

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
JUNE 11, 2019**

MINUTES

Members Present: Mayor Mary Wingfield, Council Members Randy LaFoy and Kevin Woolstencroft. Council Members Jon Fleck and Jessi Aakre were absent.

Staff Present: City Administrator Tobin Lay, City Engineer Steve Thatcher and City Attorney Alan Kantrud.

Others Present: Justin McCarthy, Mike Kraemer, Mary Jane LaVigne, Kris Birch, Chris Churchill, Francisco Gonzalez and others.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Mayor Wingfield: Called the regular meeting to order at 6:45 pm. The Pledge of Allegiance was recited.

APPROVE AGENDA

Mayor Wingfield: Added Assessment Valuation Document and Park Avenue Drainage Improvement under City Engineer Report and removed LMC annual conference attendance from her Council Member Report.

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

GUEST PRESENTATION

- A. Meet area Met Council Member Francisco Gonzalez
 - a. Introduction / Presentation

Mayor Wingfield: Introduced Mr. Gonzalez as Birchwood Village's representative on the Met Council.

Councilmember Gonzalez (Met Council): Introduced himself and spoke of his recent honor briefly. He also introduced Anna Vang, a city resident and Parks Committee member as a Met Council staff member. Welcomed any questions or matters of concern.

Mayor Wingfield: Summarized the existing lift station bypass issue stating they did not get a response from Met Council.

Anna Vang (Met Council): Recommended council copies her and Councilmember Gonzalez or reach out to her if not receiving feedback. Welcomed contact to make inroads if assistance is needed.

Mayor and Council Members: Asked several questions of Gonzalez and requested assistance with the lift station bypass issue.

OPEN PUBLIC FORUM

Justin McCarthy (515 Lake Ave): Asked about Iris & Wildwood stop sign reconfiguration status, Lake Links Trail at Lake Avenue and project funding.

Kris Birch (Birch, Inc.): Requested approval to release final snowplowing payments.

ANNOUNCEMENTS

- A. City Garage Sale & Giveaway – Saturday, June 22nd
- B. We are social. Follow us on Facebook @BirchwoodCityHall or Twitter @CityofBirchwood

- C. July 4 Parade will begin at 10:00am – Lineup at 9:30am at 5 Birchwood Avenue
- D. Music in the Park – 6pm every Sunday - June 9 through August 26 (No Concert - Sunday, July 7th)
- E. Looking for volunteers to assist with Music in the Park – Please contact City Hall

ADMINISTRATIVE PRESENTATION

- A. Sheriff's Report

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from May 14, 2019
- B. 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

- A. City Engineer Report
 - a. Lift Station #1 Update & Utility/Sanitary Sewer Joint Powers Agreement with White Bear Township

Engineer Thatcher: Stated he is working with Washington and Ramsey counties to put a service line in Ramsey County's right-of-way and the next step is advertise for bids. Recommended bid request after county and city project approval.

Attorney Kantrud: Confirmed city must proceed only after city project approval.

Mayor, Attorney Kantrud and Engineer Thatcher: Discussed alternative bidding, timeline acceleration and project increments.

Engineer Thatcher: Informed council these projects are often coordinated by cities due to related projects such as tree removal.

Mayor and Council Members: Asked Engineer Thatcher to set up a bid schedule for the entire project by one contractor and smaller project schedules for incremental projects phases. Committed to review by city attorney prior to taking any steps forward.

Attorney Kantrud: Suggested a general contractor may be the best option to coordinate three sub contractors.

Engineer Thatcher: Stated he will check on costs and ability to bid on entire project with his contacts to get a feel for best option.

Mayor and Council Members: Agreed. Requested Engineer Thatcher informs council immediately once information is received. Decided a special meeting may be called in order to address the issue urgently.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO PUBLISH FOR BIDS ON THE LIFT STATION #1 BYPASS PROJECT. ALL AYES. MOTION PASSED.

Administrator Lay: Updated council on the Sewer JPA with White Bear Township. Requested approval to proceed.

Attorney Kantrud: Offered to review and approve any changes made to the Joint Powers Agreement made by White Bear Township.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO AUTHORIZE ATTORNEY KANTRUD TO REVIEW AND APPROVE CHANGES TO THE JOINT POWERS AGREEMENT MADE BY WHITE BEAR TOWNSHIP. ALL AYES. MOTION PASSED.

