

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

**MINUTES**

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

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

**Others Present:** Jerry Hromatka, Terry Granec and Ron Malles.

**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**

**Mayor Wingfield:** Added Code Enforcement to council member reports under Mayor Wingfield.

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

**GUEST PRESENTATION**

- A. NYFS Presentation – Jerry Hromatka
  - a. Update / Presentation

**Jerry Hromatka (NYFS):** Thanked council. Presented annual update on community and youth mental health services. Invited public to learn more at nyfs.org. Stated city received no cases in 2017, 2 in 2018 and 1 so far in 2019. (Time Stamp 00:02:04)

**OPEN PUBLIC FORUM**

**Councilmember LaFoy:** Thanked Mayor Wingfield and all the people involved for a wonderful 4<sup>th</sup> of July parade.

**Ron Malles (425 Wildwood):** Voiced concern about section 615 and storage of watercraft. Volunteered to work with Councilmember Aakre on improvements. Council Members asked Mr. Malles to share his recommendations with Councilmember Aakre through Administrator Lay.

**ANNOUNCEMENTS**

- A. Complete the Lake Links Trail Survey – See “Public Notices” on the City website.
- B. Volunteers Wanted: Music in the Park & Water Utility Committee – Contact City Hall.
- C. Music in the Park is every Sunday at 6pm – See City website for more info.
- D. We are social. Follow us on Facebook at @BirchwoodCityHall and/or on Twitter at @CityofBirchwood.

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report
- B. Birch Street Stormwater Management
- C. Paul Carroll Resignation and Position Replacement Status

**Mayor Wingfield:** Updated council on status of detour traffic enforcement by the Washington County Sheriff. Of the twelve citations, only two were Birchwood residents.

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve Regular Meeting Minutes from June 11, 2019
- B. Approve Resolution 2019-08, Summary Publication of Sec 607
- C. Approve Treasurer's Report

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

**CITY BUSINESS – REGULAR AGENDA**

City Engineer Report

- a. Lift Station #1 Update and Special Meeting Deliberation

**Admin Lay:** Updated council on Ramsey and Washington County permits. Stated that upon receipt of these permits, Engineer Thatcher will publish for bids with a bid award anticipated for August.

**Mayor Wingfield, Administrator Lay and Attorney Kantrud:** Discussed need for action and potential special meeting.

- b. Lake Mill Avenue Mill and Overlay Update

**Administrator Lay:** Stated that appraisal for drainage improvements is pending. Also discussed stormwater feasibility study and possible rice creek watershed grant.

**Attorney Kantrud:** Stated he did speak with the appraiser and it should be ready for review before next meeting.

**Mayor and Council Members:** Discussed both projects. Decided to wait on any action until more information is received.

- B. Repealing Sec 805

**Administrator Lay:** Provided background.

- a. Public Hearing

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

- b. Council Deliberation and Approval

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO REPEAL SECTION 805. ALL AYES. MOTION PASSED.**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO WAIVE THE SECOND READING OF REPEALING SECTION 805 AND PROCEED WITH REPEAL AS OF PUBLICATION. ALL AYES. MOTION PASSED.**

**Administrator Lay:** Asked the City Attorney about publication requirements for repealed ordinances.

**Attorney Kantrud:** Responded to publish as an announcement, as there is no language for publication.

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

**Mayor Wingfield:** Provided background on ordinance 2019-03-01 (Road Escrow).

- a. Public Hearing

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

b. Council Deliberation and Approval

**Mayor, Council Members and Attorney Kantrud:** Discussed insurance and cash escrows, application of ordinance on residential properties, collecting on damages, appeals, letter of credit language and cited examples. Decided Attorney Kantrud will review the draft for council consideration in August.

D. First Reading Ordinance 2019-04-01, Amending Permit Requirements (203)

**Administrator Lay:** Introduced ordinance and provided background – three separate amendments.

**Mayor and Council Members:** Discussed the ordinance language and process. Decided Mayor Wingfield will work with Attorney Kantrud on additional amendments and present in August for first reading.

E. Request for Soliciting Private Assessors for 2020

a. Council Deliberation and Approval

**Mayor Wingfield:** Summarized the item and invited council to consider opening up assessor services.

**Mayor, Council Members, Administrator Lay and Attorney Kantrud:** Discussed property assessment services.

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY MAYOR WINGFIELD TO AUTHORIZE ADMINISTRATOR LAY TO COLLECT BIDS FROM PRIVATE ASSESSMENT FIRMS FOR THE PURPOSE OF PERFORMING ANNUAL PROPERTY ASSESSMENTS. ALL AYES. MOTION PASSED.**

F. Schedule Deer Management Town Hall Meeting

**Administrator Lay:** Provided background and asked council to select meeting date.

a. Council Deliberation and Selection

**Mayor, Council Members and Administrator Lay:** Discussed flow of meeting and involving the Parks Committee to help educate council and the general public. Decided Administrator Lay is to set a meeting date based on doodle feedback. Decided to assign Parks Committee with framing the issue in order to educate and formulate a better idea of public opinion on topic.

