**CITY OF BIRCHWOOD VILLAGE**

**REGULAR CITY COUNCIL MEETING**

**January 8, 2013**

**MINUTES**

**MEMBERS PRESENT: Mayor Mary Wingfield; Council Members Greg Donovan, Bill Hullsiek, Randy La Foy, and Kevin Woolstencroft**

**STAFF PRESENT: City Coordinator Dale Powers, City Treasurer Cindie Reiter, and City Attorney Kevin Sandstrom**

**OTHERS PRESENT: Tami Heart and Mark Anderson**

**Wingfield** called the regular meeting to order @ 7:00pm, and the Pledge of Allegiance was recited.

**OATH OF OFFICE: Powers** administered the oath of office to new members Wingfield, Hullsiek, and La Foy.

**AGENDA APPROVAL: Donovan** mentioned that he wanted to move Agenda Item # 1 (Approval of the Minutes of the December 11, 2012 Regular Meeting) from the Consent Calendar to Regular Order for discussion. **Wingfield** wanted to add an item at the end of the agenda as Item # 27 pertaining to the White Bear Lake Conservation District meeting reviewing the dock application; the City needs to send a representative to that meeting. **Powers** requested an additional agenda item adoption of the schedule of regular Council meetings and official holidays; **Wingfield** recommended that be placed as Item # 9a after discussion of the December 11th meeting minutes.

***LaFoy/Wingfield unanimous to approve the agenda for the January 8, 2013 Regular Meeting, as amended to move Agenda Item # 1 (Approval of the Minutes of the December 11, 2012) from the Consent Calendar to the first item of Regular Order, add Item # 27 regarding sending a representative to the White Bear Lake Conservation District meeting that is reviewing the dock application; and to add Item # 9a (Approval of the Schedule of Regular Council Meeting and Official Holidays) immediately after discussion of the December 11, 2012 meeting minutes.***

**OPEN PUBLIC FORUM**: **Heart**, of 506 Wildwood Avenue, **addressed** the Council to welcome the new members and the new mayor.

**CONSENT CALENDAR: *Donovan/LaFoy unanimous to approve the following consent calendar items:***

**2. *Approval of the Minutes of the December 27, 2012 Special Meeting***

1. ***Approval of the Hiring of Michael McGill, Johnathan Tauer, and Grant Rohrig as Seasonal Rink Attendants at a wage of $8.00 per hour, subject to Rohrig and McGill each passing a background check***
2. ***Approval of RESOLUTION 2013-01 Acceptance of Cash Donations***
3. ***Approval of RESOLUTION 2013-02 Approving State of Minnesota Joint Powers Agreements with the City of Birchwood Village On Behalf of Its City Attorney and Police Department***
4. ***Approval of RESOLUTION 2013-03 Authorizing the Ramsey Washington Suburban Cable Commission to Broadcast and Re-Broadcast Council Meetings on Other Cable Channels***
5. ***Approval of RESOLUTION 2013-04 Naming U. S. Bank, N. A. and the 4M Fund as the Official Depositories of Municipal Funds***
6. ***Approval of Mayor Mary Wingfield and Acting Mayor Randy LaFoy as Authorized Signers on Checks.***
7. **APPROVAL OF THE MINUTES OF THE DECEMBER 11, 2012 REGULAR MEETING: Donovan** noted that he had received an e-mail from former Mayor Alan Mitchell with requested changes and corrections to the draft minutes of the December 11, 2012 Regular Meeting, and believes the minutes should reflect these changes and corrections.

***Donovan/LaFoy unanimous to approve the minutes of the December 11, 2012 Regular Meeting, provided that the changes and corrections sent by former Mayor Alan Mitchell be incorporated into them.***

**9a. APPROVAL OF THE DATES OF THE REGULAR MEETINGS OF THE CITY COUNCIL AND THE DATES OF THE OFFICIAL HOLIDAYS OF THE CITY: Powers** shared with the Council a document with the dates of the regular Council meetings and the list of official City holidays, and noted by approving this list, the Council does not need to post and/or publish when the regular Council meetings are. **Wingfield** noted that she just received this before the meeting, and has a concern about the holidays, stating that the copy of the Coordinator’s employment agreement she has does not include New Year’s Eve and Christmas Eve; **Powers** responded that the issue is that since he does not intend on being here for either of those days, whether the City wants the Coordinator to burn comp time and vacation time or just make it a City holiday. **Wingfield** stated that her recollection is that the employment agreement calls for 10 paid holidays and if the Coordinator wants additional paid time off he is to use comp time or vacation time. ement and that, in any case, he does not recall any language about holidays in the agreement. **Wingfield** recommended to the Council that the holiday decision be held over to the February meeting pending review of the City Coordinator employment agreement; **LaFoy** proposes that the list of Council meetings be approved tonight.

