

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
OCTOBER 8, 2019**

MINUTES

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

MEMBERS ABSENT: Council Member Jonathan Fleck

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

OTHERS PRESENT: Mary Hauser (616 Hall Ave), Sue & Bob Pavsek (612 Hall Ave), Mary & Peter Haupt (520 Hall Ave), Sandra & David Buerkle (529 Lake Ave), Bob & Cathy Byerly (618 Hall Ave), Ken Vandermeer (461 Lake Drive), J.P. Walle (East County Line Road), Mary Cahill (165 Birchwood Ave), Justin McCarthy (515 Lake Ave), Robert & Diane Landberry (531 Hall), Susan & Larry Mahoney (479 Lake Ave), Karen Treshouski (461 Lake Ave),

Mayor Wingfield: called the regular meeting to order at 7:00pm. The pledge of allegiance was recited.

AGENDA APPROVAL

- A. MOTION WAS MADE BY COUNCIL MEMBER AAKRE TO ADJUST TIME BUDGET FOR REGULAR AGENDA ITEM A, MAYOR WINGFIELD OFFERED ADJUSTMENT TO 30 MINUTES**
- B. MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER AAKRE TO APPROVE THE AGENDA AS AMENDED. ALL AYES. MOTION PASSED.**

OPEN PUBLIC FORUM

- A. No public comments made.

ANNOUNCEMENTS

- A. A set of keys was found near Cedar & Oakridge Dr. Check City Hall lost and found.
- B. 2019 Elections for ISD 624 School Board– Tues Nov 5 at City Hall, 7:00am-8:00pm.

- C. Fall Leaf Pickup – Mondays Oct 28 & Nov 11. See City’s event webpage for details.
- D. We are social, follow us on Facebook at @BirchwoodCityHall or Twitter at @CityofBirchwood

CONSENT AGENDA

- A. Approve Regular Meeting Minutes from September 10th, 2019
- ~~B. Authorize City Administrator to Sign MN Historical Grant Agreement~~
- C. Appoint Ryan Hankin to the Utility Committee
- D. Approve Treasurer’s Report

COUNCIL MEMBER LAFOY REQUESTED TO PULL CONSENT AGENDA ITEM B TO DISCUSS INDIVIDUALLY. MOTION WAS MADE BY COUNCIL MEMBER AAKRE AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE THE CONSENT AGENDA AS AMENDED. ALL AYES. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

- A. City Project No. 2019-1 – Lake Ave Mill, Overlay & Drainage
 - a. Public Hearing on Improvement
 - i. **Justin McCarthy (515 Lake): Raised concerns on assessment process.**
 - ii. **Robert Davidson (425 Lake Ave): Raised concern on fairness of special assessment.**
 - iii. **Larry Mahoney (479 Lake Ave): Raised concern on the use of assessment to pay for the project.**
 - iv. **Mayor Wingfield and City Attorney Kantrud provided explanation on history of assessment process.**
 - v. **Tom McKeown (441 Lake Ave): Raised concern of process approving project before assessment vs general fund debate was concluded.**

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER AAKRE TO CLOSE PUBLIC HEARING ON AGENDA ITEM A. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUCNILMEMBER LAFOY AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO ADD 10 MINUTES TO AGENDA ITEM A. ALL AYES. MOTION PASSED.

City Council Members: Discussed amending Resolution 2019-25 clause 4 to read “if assessed...”.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE RESOLUTION 2019-25 – ASSESSMENT COST AND PRERPARATION AS AMENDED. ALL AYES. MOTION PASSED.

- b. Review & Approve Bids
- c. Approve the Release of Special Benefits Report (Appraisal)

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER AAKRE TO APPROVE THE RELEASE OF SPECIAL BENEFITS REPORT. ALL AYES. MOTION PASSED.

- d. Approve Resolution 2019-25 – Assessment Cost and Preparation
- e. Jay Street Extension
 - i. **City Administrator Lay:** Informed the Council of an opportunity to put a path on the Jay Street right-of-way because the abutting property is for sale.

MOTION WAS MADE BY COUNCIL MEMBER AAKRE AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE THE PLACEMENT OF A PATHWAY ON THE JAY STREET RIGHT-OF-WAY BETWEEN IRIS STREET AND WILDWOOD AVENUE AND TO AUTHORIZE UP TO \$600 TO SURVEY THE RIGHT-OF-WAY TO LOCATE PROPERTY PINS. ALL AYES. MOTION PASSED.

- B. City Engineer Report
 - a. Lift Station #1 Update
 - i. **City Engineer Thatcher:** Updated the Council on the project.
- C. Water Meter Upgrades & Water Surcharge
 - a. Review and Approve RFP
 - i. **City Engineer Thatcher:** Updated the Council on the project.
 - b. Approve Publication of RFP for Solicitation of Bids

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE PUBLICATION OF RFP FOR SOLICITATION OF BIDS TO BE POSTED EXPEDITIOUSLY. ALL AYES. MOTION PASSED.

- c. Approve First Reading Resolution 2019-24

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER AAKRE TO APPROVE FIRST READING OF RESOLUTION 2019-24. ALL AYES. MOTION PASSED.

- d. Schedule Public Hearing

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER AAKRE TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 12 2019 REGARDING WATER METER UPGRADES OR DECEMBER 10 2019 IF MORE TIME IS NEEDED. ALL AYES. MOTION PASSED.