G. Ice Rink Updates

**Administrator Lay:** Updated council on LED lighting. Requested authorization of up to eight thousand dollars to act as per the bid information gathered with the funds coming out of the parks special fund.

a. Council Deliberation and Approval

**Mayor, Council Members, Administrator Lay and Terry Granec (Roads Committee):** Discussed LED lighting and the LED project in relation to other ice rink updates as well as the costs and benefits of performing the work in house.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE UP TO \$8000 FOR ADMINISTRATOR LAY TO PROCEED WITH THE LED LIGHTING PROJECT AT BIRCHWOOD ICE RINK. ALL AYES. MOTION PASSED.**

**Administrator Lay:** Provided council with Pickleball update noting popularity. Suggested council considers resurfacing of ice rink for alternative purposes like pickleball, basketball or soccer in warmer months. Stated he had no cost information available but recommended pricing be sought.

**Mayor, Council Members and Administrator Lay:** Discussed cost of tennis court resurfacing, timing and involving other partners.

**Councilmember Fleck:** Highlighted exploring other supportive and cost effective ideas like pay-to-play tennis courts.

**Mayor and Council Members:** Decided to gather information for possible resurfacing project next year with special attention to be paid to the pay-to-play idea introduced by Councilmember Fleck.

**H. Outdated Signs**

**a. Council Deliberation and Approval**

**Mayor Wingfield:** Requested a review of Chapter 617 and an audit of city street signage. Welcomed ideas from council and invited the public to send Administrator Lay ideas for workable street signs. Volunteered to work with Councilmember Fleck and report back in August.

**Mayor, Council Members, Administrator Lay and Attorney Kantrud:** Discussed signage standardization, removal of excess signage and innovative ideas.

**I. Plowing Problems with Objects in the Right-Of-Way (ROW)**

**a. Council Deliberation**

**Mayor Wingfield:** Reintroduced her February 2019 memo to the Council and requested ROWs be cleared before winter arrives.

**Administrator Lay:** Recommended creation of curbside ROW policy to guide staff in clearing the ROWs and instruct plow drivers. Stated some cities only place mailboxes on one side of road for simplicity. Finally, Birch wants to designate cleared areas for snow piling to assist with the tight roads, which a policy might address.

**Mayor and Council Members:** Discussed driving lanes, policy, intersection layout and opportunities for enhanced safety. Directed Administrator Lay to research and recommend policy.

**J. Appoint Commission/Committee Seats**

**Administrator Lay:** Parks Committee members Ana Vang and Bridget Sperl appointments expire in July. Committee requests these members be reappointed to the Committee for another term.

**Councilmember Fleck:** Introduced the idea of generally moving to temporary task forces instead of more permanent committees. Noted the difference with the Roads Committee. Suggested the parks committee be changed to a task force.

**Mayor and Council Members:** Discussed reappointing to Roads Committee but not to Parks Committee at this time and re-evaluating Parks Committee in November, after the deer management town hall meeting.

**a. Roads Committee – Ben Creagh**

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO REAPPOINT BEN CREAGH TO THE ROADS COMMITTEE. ALL AYES. MOTION PASSED.**

**b. Parks Committee – Analeisha Vang & Bridget Sperl**

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY MAYOR WINGFIELD TO REAPPOINT ANALEISHA VANG AND BRIDGET SPERL TO THE PARKS COMMITTEE UNTIL RESOLUTION OF THE DEER MANAGEMENT ISSUE. MAYOR WINGFIELD VOTED AYE. COUNCILMEMBER LAFOY VOTED AYE. COUNCILMEMBER WOOLSTENCROFT VOTED NAY. COUNCILMEMBER FLECK VOTED NAY. MOTION FAILED.**

**K. Council Member Reports**

**a. Mayor Wingfield**

**i. City Hall Piano**

**Mayor Wingfield, Administrator Lay and Attorney Kantrud:** Discussed the costs and disposal of the old city hall piano.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO DISPOSE OF THE CITY HALL PIANO UNDER THE LEGAL MEANS NECESSARY AND USING FUNDS NOT TO EXCEED \$250. ALL AYES. MOTION PASSED.**

**ii. Code Enforcement**

**Mayor Wingfield:** Summarized parking issue on Oakridge. Recommended specific enforcement instructions for Sheriff.

**Attorney Kantrud:** Stated it is worth a 911 call to have the Sheriff check out if a road is passable for an emergency vehicle, but does not recommend further action than to call it out when it is witnessed.

