

CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
BIRCHWOOD, MINNESOTA

MINUTES OF THE CITY COUNCIL MEETING
AUGUST 8, 2023, 6:45 P.M.

MEMBERS:

Margaret Ford	Mayor
Mark Foster	Councilmember (via teleconference)
Ryan Hankins	Councilmember
Justin McCarthy	Councilmember
Katherine Weier	Councilmember

STAFF:

H. Alan Kantrud	City Attorney
Rebecca Kellen	City Administrator

GUESTS:

Darren DeYoung White Bear Lake Conservation District

Minutes prepared by Angela Fracassi of Minutes Solutions Inc. from a video recording.

1. **CALL TO ORDER**

Mayor Ford called the meeting to order at 6:45 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA (0:00:46)**

On a motion made by Councilmember Weier, seconded by Councilmember McCarthy, it was resolved to approve the agenda as amended. All in favor; motion carried.

Councilmember McCarthy requested that the following items be added to the agenda:

- Planning Commission Joint Meeting
- 312 Wildwood Avenue
- City Administration and Efficiencies

4. **WHITE BEAR LAKE CONSERVATION DISTRICT PRESENTATION (0:02:11)**

Darren DeYoung introduced himself to the Council. He provided a brief update regarding the main concerns for White Bear Lake District, including lake quality and the management and prevention of invasive species. Treatments for invasive species have recently taken place, and the lake is being continuously monitored. Some preventative measures include boat checks at public boat launches. Generally, water quality has been Grade A. Other activities of the district include navigation safety issues in the commercial bay areas and issues between property owners on the lake. This year, the water patrol contract hours were increased, and there have not been any significant issues so far.

The Council thanked Mr. DeYoung for the update.

5. **OPEN PUBLIC FORUM (0:06:45)**

Mayor Ford opened the floor to comments from the public.

Ruth Jensen, 701 Hall Avenue, noted that her property borders on Halls Marsh. She has noted serious degradation of the water, vegetation, and wildlife in the marsh. She believed this was a result of the Priebe Lake outfall project and failure to protect the marsh. The marsh was being used as a wetland treatment facility for stormwater discharge. The correct easements were not obtained to run stormwater pipes through Birchwood and to use the marsh as a treatment facility. She requested that City Council require that Rice Creek obtain the correct easements, alleviate the damage caused, and propose ways to prevent future damage.

Councilmembers Weier and McCarthy noted that Council was in the process of working with City Engineer Marcus Johnson to draft and MOA with Rice Creek, which would include the terms of the easements and would address many of the Halls Marsh concerns.

Darren de Young noted that he was one of the direct recipients of the washout from 310 and 312 Wildwood Avenue, and most of the washout ends up at Elm Easement and is increasing the size of the beach. He encouraged Council to take action.

On a motion by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to close the public hearing. All in favor. Motion carried.

6. **CONSENT AGENDA (00:32:32)**

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve Consent Agenda items C and D as presented. Motion carried.

a. **June Meeting Minutes (Consent Agenda Item A) (00:34:12):**

On a motion made by Councilmember McCarthy, seconded by Councilmember Weir, it was resolved to approve the Council meeting minutes from June 13, 2023, as amended. Motion carried.

The following changes were made to the minutes of the meeting held on June 13, 2023:

- Variance 127 Wildwood, Section B, page 6: add that the homeowner agreed to a deadline extension.
- Some corrections to the spelling of names.

b. **Approve Resolution 2023-35 (00:36:59):**

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve resolution 2023-35, as amended. All in favor. Motion carried.

Council made the following amendments to Resolution 2023-35:

- The deadline was extended to 60 days.
- Council agreed to discuss potential fee offsets at the next meeting.

7. CITY BUSINESS (00:44:51)

a. Public Safety, Sheriff's Contract Discussion (00:44:51): Council received a proposal from the Sheriff's Department that included an increase of approximately \$15,000 for an additional part-time deputy. Councilmembers questioned whether the additional coverage was required, given that Birchwood Village does not have a significant number of calls, and agreed to speak to the Sheriff at the next meeting.

b. 2024 Budget Review and Discussion (00:52:28):

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to release an RFP for the audit as soon as possible, and to review the bids at the Council meeting to be held in September of 2023. All in favor. Motion carried.

