

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
MAY 14, 2019**

MINUTES

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

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

Others Present: Houstoun Clinch, Anna Vang and Chris Churchill.

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

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

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Town Hall meeting scheduled June 3 at 6:30pm to discuss Lake Links Trail
- B. We are social. Follow us on Facebook and Twitter and/or register for the email listserv

Councilmember LaFoy: Congratulated recent high school and college graduates.

Mayor Wingfield: Announced Bridget Sperl's idea of soliciting submissions for "What's your Story?" about past and current residents for the centennial celebration.

Councilmember LaFoy: Suggested contacting the SCC, as they expressed wanting to be involved in the centennial.

Mayor Wingfield: Agreed. Asked residents to send in recommendations or pieces to be posted on the email listserv.

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report
- B. Sanitary Sewer Inflow and Filtration Report
- C. Emergency Procedures Update
- D. 2019 Safety and Loss Control Workshop Report

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from April 9, 2019
- B. Approve Special Meeting Minutes from May 6, 2019
- C. Approve SCC/Comcast Cable Contract Extension
- D. Approve Resolution 2019-10: Approving Coverage for City Worker's Compensation Insurance Policy
- E. Approve Resolution 2019-11: Approving Coverage for Liability Insurance Policy
- F. Approve Resolution 2019-12: Declining to Waive the Statutory Monetary Limits on Municipal Tort Liability Established by Minnesota Statute 466.04
- G. Approve Resolution 2019-13: Allowing Beer and Wine Consumption at Music in the Park Summer Evening Concerts
- H. Approve MS4 Public Hearing for June Council Meeting – Storm Water Pollution Prevention Program

- I. Approve 2019 Municipal Recycling Grant and Authorize Administrator Lay to Sign
- J. Approve Installation of Seven (7) Free Plastic Waste Signs at Lake Easements
- K. Approve Microphone Upgrade from SCC Equipment Fund of \$3,350
- L. Approve Treasurer's Report

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE CONSENT AGENDA WITH ADMINISTRATOR LAY TO REVIEW THE TREASURER'S REPORT. ALL AYES. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

A. Planning Commission Recommendations

- a. Address Changes (Hall Avenue to Birchwood Avenue)

Administrator Lay: Stated a resident inquired about changing his street address for his and two other properties that sit on Birchwood Avenue but are listed as Hall Avenue. Two owners support the address change and the third property is listed as for sale. Recommended changing all three addresses citing safety and emergency response.

Mayor Wingfield: Suggested sequencing properties as 715, 719 and 725 to suit Birchwood Avenue's sequence order.

MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE RESOLUTION 2019-15 TO CHANGE ADDRESSES AS AMENDED BY COUNCIL, RENUMBERING EACH PROPERTY TO 715, 719 AND 725 BIRCHWOOD AVENUE RESPECTIVELY. ALL AYES. MOTION PASSED.

B. Roads Committee Update

- a. Lake Links Trail Update

Administrator Lay: Reviewed six options listed on page 36 of the agenda packet. Stated Lake Links Association highlighted seven total options in a recent email to council.

- b. Open House Scheduled for June 3, 2019, 6:30pm

Mayor Wingfield: Stated now that options have been received, council has a chance to seek input and inform residents using the open house and newsletter at the end of May.

Mayor, Council Members and Administrator Lay: Discussed signage for open houses, funding, decision-making process and importance of public input and use of surveys using the city's monthly newsletter.

Councilmember LaFoy: Volunteered to work with Administrator Lay on language for related submissions.

C. Parks Committee Recommendations

- a. Park Improvement Plan (PIP)

Mayor Wingfield: Asked how council would like to proceed.

Administrator Lay: Reminded council Houston Clinch of the Parks Committee is present.

Mayor and Council Members: Discussed PIP briefly. Accepted report as-is and clarified it is a working document, thus council will take recommendations under advisement. Thanked Parks Committee for their work.

- b. Labeling Garbage Cans

Administrator Lay: Informed council that Tennis Sanitation owns the garbage cans and will not allow them to be labeled.

