

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
October 13th, 2020**

MINUTES

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

STAFF PRESENT: Tobin Lay; City Administrator, Alan Kantrud; City Attorney, Steve Thatcher; City Engineer/Planner.

OTHERS PRESENT: Barton Winter, Brock Harmon, Jud Marshall, Cheryl Peterson, Brendan Keating, Jerene Rogers, Dick Galena, Steve Schad, Dan Christensen, Shelly Ross, Scott Noland, Ed Bertsch, Steve Wolgamot, Mark Foster, Ryan Hankins, Justin McCarthy, Scott Neilson, Bridget Nason, Paul Watt, Bob Goebel, Jeff Ledermann, Richard Brainerd, Joe Palen, David Drew, Michael McKenzie, Chris Rollinger, Mary Sue Simmons, David Heiden.

Mayor Wingfield called the regular meeting to order at 7:10pm. **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

Mayor Wingfield: Stated Regular Agenda items G – K may be postponed, except for Item I, due to expected length of meeting.

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

OPEN PUBLIC FORUM

- A. **Barton Winter:** Expressed concerns with tennis court due to recent updates.
- B. **Dick Galena:** Expressed concerns with proposed amendments to boat length by the Birchwood Dock Association.

ANNOUNCEMENTS

- A. 2020 Elections – Nov 3 at City Hall, 7:00am-8:00pm
- B. Fall Leaf Pickup – Mondays Oct 26th & Nov 9th – www.cityofbirchwood.com/events
- C. We are social, follow us on Facebook at @BirchwoodCityHall or Twitter at @CityofBirchwood

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report
- B. Traffic Calming Task Force Update

CONSENT AGENDA

- A. Approve Regular Meeting Minutes from August 18, 2020

- B. Approve Regular Meeting Minutes from September 8, 2020
- C. ~~Approve Special Meeting Minutes from September 9, 2020~~
- D. Approve Special Meeting Minutes from September 16, 2020
- E. Approve Resolution 2020-28, Suspending Sec. 609.020 Hunting
- F. Approve Pickleball Court Expenditures
- G. Approve Extension of Variance Case No. 20-02-VB for 415 Wildwood Avenue
- H. Approve Treasurer's Report

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

CITY BUSINESS – REGULAR AGENDA

- A. Deer Management
 - a. Public Hearing Regarding Proposed Hunt Zone 2
 - i. **City Administrator Lay:** Explained specifics of proposed Zone 2 for hunting.
 - ii. **Mayor Wingfield:** Explained a desire from the public to not allow hunting of fawn. Recommended including all deer except fawns.
 - iii. **Scott Noland (DNR Wildlife Manager):** Explained potential impacts of possible restrictions to hunting.
 - iv. **Brendan Keating (121 Edgecumb Drive, Mahtomedi):** Expressed support for harvesting all types of deer.
 - v. **Steve Schad (130 Cedar Street, Birchwood):** Expressed concerns with approving a deer hunt.
 - vi. **Shelly Ross (10 Oakhill Court, Birchwood):** Expressed concerns with approving a deer hunt.
 - vii. **Ed Bertsch (412 Wedgewood Drive, Mahtomedi):** Expressed concern with approving a deer hunt and stated he did not want hunters to be on his property.
 - viii. **Paul Watt (454 Wedgewood Drive, Mahtomedi):** Expressed concern of coyote population increase.
 - b. Council Deliberation
 - i. **Mayors & Councils (Birchwood & Mahtomedi):** Discussed public input and weighed options for proceeding with proposed hunts.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE THE HUNTING OF DEER IN ZONE 2 FOR NOVEMBER 30TH – DECEMBER 1ST, 2020 LIMITED TO 10 DEER AND EXCLUDING FAWNS. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

- B. Second Reading Ordinance 2020-09-02, Mayor and Council Compensation
 - a. Public Hearing

MAYOR WINGFIELD OPENED THE PUBLIC HEARING AT 08:15PM.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO CLOSE THE PUBLIC HEARING. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED (01:06:06)

b. Approve Second Reading and Adopt Ordinance 2020-09-02

C. Conditional Use Permit Request for 251 Wildwood Avenue

a. Council Deliberation and Approval

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE THE CONDITIONAL USE PERMIT REQUESTED FOR 251 WILDWOOD AVENUE WITH THE RECCOMENDATIONS FROM THE PLANNING COMMISSION. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

