**CITY OF BIRCHWOOD VILLAGE**

**SPECIAL CITY COUNCIL MEETING**

**August 23, 2012**

**MINUTES**

**MEMBERS PRESENT: Mayor Alan Mitchell; Council Members Barb Carson, Jane Harper, Bill Hullsiek (@ 7:33 after being appointed to the position) and Tony Sampair**

**STAFF PRESENT: City Engineer Kristie Elfering, City Clerk Dale Powers, and City Treasurer Cindie Reiter**

**OTHERS PRESENT: Joe Allaben, Roger Kurtz, and John Lund**

**Mitchell** called the regular meeting to order @ 7:00pm, and the Pledge of Allegiance was recited.

**AGENDA APPROVAL: *Harper/Carson 4-0 (vacancy) to approve the agenda for the August 7, 2012 Special Meeting.***

**COMMUNITY EVENTS AND ANNOUNCEMENTS: Mitchell** noted the following: (1) the State Fair starts today and goes through Labor Day weekend; (2) the filing period for City Council elections has expired, and there are 2 candidates for Mayor – Jane Harper and Mary Wingfield, 2 candidates for 2 four-year Council seats – Bill Hullsiek and Randy LaFoy, and 2 candidates for 1 two-year Council seat – Kevin Woolstencroft and Barbara Carson; (3) the last weekend of Music In The Park is this coming Sunday with Phil Nusbaum & Steve Howard (The Blue Drifters Duet), featuring acoustic, bluegrass, and jazz; and (4) The Birchwood Dock Association will be meeting on Saturday, September 8th at 9:00am at City Hall. **Harper** advised the Council that the annual White Bear Lake boat tour, sponsored by the White Bear Lake Conservation District, is scheduled for Thursday, September 20th. **Harper** noted that Perry Jones from the United States Geological Service will be discussing the lake level study. **Harper** concluded by saying that there is room for 12 folks on the boat – 2 per city, and advised the Council to let the City Clerk know if you want to attend.

**OPEN PUBLIC FORUM:**  **Allaben** addressed the Council on an issue relating to the resurfacing of driveways and off-street parking areas at 153, 159, and 161 Wildwood Avenue, stating that the existing pavement has holes in it and has been in place for 30 to 40 years, and that they have come up with a plan to resurface the pavement that does not involve increasing the impervious surface or changing where the pavement is located. **Allaben** said he contacted Planning Commission Chair Len Pratt, who advised him to contact White Bear Lake City Planner Samantha Crosby for direction. **Allaben** noted that Crosby advised him that since the area to be resurfaced is inside City property; that she could not find evidence that the City authorize the initial paving of the area; and that he would need to get City Council approval for the resurfacing project. There was general discussion among the Council members about establishing a policy about this practice, noting that there is a difference between resurfacing existing areas and establishing new areas of impervious surface. The Council gave general direction to staff to advise Crosby to grant permission to resurface the existing paved area, on the condition that should the City need to tear up all or a portion of the surface for City purposes, outside of the area directly in front of the garage, that the affected property owner would be responsible for restoration. The Council also wanted the permit to note that permission was granted because the project replaces existing impervious surface and not establishing new impervious surface.

**APPOINTMENT TO FILL A VACANCY ON THE CITY COUNCIL UNTIL NOVEMBER 6, 2012: Mitchell** said that the City received only one application for the Council vacancy – from Bill Hullsiek, who served on the Planning Commission in the past and was active on the Kay Beach Dock Association. **Harper** asked when Hullsiek was on the Planning Commission; **Hullsiek** responded that he was on the Commission for 5-6 years from 1996-2000.

***Sampair/Carson 4-0 (vacancy) to appoint Bill Hullsiek to the City Council for a term ending November 6, 2012.***

**Mitchell** administered the oath of office to Hullsiek, who was seated at 7:33pm.

**USGS GROUNDWATER/SURFACE WATER LAKE LEVEL STUDY>REVIEW AND CONSIDERATION OF A REQUEST BY LOCAL GROUPS FOR AN ADDITIONAL $500.00 CONTRIBUTION FROM THE CITY TO HELP COVER REMAINING COSTS: Mitchell** said that the City received a request by community volunteer Bill Foussard for an additional $500.00 as the City’s portion of an $11,510 shortfall on completion of the lake level study. **Mitchell** noted that the letter states that Foussard asked White Bear Lake, White Bear Township, and Mahtomedi to contribute $1,500.00 each; White Bear Lake Conservation District (WBLCD) was asked to contribute $2,000.00, with Dellwood being asked to pay the balance ($4,500.00). **Harper shared** concerns she stated at the last WBLCD meeting that Dellwood hasn’t contributed to the study, and that the Minnesota Department of Natural Resources has not yet been asked to contribute. **Harper** noted that the study is complete and that the additional funding is for documentation and to generate a report. **Mitchell** said he is concerned that this additional funding request is being driven by a volunteer and not the government agencies; the local units of government should be making these decisions, not some volunteer saying “you come up with this amount, you come up with that amount.”

***Hullsiek/Carson unanimous to authorize an additional $500.00 expenditure as an additional City contribution to the USGS Lake Level study, payable in January 2013 (or December 2012 if the City’s budget situation allows).***

Council directed staff to correspond to Foussard that the City’s expectation is that the other cities will contribute their fair share, and that the City will reassess its commitment if it finds the other cities did not pay their fair share.

**CLEANOUT OF HOLDING POND AT EAST COUNTY LINE ROAD & RIVIERA DRIVE> REVIEW AND CONSIDERATION OF A REQUEST BY THE CITY OF WHITE BEAR LAKE (WBL) FOR A CONTRIBUTION OF $3,000.00 FROM THE CITY TO HELP COVER THE COST OF THE CLEANOUT: Elfering** shared with the Council her conversation with WBL City Engineer Mark Burch on this item, and noted that the reason the cost of the project increased from $3,000.00 to $9,000.00 is that the scope of the project now entails dredging 1 ½ feet of material out of the pond, whereas before the project only involved dredging out by the flared ends where water flowed into the pond. **Elfering** also noted there are additional costs for disposal of the dredged material. **Elfering** said that the $9,000.00 total cost allows for cost overruns, and advised the Council that the project is bid out at $8,000.00. **Elfering** concluded by saying that each of the three parties (White Bear Lake, Washington County, and Birchwood) is being asked to contribute equal shares to the project; Birchwood’s share is $3,000.00. The Council reviewed a map of the area that contributes stormwater to the pond, focusing on the relative amount of stormwater each area contributed to the runoff, and **Harper** noted that based on her analysis of the map Birchwood contributes only 1/3rd of the total stormwater to the pond and should pay only 1/3rd of the municipal share of the project, or $2,000.00

***Harper/Sampair unanimous to authorize an expenditure of 2/9th’s of the actual cost of the holding pond cleanout project, up to a maximum contribution of $2,000.00, and to amend the 2012 budget to transfer from “Unallocated Expenditures” to “Drainage-Structure Care” the amount owed by the City for this expense.***

**ADJOURN:**  ***Sampair/Hullsiek unanimous to adjourn the meeting @ 8:17pm.***

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dale Powers

City Clerk