

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
May 9, 2017**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Councilmembers: Kevin Woolstencroft, Trilby White, and Randy LaFoy. Councilmember Megan Malvey absent.

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

OTHERS PRESENT: Nino Nardecchia, Karen Dopson, Mark Haupt, Bryan McGinnis, Harmony Lewis, Alan Mitchell, Houstoun Clinch, James Nelson, Judy Walker, Michelle Atakpu, Gene Ruehle, Tom Stangl and others.

Mayor Wingfield called the regular meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

AGENDA APPROVAL:

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

OPEN PUBLIC FORUM:

- A. **Harmony Lewis (236 Cedar St):** She made a request that when there are conversations about the lane that she lives on that she is included in the conversation. A new lot has been sold beyond her property, but the current pavement only reaches her driveway.
- B. **Alan Mitchell (23 Oakridge Dr):** He spoke about the IPAD opinion and a summary of what occurred in the closed meeting in September of 2015. He suggested that the council follow the open meeting law more closely. Also announced that Music in the Park is beginning June 4, 2017.

ANNOUNCEMENTS:

- A. Newsletter Submission deadline is May 15, 2017
- B. Earth Day Clean Up (various dates and locations)
- C. Plant Exchange on June 3, 2017 at 10:00 am
- D. Garage Sale/ Giveaway on June 10, 2017
- E. Reminder: Suburban Cable Commission Board Vacancy - June 30 deadline
- F. Kenny Ronnan Leaving- Videographer/ Camera Operator Needed
- G. Community Buckthorn removal on Sunday May 21, 10am at City Hall

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from March 14, 2017
- B. Approve Workshop Meeting Minutes from March 16, 2017

- C. Approve Workshop Meeting Minutes from March 21, 2017
- D. Approve Workshop Meeting Minutes from March 30, 2017
- E. Approve Workshop Meeting Minutes from April 11, 2017
- F. Approve Treasurer's Report
- ~~G. Approve Auction of Impounded Canoes~~
- H. Approve Resolution 2017-15, Declining to Waive the Statutory Monetary Limits on Municipal Tort Liability Established by Minnesota Statutes 466.04
- I. Approve a Request to Have the Planning Commission Review City Code 303 for Amendment and Bylaw Recommendations
- J. Approve Rules of Procedure Article 2 Amendment
- ~~K. Approve Ash Walkway Tree Removal~~
- L. Approve Resolution 2017-16, Interim Treasurer Extension
- M. Sheriff Report
- N. Dog Park Committee Update/ Minutes
- O. Spring Leaf Pickup Results
- ~~P. IPAD Opinion and Response~~

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

CITY BUSINESS - REGULAR AGENDA

A. Roads Committee Update and Recommendations

Gene Ruehle (262 Wildwood): Announced that he will be stepping down from the committee chair position and transferring to the streets supervisor position.

Tom Stangl (14 Lake Pine): Provided the reports for the roads committee. He spoke about the bids for the chip sealing procedures, and recommended that the city choose Pearson. He also requested that Gene Ruehle and John Anderson's terms be renewed on the roads committee. He asked to amend bylaw 5C. Spoke about the data that was collected from the electric speed signs.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE PEARSON'S BID FOR CHIP SEALING AND TO AUTHORIZE THE MAYOR AND ADMINISTRATOR LAY TO SIGN THE CONTRACT. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO RENEW GENE RUEHLE AND JOHN ANDERSON'S APPOINTMENT TO THE ROADS COMMITTEE. ALL AYES, MOTION CARRIES.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO AMEND ROADS COMMITTEE BYLAW 5C TO ALLOW MEETINGS WITHOUT A QUORUM PRESENT. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO AMEND ROADS COMMITTEE BYLAWS BY STRIKING THE LAST LINE OF 3B TERMS. ALL AYES. MOTION PASSED.

B. MS4: Stormwater Pollution Prevention Program Review

Mayor Wingfield: Opened the public hearing for the Stormwater Pollution Prevention Program.

Bryan McGinnis (194 Wildwood Ave): He spoke about the rain garden that was of specific concern. He approved of the current progress that has been made.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO CLOSE THE PUBLIC HEARING ON THE STORMWATER POLLUTION PREVENTION PROGRAM. ALL AYES. PUBLIC HEARING CLOSED.

Council Members: They discussed the various tasks that need to be accomplished in order to keep the environment clean and they discussed the prioritization of these tasks.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE SUBMITTING THE MS4 2016 ANNUAL REPORT REQUIRED AS PART OF THE MS4 PERMIT. ALL AYES. MOTION PASSES.