- b. Lake Ave Mill and Overlay Feasibility Report

Engineer Thatcher: Provided a brief on the Mill and Overlay appraisal. Recommended not taking bids until decisions on drainage in that area have been made, review the drainage feasibility study and order a project benefit analysis.

- c. Lake Ave Drainage Feasibility Report

Attorney Kantrud: Stated the drainage feasibility was included and an evaluation councilor firm has studied it.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ORDER A PROPERTY BENEFIT ANALYSIS FROM THE FIRM OF DAHLEN, DWYER, FOLEY AND TINKER, INC. IN ORDER TO DETERMINE ANY BENEFITS OR ASSESSMENTS OF THE DRAINAGE PROJECT RELATED TO THE LAKE AVENUE MILL AND OVERLAY PROJECT. ALL AYES. MOTION PASSED.

Administrator Lay: Requested authorization for he and Engineer Thatcher to meet with RCWD to discuss cost sharing.

Mayor and Council Members: Approved.

Mayor, Attorney Kantrud and Engineer Thatcher: Discussed the extent of the Mill and Overlay project.

Engineer Thatcher: Stated the Met Council wants a copy of the project information and highlighted project details briefly.

Attorney Kantrud: Stated he would like the data in memo for project review purposes.

Mayor Wingfield: Affirmed drainage is a fundamental issue and roads projects may be impacted without proper drainage.

Mayor, Attorney Kantrud and Engineer Thatcher: Decided page 44 of agenda packet would be reviewed and updates would occur to lot one and two on plan with a review for consistency with assessment policy due to multi-frontage lots.

- B. MS4: Storm Water Pollution Prevention Program Review

Administrator Lay: Summarized MS4 and the requirement to review it with a public hearing each year.

- a. Public Hearing

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

- C. Second Reading Ordinance 2019-03-02, Undersized Lots (302.015)

- a. Public Hearing

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

- b. Council Deliberation and Approval

Mayor Wingfield: Summarized prior council review and status of the ordinance stating approval is subject to publishing.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE ORDINANCE 2019-03-02, UNDERSIZED LOTS (302.015). ALL AYES. MOTION PASSED.

- D. First Reading Ordinance 2019-05-01, Public Improvements Financing and Assessment Sec 805

Mayor Wingfield: Summarized issues with ordinance and highlighted changes to sec 805 due to conflict with city code.

- a. Public Hearing

Justin McCarthy (515 Lake Ave): Concerned with removing city assessment obligation in relation to public parks.

Mike Kraemer (471 Lake Ave): Encouraged council to consider potential challenges in court over assessment policy.

Mayor Wingfield: Stated policy, not code, should dictate these items moving forward, which is why the code is no longer needed. Asked Attorney Kantrud to answer how city pays for benefits and assigns value to benefits conferred against land.

Attorney Kantrud: Stated public land is just that, public and the value to property must be basis for project benefit assessment.

Justin McCarthy (515 Lake Ave): Accepted assessment method, but questioned city's value as a participant in project.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EXTEND DISCUSSION BY TEN MINUTES. ALL AYES. MOTION PASSED.

Attorney Kantrud: Informed audience cities cannot assess greater than actual cost of a project and public entities are not assessed because what the private taxpayer does not pay is absorbed by city and is paid through standard taxation.

Justin McCarthy (515 Lake Ave): Disagreed citing benefits attached to Tighe-Schmitz Park. Stated all residents do benefit from the road and park on Lake Avenue, as it is accessed frequently by the public for both beach and park access.

Mike Kraemer (471 Lake Ave): Argued appraisers can value projects liberally, so the value stated needs to be tangible.

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

b. Council Deliberation and Approval

Mayor and Council Members: Discussed fairness and perception of fairness in assessments briefly. Determined that the city is following the State of Minnesota template and guidelines as recommended by the city's attorney.