Mayor and Council Members: Explored waste can management with respect to dog waste, public use and private use.

Administrator Lay: Informed council an ordinance requires residents to keep private cans out of public view with the exception of public cans due to the public service function. Stated Tennis agreed to swap out public cans once per year.

Mayor and Council Members: Decided to monitor garbage can management further and discuss issues as they arise.

c. Managing Deer Population

Houston Clinch (Parks Committee): Summarized managing deer population. Recommended gathering public feedback in a more formal capacity. Provided example citing the City of Oakdale and offered to convey the document templates used. Informed council of an organization that has helped numerous municipalities with deer removal safely.

Mayor and Council Members: Decided after discussing public education, inviting the input of professionals at a public open house on this topic, with public notice and outreach measures, would be the next step. Asked if Mr. Clinch will invite appropriate parties and neighboring communities to June or July's city council meeting or special meeting if needed.

Houstoun Clinch (Parks Committee): Agreed. Suggested simple steps like not feeding the deer also helps.

d. Map and Signs

Anna Vang (Parks Committee): Introduced topic stating many residents don't know where trails are and the maps are outdated. Recommended waiting for Lake Links Trail and then create updated trail maps and signs. No action taken.

e. Basketball Backboards

Mayor Wingfield: Concerned product was not as expected and did not change the court dynamics. Suggested offering second basketball backboard to a neighboring community like Willernie that needs it.

Administrator Lay: Suggested taking both basketball backboards down to avoid a mismatched pair and undesirable.

Mayor and Council Members: Declined. Asked Administrator Lay to store any related items not gifted in the garage.

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER LAFOY TO OFFER THE CITY OF WILLERNIE THE ONE STEEL BASKETBALL BACKBOARD THAT HAS NOT YET BEEN INSTALLED. ALL AYES. MOTION PASSED.

f. Dog Waste Stations

Mayor Wingfield: Concerned about receiving the dog waste station document without enough time to review properly.

Houstoun Clinch (Parks Committee): Updated council. Recommended adding four more dog waste stations.

Mayor and Council Members: Discussed dog-waste stations and labor. Decided to revisit in June and asked the document be fine tuned with respect to precise locations, snow removal and identifying the two sites of greatest need.

g. Buoys

Mayor Wingfield: Summarized the buoys information gathering process.

Mayor and Council Members: Discussed possible locations and logistics. Thanked Mr. Clinch for his time.

Administrator Lay: Stated two requests have been received. One is no longer interested and one is a Dellwood resident interested in price. No Birchwood residents have expressed interest thus far.

Mayor Wingfield: Stated the person who reached out to her was local. Suggested council proceeds with location as discussed to test. \$350 is buoy cost in City of White Bear Lake. Suggested \$500 due to additional space needed for skid.

Admin Lay: Stated the city does not yet know installation/removal expenses (ex. scuba diver).

Mayor Wingfield: Offered to craft a proposal and to accommodate interested residents.

h. Picnic Tables

Houstoun Clinch (Parks Committee): Stated city picnic tables are not all ADA compliant and offered options.

Mayor Wingfield: Stated the previously purchased picnic tables did not meet their expected quality.

Mayor and Council Members: Asked Administrator Lay to see if maintenance workers were capable of retrofitting existing tables for ADA use. Decided to table the item for further observation.

i. Kayak Racks Update

Administrator Lay: Stated Kay Beach on South side of easement seems the best location. Informed council that abutting resident Duffy claims ownership of that half of vacated Kay easement. Requested city attorney look into the property records.

Mayor Wingfield: Stated the position of the city is that it has been returned to the city. Asked Attorney Kantrud to confirm.

Councilmember Woolstencroft: Added many residents want that area of land opened up for handicapped parking also.

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER AAKRE TO AUTHORIZE CITY ATTORNEY KANTRUD TO INSPECT THE RECORDS TO DETERMINE THE VACANCY AND OWNERSHIP STATUS OF THE PRESENTLY UNUSED LAND AREA DESCRIBED AS THE "SOUTH SIDE OF KAY BEACH EASEMENT ALONG THE DUFFY PROPERTY LINE". ALL AYES. MOTION PASSED.

