

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
May 12th, 2020**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council Members: Randy LaFoy, Kevin Woolstencroft, Jonathan Fleck, & Jessi Aakre.

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

OTHERS PRESENT: Justin McCarthy, David Heiden, Stan Karwoski, Andrew Giesen.

Mayor Wingfield called the regular meeting to order at 7:00pm and explained the reason for the meeting being conducted virtually via the Zoom platform as is permitted by Minnesota State Statute. The pledge of allegiance was recited.

AGENDA APPROVAL

Mayor Wingfield: Pulled Administrative Presentation item B to discuss under the City Administrator's Report.

Administrator Lay: Informed Mayor and Council of additional items added to the Regular Agenda for Mayor Wingfield (barn quilts), Councilmembers LaFoy (tree program) & Aakre (admin. evaluations update), and himself.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE THE AGENDA AS AMENDED. ROLL CALL VOTE: LAFOY; AYE, FLECK; AYE, AAKRE; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

OPEN PUBLIC FORUM

- A. Justin McCarthy (515 Lake Avenue):** Expressed support for continuing tree inspections.

ANNOUNCEMENTS

- A. Fire Hydrant Flushing
- B. Writer's Club Journals
- C. NYDS Caring for Mental Health
- D. Toilet Efficiency Rebates
- E. Don't Flush Rags or Shirts Down the Toilet

- F. Ticks & Swimming
- G. Fraud, Scams
- H. We are social, follow us on Facebook/Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report
- B. Snow Removal Contracts

CONSENT AGENDA

- A. Approve Regular Meeting Minutes from April 14, 2020
- ~~B. Approve Treasurer's Report~~
- C. Approve MS4 Public Hearing for June Council Meeting – Storm Water Pollution Prevention Program
- D. Approve Resolution 2020-16: Approving Coverage for City Workers' Compensation Insurance Policy
- E. Approve Resolution 2020-17: Declining to Waive the Statutory Monetary Limits on Municipal Tort Liability Established by Minnesota Statutes 466.04
- F. Approve 2020 Municipal Recycling Grant and Authorize Administrator Lay to Sign

MAYOR WINGFIELD PULLED THE TREASURERS REPORT FOR FURTHER DISCUSSION AT THE END OF THE CITY ADMINISTRATOR'S REPORT.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE CONSENT AGENDA ITEMS A, C, D, E, & F. ROLL CALL VOTE: LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, AAKRE, AYE, WINGFIELD; AYE. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

- A. Variance Case No. 20-01-VB for 15 Birchwood Lane
 - a. Review Applicant Request & Planning Commission Recommendation
 - b. Council Deliberation

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO GRANT A 2 FOOT 2 INCH VARIANCE FROM SEC. 302.045 STRUCTURE HEIGHT LIMITATION. ROLL CALL VOTE: LAFOY; AYE, FLECK; NAY, WOOLSTENCROFT; NAY, AAKRE; AYE, WINGFIELD; NAY. MOTION DENIED.

MAYOR AND COUNCIL MEMBERS STATED THAT THE REASON FOR THE DENIAL WAS THAT THE SEC. 304.040.2.SUBD.2.ii ELEMENT WAS NOT SATISFIED; THE CONDITION WHICH RESULTED IN THE NEED FOR THE VARIANCE WAS CREATED BY THE APPLICANT'S ACTION OR DESIGN SOLUTION. THE REQUIREMENTS OF THE CODE

WERE ESTABLISHED BEFORE THE PROPOSED DESIGN SOLUTION THAT LEAD TO THE VARIANCE REQUEST AND OTHER REASONABLE DESIGN SOLUTIONS DO EXIST.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO GRANT A 3.5 FOOT VARIANCE FROM SEC. 302.020 SIDE YARD SETBACK REQUIREMENTS. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; NAY, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADD 7 MINUTES TO REGULAR AGENDA ITEM A. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADD 10 MINUTES TO REGULAR AGENDA ITEM A. ROLL CALL VOTE: WOOLSTENCROFT; AYE, FLECK; NAY, AAKRE; NAY, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO DENY A 3.5 FOOT VARIANCE FROM SEC. 302.020.1 EAVE EXCEPTION. ROLL CALL VOTE: LAFOY; AYE, AAKRE; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

MAYOR AND COUNCIL MEMBERS STATED THAT THE REASON FOR THE DENIAL WAS THAT THE SEC. 304.040.2.SUBD.2.ii ELEMENT WAS NOT SATISFIED; THE CONDITION WHICH RESULTED IN THE NEED FOR THE VARIANCE WAS CREATED BY THE APPLICANT'S ACTION OR DESIGN SOLUTION. THE REQUIREMENTS OF THE CODE WERE ESTABLISHED BEFORE THE PROPOSED DESIGN SOLUTION THAT LEAD TO THE VARIANCE REQUEST AND OTHER REASONABLE DESIGN SOLUTIONS DO EXIST.

- c. Approve Resolution 2020-18
 - i. **Mayor & Council Members:** the requests that were denied were struck from Resolution 2020-18.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE RESOLUTION 2020-18 AS AMENDED. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

- B. East County Line Rd Update
 - a. County Presentation
 - i. **County Commissioner Stan Karwoski and County Engineer Andrew Giesen:** Provided updates on East County Line Rd project.
 - b. Approve Mayor or Staff to Sign Plans for Bidding

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE CITY ADMINISTRATOR LAY TO SIGN THE PLANS FOR BIDDING FOR THE EAST COUNTY LINE ROAD PROJECT. ROLL CALL VOTE: AAKRE;

AYE, FLECK; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

C. Leftover Boat Slips

a. Council Deliberation

- i. **Mayor, Council Members & David Heiden (Birchwood Dock Assoc.):** reviewed and discussed recommendations from the Dock Assoc. Councilmember Aakre was asked to work with Mr. Heiden and present recommendations again in August.