Attorney Kantrud: Stated the county assessor comes up with fair relative values for assessment for each property based on project. Public hearings and objections are allowed with enough time for responses. Any further challenges would have to happen in court via an assessment appeal. Noted government authorities get benefit of any doubt in these instances.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO STRIKE THE PORTIONS OF SECTION 805.050 THROUGH THE REST OF THE CODE IN THE SPECIAL ASSESSMENT REGULATIONS, ADOPTED PREVIOUSLY, AND AS REFLECTED ON PAGES 79 & 80 OF THE REGULAR AGENDA. ALL AYES. MOTION PASSED.

Attorney Kantrud: Noted under old code entire cost assessed to residents, new law provides greater fairness.

Mayor Wingfield: Noted that changes are intended to avoid complications such as arbitration in court.

Administrator Lay: Pointed out there is nothing substantive left in the ordinance after these amendments, asked if it was worth keeping it or if adding reference to the fee schedule would be appropriate there.

Attorney Kantrud: Recommended repealing entire section.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed the issue further as well as a second public hearing and second reading regarding repealing sec 805.

Mayor and Council Members: Decided to set a second public hearing repealing section 805 in its entirety.

Attorney Kantrud: Clarified for council no summary publication would be needed,

MOTION MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO RESCIND THE PRECEDING MOTION STRIKING ONLY PORTIONS OF SECTION 805.050 AND ORDER A SECOND READING OF ORDINANCE 2019-05-01 IN JULY WITH PUBLIC HEARING REGARDING REPEALING THE ENTIRE CODE. ALL AYES. MOTION PASSED.

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

- a. Review Ordinance 2019-03-01, Road Escrow

Mayor Wingfield: Introduced ordinance 2019-03-01. Proposed council apply eight paragraphs that could apply to everything except building and demo permits. Presented the code and language amendments. (Time Stamp 01:25:14)

- b. Council Deliberation and Approval

Mayor and Council Members: Discussed details and reviewed each council members thoughts and recommendations.

Mayor and Council Members: Discussed change requests from Roads Committee.

Mayor Wingfield: Displayed required escrow fee schedule language with park and easement rental removed. (Time Stamp 01:33:01)

Councilmember LaFoy: Applauded Mayor Wingfield's work and stated he is ready to move to the next step.

Administrator Lay: Suggested planning commission determines if omitted language would be appropriate in other codes.

Mayor and Council Members: Agreed.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE FIRST READING AND HOLD SECOND READING AND PUBLIC HEARING FOR ORDINANCE 2019-03-01, ROAD ESCROW, AS AMENDED FOR JULY 2019. ALL AYES. MOTION PASSED.

- F. Appoint Commission/Committee Seats

- a. Planning Commission

Administrator Lay: Introduced candidate Michael Kraemer for consideration on the Planning Commission.

Mike Kraemer (471 Lake Ave): Stated he is a city resident of 2 years and former city engineer with 43 years experience.

Mayor Wingfield: Appreciated Mr. Kraemer's technical expertise and will to serve. Stated he will be a great asset to the city.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPOINT MIKE KRAEMER TO THE PLANNING COMMISSION. ALL AYES. MOTION PASSED.

- b. City Hall Improvements Taskforce

Administrator Lay: Summarized creation and status of the city hall improvements taskforce.

Mayor Wingfield: Suggested appointments should occur only pending the confirmation of the appointee's acceptance.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPOINT STEVE SCHAD, BRIDGET SPORL, SHIRLEY RUEHLE AND CARL BAYLEY TO THE CITY HALL IMPROVEMENTS TASKFORCE. ALL AYES. MOTION PASSED.

Mayor Wingfield: Requested a three minutes recess. (Time Stamp 01:43:36)

Council Members: Approved.

Mayor Wingfield: Recalled the meeting to order. (Time Stamp 01:48:05)

- G. Birch Easement Boat Slips (BDA)

Chris Churchill (BDA): Summarized recent meeting on boat slip options. Requested guidance from council on how far and where to clear brush away from the beach. Stated Pontoons offer unique opportunities by racking in shallow water. Inquired about reduced fees for small watercrafts, as people have voiced a desire to do it.

Mayor, Council Members, Administrator Lay and Chris Churchill (BDA): Discussed alternative watercraft storage.

Mayor and Council Members: Approved filling slips using alternative watercraft as is reasonable at \$650 per slip. Decided the related fee schedule changes would be approached under Item B of the City Administrator's report.

