

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
September 8th, 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; Robert Leeves, City Videographer.

STAFF PRESENT: Maureen Seibert; David Drew; Jan Gilbertson; Justin McCarthy; Trilby White; Steve Schad; Barton Winters; Ryan Hankins; Mark Foster; Julia Boumeester; Katiec; Layne; Luke.

Mayor Wingfield called the regular meeting to order at 7:03pm. 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 WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE AGENDA. ROLL CALL VOTE: WOOLSTENCROFT; AYE, LAFOY; AYE, AAKRE; AYE, FLECK; ABSTAIN, WINGFIELD; ABSTAIN. MOTION PASSED.

OPEN PUBLIC FORUM

- A. Barton Winters (1 Five Oaks Lane): Urged Council to take action on repairing ice hockey rink.

ANNOUNCEMENTS

- A. CRIME ALERT: Please lock doors and windows (house and vehicles) and don't leave mail in the mailbox overnight. Call 911 if you see suspicious behavior.
- B. We are social, follow us on Facebook/Twitter and/or register for City emails

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report

CONSENT AGENDA

- A. Approve Special Meeting Minutes from September 2, 2020
- B. Approve Treasurer's Report

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

CITY BUSINESS – REGULAR AGENDA

- A. City Engineer Report – CARES Act Projects
 - a. Dellwood Lift Station Generator
 - i. **City Engineer Thatcher:** Informed Council of 4 bids received for materials and having received only 1 bid for installation. Advised Council to postpone decision until at least one additional bid for installation is received.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE CITY ENGINEER STEVE THATCHER TO PROCEED WITH PURCHASING THE KODIAK 36-WATT GENERATOR AND TO COORDINATE INSTALLATION FOR A PRICE NOT TO EXCEED \$7,700 OR LESS. ROLL CALL VOTE: LAFOY; AYE, WOOLSTENCROFT; AYE, AAKRE; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

b. Water Meter Radio Tower

- i. City Engineer Thatcher:** Informed Council of having received 6 bids from two different companies. Recommended the Council hire a geotechnical engineering firm to test soil conditions.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE AUTHORIZATION FOR CITY ENGINEER THATCHER TO COORDINATE AND SPEND UP TO \$3,500 FOR SOIL BORING. ROLL CALL VOTE: LAFOY; AYE, AAKRE; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

B. Second Reading Interim Ordinance 2020-09-01, Moratorium on Subdivisions

a. Public Hearing

- i. Mayor Wingfield:** Opened the public hearing at 07:37pm.
- ii. Justin McCarthy (515 Lake Avenue):** Detailed thoughts on corrections/procedure for adopting the interim ordinance.
- iii. Trilby White (3 Oakridge Drive):** Expressed opinions on how Council should proceed with interim ordinance.
- iv. Steve Schad:** Expressed support for interim ordinance.
- v. Maureen Seibert (425 Birchwood Court):** Expressed concern on over-developing land in Birchwood Village.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO CLOSE THE PUBLIC HEARING. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED AND PUBLIC HEARING CLOSED AT 07:55PM.

MAYOR WINGFIELD OPENED THE PUBLIC HEARING AT 07:56PM.

- vi. David Drew (180 Cedar Street):** Informed Council of neighboring city procedures in regard to subdivisions.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER FLECK TO CLOSE THE PUBLIC HEARING. ROLL CALL VOTE: AAKRE; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED AND PUBLIC HEARING CLOSED AT 08:02PM.

b. Council Deliberation and Approval

- i. City Attorney Kantrud:** Informed Council of corrections made to interim ordinance in response to public comment from Justin McCarthy. Presented to Council and meeting attendees.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO ADOPT INTERIM ORDINANCE 2020-09-01 AS CORRECTED BY CITY ATTORNEY KANTRUD. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

C. First Reading Ordinance 2020-09-02, Mayor and Council Compensation

a. Approve First Reading

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE FIRST READING OF ORDINANCE 2020-09-02. ROLL CALL VOTE: WOOLSTENCROFT; AYE, FLECK; AYE, LAFOY; AYE, AAKRE; AYE, WINGFIELD; AYE. MOTION PASSED.

b. Order Public Hearing and Second Reading

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO ORDER A PUBLIC HEARING AND SECOND READING OF ORDINANCE 2020-09-02. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

D. 2021 Budget Proposal

a. Review and Discuss

- i. **Mayor & Council:** Suggested moving discussion and approval of preliminary 2021 budget to a Special Council Meeting on September 16th 2020.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO HOLD A SPECIAL MEETING ON SEPTEMBER 16 2020 AT 7:00PM VIA ZOOM. ROLL CALL VOTE: AAKRE; AYE, WOOLSTENCROFT; AYE, FLECK; ABSTAIN, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO TABLE THE 2021 BUDGET PROPOSAL AGENDA ITEM TO THE SPECIAL COUNCIL MEETING ON SEPTEMBER 16 2020. ROLL CALL VOTE: AAKRE; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, FLECK; ABSTAIN, WINGFIELD; AYE. MOTION PASSED.

b. Approve for Submission

E. Election Services JPA

a. Council Deliberation and Approval

- i. **Mayor & Council:** Deliberated on cost and benefits of entering into Joint Powers Agreement (JPA) for election services. Consensus was reached that the time saved for the City Administrator during elections would be worth cost of JPA.

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

F. Deer Management

a. Council Deliberation and Approval

- i. **City Administrator Lay:** Updated Council on proposed hunt dates of 10/01 – 10/02 & 11/30 – 12/01. Also informed Council of proposition for two hunt zones.
- ii. **Mayor & Council:** Deliberated on authorization of hunt zones as well as hunt limits and criteria. Consensus was reached on authorizing Zone 1 for both hunt dates and potentially authorizing Zone 2 after public input could be provided. Consensus was reached on limit of 10 and authorizing Doe and Fawn only hunts.