**Mayor Wingfield:** Recalled a recent “no motorized vehicles” infraction at Kay Beach, noting it was referred on to the Sheriff.

**iii. Parking at Lake Easements**

**Administrator Lay:** Suggested Council consider minimal parking at lake easements; moving the chain back several feet.

**Mayor and Council Members:** Decided to visit the item in winter concluding the Kay Beach parking trial.

**iv. Clear cutting at 7xx Hall Avenue**

**Mayor Wingfield:** Informed Council of a resident who recently clear-cut the shoreline and left only two diseased trees that needed to be cut anyway despite city adopted code requiring the thoughtful removal of vegetation.

**Attorney Kantrud:** Stated code may help and like the DNR, you might get a restoration order and fine out of a violator or it may be termed also under a nuisance statute. Opined that by removal, you may create a nuisance situation for a neighbor or city, which is possible in Birchwood due to the nature of its vegetation, landscape and removal requirements.

**Mayor Wingfield:** Stated a clear-cut precipitated new code requirements four years ago. Asked Attorney Kantrud if city has recourse.

**Attorney Kantrud:** Recommended contacting the property owner before the property sale transaction in order to make corrections or request information as a sale requirement, and that a civil order may also cover it. Stated it is a complicated pursuit once the sale has occurred due to the rights of new owner versus responsibility of old owner and that information may be recorded on the title as well. Offered to look into city recourse in the case of a private property transfer.

**Council Members:** Requested attorney to defend the city’s interests and avoid setting a bad precedent.

**b. Councilmember LaFoy**

**i. Cable Contract Summary**

**Councilmember LaFoy:** Updated council on status of cable contract franchise negotiations and provided background on the FCC, Comcast and new laws and technology issues that impact small cities. Welcomed ideas or any questions.

**ii. Notice Policy**

**Councilmember LaFoy:** Requested ideas from council to find better ways of reaching the public.

**Mayor, Council Members and Administrator Lay:** Discussed the idea of a notice policy. Determined the means for sharing information will be pursued on an item-by-item basis.

**L. City Administrator’s Report**

**a. Right-Of-Way Brush Clearing**

**Mayor Wingfield:** Highlighted brush-clearing needs along cedar and hall and proposed council pay \$1500 to have Steve Dean to clear brush in ROW and train city maintenance staff on related maintenance practices.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE UP TO \$1500 TO HAVE STEVE DEAN WORK WITH CITY STAFF TO CLEAR RIGHT OF WAY BRUSH ALONG CEDAR STREET AND HALL AVENUE. ALL AYES. MOTION PASSED.**

**Mayor Wingfield:** Noted that brush clearing will need to be budgeted each year to maintain ROW mowing.

**b. Chemical Use**

**Administrator Lay:** Asked for council direction on chemical use in the city.

**Mayor, Council Members and Administrator Lay:** Discussed pesticide use and other related considerations. Directed Administrator Lay to use chemicals sparingly using best judgment.

**c. Grotto Stairs Handrail**

**Administrator Lay:** Requested \$1000 to install ADA handrail along Grotto Street stairs.

**Mayor and Council Members:** Discussed grotto stairs handrail.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE ADMINISTRATOR LAY TO SPEND UP TO \$1000 ON AN ADA COMPLIANT HANDRAIL ALONG THE GROTTA STAIRS. ALL AYES. MOTION PASSED.**

**d. Council Photo Shoot – August 13<sup>th</sup> at 6:30pm – Prior to City Council Meeting**

**Administrator Lay:** Reminded council to please arrive at 6:30pm next month for the City Council photo shoot.

**e. Water Meters**

**Mayor Wingfield:** Stated City water meters are functionally obsolete and need to be replaced with new technology. Stated Shelly Reukert at the City of St. Anthony Village supports this recommendation. Requested inviting water meter specialist to attend the August Council meeting to address Council on water meter reading technology, costs, etc.

**Mayor and Council Members:** Discussed water meters. Approved inviting specialist in August.

**f. Kayak Rack Update**

**Administrator Lay:** Informed Council that Kay Beach kayak rack will be available for reservations later in the week, first come first serve. Existing racks at other beaches will be improved. Asked about non-resident reservations.

**Mayor and Council Members:** Discussed offering kayak racks to non-residents, no action taken.

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER LAFOY TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:28 PM CST.**

**ATTEST:**

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**Mary Wingfield**  
Mayor

\_\_\_\_\_  
**Tobin Lay**  
City Administrator – City Clerk