Council reviewed the first draft of the 2024 operating budget, and agreed to the following changes:

- Legal Notice Publication: Council agreed publish fewer variances and code updates, and to lower the line item to \$2,500.
- Council Salaries: Adjust the expense to reflect those who have declined their salary.
- Audit Expenses: Council agreed to budget \$8,000 for the audit and potentially delay the audit by one or two years, and to seek an RFP.
- Eliminate postage fees related to utility billing, as the funds can be recouped through utility fees.
- Change Professional Services – Engineering to \$18,000.
- Include State of Minnesota public safety funds in of approximately \$38,000 for the Fire Department.
- Increase pothole repair budget to \$30,000.
- Change tree removal to \$15,000.
- Discussed the lift station and whether federal grant funds would be made available.
- Lower City Planner Permit expenses to \$2,000.

Council also agreed to the following actions:

- Examine insurance policies for potential savings.
- Investigate why \$10,000 was budgeted for elections when it is not an election year.
- Seek an RFP for the audit.
- Seek assessor contracts for 2025.
- Becky Kellen will forward Councilmember Hankins information regarding permit fees.
- Councilmembers will work toward raising permit fees to pay for the planner and Civic Plus software, rather than including the planner in the City budget.
- Becky Kellen will investigate whether tech support costs can be reduced.
- Councilmember Hankins will investigate AI alternatives to minute-taking.
- Obtain quotes for street sweeping.
- Councilmember McCarthy will obtain bids for snow removal.
- Council will use community volunteers to flood the ice rink.
- Council will verify the portable toilet figures and tree care figures.
- Council will verify the county reimbursement for recycling.

c. First Reading of Ordinance 2023-08-01 (3:05:18):

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to order a second reading of Ordinance 2023-08-01 as presented. All in favor. Motion carried.

Councilmember Hankins questioned whether City Council wanted to allow cannabis smoking in public streets, and whether cannabis smoking should be separated from the existing tobacco smoking code.

- d. **First Reading of Ordinance 2032-08-02 (3:10:30):** Council agreed to forward the ordinance to the Parks Committee.
- e. **Street Repair Update (3:12:41):** Mayor Ford reported that ARC was hired to complete two street repairs and they have substantially completed the work. Council expressed satisfaction with the work to date.
- f. **Storm Damage Update (3:13:22):** Mayor Ford reported that the cleanup was ongoing and thanked those who participated.

8. **CITY BUSINESS – NEW BUSINESS**

- a. **312 Wildwood Avenue (0:26:30):**

On a motion by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to send a letter to the owner of 312 Wildwood Avenue informing them to clean the property and address Council's concerns. All in favor. Motion carried.

Attorney Kantrud noted that the original owner of 310 Wildwood passed away and the owner has since changed twice. City staff is in the process of drafting a letter stating that the current owner has until September 8, 2023, to clean the property, or the City will have it cleaned at the owner's expense. Council discussed whether to declare the property a public nuisance, and agreed to invite the owner to the next Council meeting for a discussion.

- b. **Planning Commission Joint Meeting (3:14:35):**

On a motion by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to arrange a joint meeting with the Planning Commission, City Council, City Planner, and City Engineer. All in favor. Motion carried.

Councilmember McCarty reported that the Planning Commission requested a joint meeting with City Council, the City Planner, and the City Engineer.

- c. **Staffing (3:16:38):**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to schedule a workshop regarding staff efficiency with Council and City Staff. All in favor. Motion carried.

9. ADJOURNMENT

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 10:05 p.m.

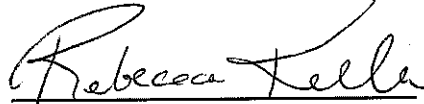
DISCLAIMER

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting. This document shall not be considered a verbatim copy of every word spoken at the meeting.



Mayer Margaret Ford

9-14-23
Date



City Administrator Becky Kellen

9-14-23
Date

