11, 2017
- C. Approval of Regular Meeting Minutes from May 9, 2017
- D. Approval of Joint Parks Committee Meeting Minutes from May 24, 2017
- E. Approval of Treasurer’s Report
- F. Approval of Dog Park Committee Request — Appointment and Amend Bylaws
- ~~G. Approval of Parks Committee Request — Survey (Moved to Regular Agenda)~~
- H. Approval of Resolution 2017-19: Office Support Worker Extension
- ~~I. Approval of Resolution 2017-20: Naming Tobin Lay City Administrator (Moved to August)~~
- J. ~~Approval of Videographer Appointment, Compensation, and Contract (Moved to Regular Agenda)~~
- K. Approval of Cable Commission Alternate Director Appointment
- ~~L. Approval of Toilet Rebate (Moved to Regular Agenda)~~

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

## CITY BUSINESS - REGULAR AGENDA

- A. **Dock Task Force Update and Recommendation**
  - a. **Update:** Mayor Wingfield provided a brief recap of the memo concerning the Dock Task Force from the June council meeting in which all parties were in agreement that the docks should be public. She detailed the various issues that have occurred over the years with the docks being a privatized entity.
  - b. **Nino Nardecchia (Dock Task Force Chair):** He spoke about the various issues of management between the city and the Dock Association, as well as areas that could be improved.
  - c. **Public Discussion:**
    - i. Lynn Hanson (700 Hall Ave): He commented on the issues between the Dock Association and the City. He did not agree with the “use it or lose it” recommendation given by the Dock Task Force.
    - ii. Mike Evangelist (364 Wildwood) - President of Dock Association: He continued the “use it or lose it” discussion, stating that some of the open slips were already paid for but empty for understandable reasons.
    - iii. Dyanne Ross- Hanson (700 Hall Ave): She brought up her questions and concerns about the Dock Task Force.
  - d. **Council Deliberation and Consideration of Approval:** The council members carried on discussions concerning the Docks.
    - i. Councilmembers Malvey, LaFoy, and White recommended that all three options should be considered in the Phase 2 recommendations.

- ii. Councilmember LaFoy called the question to bring discussion to a vote

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT FOR THE DOCKS TASK FORCE TO CONTINUE WORK ON ALL THREE OPTIONS PRESENTED UNDER PHASE 2 AND TO REPORT BACK TO THE CITY COUNCIL AT THE AUGUST COUNCIL MEETING. COUNCIL MEMBERS: MALVEY, LAFOY, WHITE, AND WOOLSTENCROFT VOTED YES. MAYOR WINGFIELD VOTED NO. MOTION PASSED.**

**B. Meeting Protocol and Template**

- a. **City Attorney Kantrud:** He summarized various meeting protocols that would help make city council meetings more efficient, including holding a workshop before the Council meetings where new topics would be discussed before coming to the Council meetings. He suggested this will “skinny-up” the agenda and make better use of time. He has already spoken to Administrator Lay about these ideas and he like it.
- b. **Council Deliberation and Consideration of Approval:** They discussed the suggestions provided by the city attorney and decided that they will attempt to implement these suggestions in order to make the city council meetings more efficient as long as it doesn’t cut public comment out of the process. They agreed that the workshops should be recorded as well.

**C. Kay Beach Boundary Issue**

- a. **Update:** Mayor Wingfield summarized the issue of the unknown boundary line on the North Beach. Due to the fact that lake front property is expensive, she requested that Council obtain a professional survey to determine the boundary lines soon. She also noted the city has an easement for the full use and enjoyment of the area to the south of the property line that the public does not know about. Two posts in the ground give the perception that the land in question is private, although it is not. Councilmember Woolstencroft also provided background history of how the issue came to light.
- b. **Public Discussion:**
  - i. Debbie Harrod (483 Lake Ave): She spoke about her property that neighbors Kay Beach and was perplexed that they had not received a notice that this issue was being discussed until Friday, July 7. She provided information on the various surveys that have taken place on Kay Beach, including the survey done in 2012. She provided documentation that stated that the Harrods did not have any private belongings (including the wooden fence) on public property.
  - ii. Judy Duffy (505 Lake Ave): She expressed her frustration that they were not notified of the discussion that would be occurring at the City Council meeting concerning her property lines. She explained that there is no physical obstruction on her property near Kay Beach that would interrupt visitors of Kay Beach using the public easement.
- c. **Council Deliberation and Consideration of Approval:**
  - i. Councilmember Malvey: She provided her perspective on the Kay Beach Boundary line, expressing her frustration that the impacted property owners were not notified. She stated that she believed the Harrods were being neighborly and actually allowing some of their property to be used by community members that visit Kay Beach. She thinks Kay Beach is a great resource that is being utilized by the community and doesn’t think having the City Attorney looking into this issue is a good use of his time. Based on the

multiple surveys already done, it appears the neighbors are sharing more property with the public than they have to.