D. Wildwood Ave Traffic Calming

a. Council Deliberation

MAYOR AND COUNCIL MEMBERS DIRECTED ADMINISTRATOR LAY TO ADD THIS AGENDA ITEM TO THE JUNE 2020 REGULAR CITY COUNCIL MEETING.

E. Approve Coverage for Liability Insurance Policy

a. Council Deliberation and Approval

- i. **Administrator Lay:** explained that the liability insurance policy now offers an option to increase data breach coverage from \$250,000 to \$500,000.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE COVERAGE FOR LIABILITY INSURANCE IN THE AMOUNT OF \$250,000.00. ROLL CALL VOTE: FLECK; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, AAKRE; AYE, WINGFIELD; AYE. MOTION PASSED.

F. City's Water Meter to WBL

a. Council Deliberation and Approval

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE CITY OF WHITE BEAR LAKE PURCHASE AND INSTALL A NEW WATER METER AT THE CITY'S CONNECTION TO WHITE BEAR LAKE. ROLL CALL VOTE: WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; AYE, AAKRE; AYE, WINGFIELD; AYE. MOTION PASSED.

G. COVID-19 Response

a. Portapotty (Bloomquist Park)

- i. Mayor & Council Members directed Administrator Lay not to install portapotty at Bloomquist Park this summer

b. Events: Garage Sale, Music in the Park, July 4th, Elections (polling place), Public Meetings, Hall rentals

- i. Mayor, Council Members decided to cancel the aforementioned events except for public meetings, which should take place virtually, and elections.

c. Approve Resolution 2020-19: Allowing Beer and Wine Consumption at Music in the Park Summer Music Concerts

- i. Resolution 2020-19 was not voted on because Music in the Park was cancelled.

H. City Project No. 2019-3 – Emergency Lift Station Bypass

a. Approve Change Order Request 1

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE CHANGE ORDER REQUEST 1. ROLL CALL VOTE: FLECK; AYE, AAKRE; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

b. Approve Peterson Companies Pay Application 3

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE PETERSON COMPANIES PAY APPLICATION. ROLL CALL VOTE: FLECK; AYE, WOOLSTENCROFT; AYE, AAKRE; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED. (02:17:03)

c. Approve Disable SCADA System Alarm

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE BID TO DISABLE THE SCADA ALARM IN WHITE BEAR TOWNSHIP'S COMPUTER SYSTEM. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

d. Approve Power Pole Removal

- i. **Mayor & Council Members:** directed Administrator Lay to have John Lund remove the power pole.

I. Diseased Trees

- a. Public Discussion
b. Council Deliberation and Approval

MAYOR AND COUNCIL MEMBERS TABLED REGULAR AGENDA ITEM I TO THE JUNE 2020 REGULAR CITY COUNCIL MEETING.

J. Sewer Line Jetting

- a. Council Deliberation

MAYOR AND COUNCIL MEMBERS TABLED REGULAR AGENDA ITEM J TO THE JUNE 2020 REGULAR CITY COUNCIL MEETING.

K. Tighe-Schmitz Park Improvements – hockey rink surface

- a. Update
b. Public Discussion

MAYOR AND COUNCIL MEMBERS TABLED REGULAR AGENDA ITEM K TO THE JUNE 2020 REGULAR CITY COUNCIL MEETING.

L. City Attorney Report

- a. 11 Birchwood Ln Utility Easement Update
- b. Lake Tract Surveys Update

City Attorney Kantrud: provided an update on these assignments.

M. Council Member Reports

- a. Mayor Wingfield
 - i. Newsletter
 - 1. **Mayor Wingfield:** newsletter submission deadline is May 15
 - ii. WBL Water Rates
 - 1. **Mayor Wingfield & Councilmember LaFoy:** informed the Council of reduced White Bear Lake water rates.
 - iii. Barn quilts
 - 1. **Mayor Wingfield:** informed the Council of a new barn quilt made and installed on the village hall.
- b. Councilmember LaFoy
 - i. Clearing Brush at Curt Feistner Memorial Preserve
 - 1. **Mayor & Council Members:** directed Administrator Lay to have Sentence-To-Serve cut the brush down at Curt Feistner Memorial Preserve
- c. Councilmember Aakre
 - i. Informed Council of upcoming Administrator Evaluation by the Personnel Committee and asked them to send their evaluation forms to Administrator Lay.

N. Pulled Consent Agenda Item B

- a. **Mayor Wingfield:** Informed Council that she does not accept the Treasurer's Report due to missing June 2019 receipt, but she will approve payment of pending invoices. Staff was directed to correct the discrepancy.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO PAY PENDING INVOICES INCLUDED ON MAY 2020 TREASURER REPORT. ROLL CALL VOTE: LAFOY; AYE, AAKRE; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

O. City Administrator's Report

- a. City Trailer
 - i. Tabled
- b. Kay Beach Handicap Parking
 - i. **Mayor & Council Members:** directed staff to open the Kay Beach chain for handicap parking
- c. Hall Avenue Traffic Study
 - i. **Mayor & Council Members:** directed staff where to have the speed wagon placed to study the traffic and Cedar St and Hall Ave
- d. Birch Snowplowing
 - i. **Administrator Lay:** informed the Council that the snow plowing contract had expired and that he would begin searching for bidders and present bids in the fall.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADJOURN THE MEETING. ROLL CALL VOTE: LAFOY; AYE, AAKRE; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED. MEETING ADJOURNED AT 9:57 PM.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator - Clerk