**CITY OF BIRCHWOOD VILLAGE**

**207 BIRCHWOOD AVENUE**

**BIRCHWOOD, MINNESOTA**

**MINUTES OF THE CITY COUNCIL MEETING**

**VIA TELECONFERENCE**

**OCTOBER 12, 2021, 7:00 P.M.**

**MEMBERS:**

Mary Wingfield Mayor

Mark Foster Councilmember

Justin McCarthy Councilmember

Kevin Woolstencroft Councilmember

**STAFF:**

Andy Gonyou City Administrator

H. Alan Kantrud City Attorney

**GUESTS:**

David Heiden Birchwood Dock Association

**REGRETS:**

Jon Fleck Councilmember

Minutes prepared by Anh Nguyen of Minutes Solutions Inc. from an audio recording.

1. **CALL TO ORDER**

In light of the status of the ongoing COVID-19 health pandemic, the City of Birchwood Village is conducting its October, 2021, meeting using interactive web-based technology. Pursuant to Minnesota Statutes, Chapter 13D.021 Subdivision 1(1), the City of Birchwood Village is declaring that, “an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic...”.

Mayor Wingfield called the meeting to order at 7:04 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF AGENDA**

City Administrator, Andy Gonyou, requested that the following items be deferred to the special Council meeting to be held on October 18, 2021:

* Approval of the September 14, 2021, regular meeting minutes
* Approval of the Treasurer’s Report
* Review Variance Application Case No. 21-05-VB (339 Wildwood Avenue)
* Review Variance Application Case No. 21-06-VB (469 Lake Avenue)

City Attorney, H. Alan Kantrud, requested that the following item be removed from the agenda pursuant to the applicant’s attorney’s request to have the variance application withdrawn:

* Review Variance Application Case No. 21-04-VB (117 Wildwood Avenue)

Mayor Wingfield requested the addition of the following items to the agenda:

* Meeting with Rice Creek Watershed Officials Re: East County Line
* Village Hall Update
* Decommission of the Building Task Force
* Park Signage Update
* Fence at Water Meter Tower
* Ice Rink
* Parking at Tighe-Schmitz Park
* Buckthorn Update
* Pet Waste Bag Stations
* Impervious Surfaces
* Boating at Feistner Reserve
* Deer Hunt Update

Councilmember McCarthy requested the addition of the following items to the agenda:

* Hall’s Marsh Resolution
* Loud Play

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

**4. OPEN PUBLIC FORUM**

**Barton Winter, 15 5 Oaks Lane,** expressed concern that he has been speaking in the open public forum for two years with minimal feedback from the Council.

**Steve Schad, 130 Cedar Street,** is opposed to the deer hunt. He queried the damage to the community that is being addressed by holding the deer hunt, whether or not the damage has been quantified to justify spending public time, energy and resources to address the deer population, how the deers were determined to be a problem that required a resolution in the manner of a deer hunt, the number of deer that need to be hunted to rectify the problem, how the number is determined, whether or not the migration of additional deer is an issue, whether or not the deer population rebound has been accounted for, and whether or not there is an example of a municipality that has successfully resolved a deer problem through culling.

**5.** **ANNOUNCEMENTS**

**A. Social Media:** Follow Birchwood Village on Facebook/Twitter and/or register for the e-mail list.

**B. Centennial Celebration:** A video presentation of the event was provided by the Suburban Cable Commission. (https://www.youtube.com/watch?v=hd\_30b9KtQ0)

**C. Leaf Pickup:** The leaf pickup has been scheduled for October 25, 2021, and November 8, 2021. An RSVP is required. A notice will be provided on the City of Birchwood Village website and on street corners as the date approaches.

**6. ADMINISTRATIVE PRESENTATION**

1. **Sheriff Report:** A report of law enforcement incidents and citations for September, 2021, was not included.
2. **Planning Commission Meeting Minutes:** The minutes of the August 26, 2021, Planning Commission meeting was provided for the Council’s review.

**7. CITY BUSINESS – CONSENT AGENDA**

1. **Approval of the Amended Contract with Metro Bowhunters Resources Base**
2. **Approval of Resolution 2021-23, Suspending City Code Section 609.020 for 2021 Deer Hunt**
3. **Approval of Summary Publication of Ordinance 2021-07-02, Section 301.055**

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to approve the consent agenda as presented. All in favor; motion carried.**

**8. CITY BUSINESS – REGULAR AGENDA**

1. **Second Reading Ordinance** **2021-09-01, Section 301.050**
2. **Council Deliberation:**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to adopt the amended code 301.050 including Section E: Impervious Surfaces for Ordinance 2021-09-01.** **All in favor; motion carried.**

1. **Approval of Summary Publication:** The summary publication will be published on October 20, 2021.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve the summary publication 301.050 for Ordinance 2021-09-01. All in favor; motion carried.**

1. **First Reading Ordinance** **2021-10-01, Section 308**
2. **Public Hearing:** There were no comments made for the public hearing.

