

**CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
BIRCHWOOD, MN**

**MINUTES OF THE CITY COUNCIL MEETING
VIA TELECONFERENCE
JANUARY 11, 2022, 7:00 P.M.**

MEMBERS:

Mary Wingfield	Mayor
Jon Fleck	Councilmember
Mark Foster	Councilmember
Justin McCarthy	Councilmember
Kevin Woolstencroft	Councilmember

STAFF:

Andy Gonyou	City Administrator
H. Alan Kantrud	City Attorney

GUESTS:

Ryan Hankins	Vice Chairman, Planning Commission
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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 January 2022, 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 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

- League of Minnesota Cities Seminars

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

- 60-Day Extensions for Zoning Applications

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**

Barton Winter, 1 Five Oaks Lane, expressed concern regarding areas the ice rink.

5. **ANNOUNCEMENTS**

A. **Ice Rink:** The ice rink will remain open until February 28, 2022.

B. **Social Media:** Follow Birchwood Village on Facebook @BirchwoodCityHall or on Twitter @CityofBirchwood.

C. **City Workers:** Mayor Wingfield reported the passing of Birchwood Village's former snowplow operator, Jerry Pierre

She noted that the current snow removal contractor is requesting feedback from Councilmembers regarding the quality of their snow removal services.

She expressed gratitude to Scott Howe and John Manship for their continued work for the City of Birchwood Village.

D. **STS Staffing:** STS Staffing pulled the old water meters apart and separated any iron from the stainless steel and brass. The City of Birchwood Village will be receiving a cheque from the recycling company for the recyclable parts.

E. **Park Signage:** Sara Markoe Hanson from the White Bear Historical Society has been working on signage for the next grant application due on January 14, 2022.

6. **ADMINISTRATIVE PRESENTATION**

A. **Sheriff Report:** A report of law enforcement incidents and citations for December, 2021, was provided for the Council's review.

B. **2022 Schedule of Meetings and Holidays:** A schedule of regular Council meeting dates and official city holidays for 2022 was included in the meeting package.

C. **Planning Commission Regular Meeting Minutes:** The minutes of the October 28, 2021, Planning Commission meeting was provided for the Council's review.

7. **CITY BUSINESS – CONSENT AGENDA**

A. **Approval of the Regular Meeting Minutes:** The meeting minutes of the December 14, 2021, regular Council meeting was provided for the Council's review and approval. The meeting minutes of the November 9, 2021, regular Council meeting will be provided for review and approval at the next Council meeting in February 2022.

B. **Approval of the Treasurer's Report:** The Treasurer's Report for the period ending January 6, 2022, was provided for the Council's review and approval.

C. **Approval of Resolution 2022-01, Designating White Bear Press as the Official Newspaper for Publication**

D. Approval of Resolution 2022-02, Naming U.S. Bank and the 4M Fund as the Official Depositories of Municipal Funds

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

8. CITY BUSINESS – REGULAR AGENDA

A. Planning Commission Discussion

- a. Ryan Hankins reported ongoing discussions to streamline the city code. The Planning Commission is considering moving away from variances on the lower limit request to using conditional permits. A package will be provided for the Council's review at the next Council meeting in February 2022.

B. Second Reading of Ordinance 2021-12-01, Section 617 Public Lake Tracts

- a. **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 for Ordinance 2021-12-01, Section 617 Public Lake Tracts. All in favor; motion carried.**
- b. **Council Deliberation:**
- On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve Ordinance 2021-12-01, Section 617 Public Lake Tracts. All in favor; motion carried.**
- c. **Approve Resolution 2022-03, Approving Summary Publication:** The Council authorized Andy Gonyou to proceed with a change in publication to include *Section 617.370.12a* only. No action was taken to approve Resolution 2022-03.

C. Fee Schedule 2022

- a. **Review Proposed Amendments:** Mayor Wingfield confirmed that the state surcharge of \$1.59 is per quarter. Councilmember McCarthy requested that the fee schedule be amended to reflect the quarterly state surcharge.

Mayor Wingfield confirmed that the resident kayak fee will remain at \$30.

Mayor Wingfield noted that the new water meters will reduce work for city staff, particularly during the billing process. St. Anthony Village will provide the Council with a figure in June 2022, as a suggestive incentive for residents to go paperless.

ACTION – Andy Gonyou will amend the 2022 fee schedule to include “quarterly as applicable” in parentheses next to Water and Sewer Related Fees.

- b. **Council Deliberation and Approval:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the 2022 fee schedule as amended. All in favor; motion carried.

