

**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
MARCH 12, 2019**

**MINUTES**

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

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

**Others Present:** Barton Winter, John McCormick, Justin McCarthy, Jessa McCarthy, Michael Kramer, Jerry Carlson, Jackie Jarosz and Judy Duffy.

**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**

**Councilmember LaFoy:** Requested that Item E precedes Item A on the agenda.

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

**OPEN PUBLIC FORUM**

**Barton Winter (1 Five Oak Lane):** Provided Council with information and recommendations on ice rink improvements.

**Mayor and Council Members:** Thanked Mr. Winter for his information.

**John McCormick (110 Birchwood Ave):** Stated the southern half of Ash Pathway in the Comprehensive Plan shows it exists. It is a proposed trail. Asked Council to correct item before Plan is adopted. Stated maintenance along trails is critical and cited dog waste as example.

**Mayor Wingfield:** Assured Mr. McCormick Comp Plan is to be visited in tonight's meeting and thanked him for his input.

**ANNOUNCEMENTS**

- A. Street Snow Removal comments should be sent to: [info@cityofbirchwood.com](mailto:info@cityofbirchwood.com)
- B. We are social. Follow us on Facebook and Twitter and/or register for the email listserv

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report
- B. BDA Boat Slip Update

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve Regular Meeting Minutes from February 12, 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. Second Reading – Special Assessment Policy**

**Mayor Wingfield:** Provided background and status on Special Assessment Policy. Emphasized goal of policy is fairness.

**a. Public Hearing**

**Justin McCarthy (515 Lake Ave):** Concerned about lack of information on special assessments related to proposed Lake Avenue project. Asked for more frequent communication on the project's status and how it will be assessed.

**Mayor Wingfield:** Stated project plan is not resolved and will be revisited, providing ample time for more communication.

**Mike Kramer (471 Lake Ave):** Stated concern about assessment inconsistencies. Requested involvement in the process.

**Mayor and Council Members:** Agreed more public feedback will be sought.

**Jerry Carlson (409 Lake Ave):** Stated language too open to interpretation. Opined that the quality of the last Lake Ave road improvements was poor and suggested the entire road be redone instead of only mill and overlay.

**Mayor Wingfield:** Stated last assessment was 1999 and noted Mr. Carlson's road improvement project quality concerns.

**Jessa McCarthy (515 Lake Ave):** Read aloud letters from Chris and Natalie Olson, Tony and Christina Demars and Megan and Michael Malvey questioning changes to language and requesting input moving forward on Lake Ave project.

**Judy Duffy (505 Lake Ave):** Argued Lake Avenue's proximity to Tighe-Schmitz Park means assessment should occur citywide at least in part. Argued homeowners should be assessed only what demonstrably improves property value.

**b. Council Deliberation and Approval**

**Mayor Wingfield:** MNDOT reviewed the area and opined improvements are necessary. Stated assessments are governed by statute and what still needs to be resolved is an assessment formula in the policy.

**Mayor and Council Members:** Discussed language related to statute and generating a formula for project assessments.

**Councilmember Woolstencroft:** Highlighted examples of past assessment issues/problems and assured residents purpose for special assessment policy change is to prevent issues and inconsistency.

**Mayor, Council and Attorney Kantrud:** Discussed how other cities pay for road projects as well as state statutes in relation to assessments and the city's needs in particular. Determined impact on property value is what largely structures assessment amount and code was repealed because it conflicted with state law. The city is now fully compliant with state law and an Assessment Policy can give this council and future council's continuity and clarity.

**Mayor Wingfield:** Asked Attorney Kantrud if the determinations of council are correct and that the policy is acceptable.

**Attorney Kantrud:** Answered that the policy presented is acceptable.

**Mayor and Attorney Kantrud:** Clarified feasibility study, valuations, consultation and project costs and status. Discussed and summarized the topic of special assessment policies.

**Mayor Wingfield:** As an alternative, suggested funds may be drawn from city budget so all residents would pay a flat percentage. This would allow for city roadwork to occur without resident assessment. The purpose for policy change is transparency.

**Mayor and Council and Attorney Kantrud:** Discussed feasibility study, process and next steps.

**Mayor and Council Members:** Authorize City Engineer Thatcher and City Attorney Kantrud work together and obtain a real estate evaluation to determine any potential property benefit and project details to council by next meeting if possible.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE CITY ENGINEER THATCHER TO WORK WITH TA SCHIFSKY & SONS TO CONSTRUCT A MAP AS A BASIS FOR**

**THE PROPOSED LAKE AVENUE FEASIBILITY STUDY AND AUTHORIZE A FEASIBILITY STUDY WITH PROPERTY VALUE IMPACT INFORMATION DUE APRIL 2019. ALL AYES. MOTION PASSED.**

**B. 2040 Comprehensive Plan (Comp Plan)**

**Administrator Lay:** Provided background and status of 2040 Comp Plan. Stated committee and council member feedback has been gathered and changes, like adding sections, must be done now and small changes may later occur.