Council Members: Asked Attorney Kantrud how long the research is anticipated to take.

Attorney Kantrud: Stated he did view property line immortalizing the Duffy property and is comfortable with council approving the use of proposed location. Stated he cannot speak to other easements at this time, but will research the item for council.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE ADMINISTRATOR LAY TO DIRECT CITY MAINTENANCE STAFF TO INSTALL A NEW KAYAK/CANOE RACK AT THE KAY BEACH EASEMENT, WITH INSTALLATION TO OCCUR URGENTLY AND LOCATED ACCORDING TO THE RECOMMENDATIONS RECEIVED. ALL AYES. MOTION PASSED.

D. Leftover Boat Slips

a. Council Deliberation and Approval

Chris Churchill (BDA): Updated council on boat slips. Stated two are available at this time. Commented on aesthetics as well as status and potential of installing additional slips at various locations. Proposed clearing trees and brush from shoreline in specified areas to increase capacity and work to accommodate wait list boaters and their boat types.

Mayor, Council Members Attorney Kantrud and Chris Churchill (BDA): Discussed the conservation district, DNR approval, involving Steve Dean on tree identification and removal, accommodating longer boats and explored ideas, new locations and altering approach in response to changes in water depth. Discussed slip demand briefly as well.

Chris Churchill (BDA): Displayed example of boat slip locations at Birch Beach to describe new possible spots and potential for storage of other watercraft types. Commented briefly on his move to Mahtomedi. (Time Stamp 01:15:28)

Administrator Lay and Chris Churchill (BDA): Determined trees are underwater and are thus under DNR purview.

Administrator Lay: Stated he would need to pull a DNR permit in that case, but that it should not be a problem.

Mayor and Council Members: Requested Mr. Churchill return with plan to summarize proposed changes including what would be needed in full description of the project, and in anticipation of pulling a permit with the DNR. Thanked Mr. Churchill for his time, hard work and service to the community.

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

a. Council Deliberation and Approval

Mayor Wingfield: Stated the goal was to reduce the document's size and complexity and gear it toward homeowners.

Administrator Lay: Updated council. Stated changes to the document have not yet been made.

Attorney Kantrud: Stated he felt responsible for the delay, but asserted he will revise the document. Continued by stating ordinance is not assigned for de minimis work; most cities apply a project value to exceed a preset dollar amount. Reminded council discretion in cases of dispute will fall onto the City Administrator.

Mayor, Council Members and Attorney Kantrud: Discussed code in relation to possible damage to city property and percentage chance of incident. Determined the edits are important, but challenging.

Mayor and Council Members: Decided public hearing would not be set until changes to document are completed.

F. Amend Section 805, Assessments

a. Council Deliberation and Approval

Administrator Lay: Stated Section 805 needs to be consistent with new assessment policy, thus the amendments.

Mayor Council Members and Attorney Kantrud: Discussed assessments in light of new policy. Determined a second reading may be waived due to Road Escrow being an older issue with only small item edits.

b. Approve Public Hearing in June

MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER FLECK TO STRIKE SECTIONS 805.050 AND 805.060 AND APPROVE THE REDLINED DOCUMENT FOR PUBLIC HEARING AND FIRST READING IN JUNE'S REGULAR CITY COUNCIL MEETING. ALL AYES. MOTION PASSED.

Mayor and Attorney Kantrud: Discussed city procedure briefly regarding publication and formal public notice.

MOTION MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO PUBLISH NOTICE OF PUBLIC HEARING FOR JUNE. ALL AYES. MOTION PASSED.

G. Fourth/Final Reading Ordinance 2019-01-01, Easement Usage

Administrator Lay: Updated council on recent changes as per council direction. Provided thorough documentation.

a. Council Deliberation and Approval

Mayor Wingfield: Inquired if there is an application fee.

Administrator Lay: Directed council to note fines and the fee schedule with regards.