- a. Review BDA Proposal

Mayor, Council Members and Chris Churchill (BDA): Discussed brush, resident contact and proceeding in small steps.

- b. Council Deliberation and Approval

Chris Churchill (BDA): Stated a DNR permit is needed, but at least one more slip can be made this year and he can help, but cannot commit to brush clearing oversight. Asked for assistance from the city maintenance staff or Steve Dean.

Mayor and Council Members: Decided to authorize Administrator Lay to get a DNR permit and notify affected neighbors. Asked Mr. Churchill to return with a proposal highlighting recommendations along with the official packet in fall.

H. Parks Committee Recommendations

- a. Schedule Deer Culling Open House

Administrator Lay: Introduced topic and stated July 24th is the only available date for the DNR to meet in the short-term.

Mayor and Council Members: Decided to contact Houstoun Clinch and the DNR for additional dates to discuss in July.

- b. ADA Picnic Tables

Administrator Lay: Updated council stating Jim Rydeen could retrofit existing tables to suit ADA compliance.

Mayor and Council Members: Decided to retrofit one picnic table as a test table to see if it works well to meet the ADA.

- c. Dog Waste Stations

Administrator Lay: Stated the locations identified include both ends of Ash Walkway, Hall Avenue, Jay Street and the East end of wildwood. Bridget Spurl and Bob Byerly have also volunteered to put waste stations in front of their properties.

Mayor and Council Members: Discussed Dog Waste Stations. Decided not to install more dog waste stations. Asked instead that the Parks Committee work on educating the community; provided example education program in California.

I. Kay Beach Disability Parking

Councilmember Woolstencroft: Stated elderly residents have approached him on not being able to access the beach. Suggested dropping the gate at Kay and including slots for handicap parking and even accessible space along the beach.

- a. Council Deliberation and Approval

Mayor and Council Members: Discussed signage minimum requirements for accessibility and safety. Decided to open up the Kay Beach chain and install signage about 100 feet from chain for handicap parking only.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO OPEN THE CHAIN AT KAY BEACH AND INSTALL ONE HANDICAPPED PARKING SIGN AT THE ENTRANCE AND ANOTHER 100 FEET BEYOND THE CHAIN. ALL AYES. MOTION PASSED.

J. Tax Assessments

Mayor Wingfield: Summarized for council that this is only for review. She is asking why Birchwood would rely on County for assessment services instead of bidding out private provider.

- a. Council Deliberation and Approval

Mayor Wingfield: Stated Birchwood's price of real estate has fluctuated and that this may be due to a limited pool of statistics making net changes to parcels challenging. Suspected values are likely penalized relative to taxes paid and

services needed and received. Informed council that since 2011, the City of Grant has used a private assessor and Dellwood is happy with theirs as well. Displayed tax assessment statistics (Time Stamp 02:20:32)

K. Council Member Reports

a. Mayor Wingfield

i. Wider Road Sweeping & Roadside Trimming

Mayor Winfield: Summarized road sweeping and trimming. Suggested a heavy curb sweep with curb edges marked may reveal more paved surface and it should be explored to improve walking, biking and driving space along Hall Avenue.

Mayor and Council Members: Decided to identify trouble areas and return in July.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE TA SCHIFSKY'S TO SWEEP HALL AVENUE WITH THE INTENT OF WIDENING THE ROAD'S EDGE AND IDENTIFY ANY AREAS WHERE CAKED DIRT NEEDS TO BE CLEARED BELOW ROAD GRADE. ALL AYES. MOTION PASSED.

Mayor Wingfield: Volunteered to meet with Gene Ruehle and Bob Byerly to see if they would like to assist on the project.

Administrator Lay: Informed council he will meet with Steve Dean on road clearing and a bid to mow along roads.

Mayor and Council Members: Approved.

ii. Hall/Cedar Traffic Counter

Mayor Wingfield and Administrator Lay: Discuss the rental and use of a "black line" traffic counter.

Mayor Wingfield: Stated she will seek an update from Administrator Lay after he checks in with the county.

b. Councilmember LaFoy

i. Trees Update

Councilmember LaFoy: Stated after meeting with DNR, a lot of advice was gathered and education is needed to identify ash trees, types of oaks or even invasive species. Suggested making tree signs along roadsides. Opined there may be grant money available also. Referred to the included memorandum and sought guidance from council on next steps.

