

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

**November 10th, 2020**

**MINUTES**

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

**STAFF PRESENT: Tobin Lay; City Administrator, Alan Kantrud; City Attorney.**

**OTHERS PRESENT:**

Mayor Wingfield called the regular meeting to order at 7:04pm. City Administrator Lay 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**

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

**OPEN PUBLIC FORUM**

- A. **Jessi Aakre (White Bear Lake):** Expressed gratitude to Mayor, Council, & residents for opportunity to serve on the Council.
- B. **Len & Ellen Pratt (301 Wildwood Ave):** Requested placement of no parking sign and no motorized motor vehicle sign at Elm Beach Easement.
- C. **Barton Winter:** Expressed thoughts on placement of white poly sheet over ice hockey rink.
- D. **Dick Galena:** Requested the City look into what happened to the no parking signs along Wildwood Park.
- E. **Nadja Gale (419B Wildwood Avenue):** Informed Council of dispute with neighbor at 419A Wildwood Avenue due to a boat lift and fence being on 419B property.

**ANNOUNCEMENTS**

- A. Crime Alert – increase in auto theft. Please lock doors and windows
- B. Canvass Board Mtg. – Thur. Nov. 12 at 5:00 pm at City Hall
- C. We are social, follow us on Facebook at @BirchwoodCityHall or Twitter at @CityofBirchwood

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report

- B. 2020 Tree Inspection Report
- C. SCC Update
- D. Grotto Paving Update

### **CONSENT AGENDA**

- A. Approve Regular Meeting Minutes from August 18, 2020
- B. Approve Special Meeting Minutes from September 9, 2020
- C. Approve Regular Meeting Minutes from October 13, 2020
- ~~D. Approve Treasurer's Report~~
- E. Approve Second Reading and Adopt Ord. 2020-09-02
- F. Approve Adjustment to Deer Hunt Zone 2
- G. Approve Resolution 2020-33, Terminating Maintenance Agreement
- H. Approve Snow Removal Contract
- I. Ratify Purchase of Ice Rink Boards

**MAYOR WINGFIELD REMOVED CONSENT AGENDA ITEM D FOR FUTHER DELIBERATION.**

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

**MAYOR & COUNCIL REACHED CONSENSUS TO NOT PAY VELOCITY DRAIN SERVICES UNTIL ALL CONTRACTED PROPERTIES ARE SERVICED.**

### **CITY BUSINESS – REGULAR AGENDA**

- A. Accept Councilmember Resignation / Appoint Interim Councilmember
  - a. Approve Resolution 2020-32

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2020-32. ROLL CALL VOTE: FLECK; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.**

- b. Appoint and Swear in Interim Councilmember

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPOINT MARK FOSTER AS INTERIM COUNCILMEMBER. ROLL CALL VOTE: WOOLSTENCROFT; AYE, LAFOY; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.**

**CITY ADMINISTRATOR LAY READ THE OATH OF OFFICE MARK FOSTER. MARK FOSTER RECITED THE OATH AND WAS SWORN IN AS INTERIM COUNCILMEMBER.**

- c. Announce Vacancy on the Planning Commission

- i. Mayor Wingfield: Advised that a deadline to apply of December 15<sup>th</sup> 2020 be put in place and the Council will consider appointments in January 2021.

B. Sec. 617 Public Lake Tracts Amendments

- a. Table Public Hearing

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO TABLE THE PUBLIC HEARING. ROLL CALL VOTE: LAFOY; AYE, FOSTER; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.**

C. Variance Case No. 20-02-VB for 415 Wildwood Avenue

- a. Council Deliberation
- b. Approve Resolution 2020-36

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDE BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2020-36. ROLL CALL VOTE: LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, FOSTER; AYE, WINGFIELD; AYE. MOTION PASSED.**

D. Variance Case No. 20-04-VB for 251 Wildwood Avenue

- a. Council Deliberation
  - i. **Brock Harmon (251 Wildwood Avenue):** Explained plans for retaining wall in consideration for variance.
  - ii. **Mayor & Council:** Deliberated concerns of approving variance.
- b. Approve Resolution 2030-37

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO DENY RESOLUTION 2020-37 AS IT DOES NOT MEET THE LEVEL OF PRACTICAL DIFFICULTIES AS PURSUANT TO STATUTE AND CODE. ROLL CALL VOTE: WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; AYE, FOSTER; NAY, WINGFIELD; AYE. MOTION PASSED.**

E. City Engineer Report – CARES Act Projects

- a. Dellwood Lift Station Generator
- b. Water Meter Radio Tower
  - i. **City Administrator Lay:** Explained to the Council that due to supply chain disruptions, it was being advised that the Council authorize adjustments to the allocation of CARES Act funds.
- c. Approve Resolution 2020-34, Approving Additional Cares Act Expenditures
  - i. **City Administrator Lay, Mayor, & Council:** Deliberated and reached a consensus on amendments to Resolution 2020-34 for CARES Act funding allocations.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2020-34 AS AMENDED. ROLL CALL VOTE: WOOLSTENCROFT; AYE, LAFOY; AYE, FLECK; AYE, FOSTER; AYE, WINGFIELD; AYE. MOTION PASSED.**