C. Parks and Natural Resources Committee

Mayor Wingfield: She suggested that the council selects park committee members in a ranking system and continue the discussion of the candidates nominated.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPOINT JIM NELSON TO THE PARKS COMMITTEE. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO APPOINT ANALIESHA VANG TO THE PARKS COMMITTEE. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPOINT BRIDGET SPERL TO THE PARKS COMMITTEE. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO APPOINT JUDY WALKER TO THE PARKS COMMITTEE. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO APPOINT SCOTT HOWE TO THE PARKS COMMITTEE. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPOINT DAVE REMELY TO THE PARKS COMMITTEE. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPOINT TO HOUSTOUN CLINCH THE PARKS COMMITTEE. ALL AYES. MOTION PASSED.

Council Members: Discussed the possible meeting dates for the parks committee. Discussed sending a survey to residents to provide insights as to what are the most important projects in the city's parks. They decided to schedule a joint meeting between the parks committee and the city council.

D. Dog Park Committee Bylaws

Mayor Wingfield: She summarized the bylaws changes that she and Councilmember Malvey were assigned to work on and requested a motion to approve the bylaws as discussed.

MOTION MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE DOG PARK COMMITTEE BYLAWS AS DISCUSSED. ALL AYES. MOTION PASSED.

E. 2008 Special Assessment Process Review & Section 805 Amendment

Mayor Wingfield: She explained the Sewer Lining Project and summarized the special assessment process review. There were members in the community that were billed more than other members of the community. She is seeking an equitable solution for the process and billing.

Attorney Kantrud: He explained calculation options and options for equitable solutions. Explained that section 805 needs to be corrected to be in accordance to state law.

F. 2040 Comprehensive Plan

Administrator Lay: He summarized the current progress of the comprehensive plan. He explained that there have been volunteers to work on the plan, as well as office staff member, Dennis. He also explained that the Planning Commission is working on the comprehensive plan.

Council Members: Discussed the possible need for additional help from a city planner or consultant to assess the various sections of the plan. They also explained that Birchwood is behind on a few sections of the plan and need to get some work done sooner than later.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE DENNIS SONNEK AND BRIDGET SPERL TO WORK ON THE COMPREHENSIVE PLAN. ALL AYES. MOTION PASSES.

G. Data Retention Policy

Council Members: They discussed the need for a data retention policy, specifically concerning emails. Mayor Wingfield recommended that Birchwood follow the policy that St. Paul is currently following. There was also discussion for which types of email accounts the data retention policy will apply to.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE DATA RETENTION POLICY THAT WILL BECOME EFFECTIVE AUGUST 12, 2017. ALL AYES. MOTION CARRIES.

H. Resolution 2017-10: Establishing Water Main Surcharge Policy

Mayor Wingfield: She summarized the situation of where there was an additional water main break that was not anticipated or budgeted for.

ATTORNEY KANTRUD: He spoke about the need for an excess fund for water main break surcharges. He recommended that the city increase the water rates rather than hit members of the community with a major surcharge.

I. Town Hall Meeting

Administrator Lay: He spoke on behalf of Councilmember Malvey. Councilmember Malvey requested a meeting that would allow for conversation pertaining to the town hall meetings.

Council Members: They discussed the format and time that would work best for the city council. They decided that 30 minutes before the regular council meetings may be a good time slot and that they would be untelevised and more of a social setting. They concluded that they postpone any final decisions until Councilmember Malvey is present.

J. Council Member Reports:

1. Mayor Wingfield:

- i. **Buckthorn Removal Day:** Set for Sunday May 21, 2017 at 10am. Mayor Wingfield listed off the supplies that people should bring. She also clarified that it is an ongoing maintenance plan with the Parks.
- ii. **Halls Marsh Update:** Mayor Wingfield summarized the problem within the Rice Creek Watershed and the issues that it is creating for residents in Birchwood.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO AUTHORIZE MAYOR WINGFIELD AND ADMINISTRATOR LAY TO WRITE A LETTER TO THE RICE CREEK WATERSHED DISTRICT. ALL AYES. MOTION PASSES.

- iii. **Ice Rink Parking Lot Drainage Update:** This task was completed by pushing the water into a different location rather than sitting in the ice rink parking lot.
- iv. **Office Stamp Machine Returned:** She expressed her excitement about finishing the stamp machine contract that was not a good use of city funds.

