

CITY COUNCIL MEETING  
CITY OF BIRCHWOOD VILLAGE  
207 BIRCHWOOD AVENUE  
WASHINGTON COUNTY, MINNESOTA

**REGULAR CITY COUNCIL MEETING**

JANUARY 12, 2010

**Members Present:** Mary Wingfield, Jay Brunner, Barb Carson,

**Members Absent:** Jane Harper, David Jann

**Staff Present:** Kristi Elfering, Kevin Sandstrom

**Others Present:** James Simning, \_\_\_ Brown, John Lund, Kathy Malles,  
Greg Donovan, Bob Nicholson, Jim Greeley, James Nelson, Nino Nardecchia,  
Mary Sue Simmons, Richard Galena, Gene Ruehle, Others

**Call to Order:** by Mayor Wingfield following the Closed Session with City Attorney Sandstrom.

**Pledge of Allegiance** was said.

**Approve Agenda**

Mayor Wingfield asked that the Floodplain Ordinance be moved up in the agenda to immediately follow the Public Hearing.

**MOTION BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER  
CARSON, TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED  
3 AYES, 2 ABSENT (Jann, Harper)**

**Interim City Clerk**

Mayor Wingfield explained the City had entered into a contract for an Interim City Clerk through March 31, 2010 with Cindie Reiter (Roberts), although Ms Reiter was not able to be at this meeting.

**Public Hearing**

Mayor Wingfield explained that the City Attorney and City Engineer worked to draft the Floodplain Ordinance as required by FEMA as a part of the update process to the floodplain map in the City of Birchwood.

City Attorney Sandstrom presented a summary of the ordinance with explanation that the ordinance will address building, alterations or re-building of structures in the floodplain. He noted that to re-build in the floodplain, after a significant loss exceeding 50% of value, will require the structure to be above the Base Flood Elevation ( BFE) as designated.

He advised the council needed to approve the summary of Ordinance 2010-01 for publication. He addressed the prior Notice of Publication having an omitted date (for this hearing) by stating that the city's official publication, the White Bear Press corrected the Notice online by including the date.

**Open Public Hearing for the Floodplain Ordinance 2010-01 Section 405**

Mayor Wingfield opened the public hearing.

City Engineer Elfering located the floodplain on the map however, noted that no elevation had yet been determined for White Bear Lake, therefore this was done for administrative process.

**Close Public Hearing** – Having heard no comments.

## Reconvene City Council Meeting

### Floodplain Ordinance (Item #3)

**MOTION BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER CARSON, TO ADOPT THE FLOODPLAIN ORDINANCE FOR SECTION 309.**

The section number was questioned by Councilmember Brunner with response by the City Attorney that the correct section number is 405 not 309.

**MOTION TO AMEND BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER CARSON, TO ADOPT THE FLOODPLAIN ORDINANCE FOR SECTION 405.**

**MOTION PASSED 3 AYES, 2 Absent (Jann, Harper)**

City Attorney Sandstrom presented the Summary Publication and noted the correct number to be 405.

**MOTION TO AMEND BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER CARSON, TO APPROVE SUMMARY ORDINANCE AS DRAFTED.**

Councilmember Brunner questioned the requirement of 4/5 member vote, the City Attorney noted that 4/5 of a quorum was present.

**MOTION PASSED 3 AYES, 2 Absent (Jann, Harper)**

### Consent Agenda (Item #2)

Councilmember Brunner asked that the meeting minutes of 12/29/09 be removed as he did not have a complete set.

Mayor Wingfield further noted that the December 8, 2009 were not presented and noted that Consent Agenda items F&G be removed from the list. She also explained that Consent Agenda item B listed several sets of minutes previously approved – they were on the agenda to be acknowledged as received as they reflected final amendments and indicated they be placed on the website. The minutes of June 30, 2009 and October 13 and 20, 2009 after amended will be presented at a future meeting.

Consent Agenda item A, Donation from Writers Unlimited for \$575 was explained by Mayor Wingfield.

**MOTION BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER CARSON, TO APPROVE THE CONSENT AGENDA (Items A, B, C, D & E) AS AMENDED.**

**MOTION PASSED 3 AYES, 2 Absent (Jann, Harper)**

## CITY REPORTS

### **Cable Commission – Greg Donovan/Greg Arbeiter (Item 4A)**

Mr. Donovan presented that at the last meeting he was granted authority to seek quotes on video equipment. He contacted Alpha Video and they measured and assessed the building needs. Mr Donovan introduced Ted Arbeiter who provided an explanation of the Elmo machine, a piece of equipment that projects an item (agenda, document, map, etc) onto a screen (pull down or monitor) and out to broadcast. Three quotes for various viewing properties were presented. It will have in-chamber viewing with function that allows laptops to be used in the council chambers. The priorities were visual enhancement by use of ceiling or wall mount screens (TV, screen, projector, or computer). The explained the Visualizer – which projects document from laptop (a projector and cart included in the quote). He also provided that the Cable Commission grant

program has funds available. Funds in amount of \$11,972 are left to purchase equipment, then can request reimbursement thorough the Cable Commission grant program.

