

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING**

December 8th, 2020

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council Members: Randy LaFoy, Kevin Woolstencroft, Jonathan Fleck, & Mark Foster.

STAFF PRESENT: Andy Gonyou; City Administrator, Alan Kantrud; City Attorney.

OTHERS PRESENT:

Mayor Wingfield called the regular meeting to order at 7:02pm and explained the reason for the meeting being conducted virtually via the Zoom platform as is permitted by Minnesota State Statute. The pledge of allegiance was recited.

AGENDA APPROVAL

Mayor Wingfield added 12 sub-items to Regular Agenda item H; subsection A.

City Administrator Gonyou added one item to the Regular Agenda; item I.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE THE AGENDA AS AMENDED. ROLL CALL VOTE: FOSTER; AYE, FLECK; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

OPEN PUBLIC FORUM

- A. **Justin McCarthy (515 Lake Ave):** Thanked Councilmembers LaFoy and Aakre for their service to Birchwood Village.
- B. **Barton Winter:** Addressed concern over boards on the ice rink.

ANNOUNCEMENTS

- A. Ice rink opening date TBD – watch website and email for announcement
- B. COVID CANCELLATION--ANNUAL CHRISTMAS PARTY
- C. We are social, follow us on Facebook at @BirchwoodCityHall or Twitter at @CityofBirchwood

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report
- B. Deer Bow Hunt Results
- C. 310/312 Wildwood Avenue Property Cleanup Update

CONSENT AGENDA

A. Approve Regular Meeting Minutes from November 10, 2020

- a. **Mayor & Council:** Discussed and consented to approving minutes with addition of paragraph C; 1 “the eastern half of elm easement”

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE CONSENT AGENDA ITEM A AS AMENDED. ROLL CALL VOTE: FOSTER; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; ADDED AMENDMENT; AYE, WINGFIELD; AYE. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO AMEND MAYOR WINGFIELD’S ORIGINAL MOTION. ROLL CALL VOTE: FOSTER; AYE, FLECK; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

B. Approve Treasurer’s Report

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE THE TREASURER’S REPORT WITH THE EXCEPTION OF NOT AUTHORIZING PAYMENT TO VELOCITY DRAIN SERVICES UNTIL CONTRACTED WORK IS COMPLETED. ROLL CALL VOTE: WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; AYE, FOSTER; AYE, WINGFIELD; AYE. MOTION PASSED.

C. Approve Resolution 2020-39 Conditional Use Permit

- a. **Administrator Gonyou:** Informed Council that the Resolution was to confirm intent of prior vote during previous Council meeting for which the Resolution topic was discussed. The public hearing had been closed by a consensus vote but the Resolution itself did not explicitly receive an actionable vote.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER FOSTER TO APPROVE RESOLUTION 2020-39. ROLL CALL VOTE: LAFOY; AYE, FOSTER; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

D. Approve Resolution 2020-41, Designating Polling Place

- a. **Mayor Wingfield:** Requested Resolution be amended to correct the year listed within the Resolution.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE RESOLUTION 2020-41 AS AMENDED. ROLL CALL VOTE: FLECK; AYE, FOSTER; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

E. Approve Joint Powers Agreement with Metro INET

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE THE JOINT POWERS AGREEMENT. ROLL CALL VOTE: FOSTER; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

A. Truth in Taxation/Adoption of Final Levy and Budget

a. Public Hearing

- i. Mayor Wingfield:** Opened the public hearing at 07:27pm.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO CLOSE THE PUBLIC HEARING. ROLL CALL VOTE: FOSTER; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED AND PUBLIC HEARING CLOSED AT 07:28PM.

b. Review of Proposed 2021 Levy and Budget

c. Approve Resolution 2020-42, Final Budget Adoption

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE RESOLUTION 2020-42. ROLL CALL VOTE: FOSTER; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

d. Approve Resolution 2020-43, Final Levy Adoption

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE RESOLUTION 2020-43. ROLL CALL VOTE: FOSTER; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

B. Resolution 2020-44 - Certification of Delinquent Utility Accounts to the County

a. Public Hearing

b. Council Deliberation and Approval

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE RESOLUTION 2020-44 TO CERTIFY DELINQUENT UTILITY ACCOUNTS TO THEIR APPROPRIATE COUNTY WITH A \$25 COLLECTION FEE AND 5% ANNUAL INTEREST. ROLL CALL VOTE: WOOLSTENCROFT; AYE, LAFOY; AYE, FOSTER; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

DURING THE JANUARY 12 2021 REGULAR CITY COUNCIL MEETING, A MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EDIT THE WORDING OF THE MOTION PASSED FOR REGULAR AGENDA ITEM B. ALL AYES. MOTION PASSED.

C. Second Reading Ord. 2020-11-01, Sec. 301.055 Permit Requirements

a. Public Hearing

- i. Mayor Wingfield:** Opened the public hearing at 07:37pm.