***LaFoy/Wingfield unanimous to approve the schedule of the regular Council meeting as presented.***

1. **APPROVAL OF THE FINANCIAL REPORT AND STATEMENT OF DISBURSEMENTS: Wingfield** asked the City Treasurer about the payroll figures; **Reiter** indicated the first payroll mentions it is for the pay period ending 11/30/2012 and the next payroll figures are for the period ending 12/15/2012. **Wingfield** also asked whether the $50.00 reimbursement request for Greg McNeely was included in the report; **Reiter** said it was not as an invoice is required for auditing purposes. **Wingfield** shared with the Council that some time ago, during her previous term as Mayor, a boulevard tree fell on McNeely’s property that he had removed, and that McNeely requested $50.00 as partial reimbursement of the cost of removing the tree. **Wingfield** added that her recollection is that she approved the reimbursement request but there was no record of the Council approving it. **Powers** informed the Council that a review of the minutes from 2009-2010 do not indicate Council approval of the expenditure and requested McNeely present a request for payment.

***Wingfield/LaFoy unanimous to accept the Financial Report and Disbursements Register as prepared by the City Treasurer and presented to the City Council on January 8, 2013 in the amount of $68,403.59, including Check #’s 27570-27590, 27592-27607, and Electronic Funds Transfers SC122012, LIFT122012, PERA121512, TRNS2-110, TRNS2-210, TRNS2-301, TRNS2-305, TRNS2-605, TRNS2CP, TRNSFR-605, and also to authorize payment of $50.00 to Greg McNeely as partial reimbursement for his cost of removing a boulevard tree that fell on his property In 2009 or 2010.***

**10. RECOGNITION OF OUTGOING MAYOR AND COUNCIL MEMBERS: Wingfield** noted that in the past it has been customary for the former Mayor to attend this meeting to receive recognition of their service, and although former Mayor Mitchell could not attend this meeting, it still is important for this Council to recognize their efforts. **LaFoy** agreed, stating that the Council pay doesn’t come close for compensating for the time and effort put in by Council members.

**11. APPROVAL OF THE MAYOR’S 2013 COUNCIL ASSIGNMENTS: Wingfield** commented that, while as Mayor she makes the assignments, the list is subject to Council consent and approval.

***Donovan/Woolstencroft unanimous to approve the Mayor’s 2013 Council Assignments.***

**12. APPROVAL OF THE 2013 APPOINTMENTS AND ASSIGNMENTS: Wingfield** noted that City is required by law to appoint a acting mayor, official newspaper, and official depositories, and reviewed with the Council the list of appointments and assignments in the agenda packet.

***LaFoy/Donovan unanimous to approve the 2013 appointments and assignments.***

**13. ROADS COMMITTEE> REVIEW OF BY-LAWS AND APPOINTMENT OF COMMITTEE MEMBERS:**  **Wingfield** noted that this has been on the agenda in the past, and the by-laws have been approved. **Wingfield** stated that last June, 5 citizens requested to be appointed to the Committee: Mark Anderson, John Anderson, Tom Patsy, David Reynolds, and Gene Ruehle. **Wingfield** further said the by-laws allow for seven members, but feels five is a better working number as far as scheduling meetings; **LaFoy** added that additional members can be added to the Committee. **Wingfield** also said that a concern was raised about all of the Committee members residing or otherwise owning property on Hall/Cedar, but doesn’t feel that is an issue because the Committee is a recommending body that makes no final decisions. **Wingfield** also raised an issue with the section of the Committee’s by-laws that do not allow more that three Committee members to live on the same street, and recommends that the by-laws be amended to remove that restriction.

***Wingfield/Donovan unanimous to appoint Gene Ruehle, Tom Patsy, Mark Anderson, John Anderson, and David Reynolds to the Roads and Streets Committee, and also to amend the Committee’s by-laws by striking the following sentences from Article III, Section A: “No more than three members shall live on or border the same street in Birchwood or own property on the same street. For purposes of this Section, Hall Avenue and Cedar Street are to be considered one street.”***