D. City Engineer Report – CARES Act Projects

a. Dellwood Lift Station Generator

i. City Engineer Thatcher: Recommended awarding contract to Kodiak Power Systems in the amount of \$10,155.00

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE CITY ENGINEER THATCHER TO PROCEED WITH AWARDDING THE BID TO KODIAK POWER SYSTEMS FOR UP TO \$11,000.00 TO BE COMPLETED NO LATER THAN NOVEMBER 15TH, 2020. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

b. Water Meter Radio Tower

i. City Engineer Thatcher: Recommended awarding contract to Structural Tower Services to build 60 foot tower.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE CITY ENGINEER THATCHER TO PROCEED WITH INSTILLATION OF THE 60 FOOT TOWER THROUGH STRUCTURAL TOWER SERVICES NOT TO EXCEED THE AMOUNT OF \$19,000.00. ROLL CALL VOTE: AAKRE; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE CITY ENGINEER THATCHER TO AWARD THE ELECTRICAL SERVICES CONTRACT TO SHORT STOP ELECTRIC IN AN AMOUNT NOT TO EXCEED \$4,500.00. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

c. Approve Resolution 2020-30, Approving Cares Act Projects

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE RESOLUTION 2020-30. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

E. Birchwood Dock Association (BDA) Dock Permit Application Review

- a. Review and approve BDA's annual dock permit application – authorize BDA to apply for dock permits

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE BIRCHWOOD DOCK ASSOCIATION'S APPLICATION. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

- b. Review and approve 2021 Dock Management Contract

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE CITY ADMINISTRATOR LAY AND MAYOR WINGFIELD TO SIGN THE 2021 DOCK MANAGEMENT CONTRACT WITH THE BIRCHWOOD DOCK ASSOCIATION. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

F. Subdivision Study Task Force

- a. Approve Resolution 2020-29, Creating Subdivision Study Task Force
b. Appoint Members

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE RESOLUTION 2020-29 AND INCREASE THE TASK FORCE TO SIX MEMBERS. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; ABSTAIN. MOTION PASSED.

G. Signs

- a. Tennis/Pickleball Court Signs
i. Tabled
b. Lake Easement No Parking Signs
i. Tabled
c. Wildwood Park No Parking Signs
i. Tabled

H. Grotto Paving

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE MAYOR WINGFIELD AND CITY ATTORNEY KANTRUD TO NEGOTIATE WITH AND CREATE AN AGREEMENT WITH THREE PROPERTY OWNERS ON GROTTA TO PAY TOWARD PAVING

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

I. 580 Hall Ave Trail

- a. Council Deliberation and Approval**
 - i. Tabled**

J. Administrator Search

- a. Council Deliberation and Selection**
 - i. Mayor & Council:** Deliberated on which of the two candidates the council wished to provide a contingent offer. The Mayor & Council reached a consensus to make a contingent offer to Alex Saxe.
 - ii. City Attorney Kantrud:** Advised the Mayor & Council of proper procedure to proceed with a contingent offer and assisted in the editing of Resolution 2020-31 for approval.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE RESOLUTION 2020-31 UNDER THE TERMS AS PROVIDED WITH THE RATE OF PAY TO BE DETERMINED AND INCLUDED FOLLOWING A CLOSED MEETING. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

- iii. Mayor & Council:** Deliberated on holding remainder of meeting in a public versus closed session to draft the official offer and chose to hold the remainder of the meeting in public. The Mayor & Council then deliberated and reached a consensus on the content of the contingent offer to be provided to Alex Saxe.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE RESOLUTION 2020-31 AS AMENDED WITH SALARY INFORMATION WITH A DEADLINE OF ONE WEEK TO ACCEPT. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

K. Council Member Reports:

- a. Councilmember LaFoy**
 - i. SCC Update**
 - 1. Tabled**

L. City Administrator's Report

- a. Terminate 15 Birchwood Lane Paver Maintenance Agreement**
 - i. Tabled**
- b. Kayak Rack Update**
- c. Snow Removal Contract**

- i. Mayor & Council:** Directed City Administrator Lay and City Attorney Kantrud to negotiate a contract to be reviewed and approved by the council at a later date.
- d. Ice Rink Plan**
 - i. Tabled**
- e. Offer to Purchase Land**
 - i. Mayor & Council:** Deliberated potential offer to purchase land from Husnik Homes. Directed City Attorney Kantrud to research options for the use of a portion of the land.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ROLL CALL VOTE: AAKRE; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED. MEETING ADJOURNED AT 10:01 PM.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator - Clerk