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO CLOSE THE PUBLIC HEARING.

b. Council Deliberation and Approval

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FOSTER TO APPROVE THE SECOND READING AND PUBLICATION OF ORDINANCE 2020-11-01. ROLL CALL VOTE: FOSTER; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

D. Variance Case No. 20-06-VB for 259 Wildwood Avenue

a. Council Deliberation

i. **Peggy Witthaus** (259 Wildwood Ave): Informed Council of deterioration of current pervious surface driveway despite maintenance and steps taken to reach current proposal.

ii. **Brock Harmon** (251 Wildwood Ave): Read letter from Trude Harmon (251 Wildwood Ave) and stated reasons for concern of water management.

b. Approve Resolution 2020-40

i. **Peggy Witthas** (259 Wildwood Ave): Requested to pull consideration of Resolution 2020-40 in order to amend Variance Case No. 20-06-VB which is to be reviewed by the Planning Commission and then by the City Council again.

E. Washington County Commissioner Update

a. Presentation by County Commissioner Stan Karwoski

i. **Commissioner Karwoski**: Presented the Commissioner Service Award to Councilmembers Randy LaFoy and Jessi Aakre.

b. Q&A and Council Deliberation

F. Staffing Updates (Wingfield)

a. City Treasurer

i. Council Deliberation

ii. Approve Resolution 2020-45, Naming City Treasurer

1. **Mayor Wingfield**: Stated amendment to Resolution 2020-45 to make the Resolution take effect retroactively to December 1st, 2020.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE RESOLUTION 2020-45 AS AMENDED. ROLL CALL VOTE: LAFOY; AYE, FOSTER; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

b. Deputy Clerk

i. Council Deliberation

1. **Mayor & Council**: Discussed and reached a consensus to post a Deputy Clerk position for 10-15 hours per week at a rate of pay of \$18 - \$20 per hour.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO POST THE JOB OPENING. ROLL CALL VOTE: LAFOY; AYE, FOSTER; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

G. Village Hall Refurbishments (Wingfield)

a. Council Deliberation

- i. **Mayor Wingfield:** Informed Council of progress made on assessment of City Hall condition and upcoming quorum of City Hall Improvements Taskforce.
- ii. **Council:** Consented to authorizing Mayor Wingfield temporary access to City Hall office space.

H. Councilmember Reports

a. Mayor Wingfield

- i. Buckthorn Removal for Bloomquist Park/City Hall
 1. **Mayor Wingfield:** Informed Council of desire to submit grant application to receive \$10,000.00 toward buckthorn removal.
 2. **Council:** Consented to authorizing Mayor Wingfield to submit grant application.
- ii. Legacy Grant App for Historical Park Signage (Centennial Celebration)
 1. **Mayor & Council:** Discussed option to seek grants for historical park signage. Council consented to authorizing Mayor Wingfield to seek grant opportunities.
- iii. Wildwood Lift Station
 1. **Mayor & Council:** Discussed and consented to seeking additional funding for Wildwood Lift Station project costs.
- iv. Hall/Cedar Wildwood Junction
 1. **Mayor & Council:** Discussed need to authorize City Attorney Kantrud to begin discussion of purchasing land/establishing right-of-way on needed land for public access of Hall/Cedar junction.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE CITY ATTORNEY KANTRUD TO ENTER INTO DISCUSSIONS WITH PROPERTY OWNER. ROLL CALL VOTE: FLECK; AYE, FOSTER; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

DURING THE JANUARY 12 2021 REGULAR CITY COUNCIL MEETING, A MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EDIT THE WORDING OF REGULAR AGENDA ITEM H, SUBSECTION A, SUBSECTION IV. ALL AYES. MOTION PASSED.

v. Comprehensive Plan

1. **Mayor Wingfield:** Explained to the Council the current status of the Comprehensive Plan and need to submit to Met Council.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE MAYOR WINGFIELD TO MAKE THE AMENDMENTS AS COUNCIL APPROVED AND SUBMIT THE COMPREHENSIVE PLAN TO THE METROPOLITAN COUNCIL. ROLL CALL VOTE: LAFOY; AYE, WOOLSTENCROFT; AYE, FOSTER; AYE, FLECK; AYE, WINGFIELD; ABSTAIN. MOTION PASSED.

