

City of Birchwood Village
July 14, 2009 City Council Meeting

Mayor Wingfield called to order the July 14, 2009 Regular City Council meeting at 7:00pm. Council members, Harper, Carson, and Jann. Brunner absent. City Clerk Gaustad, Attorney Vivian, Engineer Elfering present.

1. Pledge
2. Introduction of the new permanent City Clerk – Ry-Chel Gaustad
Gaustad thanked the Council and citizens for the opportunity to serve them and the Community.
3. Approval of Agenda

MOTION by Harper, seconded by Carson to accept changes to the agenda. Motion passed.

4. Planning Commission— Robert & Coy Davidson - 425 Lake Avenue - Approval Of Variance for 40-foot setback required from the street side property line to allow the construction of an attached garage at 26 feet from the property line, per Section 302.020.2

The Planning Commission held a public hearing on July 7, 2009. The Planning Commission recommends granting the variance since it will be in harmony with the general purpose and intent of the City Code. Granting the variance will not impair an adequate supply of light and air to adjacent properties, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety or welfare of the residents of the City.

Planning Commissioner presented RESOLUTION 09-07-VB which specified terms, conditions and contingencies.

MOTION by Harper, seconded by Mayor Wingfield to approve resolution 09-07-VB contingent upon the City Engineer approval prior to proceeding with the project.

Motion carried.

Jann discussed timing of the clerk's providing the application packets to the Planning Commission and suggested packets get sent out at least one week in advance of the meeting.

5. Dellwood Dock Association – request to petition WBLCD to move dock farther into the water to compensate for lower lake level

Mr. Brian Lind – Dellwood Dock Association President was present and requested council approval to make application to the watershed district.

Council discussed the interpretation of dock length and the similar placement of like docks in the area.

Mr. Greeley noted that the agenda was not posted and area residents within 200 ft. had not been notified. Therefore, he suggested postponing the application until such time.

MOTION by Mayor Wingfield, seconded by Carson to send a letter to WBLCD noting support of the dock relocation. Aye Mayor Wingfield; Carson – Nay Jann; Harper. MOTION died.

Council clarified that it is the responsibility of the Dock Association to notice property owners within 200 ft.

6. Review of Dock Association Workshop

MOTION by Mayor Wingfield, seconded by Harper to accept the Dock Commission Report without endorsement.

Mr. Galena commented that not all dock presidents agreed on the Dock Commission report, as suggested.

MOTION carried. Aye Mayor Wingfield, Harper, Carson. – Nay Jann.

Creation of dock association committee discussed. Mayor Wingfield offered that A committee could be formed by members on the boat wait list, the dock associations, and a lake property owner.

Jann raised concerns regarding appointments as they allude to bias of persons on the waiting list.

Mayor Wingfield noted that the question on the table is approval of such a committee. Jann believed that the Council has the where-withal to hear and respond to the issues instead of creating a body to address dock issues.

Harper confirmed the purpose of the committee to address and consider dock issues thus limiting the time and length at the Council.

Carson confirmed a dock committee may benefit the community similarly to the Planning, Budget and Parks Committees.

MOTION by Mayor Wingfield, seconded by Carson to set up a Birchwood Dock Committee comprised of 3 persons from the waiting list, 3 persons from the Dock Association with slips and one Lake Owner.

Harper suggested 2 lake owners.

MOTION withdrawn.

MOTION by Harper, seconded by the Mayor to revisit the formation of the Birchwood Dock Committee at the August meeting or such time when we have a better understanding of what the charge will be. Motion carried.

Jann represented that a neighbor has complained about a vehicle parked at 12 Oakridge Dr. The Clerk will send a letter requesting that the resident resolve the issue.

Jann left the meeting at 9:15 pm.

7. Review of Washington County Assessor's Office services for 2010

Mayor Wingfield provided information on existing valuations of properties in Birchwood and issues created by the assessor's practices. Wingfield stated the county used five home sales in Birchwood in each of the last two years to determine market trends. So few home sales results in skewed data that has resulted in higher valuations than neighboring communities. Wingfield cited her recent experience in tax court resulting in a 22% decrease in her mother's property. Wingfield would like to see the city appoint a private assessor who would be more responsive to the city.

Harper noted that all assessment information is available at the County when requested. Also, she would like the County opportunity to respond since the broader economy may play a part in the state values.

Harper understands currently, under a local assessor, the County defends the City in tax court; a council member will be responsible to be trained by the Department of Revenue. The City would need to conduct its own hearings.

MOTION by Mayor Wingfield, seconded by Carson to review RFP and place an ad in the League of Minnesota Cities for an Assessor/Appraiser. Aye Wingfield, Carson. - Harper Nay. Motion carried.

8. Budget Committee

- a. Status report – See minutes of June 17, and July 1, 2009

Mr. Larry Walker, Chair of the Budget Committee introduced himself and gave a budget update.

The Budget committee goal was to closely examine expenditures and attempt to get the budget under \$300,000. Current budget is \$370,000. However, the first draft budget is \$280,000. The Committee believes the each line item is achievable with some contracting adjustments. The public safety contract with White Bear Lake is \$90,000, but it hoped to be reduced to \$50,000 if another agency provides coverage. Several steps are required so this may be dependent of council progress.

Sample cost for public safety coverage:
Mahtomedi pays \$42. Per person for coverage
Dellwood pays \$155. Per person
Willernie pays \$68. Per person

Perhaps White Bear Lake could match the price thus causing a more competitive process.

Council suggested a working session on the budget with 2008 budget comparisons.