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to close the public hearing. All in favor; motion carried.**

1. **Council Deliberation and Scheduling of Second Reading:** Councilmember McCarthy requested an amendment to Section 308.121, subdivision 5, to add, “unless approved by the City Council.”The second reading will be scheduled for the special Council meeting on October 18, 2021.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve the first reading of the amended code 308, as per Councilmember McCarthy’s request.** **All in favor; motion carried.**

*ACTION – H. Alan Kantrud will send the amended code 308, including Councilmember McCarthy’s amendment, to Andy Gonyou.*

1. **Birchwood Dock Association (BDA) Dock Permit Application Review**

Mayor Wingfield suggested relocating the Birchwood dock 15 to 20 feet to the west to allow better use of public space for swimming. David Heiden of the BDA reported that the dock can be relocated to the west, however, the new landmark configurations will have to be determined.

*ACTION – The BDA will arrange to relocate the dock to the west in the spring of 2022.*

1. **BDA Dock Permit Application:**

**On a motion made by Councilmember Foster, seconded by Councilmember Woolstencroft, it was resolved to approve the BDA permit application. All in favor; motion carried.**

1. **2021 Dock Management Contract:** This item was not discussed.
2. **Boating at Feistner Reserve:** There are two spaces available for pontoon or sea-legs boats at Feistner Reserve. Mayor Wingfield advised the BDA to direct members with larger boats that cannot be accommodated at the Birchwood dock to Feistner Reserve.

*ACTION – The Council will provide the BDA with information regarding boating options at Feistner Reserve to be distributed to its members.*

1. **Parking**
2. **Parking Permit Extension Request:** A homeowner requested an extension to park at the ice rink until November 18, 2021. The request was approved by the Council.

*ACTION – Andy Gonyou will renew the homeowner’s parking permit to be valid until November 18, 2021.*

1. **Parking at Tighe-Schmitz Park:** Mayor Wingfield reported several unauthorized vehicles parking overnight at Tighe-Schmitz Park, including boats and utility trailers. The police department cannot enforce parking violations without the appropriate parking signs. The Council agreed to erect a no parking overnight sign.

*ACTION – Mayor Wingfield will arrange to have a “No Parking Overnight” sign erected at Tighe-Schmitz Park.*

1. **Meeting with Rice Creek Watershed Officials Re: East County Line**

**a.** **East County Line:** The Rice Creek Watershed officials requested a meeting with the Council on October 15, 2021, at Feistner Beach. The officials want to discuss a plan to divert water and allow the water to travel back to Feistner Beach before discharging into White Bear Lake. This would be a treatment for the micro watershed on East County Line.

 *ACTION – Mayor Wingfield and Councilmember McCarthy will attend the meeting with the Rice Creek Watershed officials on October 15, 2021.*

1. **Village Hall Update**
2. **Roof Bids**: The installation of the rubber membranes is ongoing and is expected to be completed soon. The overhanging branches will be removed before the roof work is completed. Mayor Wingfield reported a silver maple tree in the southeast corner of the back of the building that will require removal. John Lund Limb & Leaf Tree Service provided a quote of $1,200 to remove the tree.

**On a motion made by Mayor Wingfield, seconded by Councilmember Woolstencroft, it was resolved to approve the removal of the silver maple tree by John Lund Limb & Leaf Tree Service at a cost of $1,200. All in favor; motion carried.**

1. **Electrical Connection:** The electrical service to resolve the low electrical connection is still pending.
2. **Storm Windows and Doors:** The storm windows and doors are under construction.
3. **Concrete Replacement/Repairs:** The concrete replacement and repairs have been completed by Pelco Construction.
4. **Council Member Reports**
5. **Hall’s Marsh:** Councilmember McCarthy noted that the Rice Creek Watershed District (RCWD) should consider installing a system upstream to prevent future contamination of stormwater runoff. Ongoing monitoring of the pollution control would be mandatory. A copy of the Hall’s Marsh resolution will be provided to Washington County, the Minnesota Department of Natural Resources (DNR), the Minnesota Pollution Control Agency (MPCA), and the City of White Bear Lake. Councilmember McCarthy referred to the last paragraph on Page 3 of resolution No. 2021-24 and noted that the authorization to perform an independent environmental analysis will be removed from the resolution.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve resolution No. 2021-24, as amended. All in favor; motion carried.**