It was presented that the wall mount was preferred system followed by a ceiling mount. Cost to be \$10,927. It was noted that quote for \$3,339 is a separate purchase for equipment of monitors – which was deferred in 2007, the monitor is used for broadcaster unit quality. This cost would be partially borne by the city – approximately \$2,300. The quality at the broadcaster is not for the viewing public but an internal issue, the quote also includes a 2 DVD recorder, which would provide for 2 copies of the meeting DVD (one for playing and one for city use &/or resident check out).

Mr. Donovan noted that a \$5000 spring Cable Commission allotment could be used for this project.

**MOTION BY MAYOR WINGFIELD, SECONDED BY COUNCILMEMBER BRUNNER TO ACCEPT LCD WALL MOUNT QUOTE ALONG WITH THE \$175 RECORDER TO BE PURCHASED FROM CABLE FUNDS AND TO INITIATE THE REIMBURSEMENT PROCESS.**

Councilmember Brunner questioned the need to place out for bids, it was noted that the need for bid process begins at \$25,000.

Mr. Donovan noted that the Alpha Video rep was very good to work with and also has years of experience working with the City of White Bear Lake. The mayor asked that the best quote be used. Councilmember Brunner asked for further explanation on the list of equipment and need for use. Donovan and Arbeiter provided explanation and details of the equipment to be used and need for it regarding size, location of and quality of the equipment. It was further noted that the installation of the equipment would be another \$7,000-10,000, however the Cable Commission tech staff were to install saving this fee,

**MOTION PASSED 3 AYES, 2 Absent (Jann, Harper)**

**MOTION BY MAYOR WINGFIELD, SECONDED BY COUNCILMEMBER CARSON TO DIRECT MR. DONOVAN TO WORK WITH THE CONTRACTOR TO GET THE BEST BID FOR EQUIPMENT, NOT TO EXCEED \$11,972 PLUS \$ (recorder).**

Mr. Donovan indicated he was ready to go on the project.

**MOTION PASSED 3 AYES, 2 Absent (Jann, Harper)**

**Salt/Sand Availability from WA County (Item 4B)**

Mayor Wingfield explained the process of street plowing and noted a resident's inquiry of salt from WA County. She explained that she spoke with WA County Public Works rep to find there is ample availability of sand/salt with notice from the city to the county. She referenced an email from Doug Johnson, WA Co. Public Works, that the city has used 17.4 tons of salt of the 40 ton allotment and stated she believes more sand/salt should be applied and that no direction to limit sand/salt application or plowing was provided to Lauzon. She noted that the sand/salt & plowing costs for December to be the largest in many years.

Mayor Wingfield provided that the 40 ton allotment was based on 3 year use average but more can be requested if needed.

Councilmember Carson inquired as to how it is decided when or who to put down sand/salt mixture. It was noted that at this time it is the contractor that makes the call.

Councilmember Brunner stated that for the record, Oakridge Drive is like that of a skating rink and city needs to request Lauzon apply more sand/salt.

**NEW BUSINESS**

**Interim City Clerk (item #5A)**

Mayor Wingfield stated that the attorney was provided terms at last Emergency Meeting of the City Council to provide more detail of the duties in the contract drafted and asked the council for authority to sign the contract.

**MOTION BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER**

**CARSON TO ALLOW THE MAYOR TO SIGN THE CONTRACT FOR INTERIM CITY CLERK.  
MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

**US Bank Resolution – Signatory of Depository Services**

Mayor Wingfield explained the need of the Bank Resolution to allow signors on the checking account. It was noted the form listed the former Clerk Gaustad. The name was changed to reflect Cindie Reiter be a signor.

**MOTION BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER  
CARSON TO PASS THE BANK RESOLUTION AND ALLOW CLERK TO SIGN CHECKS.  
MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

**CTAS**

Tabled for lack of information.

**Approval of Disbursements (Item 5B)**

A list of disbursements was provided (along with list from December for reference) and reviewed with comment from Mayor Wingfield concerning the LMC, White Bear Press and Toshiba disbursements listed be reviewed before payment to verify amount and if already paid.

