

**City of Birchwood Village**  
**April 14, 2009 City Council Meeting**

Mayor Wingfield called to order the April 14, 2009 Regular City Council meeting at 7:00pm. Council members Jann, Brunner, Harper, Carson and City Clerk Tomnitz present.

Citizens present: Engineer Kristie Elfering, Herb and Kathy Weber, Doug Danks, Gene Ruehle, Les Dahn, John McCormick, Tom Hoffman, Angela Churchill, Sterling & Doris McKusick, John Griffith, Mary Sue Simmons, Clint Dixon, Larry Walker, Scott Howe

**Pledge of Allegiance**

**Approval of Agenda** - *Mayor Wingfield moved and Jann seconded to make changes to the agenda. Motion passed unanimously.*

Mayor Wingfield welcomed Mary Tomnitz as Birchwood's new temporary City Clerk. The new City office hours are Monday and Wednesday 9:00 am to 12:00 noon

Chad Peterson Eagle Scout Project- Tree restoration for the parks will be April 25, 2009 from 9:00am to 12:30 pm at Tighe Schmitz Park. **Open Forum:**

Kathy Weber – 9 Oakridge Drive – Wondered if we had received the water bill from White Bear Lake yet and requested a copy of the bill. Clerk Tomnitz had not received and will forward when possible. Ms. Weber would also like to see the list of bills to be paid since they are public record. Clerk Tomnitz will forward when possible there were some questions that needed to be clarified just prior to the meeting.

**New Business:**

Exterior Storage Complaint – 123 Cedar Street

John McCormick has filed a complaint with the Council on March 31, 2009 regarding Scott Howe and his property at 123 Cedar Street. The complaint is that Mr. Howe is storing and running a business known as White Bear Mechanical out of his home which is in violation of the City Code and Comprehensive Plan. The other concern is that Mr. Howe has been in violation previously for the same situation when legal action was made.

*Harper moved and Brunner seconded to investigate the complaint using our procedures laid out in our ordinance and have a council member take a look at the property and report back in writing as to what the current condition is so that were prepared at the May meeting so we can take action. Motion passed unanimously.*

*Mayor Wingfield moved Brunner seconded to have Council member Harper to make the investigation and make the report to the extent that we can enter Mr. Howe's property and report back to Council. Motion passed unanimously.*

**Consent Agenda:**

Approval of Minutes: 2/24/2009 (Amended), 3/10/09(Unapproved), 3/16/09 Executive session (Sampair lawsuit), 3/18/209 Emergency meeting (Water main break), 3/26/09 Special meeting (hiring temporary clerk)

*Brunner moved and Carson seconded to approve the minutes for February 24, March 10, March 16, March 18, and March 26, 2009. Motion passed unanimously.*

Mayor Wingfield asked to have the list of bills removed from the Consent agenda for discussion.

The list of Bills had an estimated dollar amount that was payable to PERA

Clerk Tomnitz explained that the PERA was an estimated number and needed to verify payroll amounts. The amount would not exceed \$700.00 as estimated.

*Mayor Wingfield moved and Harper seconded to approve March bills to be paid in April with the PERA not exceed the \$700.00. Motion passed unanimously.*

Brunner questioned the amount of hours for Animal Control. Clerk Tomnitz noted that she looked back in the previous month it was a consistent with that amount, Mayor Wingfield noted we had a contract with animal control.

WBLCD: Update - Representative Doug Danks- 142 Wildwood Ave/ Tom Hoffman

**Completed activities:** Cleanup of White Bear Lake. There were 25 volunteers who participated and cleaned 200 pound of trash from lake and disposed of it properly.

**Recently:** Completed permitting reviews for commercial marina operations and multiple user docks on White Bear Lake. Birchwood Dock Associations were approved including the change and configurations for the Dellwood Association.

**Current:** Created Sub-committees to review the ordinance language to focus on three areas: The use of canopies on the lake in general, Authorized dock use area and setback requirements, Guidelines for multiple user dock and density for future applications.

Annual Boat Tour conducted with local governments that help fund in our Conservation District. It would be nice to have some representatives from our City government to hear some of the issues that are affecting the communities of Birchwood, Mahtomedi, White Bear Township, White Bear Lake and Dellwood.

**Upcoming Events** – Governors Fishing Opener. There is a request for some additional guides to help with event. This would be a great opportunities for our residents to participate.

Monitoring Lake Levels will also be topic of concern. With low lake levels there is a concern with the milfoil.