**14. SAINT PAUL REGIONAL WATER SERVICES: REVIEW OF CONTRACT: Wingfield** mentioned that there are two contracts with Saint Paul Regional Water Services (SPRWS): one for emergency water services and one for providing certified water operator services. **Wingfield** noted that the certified water operator contract call for payment of $4,500.00 per quarter in exchange for an array of services, and mentioned that the City spent $9,000.00 in 2012 for engineering and repairs beyond the contract, bringing the amount up to $27,000.00. **Wingfield** recalled that under the previous certified water operator, John Manship, the City spent anywhere from $5-7,000.00 per year for these same services. **Sandstrom** advised the Council that the $9,000.00 was billed for emergency services and not an additional amount under the certified water operator contract. **Hullsiek** said that there are some items in the certied water operator contract that are worthwhile, such as an electronic version of our underground network, but would like more information about what service is being provided on a monthly basis to justify the $1,500.00 monthly cost, and the Council may want to go over the contract line item-by-line item to see if there are any areas that the City really doesn’t need. **LaFoy** mentioned that the electronic version may indicate where individual service lines enter the main, so contractors know accurately where to dig. **Hullsiek** said the GIS information is useful as a critical component for long-range planning and forecasting. **Wingfield** said the Council needs to know what the “value added” is with SPRWS. **Donovan** recommended that a representative of SPRWS be invited to the next Council meeting to go over the contract. The Council directed Powers to send correspondence to SPRWS asking that a representative attend the February 12, 2013 meeting to explain the services provided in the contract and the “value added” by contracting with SPRWS.

**ADDITIONAL ISSUE WITH THE ROADS AND STREETS COMMITTEE BY-LAWS: LaFoy** noted that the by-laws for the Roads Committee state, in Article III Section F, that the Council liaison for Public Works is also the liaison for this Committee, and stated that Birchwood doesn’t have a Council liaison for Public Works. **LaFoy** recommends changing “Public Works” to “Roads Committee”.

***LaFoy/Donovan unanimous to amend Article III Section F by deleting the phrase “Director of Public Works”, to be replaced by “liaison to the Roads and Streets Committee”.***

**15. WASTE MANAGEMENT: REVIEW OF RECYCLING CONTRACT AND DRAFT REQUEST FOR PROPOSALS: Wingfield** brought this matter to the Council’s attention, stating that the contract for residential recycling services expires at the end of April. **Wingfield** revised a request for proposals (RFP) for garbage, using it for recycling services. **Donovan** requested that the RFP call for 64-gallon, single sort containers; **Wingfield** said she will amend the draft accordingly, and also noted that the draft RFP encourages bidders to offer additional services for the Council’s review. **Wingfield** recommends only publishing the RFP on the League of Minnesota Cities; **Sandstrom** assured the Council that is allowable.

***Wingfield/La Foy unanimous to publish the RFP, as revised to call for 64 gallon, single sort containers, on the League of Minnesota Cities website.***

1. **ORDINANCE 703 (COUNCIL VACANCY – SPECIAL ELECTION)> REVIEW: Wingfield** reviewed the history of this ordinance, and asked Sandstrom whether the recently-adopted ordinance can be applied retroactively to the vacancy that was filled by Donovan. **Sandstrom** commented that he believes the City would be bound by the ordinance to conduct the special election. **LaFoy** said that the ordinance is applied whenever a Council member resigns, and there are no current vacancies. **Wingfield** does not believe the City has the authority to remove Donovan. **Sandstrom** said that the Mayor brings up an interesting point and will research the issue and report back to the Council. **Wingfield** also noted the relative lack of contested elections in the City and feels there is a lot of extra process for what might be an uncontested election, and suggested a moratorium to keep the time period mentioned in the ordinance from polling pending an opinion from the City Attorney.

***LaFoy/Hullsiek 4-0 (Donovan abstained) to place a moratorium on acting on the provisions of Ordinance 703 until the February 12, 2013 meeting to allow time for the City Attorney can research the issue and offer an opinion.***

**17. REVIEW OF FEE SCHEDULE: Wingfield** requested the City’s current fee schedule be included in the agenda packet for Council discussion, and asked the City Attorney whether the City is required to publish the fee schedule; **Sandstrom** responded that the fee schedule is not required to be published since the schedule is stand-alone and the actual schedule is not part of the ordinance. The consensus of the Council was to leave the fees as they are.

**18. SCHEDULE DATES AND TIMES FOR COUNCIL WORKSHOPS: Wingfield** shared with the Council that she recommends two workshop meetings. The first is for the Council to have an opportunity to review in depth the City’s finances and expenses.

***LaFoy/Donovan unanimous to schedule a workshop meeting for Tuesday, February 19, 2013 at 7:00pm for review of the City’s finances and expenses.***

The second is a joint meeting with the Parks and Natural Resources Committee to discuss the Committee’s activities and for the Council to provide guidance and direction to the Committee.

***Donovan/Hullsiek unanimous to schedule a workshop meeting for Monday, March 25, 2013 at 7:00pm with the Parks and Natural Resources Committee for mutual discussion of the Committee’s activities and for the Council to have the opportunity to provide guidance and direction to the Committee.***

**19. REVIEW CITY ATTORNEY ATTENDANCE AT COUNCIL MEETINGS: Wingfield** raised the issue of whether the City needs the City Attorney to regularly attend meetings. **Donovan** asked the City Attorney whether he bills a flat fee for attending Council meetings; **Sandstrom** responded that he bills one hour of time for Council meetings, regardless of the actual length of time of the meeting. **Donovan** further asked the City Attorney about his billing procedures for phone calls; **Sandstrom** said he bills in 6 minute increments (1/10th of a hour). **Wingfield** also noted that the League of Minnesota Cities is a valuable resource for legal information, and recommended that the Mayor and the Coordinator jointly decide when the City Attorney’s presence is required.