Mayor Wingfield also provided that a resolution is needed to pay the December bills in January as requested by the auditor.

Councilmember Brunner questions the use of White Bear Lake “BI”. Mayor believes is to be building permit related. (*BI – Building Inspector*)

Mayor Wingfield presented that there are two lock replacements listed for reimbursement to her and it should only be one time. She also noted the park attendants payments will be approximately \$1,172 (based on the hours and rate of pay for the rink attendants).

Mayor Wingfield questioned the invoice for the locate done by Lauzon as she understood he was no longer doing this service and WBL was assumed to be providing the service. The locate for shut off in question at 425 Lake Avenue took 4.5 hours and was not found and she stated this to be excessive, given the dates are December 21 & 23, 2009 when Lauzon was not providing the service.

Councilmember Carson explained that Lauzon did the city a favor as the excavators needed the locate and WBL was no longer providing this service for Birchwood locates, and Lauzon came in to do it.

Mayor Wingfield reiterated she believed the time spent looking is too long of a period to look and the home owner should be involved in decisions to continue until found. She feels there is a need to set parameters on time limits.

**MOTION BY MAYOR WINGFIELD, SECONDED BY COUNCILMEMBER  
CARSON TO APPROVE PAYMENT OF DISBURSEMENTS, INCLUDING PAYMENT OF  
WARMING HOUSE ATTENDANTS.  
MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

Mayor Wingfield presented a request of the clerk for normal routine invoices to be paid by city monthly when due. (i.e. utilities, fire, law enforcement, US Bank bond payments, Conservation District, TKDA, PERA, Taxes, Met Council)

**MOTION BY MAYOR WINGFIELD, SECONDED BY COUNCILMEMBER  
CARSON TO APPROVE CLERK PAY NORMAL ROUNTINE CITY BILLS WHEN DUE.  
MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

## **OTHER BUSINESS (Item 8)**

### **Dock Review Permit – Special Meeting Date**

The need for a Special City Council meeting was discussed in regards to review of Dock Association permit process. It was proposed the meeting to be set for Tuesday, February 2, 2010.

**MOTION BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER CARSON TO SET THE DATE OF TUESDAY, FEBRUARY 2, 2010 AS THE SPECIAL CITY COUNCIL MEETING AT 7:00 PM AT CITY HALL.  
MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

*(It was later found to be February 2, 2010 was the MN Caucus date and the meeting was not scheduled)*

### **TKDA Water Meter Reading Contract**

Mayor Wingfield requested a motion to approve her signing the contract with TKDA for their meter reading service. Rate of \$320 indicates no increase in price.

**MOTION BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER CARSON TO ALLOW MAYOR TO SIGN THE CONTRACT AND APPROVE TKDA METER READING SERVICE CONTRACT.  
MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

### **De-Certify Delinquent Utility Bills 2009**

Mayor Wingfield believes the numbers certified to the county are not correct for delinquencies and feels there has been double collection of debt(s).

**MOTION BY MAYOR WINGFIELD, SECONDED BY COUNCILMEMBER CARSON TO DIRECT STAFF TO ABATE CERTIFICATIONS OF DELINQUENCIES RECENTLY POSTED.**

Councilmember Brunner questioned if de-certification allows that those that should have been certified are then not certified and city carries the balances for 2010. He further questioned how this is to be determined noting final tax statements are sent from the county in March. He also questioned if the amount would be determined in the audit. The mayor feels it to be so as the amount is approximately (up to) \$20,000.

**MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

### **Weber – Waive City Hall Rental Fee (Item 8B)**

Kathy Weber, 9 Oakridge Drive, Birchwood presented that she rented City Hall in December and that it was not clean and spent hours cleaning it. She is asking the \$25 rental fee be returned. Mayor Wingfield agreed the fee should be waived and noted the check for \$25 was in the safe and would not be deposited, however the check for the \$100 security deposit was not found, but if it was deposited in error, it would be refunded.

**MOTION BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER CARSON TO REFUND \$25 RENTAL FEE AND RETURN DAMAGE DEPOSIT OF \$100.  
MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

Ms Weber also noted there are no cleaning supplies (broom, cleaners, vacuum) to use for cleaning when done with use and request the city to provide these items for renters use. Councilmember Brunner

requested that the clerk provide cleaning supplies for kitchen area. Mayor Wingfield noted she purchased a snow shovel for city hall use.

### **Galena Water Bill (Item 8C)**

Mr. Galena was not in attendance.