F. Administrator Search

- a. Council Deliberation
- b. Approve Resolution 2020-35

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2020-35. ROLL CALL VOTE: WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; AYE, FOSTER; AYE, WINGFIELD; AYE. MOTION PASSED.**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AMEND RESOLUTION 2020-35 TO INCLUDE A REVIEW DATE OF MARCH 1, 2021. ROLL CALL VOTE: LAFOY; AYE, FOSTER; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO INCORPORATE THE SERVICES OF DENNIS SONNEK BETWEEN TOBIN LAY AND ANDY GONYOU TO FACILITATE THE CITY ADMINISTRATOR TRANSITION. ROLL CALL VOTE: LAFOY; AYE, FLECK; AYE, FOSTER; AYE, WOOLSTENCROFT; AYE, WINGFIELD; ABSTAIN. MOTION PASSED.**

G. Leaves Blown into Parks (known and unknown violators)

a. Council Deliberation and Direction

- i. **City Administrator Lay:** Informed Mayor & Council of leaves being blown into City property, leading to charges for the City for leaf pick-up. Requested direction on how to proceed with known and unknown violators.
- ii. **Mayor & Council:** Agreed to instruct City Administrator Lay to write a letter to all homeowners near impacted area. Requested Washington County Sheriff be invited to January 2021 Regular City Council Meeting.

H. 310 / 312 Wildwood Ave Property Cleanup

a. Council Deliberation and Approval

- i. **City Administrator Lay:** Informed Mayor & Council of exterior storage concerns at these properties and history of court orders/abatement letters.

**MOTION WAS MADE BY COUNCILMEMBER FLEECK AND SECONDED BY COUNCILMEMBER LAFOY TO FOLLOW 1995 COURT ORDER TO REMOVE ITEMS. ROLL CALL VOTE: LAFOY; AYE, FLECK; AYE, FOSTER; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.**

- ii. **City Administrator Lay:** Informed Mayor & Council of bids received to remove items from property. Recommended authorizing bid from 1-800-GOT-JUNK.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY MAYOR WINGFIELD TO AUTHORIZE 1-800-GOT-JUNK TO PICK UP AS DIRECTED IF THE JOB IS NOT COMPLETED BY THE PROPERTY OWNER. ROLL CALL VOTE: LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, FOSTER; AYE, WINGFIELD; AYE. MOTION PASSED.**

- I. 580 Hall Ave Trail
  - a. Council Deliberation and Approval
    - i. **Councilmember LaFoy:** Proposed idea of building a trail.
- J. First Reading Ord. 2020-11-01, Sec. 301.055 Permit Requirements
  - a. Council Deliberation and Approval
  - b. Order Public Hearing and Second Reading

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE FIRST READING AND SCHEDULE A PUBLIC HEARING AND SECOND HEARING FOR THE DECEMBER REGULAR CITY COUNCIL MEETING. ROLL CALL VOTE: FOSTER; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.**

- K. Elm Easement No Parking Sign
  - a. Council Deliberation and Approval
    - i. **Mayor Wingfield:** Summarized proposed plan to place a “No Parking” sign to allow 25 feet of no-parking space adjacent to property owner.
    - ii. **Mayor & Council:** All members agreed to the proposal and directed City Administrator Lay to have the sign placed.
- L. Council Member Reports
  - a. Mayor Wingfield
    - i. Parks Management Oversight
      - 1. **Mayor & Council:** Deliberated idea of assigning Council members as project owners/liaison for individual parks. Consensus was reached to consider the proposal and further discuss at a subsequent meeting.
    - ii. Variance Fee
      - 1. **Mayor & Council:** Deliberated increasing of variance fee. Consensus was reached to place the item on the agenda be reviewed during the January 2021 Regular City Council Meeting.
  - b. Councilmember LaFoy
    - i. Birch/Owl Street Stormwater Management
- M. City Administrator’s Report
  - a. Ice Rink Plan
    - i. **Mayor & Council:** Deliberated and reached a consensus on limiting the ice rink warming house occupancy to a maximum of 4 people and a requirement to follow CDC guidelines of maintaining 6 feet of social distancing. Exception to 4 person limit can be made when only one household is occupying the warming house.
    - ii. **City Administrator Lay:** Informed Mayor & Council of a proposal of a poly-covering to the ice rink for the 2020 – 2021 season. Consensus was reached to purchase the material to be placed by Councilmember Woolstencroft and City Maintenance staffer Jim Rydeen.

- iii. **Mayor & Council:** Deliberated staffing ideas for warming house/flooding of ice rink. Consensus was reached to post a job opening for a rink assistant to be selected by the City Administrator. The pay rate is to be \$16/hour.
- b. Tennis Sanitation
  - i. **City Administrator Lay:** Informed Mayor & Council of Tennis Sanitation's plan to increase fees by \$0.50/Resident.

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ACCEPT THE RATE INCREASE FROM TENNIS SANITATION. ROLL CALL VOTE: LAFOY; AYE, FOSTER; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.**

- c. Wildwood Park Parking
  - i. **Mayor & Council:** Deliberated and reached a consensus to place "No Parking" signs to cover the eastern half of Elm easement.

**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 AGENDA ITEM M, SUBSECTION C, SUBSECTION I. ALL AYES, MOTION PASSED.**

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO ADJOURN THE MEETING. ROLL CALL VOTE: LAFOY; AYE, WOOLSTENCROFT; AYE, FOSTER; AYE, FLECK; AYE, WINGFIELD; ABSTAIN. MOTION PASSED. MEETING ADJOURNED AT 10:23 PM.**

ATTEST:



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Mary Wingfield

Mayor



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Andy Gonyou

City Administrator - Clerk