**CITY OF BIRCHWOOD VILLAGE**

**REGULAR CITY COUNCIL MEETING**

**August 9, 2011**

**MINUTES**

**MEMBERS PRESENT: Mayor Alan Mitchell; Council Members Jane Harper, Mark Peterson, and Tony Sampair**

**MEMBERS ABSENT: Council Member Barb Carson**

**STAFF PRESENT: City Engineer Kristie Elfering, City Clerk Dale Powers, and City Attorney Kevin Sandstrom**

**OTHERS PRESENT: Jim Greeley, Don Hankins, Bea Krinke, Doug Krinke, Roger Kropelnicki, John Lund, Larry Walker, and John Wyland.**

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

**AGENDA APPROVAL: *Mitchell/Peterson 4-0 (Carson absent) to approve the agenda for the August 9, 2011 Regular Meeting with the following additions: (1) 7c-> Exterior Storage amendment question; (2) 7d-> Appointment of Bea Krinke to the Parks Committee; and (3) 7e-> Purchase of a new flag for the Wildwood Park flagpole.***

**COMMUNITY EVENTS AND ANNOUNCEMENTS: Mitchell** noted the following announcements and community events:

* Music in the Park series has moved to Dellwood easement, and the following acts are scheduled: Harmonic Relief on August 14, Amy & Adams on August 21, and a Dixieland band on August 28 to complete the summer season.
* The Minnesota State Fair is scheduled from August 25 – September 5.
* A ribbon cutting for the new wind turbine at Mahtomedi High School is scheduled for Wednesday, August 24 at 6:30pm, followed by a community celebration at the Great Hall of St. Andrews Church.

**Harper** announced that the City Treasurer advised that there are several utility accounts that are delinquent, and that the process is that after July when the books are closed, the Council is presented a list of delinquent bills that are certified to the County as delinquent and placed on the property tax bill like a special assessment. **Harper** concluded that residents have until December to pay the bill to avoid the special assessment.

**Peterson** announced there is an infestation in St. Paul of Japanese Emerald Beetles and that they could be present in Birchwood. **Peterson** noted that the beetles do not like to be disturbed and recommends spraying the leaves or branches with water and/or shaking the leaves and branches to make them go away.

**OPEN PUBLIC FORUM: Greeley** addressed the Council and gave an update on the status of his complaint about 401 Wildwood Avenue, stating that progress has been made and believes that if the property owner moved the boat lift an additional 20 feet toward the rear yard area and removed the canopy from lift that the issue will be resolved. The Council agreed and directed staff to send a letter to the property owner accordingly.

**CONSENT CALENDAR: *Mitchell/Sampair 4-0 (Carson absent) to approve the following consent calendar items:***

1. ***Approval of the Minutes of the July 12, 2011 Regular Meeting***
2. ***Approval of the Disbursements Register as prepared by the City Treasurer and presented to the City Council on August 9, 2011, including Check #’s 26704-26713, 26718-26739, and Electronic Funds Transfers PERA63011, EFT080111, FED072011, MN07152011, and PERA071511***

**CONDITIONAL USE PERMIT – 501 WILDWOOD AVENUE (KAREN CHARPENTIER & ROGER KROPELNICKI) - REVIEW & CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION: Hankins**, representing the Planning Commission, advised the Council on the public hearing conducted August 2, 2011 on the request by Charpentier and Kropelnicki for a conditional use permit to conduct a cabinet-making business out of his detached garage. Testimony centered on the noise issue generally, and specifically the lack of being able to differentiate between noise generated from business activity and noise generated from recreational woodworking activity. **Hankins** related that the Planning Commission recommends to the City Council that it issue a conditional use permit with conditions as referenced in Resolution 2011-16.

**Sampair** asked whether Hankins thought all of the neighbors were heard on this issue, and **Hankins** responded that he believes they had. **Peterson** was concerned about the Saturday hours and asked whether that was necessary. **Hankins** said that issue was not addressed at the meeting; the main point was after hours noise form usage of the woodworking equipment. **Mitchell** asked Hankins which members were present and the vote to approve the permit (**Hankins** responded 3-1 with Danks absent) and whether there was any discussion on hazardous materials (**Hankins** responded that the Fire Marshal indicated that there is no more hazardous materials in the subject garage than there is normally found for residential usage). **Peterson** asked about annual reviews, and **Hankins** responded that the permit allows for a review after a year.