**a. Council Deliberation**

**Mayor, Council, Administrator Lay and Attorney Kantrud:** Discussed language changes and edit process.

**Administrator Lay:** Assured proposed Ash Pathway noted by Mr. McCormick would be labeled as such. Addressed Councilmember LaFoy's concern about city's ability to control housing measures – referred to implementation tools listed in Table 3-5.

**Mayor, Council and Administrator Lay:** Discussed the 2040 Comprehensive Plan at length.

**Mayor and Council Members:** Decided language changes would be made via individual council member and committee comments will be compiled and arranged by Administrator Lay. Resident input and feedback for proposed 2040 Comp Plan approved and filtered through each council member's corrections and additions in redline form. Decided to hold a special meeting to review changes and approve submission to Met Council. Decided public hearing will remain open and be closed upon conclusion of the special meeting. Discussed scheduling and process for the special meeting.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO CALL A SPECIAL MEETING TO REVIEW AND APPROVE LANGUAGE CHANGES TO THE 2040 COMPREHENSIVE PLAN WITH THREE DAYS PRIOR PUBLIC NOTICE, TO BE SET NO LATER THAN MARCH 26, 2019. ALL AYES. MOTION PASSED.**

**C. Third Reading – Ordinance 2019-01-02, Animals**

**a. Public Hearing**

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

**b. Council Deliberation and Approval**

**Mayor Wingfield:** Stated only a few corrections needed to be made. Highlighted one example.

**Administrator Lay:** Noted example. Also reminded Council that the definition of "quarantine" is still required.

**Mayor, Council, Administrator Lay and Attorney Kantrud:** Discussed the definition of "quarantine".

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

**Mayor, Council, Administrator Lay and Attorney Kantrud:** Continued discussion of "quarantine" definition.

**Mayor and Council Members:** Agreed upon language changes as discussed to definition of "quarantine".

**Mayor, Council, Administrator Lay and Attorney Kantrud:** Reviewed all remaining language changes to Ordinance 2019-01-02, Animals in detail. Discussed enforcement, legal process and impact on city animal control.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE ORDINANCE 2019-01-02, ANIMALS AS AMENDED. ALL AYES. MOTION PASSED.**

**MOTION WAS MADE BY LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE RESOLUTION 2019-07 SUMMARY PUBLICATION OF ORDINANCE 2019-01-02. ALL AYES. MOTION PASSED.**

D. Third Reading – Ordinance 2019-01-01, Easement Usage

a. Public Hearing

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

b. Council Deliberation and Approval

**Administrator Lay:** Summarized status and background of Ordinance 2019-01-01, Easement Usage.

**Mayor and Council Members:** Discussed recommended changes. Decided the topic will be tabled and revisited in April.

E. First Reading – Road Escrow / Bond Requirement

**Mayor, Council, Administrator Lay and Attorney Kantrud:** Discussed Road Escrows / Bond Requirement language, code placement, triggers to indicate escrows and if escrows should be at the building inspector's discretion.

**Mayor and Council Members:** Tabled until April. Directed Administrator Lay to format the proposed language and fill in any blanks.

F. Lake Avenue Feasibility Report

a. Council Deliberation and Approval

**Mayor and Council Members:** Discussed in special assessment policy portion earlier in the meeting. Council authorized Attorney Kantrud and Engineer Thatcher to work together to prepare feasibility and valuation study.

G. Rescind Section 805.050 & 805.060

a. Council Deliberation

**Mayor Wingfield:** Summarized item stating that sections are redundant. Requested council input.

**Mayor and Council Members:** Decided to table item to April with a review and recommendations from Attorney Kantrud.

H. Parks Committee Recommendations

a. Birchwood Cleanup Day – April 27, 2019

**Administrator Lay:** Summarized Parks Committee recommendations. Stated cleanup day coincides with Earth Day. Parks Committee seeks approval and a few small supplies such as garbage bags and use of dumpsters to host event.

**Mayor and Council Members:** Decided more information would be appreciated. Requested Parks use new template for this event proposal and item will be discussed in April.

b. Park Improvement Plan

**Mayor and Council Members:** Decided to table the Park Improvement Plan to May.

c. Music in the Park (MIP)

**Administrator Lay:** Stated the Parks Committee recommends a MIP committee be formed to oversee MIP.

**Mayor and Council Members:** Decided to have City staff manage 2019 MIP as was done in 2018.

I. Managing Deer Population

a. Council Deliberation and Approval

**Councilmember Aakre:** Advised Council of recent concerns received by herself and City staff regarding deer population in city limits. Concerns now include the introduction of predators (foxes and coyotes/wolves). Requested direction on assembling a committee or task force. The issue continues to arise.