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

MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE HUNT ZONE 1 AND SUSPEND CITY ORDINANCE SECTION 609 FOR THE DURATION OF THE AUTHORIZED HUNT. ROLL CALL VOTE: WOOLSTENCROFT; AYE, LAFOY; AYE, FLECK; AYE, AAKRE; AYE, WINGFIELD; AYE. MOTION PASSED.

G. Request Planning Commission Guidance on Sec. 302.070 Fence Ord.

a. Council Deliberation and Approval

- i. Mayor & Council:** Deliberated on need to review the City fence ordinance. Consensus was reached to request the Planning Commission review and made recommendations on the fence ordinance.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO REFUND 701 HALL AVENUE THEIR VARIANCE FEE AND STAY THE ADMINISTRATIVE DECISION TO REMOVE DEER FENCE AT 701 HALL AVENUE UNTIL PLANNING COMMISSION RECOMMENDATIONS FOR CITY FENCE ORDINANCE 302.070 ARE REVIEWED. ROLL CALL VOTE: LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, AAKRE; AYE, WINGFIELD; AYE. MOTION PASSED.

H. Personnel Committee Update

a. Council Deliberation and Approval

- i. Councilmember Aakre:** Summarized personnel committee actions to date in search for a new City Administrator in response to City Administrator Lay's resignation. Recommended bringing forward top two candidates during a special City Council meeting for a final round interview with the full Council. Also recommended terminating the Personnel Committee and instead assign Councilmembers to personnel.
- ii. Councilmember LaFoy:** Informed Council of plans to also contact the references provided by the top two candidates.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER FLECK TO TERMINATE THE PERSONNEL COMMITTEE AND ASSIGN COUNCILMEMBERS AAKRE AND LAFOY TO A PERSONNEL ASSIGNMENT. ROLL CALL VOTE: AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

I. Schedule Council Workshop

a. Council Deliberation and Approval

- i. Mayor & Council:** Discussed need to reach consensus on how City administration and Council should proceed with code enforcement. Decided to table this until the September 16, 2020 special meeting.

J. Lake Easement Surveys

a. Council Deliberation and Approval

- i. City Attorney Kantrud:** Informed Council on survey work that had been completed and explained potential next steps should the Council wish to proceed with registering the surveys.

- ii. **Mayor & Council:** Deliberated on decision to proceed with registering survey results.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO NOT PROCEED WITH REGISTRATION OF THE SURVEY RESULTS. ROLL CALL VOTE: AAKRE; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED. AAKRE AND LAFOY CONDITIONED THEIR VOTE ON THE SURVEYS BEING FILED WITH THE CITY FOR FUTURE ACCESS BY CITY AND RESIDENTS.

K. Tree Program

a. Council Deliberation and Approval

- i. **Mayor & Council:** Deliberated on proposed tree program. No agreement was reached.

L. Council Member Reports

a. Mayor Wingfield

i. Village Hall Historic Building Analysis

- 1. **Mayor Wingfield:** Updated Council on results of recent research regarding village hall's historical value and potential next steps.

ii. Pickleball Court Update

- 1. **Mayor Wingfield:** Informed Council on update to install surface as overlay to the tennis courts.

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE \$1,500 FOR THE INLAY OF ADDITIONAL MATERIALS TO THE TENNIS COURTS. ROLL CALL VOTE: WOOLSTENCROFT; AYE, FLECK; AYE, AAKRE; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

iii. Mother-in-law Flat Ordinance

- 1. **Mayor & Council:** Deliberated on potential to pursue implementation of such an ordinance.

iv. Kayak Racks

- 1. **Mayor & Council:** Deliberated on building additional kayak racks for each lake easement.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE CITY ADMINISTRATOR TO BUILD SEVEN (7) ADDITIONAL KAYAK RACKS. ROLL CALL VOTE: AAKRE; AYE, FLECK; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

b. Councilmember LaFoy

i. Traffic Calming Task Force Update

- 1. **Mayor & Council:** Deliberated authorizing a bike safety event hosted by the Sherriff's office that would require closure of Wildwood Avenue. Decision was made to approve event and closing street.

ii. Hall Ave Barriers

- 1. **Mayor & Council:** Deliberated potential of installing concrete barriers at the City line with Mahtomedi on Hall Ave.

M. City Administrator's Report

a. Board of Equalization Training

- i. **City Administrator Lay:** Recommended having additional members be trained for contingency. Councilmember Jon Fleck volunteered.
- b. Birchwood Art Group Request
 - i. **Mayor & Council:** Deliberated on and approved allowing Birchwood Art Group to convene inside of Birchwood City Hall as long as proper COVID restrictions were followed.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO ALLOW AN EXCEPTION TO CITY HALL CLOSURE FOR THE BIRCHWOOD ART GROUP BASED UPON THE UNIQUE NATURE OF THE ORGANIZATION BEING SMALL LEADING TO LIMITED EXPOSURE. ROLL CALL VOTE: AAKRE; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

- c. Subdivision Study Task Force
 - i. **Mayor & Council:** Discussed creating a task force to study the City's subdivision ordinance. Task force to include the Mayor, City Attorney, and three (3) residents. Administrator Lay directed to advertise for candidates with a filing deadline of Oct. 5, 2020. Task force to be created and members appointed during the Oct. 13, 2020 meeting.

ADJOURN

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

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator - Clerk