Mayor Wingfield has contacted Braun Intertec Corporation as per the City of White Bear Lake’s recommendation; a quote was provided of approximately $5,000 for the water sampling of Hall’s Marsh. The City’s attorney noted that the cost for commissioning the water sampling study can be charged back to the RCWD; it is possible that either the DNR or the MPCA will provide reimbursement.

**On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to approve the authorization of up to $5,000 to engage Braun Intertec Corporation to conduct a water sampling study of Hall’s Marsh, and provide a report in support of RCWD taking immediate action to rectify the marsh. All in favor; motion carried.**

1. **Loud Play in City Parks:** The Council agreed to erect signs at the tennis court and ice rink indicating no play before 8:00 a.m. to prevent early noise complaints from neighbors.
2. **Decommission of the Building Task Force:** Mayor Wingfield reported no need to proceed with alternative interior designs from the Building Task Force. The Council approved Mayor Wingfield’s request to decommission the Building Task Force.
3. **Park Signage Update:** The total invoice for the park signage was $12,279. A grant from the legacy fund was provided for $10,000; the White Bear Lake Historical Society paid the remaining balance of $2,279. The balance needs to be reimbursed by the City of Birchwood Village.

**On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to approve a reimbursement of $2,279 to the White Bear Lake Historical Society for the park signs and request they seek a second grant of $10,000 for the 2022 project, including signage for Hall’s Marsh, Polly’s Park, the Village Hall, the Bell Tower, and Feistner Reserve. All in favor; motion carried.**

1. **Fence at Water Meter Tower:** The Council agreed that the fence will require three sides, a canted exterior, an entrance/exit gate, and needs to measure 8 feet in height. Wiring will be attached at the top of the fence as a deterrent.

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to approve Mayor Wingfield to obtain three bids to erect a fence at the water meter tower with the aforementioned parameters. All in favor; motion carried.**

*ACTION – Mayor Wingfield will obtain three bids from fencing companies to erect a fence at the water meter tower.*

1. **Ice Rink:** New boards are being installed on the verticals around the curve of the ice rink. Other than minor cosmetic issues, the old boards are still in great shape. The new boards are made of low-quality lumber, and are not able to absorb paint. Mayor Wingfield expressed concern regarding the life expectancy of the new boards.

*ACTION – The Councilmembers will examine the new boards being installed at the ice rink and provide feedback at the next Council meeting on October 18, 2021.*

1. **Buckthorn Update:** A new herbicide is being used at a cost of approximately $500 for 10 gallons. Mayor Wingfield anticipates that the new herbicide will resolve the buckthorn issue.
2. **Pet Waste Bag Stations:** Mayor Wingfield reported that a roll of 2,000 pet waste bags can be purchased from Amazon for $55. The Council approved Mayor Wingfield’s request to change the pet waste bag stations starting with Bloomquist Park.
3. **Impervious Surfaces:** Mayor Wingfield reported that Mahtomedi is now considering pavers used to mitigate runoff as being impervious as opposed to pervious. She will obtain the proposed code from Mahtomedi to present to the Council for review at the next workshop.

*ACTION – Mayor Wingfield will obtain the proposed code for the impervious surfaces from Mahtomedi to present at the next workshop.*

*ACTION – Andy Gonyou will send an e-mail to the Council to schedule a workshop before October 31, 2021.*

1. **Deer Hunt Update:** Andy Gonyou reported that the council for the City of Mahtomedi was delayed in making approvals for deer hunting. The City of Mahtomedi requested that the City of Birchwood Village delay the first hunt to October 16, 2021, and October 17, 2021, to align with, and run concurrently, with Mahtomedi.

*ACTION – Andy Gonyou will post a notice on the City of Birchwood Village website advising residents of the first deer hunt taking place on October 16, 2021, and October 17, 2021.*

**9. NEXT MEETING**

The next Council meeting will be held on October 18, 2021, at 6:00 p.m.

**10. ADJOURNMENT**

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember McCarthy and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 8:56 p.m. by Mayor Wingfield.**

**DISCLAIMER**

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

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Mayor Mary Wingfield City Administrator Andy Gonyou

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Date Date