D. White Bear Township Public Works Inquiry

- a. **Council Deliberation:** The Council authorized Steven Thatcher, the City's engineer, to incorporate the White Bear Township Public Works request into his replacement plans for the Wildwood Lift Station.

ACTION – Steven Thatcher will keep the Council apprised of the cost to incorporate the White Bear Township Public Works request to include a standard size manhole casting and cover at the wet well and remove all the brackets and tubing from the wet well of the old bubbler system for lift station 3.

E. Hall's Marsh Sediment Investigation

- a. **Council Deliberation:** Pace Analytical reported an unacceptable amount of materials from the tar seal coating of driveways in the coring samples of Hall's Marsh.

Mayor Wingfield reiterated two issues. Firstly, the Minnesota Department of Natural Resources (DNR) had mandated that the Rice Creek Watershed District (RCWD) include easements into Hall's Marsh; however, these easements are missing. Secondly, there are pollutants in Hall's Marsh.

Councilmember McCarthy noted an additional issue regarding the drawdown of Priebe Lake into Hall's Marsh. He expressed concern regarding reports of no sediment in Hall's Marsh as per the RCWD's engineer, HEI. Councilmember McCarthy reported that Steven Thatcher has photographic evidence of sediment from the RCWD's pipe in Hall's Marsh.

H. Alan Kantrud confirmed that RCWD will be providing a formal response to the city of Birchwood Village regarding the easements. Further action regarding the easements was deferred pending the receipt of the RCWD's formal response.

ACTION – H. Alan Kantrud will forward the formal response from the RCWD regarding the easement upon receipt.

The Council authorized Councilmember McCarthy to contact the Minnesota Pollution Control Agency (MPCA) for an interpretation of the data collected by Pace Analytical.

On a motion made by Councilmember McCarthy, seconded by Mayor Wingfield, it was resolved to authorize Councilmember McCarthy to draft a letter in conjunction with H. Alan Kantrud to the RCWD and the city of White Bear Lake, and to provide a copy of the Pace Analytical report to the DNR, the MPCA, and the Washington County Commissioner, Stan Karwoski. All in favor; motion carried.

F. Council Workshop – February 15, 2022

- a. **Schedule for Major Maintenance and Repairs:** Mayor Wingfield reported that the annual maintenance of the furnace was missed and recommended a working document to track and monitor major maintenance and repairs. The Council will review and make any additions to the schedule at the next Council workshop.
- b. **Guiding Principles of Procedure:** The Council will review and discuss the proposed Guiding Principles of Procedure for adoption at the next Council workshop.
- c. **Council Assignments:** Mayor Wingfield advised Councilmembers to send Andy Gonyou an e-mail regarding Council assignments for review at the next Council workshop. If no e-mails are received, the Council assignments will remain as they are and be included on the consent agenda for the next Council meeting.

G. Councilmember Reports

a. Mayor Wingfield

- i) **Backflow Law:** Mayor Wingfield recommended a backflow law to protect the city's water supply.

ACTION – Councilmember McCarthy will work in conjunction with H. Alan Kantrud to revise the Municipal code of the city of Birchwood Village regarding the requirement of backflow valves, the standard for the backflow valves, and the liability to a homeowner in the event that a backflow valve is not installed.

- ii) **League of Minnesota Cities Seminars:** The League of Minnesota Cities will be hosting a free webinar on February 1, 2022, from 11:00 a.m. to 12:00 p.m. regarding land use regulations for local officials. Mayor Wingfield encouraged the Council to attend.

Councilmember Foster will be attending a seminar.

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to authorize Councilmember Foster to attend a League of Minnesota Cities seminar at a cost of \$275. All in favor; motion carried.

b. Councilmember McCarthy

- i) **60-Day Extensions for Zoning Applications:** H. Alan Kantrud suggested authorizing Andy Gonyou to issue a 60-day extension on all applications requiring planning agency and Council approval. He confirmed that the 60-day extension is included in the Minnesota statute for small cities like Birchwood Village that need to outsource their planning and scrutinization process.

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to adopt a policy that requires the City

Administrator, Andy Gonyou, to provide notice to the Council and submit at the next Council meeting that the city of Birchwood Village has demanded an extra 60 days on permit applications involving Statute 15.99, and to be placed on the consent agenda for Council action. All in favor; motion carried.

9. ADJOURNMENT

On a motion made by Councilmember Fleck, 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 8:17 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.

Mayor Mary Wingfield

City Administrator Andy Gonyou

Date

Date