Mayor and Council Members: Discussed Councilmember LaFoy's trees update. Decided to grant Councilmember LaFoy authority to proceed as he sees fit with greater educational outreach but with a sincere emphasis on buckthorn removal.

L. City Administrator Report

a. Maintenance Workers

Administrator Lay: Informed council of Greg Beckman's resignation. Recommended hiring Ron Koehnle and Doug Hough as on-call workers. Also recommended hiring Tyler Woolstencroft as a temporary summer parks staff to help with lawn care.

Mayor Wingfield: Recommended including a one-year probationary period for Ron & Doug. Also recommended increasing Tyler's wage to \$16/hr.

MOTION MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE RESOLUTION 2019-17, 2019-18 and 2019-19 HIRING RON KOEHNLE, DOUG HOUGH AND TYLER WOOLSTENCROFT AS DISCUSSED. ALL AYES. MOTION PASSED.

b. 2019 Fee Schedule

Administrator Lay: Informed council off several sections of the fee schedule that are in need of updating.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed various fees, fines permits, rates, dog licenses and related administrative costs.

Mayor and Council Members: Decided to strike "Heating Permit Fees" (Item A) and "repair from processed piping system" as related to "insulation" or "repair" (Item D), changed dog licenses to \$20. No action taken on chickens or pigs.

Mayor and Council Members and Administrator Lay: Discussed do-it-yourself water meter installations.

Mayor and Council Members: Decided \$200 is a fair price for a direct meter cost (self-installed).

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO PASS THE 2019 FEE SCHEDULE AS AMENDED. ALL AYES. MOTION PASSED.

Mayor Wingfield and Administrator Lay: Discussed close out fees briefly.

Mayor Wingfield: Sought to confirm that the fee schedule listed the \$25 opening fee.

Administrator Lay: Stated he will confirm with St. Anthony Village. Noted also the fee schedule may be impacted by a potential new upcoming escrow fee schedule if one is generated.

c. Lift Station #2 Generator Alarm

Administrator Lay: Informed council that Lift Station #2 backup generator failure alarm does not notify White Bear Township – only local alarm. Provided several bids to install alarm to SCADA system.

Mayor, Council Members, Administrator Lay and Mike Kraemer (Planning Commission): Discussed Lift Station #2 generator alarm. Thought this is unnecessary as White Bear Township would be notified of power failure. Asked Lay to confirm with White Bear Township and return with more info.

d. Lakewood Lane Update

Administrator Lay: Informed council that buyer of 367 Wildwood Avenue has requested to negotiate with city for vacation of unused ROW dividing his two parcels. Asked council for authorization to work with Attorney Kantrud and Engineer Thatcher to negotiate with residents abutting Lakewood Lane.

Mayor Wingfield: Asserted it is likely property owner(s) would be one hundred percent liable for costs if options were pursued via resident petition.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO AUTHORIZE CITY ADMINISTRATOR LAY, CITY ATTORNEY KANTRUD AND CITY ENGINEER THATCHER TO NEGOTIATE WITH RESIDENTS ABUTTING LAKEWOOD LN REGARDING POSSIBLE ROW VACATION AND LAKEWOOD LN IMPROVEMENTS. ALL AYES. MOTION PASSED.

e. Woodchips for Pathways

Administrator Lay: Stated all the professionals he spoke with including Steve Dean recommended hardwood woodchip. However, this is cost prohibitive.

Mayor and Council Members: Asked Administrator Lay to contact TA Schifsky's for class 5 repair bid for areas of need.

f. AC Controller

Administrator Lay: Provided a brief background. Requested \$295 out of cable commission's equip budget to have the AC controller unit be hardwired to the a/c unit.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE \$295 OUT OF THE CABLE COMMISSION'S EQUIPMENT BUDGET TO INSTALL WALL CONTROLLER TO THE A/C UNIT. ALL AYES. MOTION PASSED.

g. Council Photo Shoot – July 9 at 6:30pm (prior to City Council Meeting)

Administrator Lay: Requested council member's attending a photo shoot July 9th at 6:30pm ahead of July's meeting.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:57 PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator – City Clerk