MOTION by Mayor Wingfield, seconded by Carson directing the Budget Committee to contact and work with Washington County Sheriff's Department and/or Ramsey County Sheriff's Department to receive a quote for services.
Motion carried.

Council suggested a budget meeting on September 1, 2009, 7:00 pm at City hall.

9. Finance Committee—status report
Harper updated the council on the status of the Finance Committee. They met and established short-term, long-term goals. This identified the needs and updates to the sewer fund, water fund and looked at public works and capital project funds.
10. Parks Commission—status report
Carson gave a status report for the Parks Commissioners and meeting time that was Council approved on June 30, 2009. The members are as follows:

Barb Carson
Deb Harrod
Gene Ruehle
Craig Aichle
Cynthia Thomlinson
Kathy Malles
Mike Connelly

The Commission elected to meet the 1st Monday of each month at 7:00 PM, the first meeting being August 3, 2009.

11. Catch basin project

Mayor questioned Engineer Elfering regarding the Engineer's position on the catch basins, maintenance, size and reconstruction cost and need for the project. The Engineer noted the inconsistencies are directly related to old business contracts, and information. A new agreement would address changing the terms, conditions and include updated information.

No action was taken to proceed with the 2009 catch basin project at this time.

Harper left the council chambers at 10:35 pm

Harper returned to the council chambers 10:45 pm.

12. Clerk

a. Briggs & Morgan Letter

Gaustad reported a letter was received noted a potential conflict of interest with Briggs & Morgan since they are Bond Counselors for city financing. Since Briggs & Morgan will be working with Excel Energy, it is a mandate to notify cities of that relationship.

MOTION by Mayor Wingfield, seconded by Harper to notify Briggs & Morgan that the city is aware and accepts its letter dated June 16, 2009. Motion carried.

b. Possible City water seeping into Grotto Street catch basin

Gaustad reported that the possible city water seeping into Grotto Street Catch basin test to be clear, not treated water.

Council suggested monitoring the issue.

c. Cable Upgrade Cost

Gaustad noted a cable upgrade and back-up was to prevent the system from failing, again. The cost for an upgrade is \$3500 and the cable company will attempt to install and have it ready for broadcast prior to the next council meeting. The SCC would reimburse the city for this expense from the city's allotted funds.

MOTION by Harper, seconded by Mayor Wingfield to approve the upgrade in the amount of \$3500. Motion carried.

13. Mayor

a. Request bids for catch basin clean up for fall, 2009

MOTION by Mayor Wingfield, seconded by Harper to solicit bids from companies for time and materials. Motion carried.

- b. Keri Pakonen – Request for down tree in Birch easement
Mayor reported that Pakonen had a tree fall and paid its cost prior to City approval, but requested the City consider paying the tree removal cost and turf restoration in the amount of \$773.

MOTION by Harper, seconded by Carson to pay \$250 of the bill if the City determines the tree is on the easement. Motion passed.

MOTION amended to remove the contingent factor and pay \$250. directly since it was determined the tree was on the easement. Motion carried.

- c. Web Updates
Mayor reported that two men volunteered to help maintain the web site.

MOTION by Mayor Wingfield, seconded by Harper to accept the assistance of Tom Stangl and Bill Hullsiek, at the direction of the City Clerk. Motion carried.

D. Letter received from a resident regarding fireworks noted and placed on file.

14. Council members

- a. Harper –
 - i. Comp Plan
Harper reported the Comprehensive Plan updates will be completed.
 - ii. Excess water bill at 183 Wildwood Avenue (P Carlson)
Harper discussed an excess water bill at 183 Wildwood Avenue. It was due to shallow buried lines that needed a consistent flow to prevent freezing. Harper does not support the city paying the cost when no evidence was submitted indicating the water line problem was in the city's property

MOTION by Harper, seconded by Carson not to pay the water bill.

Mayor questioned the City responsibility in this matter. Mr. Vivian indicated that it is the City's responsibility to the curb stop. It is the resident's responsibility from the curb stop to the house.

Motion carried

Harper will discuss with Mr. Carlson how to proceed next time so the cause can be determined.

iii. Seal Coating

Harper mentioned that there are three last portions to the seal coat project remaining and completion would extend the useful life of the road.

Mayor noted Maplewood can provide engineering services and public work help at a discounted compared to our current costs.

Mr. Vivian commented the city can enter into a long-term agreement and a joint powers agreement would be agreed upon or contract with Maplewood.

Council discussed contracting seal coating services with Maplewood. Time frame was for this fall or next spring.

b. Brunner –

c. Carson- Tennis Court crack sealing update

Carson reported the quote to crack seal the tennis court is between \$3,000. - \$6,000.

Harper noted the CIP suggested reconstructing the tennis court in the spring. Council voiced concern leaving the court in its condition.

MOTION by Mayor Wingfield, seconded by Carson to seal coat the tennis court and its amount not to exceed \$6,000. Motion carried.

d. Jann

15. Consent Agenda

a. May 12, 2009 Executive Meeting Minutes

~~b. Approval of June 30, 2009 Minutes~~

~~c. Approval of the July 7, 2009 Planning Commission Minutes~~

d. Approval of Bills

Additional disbursements - Steve Dean - \$453.00 and Excel Energy
\$1,163.01

Council removed item b & c.

MOTION by Mayor Wingfield, seconded by Carson to approve the consent agenda as noted. Motion carried.

16. New Business

17. Old Business:

18. Open Forum (5-10 minutes)

16. Adjournment

MOTION By Mayor Wingfield, seconded by Carson to adjourn at 11:45 pm. Motion carried.

Respectfully Submitted,

Ry-Chel Gaustad, CMC
City Clerk