Attorney Kantrud: Highlighted fees, the fee schedule and deciding authority on easement usage further.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO ADOPT ORDINANCE 2019-01-01, EASEMENT USAGE AND PROVIDE SUMMARY PUBLICATION IN JUNE'S CONSENT AGENDA. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO SET THE EASEMENT USAGE APPLICATION FEE AT FIFTY DOLLARS, TO BE INCLUDED IN THE FEE SCHEDULE. ALL AYES. MOTION PASSED.

Councilmember Fleck: Commented that Section 607.330 reads oddly.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed enforcement and steps to better secure city property integrity and management of public use issues such as snowmobiles and ease of ice fishing access.

H. First Reading Ordinance 2019-03-02, Undersized Lots

a. Council Deliberation and Approval

Administrator Lay: Stated council asked the Planning Commission to find fixes for this ordinance. Reminded council that Attorney Kantrud worked with the Planning Commission in drafting the language.

b. Approve Public Hearing for June

Mayor and Council Members: Discussed ordinance 2019-03-02, Undersized Lots.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE THE FIRST READING OF ORDINANCE 2019-03-02, UNDERSIZED LOTS. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO PUBLISH NOTICE OF PUBLIC HEARING ON ORDINANCE 2019-03-02, UNDERSIZED LOTS, FOR JUNE. ALL AYES. MOTION PASSED.

I. City Hall Improvements Update

Administrator Lay: Provided council with status of City Hall Improvements.

a. Council Deliberation

Councilmember LaFoy: Summarized by stating he had worked on the overall plan, with the first step being information gathering with an analysis from a professional comprehensive building evaluator. Volunteered to head up a task force.

Mayor Wingfield: Approved of Councilmember LaFoy's outline and desire to head the task force after achieving some clarification. Stated it has not yet been determined if city hall is a historic building, but she is working with the White Bear Historical Society on grant application. Stated Sarah Hansen is also offering her services.

Councilmember LaFoy: Asserted an inspector must also be used to identify the structure's integrity, the obvious needs and a plan for what the building is and needs to be in the future.

Mayor and Council Members: Discussed what the building will need to be over the next 50 years versus what the building historically means to the city. Decided to identify a task force of at minimum two residents, Mayor Wingfield and Councilmember LaFoy, including solicitations in the newsletter to be posted for and decided on in June. Decided to use Councilmember LaFoy's plan as guideline for early "next steps". Discussed using an architect, inspector or contractor.

Councilmember Fleck: Offered to get his contact information for a comprehensive inspector to Councilmember LaFoy.

Councilmember LaFoy: Offered to write a solicitation for the newsletter for public participation on task force.

Mayor and Council Members: Decided to move forward on template, contact Jack Kramer, the city's Building Inspector and topically seek guidance from an architect or similar professional on where to begin on a project of this scale.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE WHITE BEAR HISTORICAL SOCIETY TO MOVE FORWARD ON A GRANT APPLICATION FOR CONDUCTING A HISTORICAL EVALUATION OF BIRCHWOOD CITY HALL. ALL AYES. MOTION PASSED.

J. First Reading Ordinance 2017-07-01, Exterior Storage Amendments

Councilmember Aakre: Provided a brief background on exterior storage amendments, as inherited from former Councilmember White. Provided council with several suggestions that could serve as improvements to the language.

a. Council Deliberation

Council Members Woolstencroft, Aakre and Fleck: Discussed history, public interest and whether there is a need for change.

Mayor and Council Members: Discussed language changes in detail.

Attorney Kantrud: Recommended no change to ordinance. Stated a 72-hour street parking restriction is common, but restrictions on private property are far more challenging. Stated it may be possible for some front yard storage enforcement to occur in a manner similar to which backyard boat storage was once enforced in the city.

Administrator Lay: Informed council exterior storage is hard to enforce, complaints are not regular but do occur.

Mayor and Council Members: Decided to leave language of Ordinance 2017-07-01, Exterior Storage Amendments as-is and work on issues as they arise.

