**CITY OF BIRCHWOOD VILLAGE**

**207 BIRCHWOOD AVENUE**

**BIRCHWOOD, MINNESOTA**

**MINUTES OF THE CITY COUNCIL MEETING**

**VIA TELECONFERENCE**

**SEPTEMBER 14, 2021, 7:00 P.M.**

**MEMBERS:**

Mary Wingfield Mayor

Jon Fleck Councilmember

Justin McCarthy Councilmember

Kevin Woolstencroft Councilmember

Mark Foster Councilmember

**STAFF:**

Andy Gonyou City Administrator

H. Alan Kantrud City Attorney

**GUESTS:**

Stan Karwoski Washington County Commissioner (from 7:29 p.m. until 7:51 p.m.)

Ruth and Bud Jensen Birchwood Village Residents

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 September, 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 7:00 p.m.

1. **PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

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

* City of Birchwood Village Motto
* BIRCH Snow Removal Contract
* Meeting with Washington County
* Possible Monies from the Federal Government

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

**4. OPEN PUBLIC FORUM**

There was no one to speak for the open public forum.

**5.** **ANNOUNCEMENTS**

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

**B. Music in the Park 2021:** A thank you to all of the volunteers, staff, and musicians.

**C. Centennial Celebration:** A video presentation of the event was provided by the Suburban Cable Commission.

**6. ADMINISTRATIVE PRESENTATION**

1. **Sheriff Report:** A report of law enforcement incidents and citations for August, 2021, was provided for the Council’s review.
2. **Planning Commission Meeting Minutes:** The minutes of the July 22, 2021, Planning Commission meeting was provided for the Council’s review.

**7. CITY BUSINESS – CONSENT AGENDA**

1. **Approval of the Regular Meeting Minutes:** The meeting minutes of the August 10, 2021, regular Council meeting was provided for the Council’s review and approval.
2. **Approval of Special Meeting Minutes:** The meeting minutes of the August 24, 2021, special Council meeting was provided for the Council’s review and approval.
3. **Approval of the Treasurer’s Report:** The Treasurer’s Report for the period ending September 9, 2021, was provided for the Council’s review and approval.

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

**8. CITY BUSINESS – REGULAR AGENDA**

1. **Second Reading Ordinance** **2021-07-02, Section 301.055**
2. **Public Hearing:** There were no comments made for the public hearing.

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

1. **Council Deliberation and Approval:** The city’s attorney recommended that the Council hold over and approve a summary of public document at the next Council meeting.

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to adopt the amended code 301.055 for ordinance 20210-07-02. All in favor; motion carried.**

*ACTION – The city’s attorney will provide the city’s administrator with a draft summary of public document for the Council’s review.*

1. **First Reading Ordinance** **2021-09-01, Section 301.050**
2. **Public Hearing:** There were no comments made for the public hearing.

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

1. **Council Deliberation and Scheduling of Second Reading**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve a second hearing of the amended code 301.050 including section e: impervious surfaces for ordinance 2021-09-01.** **All in favor; motion carried.**

1. **2022 Budget Proposal**

The proposed 2022 budget is the same as 2021’s levy of $512,000.

1. **Public Hearing:** There were no comments made for the public hearing.

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

1. **Council Deliberation:** A proposal will be submitted to Washington County and will appear on tax notifications for the December, 2021, Council meeting.
2. **Approve for Submission:** The 2022 budget will be posted as a public hearing at the next Council meeting for approval in December, 2021.
3. **Meeting Minutes Service**
4. **Council Deliberation:** The Council discussed that the minute taking service would cost approximately $260 monthly for a total of $3,000 to $4,000 annually. The Council agreed it would be a good investment in order to allow active staff to help with constituents.
5. **Approve Resolution 2021***–***2022**

**On a motion made by Councilmember Fleck, seconded by Councilmember Woolstencroft, it was resolved to approve Minutes Solutions Inc. to provide meeting minutes at a cost of $200 up to two hours and $30 for every additional half hour. All in favor; motion carried.**

1. **Village Hall**
2. **Roof Bids**: Mayor Wingfield presented three roofing bids for the Council’s review. A proposal was provided by McPhillips Bros. Roofing at a cost of $30,000, Bruette Roofing at a cost of approximately $32,000, and Berwald Roofing at a cost of $35,000. Berwald Roofing has confirmed that is their best rate. Pelco Construction has also provided information to ensure the proper installation of shingles and rubber membranes. Mayor Wingfield noted that Thatcher Engineering would need to be engaged to ensure the roof is built to industry standards. The Council expressed concern regarding whether or not the proposals include labor warranty. Mayor Wingfield recommended approving McPhillips Bros. Roofing for their competitive rate.