**Mitchell** expressed a concern that this is a conditional use permit, which means that the permit is transferrable to a subsequent property owner, and mentioned that another option would be an interim use permit which is not a permanent property right. Unfortunately, the City does not have an interim use permit ordinance.

**Harper** stated that she attended the meeting and is concerned about the activity being referenced as cabinet-making when the discussion at the meeting centered around woodworking. **Harper** said that she is hesitant about restricting recreational woodworking. **Mitchell** advised Harper that the cabinet-making is a business and recreational woodworking is allowed.

In response to the concerns about the potential revocability of the permit, **Sandstrom** advised the Council that as long as the property owner is abiding with the conditions attached to the permit that the permit can’t be revoked.

**Kropelnicki** addressed the Council by saying that he has an issue with not being able to use his woodworking equipment for recreational usage after 5:00 pm and on Sundays, and further said that if those terms were in the permit he would like to withdraw his request for the permit. City Attorney **Sandstrom** advised the Council that since the applicant has verbally withdrawn his permit request, he would not recommend voting on the matter one way or the other; **Sandstrom** recommends extending the 60-day review period for another 60 days to allow Kropelnicki to submit his withdrawal request in writing to the City.

***Sampair/Harper 4-0 (Carson absent) to extend the review period for Council consideration of the Kropelnicki conditional use permit request for 60 additional days, to allow the applicant to submit to the City his withdrawal request in writing.***

**FISCAL YEAR 2012 BUDGET> PRELIMINARY DISCUSSION: Harper** went over the preliminary budget figures for 2012, and advised that this is a very preliminary report and more detail will be forthcoming at the August 23 workshop meeting. **Peterson** brought up an issue relating to the potential reconstruction of Hall/Cedar, stating that he was advised that the road base had deteriorated and that in 2015 the street would need to be reconstructed. **Peterson** wanted to ask the Council whether the City should save money over the course of the next 3 years to pay for the reconstruction or wait until 2015 and bond for the improvement.

**CODE RED: EMERGENCY MASS NOTIFICATION SYSTEM: Powers** shared with the Council correspondence he received from the Washington County Sheriff’s Office on the County’s entering into an agreement with Emergency Communications Network for provisioning of mass communications for public safety purposes, known as “Code Red”. **Powers** mentioned that the White Bear Lake Police Department supports Code Red and the City’s annual cost to participate in Code Red is $68.38.

***Peterson/Mitchell 4-0 (Carson absent) to approve the City’s participation in the Code Red system.***

**VILLAGE HALL PAINTING, REPAIR OF SIDING, AND STRIPING OF PARKING LOT: APPROVE ADDITIONAL EXPENDITURE OF $775.00 FOR REPLACEMENT OF SIDING, APPROVE $490.00 EXPENDITURE FOR STRIPING PARKING LOT, AND APPROVE CONTRACT WITH CORNERSTONE CONSTRUCTIUON AND MANAGEMENT: Mitchell** noted that when the Council in July 2010 approved the $4,800 expenditure for painting and repairing the exterior of the Village Hall, the bid did not include the cost – labor and materials – to repair 90 feet of siding, due to the contractor’s opinion that such siding is no longer available. **Mitchell** added that since that time, the siding has become available and Cornerstone (the vendor awarded the contract) advised that the cost to replace 90 feet of siding would be $775.00. In addition, **Mitchell** advised the Council that Cornerstone provided a $490.00 estimate for striping the parking lot which, according to the City Engineer, appeared to be reasonable. **Mitchell** concluded his remarks by saying that he has prepared a contract with Cornerstone for all of the work and would like Council approval for these items.