2. Councilmember LaFoy:

- i. **Council and Staff Chairs:** He expressed the need for new city council chairs. There was agreement between Councilmembers White and LaFoy, but not Mayor Wingfield and Councilmember Woolstencroft.

K. City Administrator's Report

1. **City Hall Camera Upgrade:** Ramsey- Washington County upgrading cameras through a grant. There is no direct cost to the city for the upgrades to the cameras.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE THE UPGRADE OF THE COUNCIL CHAMBER

CAMERAS COVERED BY A CABLE COMMISSION GRANT. ALL AYES. MOTION PASSED.

2. **2017 Clerks' Orientation Conference:** Administrator Lay requested \$275 (hotel, food, and conference costs) to attend the Clerk's Orientation Conference in Rochester.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE ADMINISTRATOR LAY'S ATTENDANCE TO THE CONFERENCE. ALL AYES. MOTION PASSED.

3. **CTAS Training:** Request for attendance to a CTAS training session.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE OF THE CTAS TRAINING SESSION. ALL AYES. MOTION PASSED.

4. **City Hall A/C Bids:** Provided the various bids for fixes for the A/C unit at the city hall. The least expensive bid was the Four Seasons. Council Members asked Administrator Lay to make sure Four Season's bid included all of the work included in the other bids.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE THE ADMINISTRATOR TO SPEND UP TO \$4,900 ON AN A/C UNIT. ALL AYES. MOTION PASSES.

L. City Attorney Report

1. **Flushable Wipes Class-action Lawsuit Update:** He updated Council on this item and recommended joining the class-action lawsuit.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO BECOME PART OF THE CLASS-ACTION LAWSUIT AGAINST FLUSHABLE WIPES. ALL AYES. MOTION PASSED.

2. **Sewer Lining Valuation Update:** Council can move forward with a public hearing concerning the sewer lining valuation.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO AUTHORIZE THE CITY ENGINEER TO MOVE FORWARD WITH THE SEWER LINING PROJECT PUBLIC HEARING. ALL AYES. MOTION PASSED.

3. **Private Use of Utility Poles:** Specific policies and application process necessary for private use of the utility poles.

M. Treasurer's Report

Mayor Wingfield: She doesn't want to spend more time and will work with Administrator Lay regarding questions she has with the Treasurer's Report.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE THE TREASURER'S REPORT. ALL AYES. MOTION CARRIES.

N. Auctioning of Impounded Canoes

Council Members and Attorney Kantrud: Discussed what was being auctioned, why they had to be auctioned rather than being sold and how to do the auction. They also asked Administrator Lay to check into registration/ownership of the canoes first.

O. Ash Walkway Tree Removal

Mayor Wingfield: She proposed combining the tree removal along Ash Walkway with removal at Tighe-Schmitz Park. Steve Dean offered to do the Ash Walkway work for \$500 and Tighe-Schmitz Park for \$400.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE STEVE DEAN'S QUOTE TO REMOVE TREES ON ASH WALKWAY AND TIGHE-SCHMITZ PARK. ALL AYES. MOTION CARRIES.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:55 P.M.



Mary Wingfield
Mayor

ATTEST:



Robin Lay
City Administrator-Clerk

RESOLUTION 2017-15B

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**A Resolution Declining to Waive the Statutory Monetary Limits on Municipal Tort
Liability Established by Minnesota Statute 466.04**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, May 9, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Randy LaFoy, Trilby White, and Kevin Woolstencroft, and the following absent: Councilmember Megan Malvey, the Birchwood City Council resolved:

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby does not waive the monetary limits on municipal tort liability established by Minnesota Statute 466.04.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 9th day of May, 2017.



Mary Wingfield
Mayor

Attest:



Tobin Lay
City Administrator-Clerk

RESOLUTION 2017-16B

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**APPROVING THE EXTENSION OF CYNTHIA GOVAN AS INTERIM CITY
TREASURER.**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, May 9, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Trilby White, Randy LaFoy, and Kevin Woolstencroft, and the following absent: Megan Malvey, the Birchwood City Council resolved:

WHEREAS, The City of Birchwood Village will extend Cynthia Govan's position as Interim City Treasurer until June 30, 2017; and

WHEREAS, All other terms of this relationship will remain unchanged from those passed under Resolution 2016-21

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby approves the extension of Cynthia Govan's position as Interim City Treasurer, effective May 10, 2017.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 9th day of May, 2017.



Mary Wingfield, Mayor

Attest:



Tobin Lay
City Administrator-Clerk