Mayor Wingfield presented that the Galena water bill was delinquent and prior clerk provided that the water bill was paid in full after agreeing to a lesser amount (-\$378). The mayor noted this amount was not agreed to by the council and believes the -\$378 adjustment to be a contract that was not approved by city council and further believes Mr. Galena does owe the money to the city and will not be certified as paid.

### **COUNCIL/STAFF REPORTS (Item 9)**

#### **City Attorney Sandstrom**

Presented that the Floodplain Ordinance references a Zoning Administrator to administer the ordinance provisions and noted the Building Inspector to be appointed on list of appointments for this. Also the BOA (Board of Adjustments) for Appeals of Zoning Administrator decisions is the City Council. The Council should appoint itself as the BOA.

Mayor Wingfield noted a review with the clerk of the City Code lists the BOA is the Planning Commission and the City Council then hears appeals. Councilmember Brunner poses the question on this to the City Attorney, upon review of the City Code book the City Attorney agreed that the Planning Commission is the Board of Adjustments and City Council hears appeals.

**MOTION BY MAYOR WINGFIELD, SECONDED BY COUNCILMEMBER CARSON TO APPROVE ADOPTION OF LIST OF APPOINTMENTS AND NOTES CITY ENGINEER IS STILL PENDING AND CLARIFIES NAME AND SPELLING OF APPOINTEES. MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

Councilmember Brunner asks for clarification of the Building Inspection service, as he thought the City of WBL provide this service. The mayor explained that the City of WBL does provide the service but uses a different name.

#### **Mayor Wingfield**

#### **Other Appointments – Council Responsibilities**

Mayor Wingfield provided for a list of city council member duties (referencing the green sheet) and other appointees.

Harper – Personnel Coordinator

Cable – Greg Donovan, Randy LeFoy (Alternate)

Not listed but noted for appointment.

Finance Commission– Harper, Brunner, Manke and Dixon

Budget Commission – Carson, Wingfield, & Walker

Planning Commission – members continue on as stated

**MOTION BY MAYOR WINGFIELD, SECONDED BY COUNCILMEMBER BRUNNER, TO APPROVE CITY COUNCIL APPOINTMENTS. MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

Mayor Wingfield presented an application of Joe Albin for appointment to White Bear Lake Conservation District . Mr. Albin was the only applicant and has the endorsement of Mr. Hoffman, who will resign at the end of February.

The mayor asked if the council wanted to wait for a vote of the full council when present or vote now. Councilmember Brunner asked when the date of final application was – it was determined that it was January 2, 2010.

It was stated per the application, Joe Albin of 153 Wildwood Avenue presents 3 years experience with the Conservation District and is familiar with the issues but not involved in dock issues and would like the opportunity to serve on the WBLCD.

**MOTION BY COUNCILMEMBER BRUNNER, SECONDED BY COUNCILMEMBER CARSON, TO APPROVE MR. ALBIN'S APPOINTMENT TO THE WBLCD BEGINNING IN MARCH 2010. MOTION PASSED. 3 AYES 2 ABSENT (JANN, HARPER)**

Councilmember Brunner needed to leave at 1 hour 17 minutes into meeting (approx time 8:24).

**OPEN FORUM**

**James Nelson**, 256 Wildwood Avenue, Birchwood, admonished the city for not collecting unpaid water bills and expresses concern for Galena not paying full amount due, negotiating a lesser amount with prior clerk. He also expressed concern for Galena's request for fireworks funding from city.

Mayor Wingfield stated she believes an audit would have perhaps caught this and further no agreement with staff should have been allowed. She explained the cost of the sewer and water along with the breakout of fees.

**Mr. Greeley**, 407 Lake Ave., Birchwood, presented his defense of Galena's adjustment due to a used water meter with 1100 gallons on water use already on the meter.

Mayor Wingfield expressed concern for agreement made between staff and residents.

**Bob Nicholson**, 433 Lake Avenue, Birchwood, expressed discontent with the council allowing the maligning of Galena without his presence. He also knows for certain that the meter Galena was provided was broken and that was addressed with the clerk. He also expressed concern for lack of return phone calls from councilmembers.

**ADJOURNMENT**

Less than a quorum remained, the city attorney advised the meeting could be adjourned without a quorum.

**MOTION BY MAYOR WINGFIELD, SECONDED BY COUNCILMEMBER CARSON, TO ADJOURN. MOTION PASSED, 2 AYES, 3 ABSENT (HARPER, JANN, BRUNNER).**

*(APPROX TIME 8:30)*

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**Mayor, Mary Wingfield**

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**Attest: City Clerk, Cindie J Reiter**

**Drafted by same.**