DURING THE JANUARY 12 2021 REGULAR CITY COUNCIL MEETING, A MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EDIT THE WORDING OF THE MOTION PASSED FOR REGULAR AGENDA ITEM H, SUBSECTION A, SUBSECTION V. ALL AYES. MOTION PASSED.

vi. 310/312 Wildwood Avenue

1. **Mayor, Council, & City Attorney:** Discussed plan to remove items currently tagged and tag new items located on the back of the property that is not screened from view.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE COUNCILMEMBERS FLECK AND LAFOY TO MARK THE REMAINING ILLEGAL ITEMS INCLUDING FALLING DOWN SHED AND TRAILER/FISH HOUSE ON THE PROPERTY AND DIRECT THE ADMINISTRATOR TO SEND A REMOVAL NOTICE TO THE OWNER AND COORDINATE ANOTHER PICKUP 11 DAYS IMMEDIATELY THEREAFTER. ADMINISTRATOR SHALL THEN SUBMIT ALL COSTS TO THE CITY ATTORNEY FOR THE COURT APPROVAL TO CERTIFY TO THE OWNER'S PROPERTY TAXES. ROLL CALL VOTE: VOTE NOT TAKEN.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE CITY ATTORNEY KANTRUD TO INITIATE A COURT ACTION TO MR. SIMNING (310/312 WILDWOOD PROPERTY OWNER) TO IMPLEMENT THE PRIOR COURT ACTION TO REMEDY THE PROBLEM OF HIS DRIVEWAY AND THAT IT BE PERMENETLY FIXED. ROLL CALL VOTE: LAFOY; AYE, WOOLSTENCROFT; AYE, FOSTER; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

vii. Hiring of Building Inspector

1. **Mayor Wingfield:** Informed Council of request to contract with an independent contractor to review 310/312 Wildwood Ave properties for code violations.

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE MAYOR WINGFIELD AND CITY ADMINISTRATOR GONYOU TO HIRE AN INDEPENDENT BUILDING INSPECTOR TO REVIEW THE PROPERTY AT 310/312 WILDWOOD AVENUE TO ASSESS BULDING SAFETY. ROLL CALL VOTE: LAFOY; AYE, FOSTER; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

viii. Ash Easment

1. **Dave Heiden** (Birchwood Dock Assoc.): Informed Council of challenges for boat lift storage and plans to move some lifts.

ix. Impervious Surface

1. **Mayor Wingfield:** Recommended that the section of City code regulating impervious surface percentage allowed for parcels be referred to the Planning Commission for review for updates.
2. **Mayor & Council:** Deliberated and reached consensus to direct City Administrator Gonyou to work with the Planning Commission to review appropriate City code section 302.050 and have the Planning Commission create a recommendation for the City Council by February 2021.

x. Plan Reviewer

1. **Mayor Wingfield:** Recommended contracting of Plan Reviewer to assess permits against City code.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE THE POSTING OF A REQUEST FOR PROPOSAL FOR THE POSITION OF PLAN REVIEWER WITH A SUBMISSION DEADLINE OF DECEMBER 31 2020.

ROLL CALL VOTE: LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, FOSTER; AYE, WINGFIELD; AYE. MOTION PASSED.

xi. Silver Maple Tree

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE STEVE DEAN TO REMOVE TWO DISEASED TREES FOR \$400 IN TIGHE-SCHMITZ PARK TO BE PAID OUT OF THE PAKS FUND. ROLL CALL VOTE: LAFOY; AYE, WOOLSTENCROFT; AYE, FOSTER; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

DURING THE JANUARY 12 2021 REGULAR CITY COUNCIL MEETING, A MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EDIT THE WORDING OF THE MOTION PASSED ON REGULAR AGENDA ITEM H, SUBSECTION A, SUBSECTION XI. ALL AYES. MOTION PASSED.

xii. Fee Schedule

1. **Mayor & Council:** Directed City Administrator Gonyou to review Fee Schedule to be proposed and reviewed by Council in January 2021 with specific direction to review variance application fee.

xiii. Planning Commission

1. **Mayor & Council:** Discussed and reached a consensus to have the Planning Commission take minutes of meetings and then provide a representative to attend the regular City Council meetings.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO DIRECT THE PLANNING COMMISSION TO RELY ON ITS OWN BODY TO PROVIDE CITY STAFF AND COUNCIL MEETING MINUTES AND A LIASON AT THE COUNCIL MEETINGS AS NECESSARY. ROLL CALL VOTE: FLECK; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, FOSTER; AYE, WINGFIELD; AYE. MOTION PASSED.

xiv. Polly's Park Refuse

1. **Mayor & Council:** Discussed placing a trash bin at Polly's Park.

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b. Councilmember LaFoy

i. Retirement

I. City Administrator's Report

a. NYFS Agreement

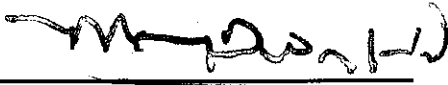
MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER FOSTER TO AUTHORIZE MAYOR WINGFIELD AND CITY ADMINISTRATOR GONYOU TO SIGN AGREEMENT WITH NYFS. ROLL CALL VOTE:

WOOLSTENCROFT; AYE, LAFOY; AYE, FOSTER; AYE, FLECK; AYE, WINGFIELD; AYE.
MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY
COUNCILMEMBER FLECK TO ADJOURN THE MEETING. ROLL CALL VOTE: LAFOY;
AYE, FOSTER; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION
PASSED. MEETING ADJOURNED AT 09:10 PM.

ATTEST:



Mary Wingfield

Mayor



Andy Gonyou

City Administrator - Clerk