- D. Assessor Search
 - a. Council Deliberation and Approval
 - i. **Chase Pellequin (Assessor Candidate):** Absent
 - ii. **Patrick Poshek (Assessor Candidate):** Introduced himself and answered questions from the Council.

MAYOR WINGFIELD DIRECTED CITY ADMINISTRATOR LAY TO CONDUCT A REFERENCE CHECK ON PATRICK POSHEK.

- b. Approve Resolution 2019-23 – Terminate Agreement for Assessment Services

MOTION WAS MADE BY COUNCIL MEMBER AAKRE AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE RESOLUTION 2019-23 – TERMINATE AGREEMENT FOR ASSESSMENT SERVICES WITH WASHINGTON COUNTY. AYES: COUNCIL MEMBERS

AAKRE & LAFOY, MAYOR WINGFIELD. NAYES: NONE. ABSTAIN: COUNCIL MEMBER WOOLSTENCROFT. MOTION PASSED.

E. Parks Committee Recommendation – Deer Management

a. Council Deliberation and Approval

- i. **Houstoun Clinch (Parks Committee Chair):** Committee recommends approving contract with MBRB to remove 6-10 deer during two bow hunts to be held November 1-3 and 22-24. Committee also recommending an aerial survey be conducted with the City of Mahtomedi.

Mayor Wingfield: Suggested removing the requirement to test for Chronic Wasting Disease and approving a limit up to 10 deer.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE PARKS COMMITTEE RECOMMENDATION ON DEER MANAGEMENT AS AMMENDED. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER LAFOY TO SUSPEND CITY ORDINANCE 609.020, THAT PROHIBITS HUNTING WITHIN THE CITY, FOR CITY AUTHORIZED HUNTERS WITHIN THE DESIGNATED HUNT ZONE BETWEEN 11/01/19 – 11/03/19 AND 11/22/19 – 11/24/19 WITH A RESOLUTION TO THE SAME TO BE APPROVED AS PART OF THE CONSENT AGENDA IN NOVEMBER. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCIL MEMBER AAKRE AND SECONDED BY COUNCIL MEMBER LAFOY TO AUTHORIZE THE CONTRACT WITH THE METRO BOWHUNTERS RESOURCE BASE WITH CITY ADMINISTATOR LAY AS THE LIASON. ALL AYES. MOTION PASSED.

F. Birchwood Dock Association (BDA) Dock Permit Application Review

- a. Review and approve BDA’s annual dock permit application – authorize BDA to apply for dock permits
- b. Review and approve 2020 Dock Management Contract

MOTION WAS MADE BY COUNCIL MEMBER AAKRE AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE 2020 DOCK MANAGEMENT CONTRACT. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER AAKRE TO APPROVE BIRCHWOOD DOCK ASSOCIATION’S ANNUAL DOCK PERMIT APPLICATION TO BE AUTHORIZED TO APPLY FOR DOCK PERMITS WITH THE WHITE BEAR LAKE CONSERVATION DISTRICT. ALL AYES. MOTION PASSED.

G. Move Hall Avenue Mailboxes

a. Public Discussion

- i. **Mary Hauser (616 Hall Ave):** Expressed concern with moving mailboxes.
- ii. **Bob Byerly (618 Hall Ave):** Asked Council about cost of moving mailboxes.
- iii. **Bob Pavek (612 Hall Ave):** Expressed belief the moving mailboxes back would be better solution.

b. Council Deliberation and Approval

Mayor & Council Members: Directed Administrator Lay to research USPS mailbox requirements.

H. Second Reading Ordinance 2019-08-01, Section 617 Amendments

a. Public Hearing

MAYOR WINGFIELD OPENED PUBLIC HEARING.

No public comments made.

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

b. Approve Second Reading

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER AAKRE TO APPROVE SECOND READING. ALL AYES. MOTION PASSED.

I. Second Reading Ordinance 2019-08-02, Section 201 Amendments

a. Public Hearing

MAYOR WINGFIELD OPENED PUBLIC HEARING.

No public comments made

MOTION WAS MADE BY COUNCIL MEMBER AAKRE AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.

b. Approve Second Reading and adoption of Ordinance 2019-08-02

MOTION WAS MADE BY COUNCIL MEMBER AAKRE AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO APPROVE SECOND READING AND ADOPT ORDINANCE 2019-08-02, SECTION 201 AMENDMENT. ALL AYES. MOTION PASSED.

J. Council Member Reports

a. Mayor Wingfield

i. **Mayor Wingfield:** Provided updates to the following and struck item #4:

1. East County Line Road Update
2. Birchwood Avenue No Parking Signs
3. Float Place Nuisance on White Bear Lake
4. ~~Birchwood Avenue East Move Garbage Cans to Other Side~~

K. City Administrator's Report

a. **City Administrator Lay:** Provided Council updates on the following:

- i. Ice Rink upgrade update – LED Lights
- ii. Abatement order update – Tighe-Schmitz Park
- iii. Sentence-to-Serve update

L. Pulled Consent Agenda Item B; Authorize City Administrator to Sign MN Historical Grant Agreement

a. Council Member LaFoy requested that copy of the application be obtained and kept.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO AUTHORIZE CITY ADMINISTRATOR LAY TO SIGN THE MINNESOTA HISTORICAL GRANT AGREEMENT. ALL AYES. MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:23 PM.

ATTEST:

Mary Wingfield, Mayor

Tobin Lay, City Administrator - Clerk