***LaFoy/Woolstencroft unanimous to ask the City Attorney to attend Council meetings at the recommendation of the Mayor and City Coordinator.***

**20. CITY ENGINEER APPOINTMENT PROCESS & OBTAINING FILES FROM THE FORMER CITY ENGINEER: Wingfield** stated that with the resignation of the former City Engineer, the Council needs to figure out how to fill the appointment. **Wingfield** said that Clint Dixon developed a matrix from which to evaluate engineering RFPs, and had each firm rated and invited the top 3 or 4 to interview. **Hullsiek** offered to review the matrix for discussion at the February meeting. **Wingfield** also commented that there are files in the possession of the former city engineer that are the property of the City. The Council directed the City Attorney and Coordinator to correspond with the former city engineer on getting the City’s files back in its possession.

**21. PLANNING COMMISSION VACANCY> POST FOR OPEN POSITION:** **Wingfield** said that the City needs to advertise the vacant position on the Planning Commission. **Powers** commented that the vacancy has been published in the City’s newsletter, posted on the City’s website, and broadcast on the community access panel.

**22. CONSIDERATION OF SETTING STAGGERED TERMS FOR CITY COMMITTEES: Wingfield** raised this issue for discussion, and noted that except for Parks Committee members there is no staggering of terms. The consensus of the Council is to leave the system as is.

**23. SEWER MAINTENANCE OPTIONS> AUTHORIZE REVIEW:** **Wingfield** said she talked to a retired civil engineer recently about the frequency and method of the City’s lift station inspections, and this individual commented that the frequency of inspections may be too labor-intensive. **LaFoy** thought we should contact White Bear Lake to find out what is actually inspected during the inspections, and noted that an alarm system is in place to alert White Bear Lake when a lift station goes down. **Wingfield** asked the Council for permission to ask this retired civil engineer to provide information to the Council on this matter. **Donovan** asked why the City inspects the lift stations three times a week; **Wingfield** responded that it is a requirement for maintaining the City’s insurance coverage.

***Wingfield/Hullsiek unanimous to authorize Ted Field to provide information to the Council on lift station management, and to invite White Bear Lake Public Works to attend a Council meeting to inform the Council on aspects of lift station inspection.***

**24. REVIEW/UPDATE SEWER MAINTENANCE POLICY: Wingfield** noted that this dovetails with the previous discussion, and asked if the Council has reviewed the memo from the League of Minnesota Cities regarding sewer maintenance. City staff provided copies of the memo for the Council. **Wingfield** noted that the League is the City’s insurance carrier and it requires cities to adopt a sewer inspection policy that conforms to its requirements in order for the City to remain insured. **Wingfield** said the City has a policy that appears to be more intensive than is required by the League. The Council directed staff to research what level of inspection is required to meet the satisfaction of the League and report back to the Council.

**25. CITY SNOW PLOWING> CONSIDERATION OF ESTABLISHING A POLICY: Wingfield** commented that she and Council Member Donovan met with the City Coordinator, and the topic of snow plow complaints came up. **Wingfield** said that the City doesn’t have a snow plowing policy. **Wingfield** noted that Ken Johnson has not been given direction on snow plowing and believes Ken would benefit from that. **Powers** mentioned that given the large snowfall, the complaints were normal. **Powers** said he would like to work with Ken to jointly develop and road test a policy before submitting it to the Council. **Wingfield** is unsure whether a policy is needed, but believes that better communication with Ken on problem areas would be beneficial. **Donovan** said a lot of this is common sense, and Ken may be a bit gun shy on cleaning up properly. The consensus of the Council was to staff to work with Ken on developing a policy or standards on snow and ice plowing and removal.

**27. WHITE BEAR LAKE CONSERVATION DISTRICT MEETING JANUARY 15> SENDING A CITY REPRESENTATIVE TO THE MEETING: Wingfield** advised the Council that the White Bear Lake Conservation District will be reviewing the Birchwood Dock Association’s permit application at its January 15, 2013 meeting, and stated that Council Member Hullsiek will be unable to attend the meeting.  **Wingfield** volunteered to attend the meeting and represent the City.

**COMMUNITY ANNOUNCEMENTS: Wingfield** commented that Hockey Day in Birchwood will be on January 12th, and the Birchwood Community Club’s Common Table on February 7th will feature Marian Johnson talking about ticks.

**ADJOURN: *LaFoy/Wingfield unanimous to adjourn the meeting @ 8:30pm.***

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Dale Powers

City Coordinator