- ii. City Attorney Alan Kantrud: He provided legal perspective on the documents and surveys that were provided. He explained that it may be beneficial to bring the current surveys to a final surveyor to finally set one specific boundary line. The property in question would be a difference of roughly 3 feet.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO HAVE CITY ATTORNEY KANTRUD TO NEGOTIATE AN EASEMENT BETWEEN THE CITY'S PROPERTY AND THE PROPERTY ON THE NORTH SIDE OF KAY BEACH. COUNCILMEMBERS LAFOY, WHITE, AND WOOLSTENCROFT AND MAYOR WINGFIELD VOTED YES. COUNCILMEMBER MALVEY VOTED NO. MOTION PASSED.**

- iii. Council Members: They discussed the property to the south property line at Kay Beach and wanted the public to know that they have access within that space.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY MAYOR WINGFIELD TO MOVE ON TO THE NEXT ITEM ON THE AGENDA. ALL AYES. MOTION PASSES.**

**D. First Reading of Ordinance 2017-07-01, Amending Exterior Storage Requirements**

- a. **Councilmember Malvey:** She provided information concerning the proposed amendment. She had received notification from a community member that he had received warning for parking his boat on the trailer in his driveway. She requested an amendment to the policy that would allow residents as well as visitors to park boats on trailers in their driveway in the spring, and snowmobiles on trailers in the winter months.
- b. **Council Members:** Deliberated this proposal, a motion was made to adopt the amendment but then withdrawn to allow further discussion on this topic. The topic was tabled.

**E. Council Member Reports:**

- a. **Councilmember Lafoy:**
  - i. **Century Link Update:** He explained why Century Link will not be coming to the area
- b. **Councilmember Malvey:**
  - i. **Workshop for Concerns:** She requested a workshop with members of the group, Birchwood United, in order to create a broader discussion on how to resolve issues that the City of Birchwood is facing. She would like to see members of the council and members of Birchwood United work together.
    - 1. Councilmember White she said that any workshop should be with the whole community, not just with members of a specific community group. She reminded the council that they just held a town hall meeting that night to allow such a conversation to take place and many members of Birchwood United were present and were given an opportunity to speak
    - 2. Councilmember Malvey called the question to bring discussion to a vote

**MOTION WAS MADE BY COUNCILMEMBER MALVEY AND SECONDED BY COUNCILMEMBER LAFOY TO CREATE A WORKSHOP WHERE MEMBERS OF THE COUNCIL AND MEMBERS OF BIRCHWOOD UNITED CAN TALK. COUNCIL MEMBERS MALVEY AND LAFOY VOTED AYE. MAYOR WINFIELD AND COUNCIL MEMBERS WHITE AND WOOLSTENCROFT VOTED NO. MOTION DOES NOT PASS.**

- ii. **Approval of Parks Committee Request - Survey:** She clarified that the request for the survey included a financial request to cover mailing expenses and she wanted to confirm what those expenses would amount to.
  - 1. Mayor Wingfield pointed out that Larry Walker, who was helping the Parks Committee create the survey, was no longer at the meeting. She recommended referring the survey back to the Parks Committee to add an option to the survey that the parks as fine as they are currently. She suggested that the survey be included in the August newsletter.
  - 2. Councilmember White said that as a Parks Committee liaison, she wanted more time to review the survey.
  - 3. Councilmember Malvey agreed that changes could be made to the survey but didn't want to wait to send the survey out with the August newsletter.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO REFER THE SURVEY BACK TO THE PARKS COMMITTEE TO INCLUDE AN ADDITIONAL OPTION OF "WE LIKE BIRCHWOOD," HOWEVER THEY CHOOSE TO FRAME IT. COUNCILMEMBER MALVEY VOTED NO. MAYOR WINGFIELD AND COUNCIL MEMBERS LAFOY, WHITE, AND WOOLSTENCROFT VOTED AYE. MOTION CARRIES.**

- iii. **Approval of the Videographer:** Councilmember Malvey wanted to make an adjustment to the verbiage of the contract stating that all closed meetings must be recorded but not always broadcasted. She would like the contract to say "If requested by the council, all closed meetings will be recorded but not broadcasted."
  - 1. City Attorney Alan Kantrud said he didn't have much time to review this contract and would like to spend more time on it.
  - 2. Request to have the contract approved was tabled.
- iv. **Approval of Toilet Rebate:** Councilmember Malvey wanted to confirm that the rebate covered the full cost of the toilets rather than a limited amount. She wanted to amend it stating that the rebate will be approved if the City is qualified for the rebate.
  - 1. Administrator Lay answered that the rebate would cover all but about \$40 of the purchase of the toilets and that the City of White Bear Lake had already approved and issued the rebate check.

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE TOILET REBATE AS PRESENTED.**

**ALL AYES. MOTION PASSED.**

**F. City Administrator's Report:** Administrator Lay did not have anything to report.

**G. City Attorney Report**

- a. Community Solar Garden Contract Update:** He stated his approval of the Solar Garden contract as it is written, including the confirmation that the city will have no any additional financial consequences but only savings.
- b. Comprehensive Plan Consultant Contract Update:** He told the council that he made changes to the contract that was provided by the comprehensive plan consultant. She forwarded the changes to her attorney, but Kantrud has not heard back.

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 10:25 P.M.**

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Mary Wingfield  
Mayor

ATTEST:

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Tobin Lay  
City Administrator-Clerk

**RESOLUTION 2017-19**

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

**APPROVING THE EXTENSION OF DENNIS SONNEK AS OFFICE SUPPORT  
WORKER.**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, July 11, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Megan Malvey, Randy LaFoy, Trilby White, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

**WHEREAS,** The City of Birchwood Village will extend Dennis Sonnek's position as Office Support Worker an additional 90 days; and

**WHEREAS,** All other terms of this relationship will remain unchanged from those passed under Resolution 2017-13; and

**WHEREAS,** The City Council will re-evaluate the need for this position upon expiration of this extension.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Birchwood Village hereby approves the extension of Dennis Sonnek's position as Office Support Worker, effective July 11, 2017.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 11<sup>th</sup> day of July, 2017.

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Mary Wingfield, Mayor

Attest:

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Tobin Lay  
City Administrator-Clerk