***Peterson/Mitchell 4-0 (Carson absent) to approve the additional $775.00 expenditure for the replacement of 90 feet of siding to the Village Hall, approve the $490.00 expenditure for striping of the Village Hall parking lot; and to authorize the Mayor to draft and execute a contract with Cornerstone Construction and Management consistent with these terms.***

**CITY CLERK’S REPORT: Powers** advised the Council that next week, KEJ will be clearing vegetation from City signs; a letter to impacted property owners will be sent out this week. **Powers** also noted that the Personnel Committee performed a performance review for the Clerk and asked him for goals for the coming year; Powers asked the Council to come up with their own goals for him to accomplish.

**Powers** asked the Council whether, in the course of revising the Exterior Storage ordinance, whether it would entertain having staff enforcement the ordinance instead of the Council. The consensus of the Council was that it wanted to consider that change.

**Appoint Bea Krinke to the Parks Committee: Powers** shared with the Council an e-mail he received from City resident Bea Krinke of 429 Wildwood Avenue requesting to join the Parks Commission.

***Sampair/Peterson 4-0 (Carson absent) to appoint Bea Krinke to a 3-year term on the Parks Commission, with the term expiring in August 2014.***

**CITY ENGINEER’S REPORT: Elfering** advised the Council that a check valve and one of the pumps at the Wildwood lift station was in need of emergency repair, and that the $7,000.00 cost of the repair was approved by Council Member Harper and Mayor Mitchell. **Elfering** mentioned that the cause of the problem was gravel entering the lift station and said she was unsure where the gravel was entering the system. She alluded to two potential areas: from the portion of the sewer mains that have not yet been rehabilitated, and through the sanitary manholes. **Elfering’s** memo to the Council indicated that televising the remaining sewer main segments is in the City’s Capital Improvement Plan for 2012, and that the cost to rehab the remaining 76 manhole covers (half were done in2008) is approximately $30,000.

**Hydrant Repair: Elfering** advised the Council that the City of White Bear Lake will not be able to repair the City’s fire hydrants as originally promised due to workforce reductions and additional work. She contacted several vendors to get quotes for repair of the hydrants that are in most need of repair. The only vendor to bid was Hennen Construction Company at a cost of $15,000.00 for repair of 22 hydrants, or approximately $675.00 per hydrant. **Elfering** noted that many vendors considered the job too small to bid on, and that the estimate was competitive based on the manufacturer’s estimated cost of repair of $965.00 per hydrant. **Elfering** recommended that the Council award the bid to Hennen Construction Company.

***Harper/Sampair 4-0 (Carson absent) to award the bid for hydrant repair to Hennen Construction Company for $15,000.00 and directed the Mayor to draft and execute a contract consistent with these terms.***

**Service Agreements with the City of White Bear Lake: Elfering** shared with the Council a list of public works services that could potentially be offered on a contract basis by the City of White Bear Lake, and noted that this issue came out of the agreement the City has with White Bear Lake to provide certified water operator services to the City. **Elfering** noted that in conversations with WBL Public Works Director Mark Burch, White Bear Lake desires not to provide services to the City on a piecemeal basis; rather, in order to better plan for staffing and other needs the City of White Bear Lake would like to determine the full extent of public works services desired by the City and to provide an cost estimate for the entire menu.

The consensus of the Council was that except for utility billing (the Council is satisfied with the City of Little Canada) that the remaining items on the list accurately portrayed the public works services that the City wants to receive cost estimates.

**NEXT MEETING> AUGUST 23: TOPIC: Mitchell** announced that the next meeting – on August 23 – will be devoted to a workshop discussing the 2012 City budget.

**SEPTEMBER 13 COUNCIL MEETING> TOPICS: Mitchell** announced the following topics will be on the agenda for the September 13, 2011 meeting:

* Work goals for the upcoming year, revised job description and employment agreement for the City Clerk;
* Resolution naming the City Clerk as the responsible authority under the Minnesota Data Practices Act;
* Draft revisions to the Exterior Storage ordinance and initial draft of an interim use ordinance.

**Harper** requested that time should be put on future agendas for Council reports.

**ADJOURN:** Without a motion, the Council adjourned the meeting @9:25 pm.

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Dale Powers

City Clerk