K. Council Member Reports:

a. Councilmember LaFoy

i. Trees Update

Councilmember LaFoy: Provided a status update to council. Welcomed input and suggestions from public.

Mayor and Council Members: Discussed tree plan, best areas to plant, tree inspections and regular maintenance.

ii. Schedule Met Council Councilmember Gonzalez Visit

Mayor and Council Members: Discussed upcoming Councilmember Gonzalez and Met Council meetings.

Attorney Kantrud: Informed council they must post and provide notice to the common media channels the city uses of change to June's meeting time.

Mayor and Council Members: Decided to schedule Councilmember Gonzalez for 6:45pm in June and NYFS for July's meeting if possible. Asked Administrator Lay to publish the change in meeting time accordingly.

L. City Administrator's Report

i. Nuisance Complaints

Administrator Lay: Updated council on an ongoing noise complaint. Suggested also due to information gathered from other small cities at a recent workshop, there may be merit to looking into administrative citations further. Provided details.

Councilmember LaFoy: Volunteered to look into administrative citations further.

Mayor and Council Members: Asked Councilmember LaFoy to return later with a template and recommendation.

Attorney Kantrud: Stated he does not recommend using administrative citations. Recommended issues are handled through increased communication with the Washington County Sheriff. Stated also some code and ordinance information is not yet entered into the county's law enforcement system. Once this is done, the ability to respond should be improved.

Mayor and Council Members: Discussed annual Washington County Sheriff's contract and handling service grievances.

ii. Citywide Garage Sale

Administrator Lay: Asked if council would reconsider the citywide garage sale, citing feedback from several residents.

Mayor Wingfield: Clarified that it was in fact Councilmember LaFoy volunteering and putting the whole thing together. Invited any interested parties to organize and volunteer.

iii. Resolution 2019-14

Administrator Lay: Requested ten hours of City Treasurer be reduced with the balance applied to hiring Sandy Simon, a municipal financial professional with decades of experience for bank reconciliation and staff training in CTAS. Stated CTAS training is inconsistent and experience minimal due to Treasurer turnover.

Mayor and Council Members: Approved of the idea.

Mayor Wingfield: Stated the move should also allow the city to use internal means to ensure fiscal responsibility.

Attorney Kantrud: Added it is common for cities to hire contracted groups specifically for bank reconciliation.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE RESOLUTION 2019-14 REDUCING THE HOURS OF CITY TREASURER BY 10 HOURS AND APPLY THOSE FUNDS TO HIRING SANDY SIMON FOR BANK RECONCILIATION AND CTAS STAFF TRAINING. ALL AYES. MOTION PASSED.

iv. Lift Station #1 Update

Administrator Lay: Stated he and Engineer Thatcher met with the property owners, both offers were received and declined. Each property owner expressed the timeline was too short with too little information. Recommended a longer temporary solution for pumps and recommended alternative options be pursued urgently.

Attorney Kantrud: Suggested the timeline on the offer be extended.

Mayor Wingfield: Stated this is an urgent matter and must be resolved, but there is no harm in leaving offer open.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed the Lift Station #1 bypass in detail.

Mayor and Council members: Decided "Plan B" would be easier to pursue if it is shown city has exhausted their options.

Mayor Wingfield: Spoke with Engineer Thatcher on longer-term temporary solution and one is available but is not cheap.

Attorney Kantrud: Suggested White Bear Township writes a letter to the two residents regarding the bypass agreement, as the idea may receive a better response due to each resident's greater level of local trust with their city of residence.

Mayor and Council Members: Discussed involving White Bear Township briefly.

Mayor Wingfield: Stated discomfort with the idea, as she cannot guarantee negotiation terms using another city.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO EXTEND THE LIFT STATION #1 BYPASS EASEMENT OFFER TO THE PERTINENT RESIDENTS BY 30 DAYS. OFFER MAY BE WITHDRAWN UPON RECEIPT OF ANOTHER VIABLE ALTERNATIVE OPTION. ALL AYES. MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:44 PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator – City Clerk