Budgeting process will take place thru the summer and will report back when process is complete

**Financial Reporting Recommendation & Observations:** Clint Dixon 288 Jay Street/ Larry Walker

Mr. Dixon explained to the City Council how important it is for the citizen of Birchwood Village to have clear understanding of the City finances. Currently the reporting to City is done and supported by excel and requires manual tracks and more auditing, checks and balances and more effort. It would make more since if there was an accounting and reporting system in place and this would require less effort. Clerk Tomnitz noted that she is interested in implementing an accounting program called Quick Books that could give a majority of the reports that Mr. Dixon is looking for, general ledger, trial balance, income and profit and loss sheets, and track the history and direction the City is moving. Mr. Dixon is recommending to the City Council to adapt these or other reports to bring light and changes to other reports.

Observations: Fund Reports: fund balances, statement on receipts and disbursement, Accounts Receivable Account Payable and Debt. Mr. Dixson explained that several years ago the information available to the residence was not detailed enough. A better understanding of what has changed, and what was expected.

Council member Harper publicly stated there has been nothing done inappropriately with the finances, however the bringing of these observations will benefit the City and the citizens of Birchwood Village. This is great opportunity with Mr. Dixon's help to answer some of the same questions that the City Council has asked each month regarding the City's finances and where it stands.

Council member Harper would also like to act on the suggestion of an audit and believes it is a good practice to have audits and at this time it would be appropriate with the change over in staff. Mayor Wingfield recommended that we to put the audit on the agenda for May City Council meeting. Harper questioned what type of audit would be appropriate. Mayor Wingfield welcomed Mr. Dixon to come back in May with any recommendations and to support the issue.

Mr. Dixon would also be willing to work with a finance committee if the Council is interested.

*Harper moved and Mayor Wingfield seconded to explore doing an audit and making a decision in May as to a course of action on getting it done and ask Mr. Dixon to assist a council person coming forward with a recommendation on how to move forward with an audit. Motion passes*

*Harper moved and Mayor Wingfield seconded to amend motion to clarify that we would not be ready to make a decision however we would have a report back for consideration to make a possible decision. Amendment to motion passes. Unanimous*

Mayor Wingfield thanked Mr. Dixon and Mr. Walker. Brunner volunteered to work with Mr. Dixon to organize the information.

Harper moved Brunner seconded to accept this report and to put on agenda for discussion at our May meeting the consideration to establish a finance committee to consider and evaluate the proposals for recommendations. Motion carries. unanimous

### **Old Business:**

#### **Engineering Proposals – Council input on evaluation criteria and next steps.**

Harper reviewed the February request for engineering proposal with about a dozen responses. A process to determine the valuation factors was put together for Council review. Mr. Dixon gave

an overview of the questions of what the factor is. The Council should report back on the evaluation and the importance of each aspect. After that time the proposals can be opened.

### **Cable commission appointments (commissioner and alternate)**

Jim Greeley President of Cable Commission gave a brief history of his background and the duties of the Cable Commission. Mr. Greeley would like to remain Commissioner and believes he has done a good job

Jann asked if there have been any complaints regarding his qualification or dedication to the job. Mr. Greeley was not aware of any. Mr. Greeley also noted that you do not have to subscribe to the cable company in order to view the government channels. Mayor Wingfield acknowledged the time that Mr. Greeley has spent on the board and thanked him for his work.

Less Dahm - White Bear Lake; Mr. Dahm is an alternate for the Cable Commission in White Bear. Mr. Dobb gave a brief background of himself. Mr. Dahm would also endorse Jim Greeley and would ask the Council to do the same. Harper questioned if the other applicants were aware of the opportunity to speak regarding the Cable Commission. The level of interest was a concern if the other applicants were aware or not that there was an appointment.

*Mayor Wingfield moved and Harper seconded to table the appointment so the clerk could notify the other applicants if they were still interested till the May City Council meeting. Wingfield, Harper, Carson approve, Jann and Brunner oppose. Motion carries*

### **Garbage collection – review of one-side pick up**

Mayor Wingfield noted based on comments that were both in favor and against. It was believed at the February meeting there was consensus amongst the council, although there was no vote.

Same side pick-up was a suggestion. Mayor Wingfield has received several comments and would like to have it placed on the agenda in June. It is important that everyone is heard on this and we have the news letter to communicate. This could be an experimental time frame and can be reviewed in June.

*Mayor Wingfield moved and Carson seconded to put on the June agenda for Public Hearing and be placed in the June 1<sup>st</sup> newsletter. Wingfield, Harper and Carson approve. Jann and Brunner oppose. Motion carries.*

Jann believes that this is against the law and is very concerned that the Council would be making a mistake. One issue is that obstructing the right of way is a violation of State Statute and considered a misdemeanor. Wingfield and Harper noted that there are several areas in the City that are not able to put trash cans in driveways currently.