**Mayor, Council and Administrator Lay:** Discussed the issues and costs of deer population management. Hitting deer with vehicles, the increase in population and aggressive behavior in rutting season are concerns.

**Mayor and Council Members:** Decided a campaign to educate and gather more public feedback should occur before item is visited in an official capacity.

**Administrator Lay:** Recommended a task force or committee handle topic.

**Mayor and Council Members:** Requested Administrator Lay contact Parks Committee for feedback/recommendation and to spearhead education and gather public feedback. Parks Committee designated as the body to oversee this issue.

**J. Appoint Commission/Committee Seats**

**a. Suburban Cable Commission (SCC)**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO REAPPOINT RANDY LAFOY AS SCC DIRECTOR FOR THE CITY OF BIRCHWOOD VILLAGE FOR FOUR YEARS. MAYOR WINGFIELD VOTED AYE. COUNCILMEMBER AAKRE VOTED AYE. COUNCILMEMBER FLECK VOTED AYE. COUNCILMEMBER WOOLSTENCROFT VOTED AYE. COUNCILMEMBER LAFOY ABSTAINED. MOTION PASSED.**

**b. White Bear Lake Conservation District (WBLCD)**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO REAPPOINT SUZIE MAHONEY AS WBLCD REPRESENTATIVE FOR THE CITY OF BIRCHWOOD VILLAGE FOR A THREE YEAR TERM. ALL AYES. MOTION PASSED.**

**c. Water / Utility Committee**

**Mayor and Council Members:** Discussed committee membership. Decided one more person be seated for the committee.

**K. Planning Commission Vacancy**

**a. Discuss Doug Danks Resignation**

**Mayor, Council and Administrator Lay:** Discussed resignation and seat replacement.

**b. Approve Posting Vacancy Notice & Accept Letters of Interest**

**Mayor and Council Members:** Decided to post for vacant position with an application due date of May 1, 2019.

**L. WBL Buoys**

**a. Council Deliberation and Approval**

**Mayor Wingfield:** Recommended the City consider placing buoys for resident's use. Asked that the Parks Committee make a recommendation on which Lake Tract should be used.

**Mayor, Council and Administrator Lay:** Discussed access, logistics where and if there is space or public interest.

**Mayor and Council Members:** Requested Administrator Lay to return in April with Park Committee recommendation.

**M. Council Member Reports**

**a. Mayor Wingfield**

**i. City Hall Analog Phone**

**Mayor Wingfield:** Stated city pays monthly analog phone line fees for a fax machine and its use is two times every other year. Cost is \$600 per year. Informed council three-year contract renews in July. Asked council for input.

**Mayor and Council Members:** Discussed methods to convey election information in order to avoid paying an otherwise unused phone line. Determined Mayor Wingfield should request County Commissioner look into this issue.

ii. Hockey Rink Improvements

**Mayor, Council and Administrator Lay:** Discussed painting and possibility of multi surfacing the ice rink for other uses.

**Mayor and Council Members:** Requested Parks Committee provide recommendation on multi surfacing the rink – ice hockey during the winter and pickle ball during non-winter months. Provide recommendation by May city council meeting.

**Administrator Lay:** Updated council on rink lighting status. Recommended looking into upgrading to LED lighting. Distinguished between using LED bulbs and LED fixtures – LED fixtures have a higher upfront replacement cost, but offer a better long-term return.

**Mayor, Council, Administrator Lay and Barton Winter (1 Five Oaks Lane):** Discussed hockey rink improvements.

**Mayor and Council Members:** Directed Administrator Lay obtain two to three lighting bids by June. Suggested Mr. Winter work with Administrator Lay. City staff to repaint north end boards as well as attend to minor maintenance items as determined by Administrator Lay.

b. Councilmember LaFoy

i. SCC Update

**Councilmember LaFoy:** Updated Council that negotiations will be extended another six months and added to next months consent agenda. Thanked Council and residents for supporting him in his role as SCC Representative.

N. City Administrator’s Report

a. League of Minnesota Cities (LMC) Safety & Loss Workshop – Approve Council Member Attendance

**Administrator Lay:** Informed Council of the upcoming LMC Workshop and requested approval to register/pay for the Mayor and any others interested in attending.

**Mayor and Council Members:** Approved Mayor’s attendance. A brief report upon completion is appreciated.

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:35PM CST.**

**ATTEST:**

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**Mary Wingfield**  
Mayor

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**Tobin Lay**  
City Administrator – City Clerk