Councilmember Fleck noted that the trees and widow-makers at the top of the roof should be examined as they will affect the life expectancy of the membrane. Mayor Wingfield reported that STS Staffing will be in the neighborhood through the end of October, 2021, and will request that they trim the trees.

**On a motion made by Councilmember Fleck, seconded by Councilmember Woolstencroft, it was resolved to approve McPhillips Bros. Roofing on the condition that Thatcher Engineering can ensure the proposal is in conformance with the specs required and will monitor to ensure the roof is built according to specs. Thatcher Engineering is authorized to proceed with the next best bid if needed. All in favor; motion carried.**

1. **Electrical Connection:** The electrical connection is too low and does not meet building code. Mayor Wingfield obtained two preliminary estimates at a cost of less than $5,000.

**On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to authorize Thatcher Engineering to initiate and secure a contractor to resolve the low electrical wires with a suitable solution not to exceed $5,000. All in favor; motion carried.**

1. **West Window Replacement:** The west window replacement was not included in the initial bid by Historic Design Consulting. The siding had not been removed at the time of the initial bid so it did not appear to require a replacement.

**On a motion made by Councilmember Fleck, seconded by Councilmember McCarthy, it was resolved to authorize Historic Design Consulting to provide a bid for the west window replacement not to exceed $1,500. All in favor; motion carried.**

1. **Concrete Replacement/Repairs:** Pelco Construction has provided a bid of $10,000 to replace the concrete pad, replace the plywood ramp with concrete stairs, replace the rotten retaining wall with concrete, and for remedial work on the right side of the door. Pelco Construction did not recommend mudjacking.

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to approve Pelco Construction for the concrete replacement and repairs at a cost of $10,000. All in favor; motion carried.**

1. **Tree Planting:** The Council discussed removing the spruce trees and planting birch trees. Mayor Wingfield reported a request to plant evergreens on the east side of the tennis courts and pickle ball courts for sun protection.

**On a motion made by Councilmember Fleck, seconded by Councilmember Foster, it was resolved to authorize $2,500 for tree planting. All in favor; motion carried.**

*ACTION – Mayor Wingfield will obtain bids for planting birch trees and evergreens.*

1. **Council Member Reports**
2. **Hall’s Marsh:** Bud Jensen reported that the quality of water and integrity of Hall’s Marsh has declined. He requested that the Rice Creek Watershed District implement a comprehensive system approach to the maintenance of the marsh. The Council noted that previous meeting minutes show that Rice Creek is responsible for the marsh.

Stan Karwoski, the Washington County Commissioner, has requested that the Rice Creek Watershed District review their history to determine if they’re responsible for the marsh, and to subsequently commit to creating a plan to address the problems with the system from Priebe Lake to Hall’s Marsh. The Rice Creek Watershed District will be provided with one month to create a plan and must keep Washington County appraised of their progress. Stan Karwoski recommended that the Council create a resolution requesting action to endorse that Rice Creek is responsible for Hall’s Marsh. Stan Karwoski will talk to Washington County staff to provide formal documents and will revisit the item at the November, 2021, council meeting.

Mayor Wingfield recommended obtaining samples of the first two feet of the marsh’s water for evidence of pollution. Councilmember McCarthy reported that Steve Thatcher, the city’s engineer, indicated he would explore water testing with Blue Water Science. Approval of the resolution will be included on the consent agenda for the next council meeting.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve Washington County to act upon the Rice Creek Watershed Board to provide a permanent solution in two months to clean up Hall’s Marsh, followed by a** **resolution approval at the next council meeting. All in favor; motion carried.**

1. **Bloomquist Park Trees:** Refer to “Tree Planting”.
2. **Sewer and Water Rate Changes:** The city’s financial advisor suggested a $4 increase to the flat fee per quarter because the city is still budgeting for three watermain breaks a year. The flat fee increase will help recuperate costs starting in the December, 2021, billing period. No change was recommended for the sewer fund as it is in good financial standing. The Council discussed increasing the water rate for summer use citing the abuse of water by residents for irrigation systems.