### **Clerks Report:**

Recommend new accounting software (Quick Books Pro 2009); Clerk Tomnitz recommended a new software for accounting and payroll purposes to upgrade the City's financial reporting.

*Harper moved and Wingfield seconded to approve the purchase of Quick Books Pro 2009 and the Payroll program for the City of Birchwood Village. Mayor Wingfield Harper and Carson approve. Jann and Brunner oppose. Motion Carries.*

Harper commented that the purchase of the software package is on the same line as what Mr. Dixon was recommending the City implement. Wingfield noted she had talked to other municipalities, most of them recommended Quicken or Quick Books. Brunner questioned if we are selling ourselves short if there is no budgeting or Payroll service included and do we need more information?

Clerk Tomnitz recommended there be a mailbox installed in front of the Village Hall. Currently the mail is being held at the Post Office in White Bear until a mail box can be installed. The mail was being delivered to the previous City Clerk's home in Birchwood Village. The cost of the new mailbox would be around \$200.00 plus installation. Clerk Tomnitz has only one quote for the mailbox. The installation would be an additional cost of approximately \$200.00.

*Mayor Wingfield moved and Harper seconded to spend the money to put in a security mailbox and the clerk to look into what she would recommend, and authorize her to spend money not to*

*exceed \$400.00 for purchase and placement. Wingfield, Harper, Carson and Brunner approve. Jann oppose. Motion carries.*

Mayor Wingfield requested that the City Clerk be approved for expenditures for office supplies for daily use up to the amount of \$400.00.

Brunner moved and Wingfield seconded to authorize the clerk to expend up to \$400.00 in a month with there being no subsequent expenditures until the previous months expenditure have been reviewed and approved acted upon by the Council. Motion Carries. Unanimous.

## **Mayor**

Request for City Attorney to review the 2008 assessment procedure. Mayor Wingfield is aware of the process that has occurred. Wingfield talked with Mr. Kelly the City Attorney and believes that it would be in the City's best interest to have the special assessments reviewed to make sure we have complied with the law.

Jann was concerned about whether there was any factual basis to proceed with this course of action.

*Wingfield moved and Harper seconded we have our attorney go through the process of the special assessment to make sure we have accomplished what we intended. Wingfield approve. Brunner, Carson, Harper and Jann oppose. Motion fails*

Harper suggested that if Mr. Kelly has anything specific that he is concerned about and he should bring before the Council.

*Harper moved and Carson seconded that the mayor communicate with attorney the vote was tonight and to communicate to the City Council the specific concerns that he has that would warrant an investigation. Wingfield, Harper, Carson and approve. Jann and Brunner oppose.*

Volunteer for newsletter and website

*Harper moved and Wingfield seconded that if Mayor Wingfield has somebody in mind who can get the June newsletter out to engage that the person to get the June newsletter out and also ask that the person communicate to the Council people requesting if they have anything to say give them the opportunity get there information in there. Wingfield, Harper, and Carson approve, Jann and Brunner opposed.*

*Wingfield moved and Carson seconded to ask that an amendment to include the posting for the volunteer for the position of the newsletter as well as the website and go from there for who is interested. Wingfield, Harper, and Carson approve, Jann opposed and Brunner abstained.*

Mayor Wingfield received a call from White Bear Lake Public Works for maps regarding the sewer, water infrastructure system for Birchwood. White Bear has received copies of the maps in the past. Mayor Wingfield would like to take our maps and make copies for White Bear Lake and to have extras on hand for when they are needed.

Mayor Wingfield moved and Carson seconded to take the water main and sewer main maps and make copies for White Bear Lake Public Works, Motion carries. Unanimous

## **Council Members**

Carson:

Harper:

Jann:

Brunner:

## **New Business: Pothole, Street sweeping**

*Wingfield moved and Carson seconded to have the clerk contact Mr. Lauzon to coordinate Street sweeping sooner rather than later and also filling of any potholes. Motion carries. Unanimous*



Four Council members have received information from the special City attorney regarding the existing litigation with Mr. Sampair and the Does. There is an opportunity to discuss the letters.

*Jann moved and Brunner seconded to recommend that the letters be addressed at the special executive May meeting at 6:00 pm. Unanimous. Motion carries*

**Adjournment:**

*Brunner moved and Carson seconded to adjourn the April 14, 2009 City Council meeting at 10:07 pm. Motion carries. Unanimous*

Minutes taken by Mary Tomnitz City Clerk