**On a motion made by Mayor Wingfield, seconded by Councilmember Foster, it was resolved to direct Shelly Rueckert, of St. Anthony Village, to remove the $25 surcharge immediately starting with the next billing cycle, to increase the water use rates by 4% according to tiers, and to increase the flat rate fee for water by $4 starting in the December, 2021, billing cycle.** **All in favor; motion carried.**

1. **Feistner Beach:** Mayor Wingfield reported that an access point to the embankment is required. The debris also needs to be cleared in the fall of 2021, in order to create a usable space for boats. Mayor Wingfield is meeting with Washington County in late October, 2021, regarding improvements to the drainage ditch at East County line which will improve Birchwood Village’s access to the water. A newsletter will include a notice that boating will be available at Feistner Beach.

*ACTION – Mayor Wingfield will discuss the eligibility of boats at Feistner Beach with the Dock Association.*

1. **Subdivision Code Amendment:** The first reading of the subdivision code amendment and public hearing will take place at the next Council meeting. The subdivision code amendment will be provided to Husnik Homes for the Planning Commission.

**On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to approve a public hearing for the subdivision code amendment presented by the city’s attorney at the next Council meeting. All in favor; motion carried.**

*ACTION – The city’s attorney will work together with the city’s engineer to formulate a suitable subdivision code amendment.*

1. **Sentence-To-Serve (STS) Buckthorn Removal:** A plan to remove buckthorn and poisonous stumps is in progress.
2. **City Property Rentals:** The Council discussed creating public trails and expressed concern regarding resistance from residents. Councilmember Fleck suggested that Mayor Wingfield advise residents in a newsletter that the city has valuable property that is being underutilized and the Council is exploring creating public trails. The Council discussed holding a public forum for community feedback. Further discussion was deferred for a workshop in early December, 2021.
3. **City of Birchwood Village Motto:** Mayor Wingfield reported 28 votes in favor of, “Birchwood: tranquil, scenic, and a little bit quirky”.

**On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to adopt “Birchwood: tranquil, scenic, and a little bit quirky” as the motto for the city of Birchwood Village. All in favor with the exception of Councilmember Fleck; motion carried.**

1. **BIRCH Snow Removal Contract:** The snow removal contract with BIRCH expires in 2021. BIRCH is being acquired; however, they are requesting a one-year renewal of the snow removal contract with a 3% increase in the rate. The city’s attorney advised that the Council should have an opportunity to ratify the assumption of duties by the successor company.

**On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to authorize a one-year renewal of the snow removal contract with BIRCH with a rate increase of 3% and otherwise subject to the same terms and conditions.**

*ACTION – Mayor Wingfield will confirm if the same team will be working at the successor company after its acquisition of BIRCH.*

*ACTION – Councilmember McCarthy will speak to BIRCH regarding more effective de-icing and whether service can be provided to Lakewood Lane.*

*ACTION – The city’s attorney will review the transfer of contract between BIRCH and the successor company once the acquisition is complete to ensure the successor is subject to the same terms and conditions. A report will be provided at the next Council meeting.*

1. **Meeting with Washington County:** The city’s attorney reported that the Washington County Sheriff’s department was unwilling to issue a public nuisance ticket on a roadway. Mayor Wingfield suggested amending city code to require paved driveways. The city’s attorney advised that a sunset clause could be implemented on non-asphalt service driveways. The Council expressed concern regarding the resistance to issuing the public nuisance ticket citing they had authorized and directed Washington County to issue citations.

*ACTION – Councilmember Fleck will speak to the Washington County Sheriff and provide Council with a report.*

*ACTION – Councilmember McCarthy will explore formulating a code for the grade of driveways.*

1. **Possible Monies from the Federal Government:** Mayor Wingfield reported that funds are available for communities experiencing flooding. A response regarding support to fix the lift station is pending.

**9. NEXT MEETING**

The next Council meeting will be held at a date and time to be determined.

**10. ADJOURNMENT**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 9:51 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