

## **City of Birchwood Village June 9, 2009 City Council Meeting**

Mayor Wingfield called to order the June 9, 2009 Regular City Council meeting at 7:03 pm. Council members Harper, Carson and City Clerk Tomnitz present Jann and Brunner absent.

Citizens present: Engineer Kristie Elfering, John Lund, Kathy Weber, John Winters, Murial O'Neill, Craig Witthaus, Jim Simning, Ron and Kathy Malles, Sterling and Doris McKusick, Jeanne Laqua, Terry Bernhardt, Tony Sampair, Jim Greeley, John Griffith, Dick Galena

### **Pledge of Allegiance**

### **Approval of Agenda**

*Harper moved to make changes to the agenda, Carson seconded. Motion carried.*

### **Open Forum:**

Jim Greeley was disappointed regarding latest commissioner appointment by council as he was voted in as alternate commissioner in August and would fill the position since he has not been removed by council per statute 351.02. Gave city attorney Kelly document to review regarding subject. As director he plans to attend next Finance Committee. Stated that at last Commission meeting discussing Dock of Birchwood he was disappointed at city's representation by councilmember Carson. He felt she was not fairly representing city as she has conflict of interests. Would like comments from City attorney regarding matter.

Kathy Malles-420 Wildwood Ave. treasurer of Dellwood Beach Dock Association present on their behalf requesting permission to shift dock closer to water due to lower water levels. Would use same configurations and alignment currently in effect. Mayor Wingfield suggests contacting Conservation District to see if they already have authority. Malles will contact them and ask. Malles also requested council liaison to be present at dock movement. Harper stated that given notice, as liaison she would try to make it. Ron Malles-420 Wildwood Ave. stated that only wants to move dock to approved 144' making more spots on dock available for community use. Wants council approval prior to going to Conservation District to avoid spin around. He would like something from council stating support to take to Conservation District. Harper clarified situation. Mayor Wingfield believed it should have been on agenda ahead of time for council to be informed regarding situation. Could be put on agenda at special council meeting in June. Mayor Wingfield will look at information after meeting to review if action is needed.

Dick Galena-resident of Birchwood Village presented information regarding moving of Dellwood Dock from Conservation District meeting. States they do not have automatic right to move if water recedes, need permission and CD was very specific. Needs to be on agenda to give notice to neighbors.

**Planning Commission:** Approval of Conditional Use Permit - two variances at 259 Wildwood Avenue.

John Winters with Planning Commission presented request by Craig and Peggy Witthaus. Stated that the lakeside hill of their property is not in good repair and they are requesting modification to hillside with a one to two foot tall retaining wall to stop erosion. Planning

Commission recommends CUP and variances be granted. Trude Harmon requested proposed height of retaining wall be in writing as one to two feet tall. Craig Whittaus pointed out item in submitted resolution stating "1.5 feet tall retaining wall". Mayor Wingfield questioned Winters and verified that CUP states applicant should implement landscape plan as submitted. Harper suggested the following changes; adding timeframe for control blanket to be added as same day, add language that project is constructed in accordance with these materials, add wording that height of wall is no greater than 1 ½ feet, and suggested clarification regarding conforming to zoning codes statement. Changes noted.

*Harper moved to approve CUP with variances with changes to resolution. Carson seconded. Motion carried unanimously.*

### **Dock Association-special meeting/workshop request**

Mr. Lund-608 Wildwood Avenue-President Ash Dock Association invited council to workshop with Birchwood Dock Association on Saturday, July 11 at 9:00am. Will post in newspaper as it is open to public. Material will be given to council prior to meeting for review.

### **Garbage collection comment forum**

Mr. Galena asked what other cities have similar one side street collection. Mayor Wingfield replied that she knows of three and she will provide names to Galena. Stated purpose is to keep heavy trucks off of rebuilt roads to extend road life and most residents approve of change. Waste Management stated they will pick up waste regardless of which side of the street it is placed and that it is not mandatory. Galena received e-mail complaint due to missed trash pick up. Galena asked question regarding sharing of trash bins between neighbors to save customer costs and asked if it is required for each resident to have trash service. Mayor Wingfield would like Mr. Galena to look into city code and put in a request for review of Waste Managements contract.

### **Budget Committee-Approval of Larry Walker as member**

*Mayor Wingfield moved to have Larry Walker appointed to budget committee to work on 2010 budget. Carson seconded. Motion carried*

### **Budget Committee-Status report**

Mayor Wingfield-Met on June 5<sup>th</sup> and intend to meet every other Wednesday. Stated goals and expectation to become more efficient. Preliminary Financial Framework Strategy provided to council regarding goals. Harper would like to have budget looked at in a more expanded manner: look at all expenditures and revenue, look at multi-year Capital Improvement Budget, would like a three year trend analysis on budget. She will pass on more specific comments to committee. Mayor Wingfield started plans to pull 2004-2008 expenditures for meetings and last two years of bills for review.

### **Finance Committee-Status report**

Council Harper-Will meet first time on June 10<sup>th</sup> at 7:00 with Council members Brunner and Harper and citizens Clint Dixon and Bob Manke. Will look at broader aspects of finances such as debt services, fund balances, capital expenditures, and individual funds to understand and get a broader financial picture. Will look for suggested principals or guidelines to follow. Will take a close look at report that Clint and Larry Walker presented to council and the area of overlap with utility bill to be addressed.

### **RCWD Grant-Initiate construction process**

Council Harper-were successful in getting grant and waiting for paperwork to get project underway. Next step is to proceed with implementation of project before fall rainy season. Need to move to get bids and need resolution to initiate process. Kristy Elfering- spoke regarding memo from Watershed District. They want to see final plans and paperwork before final grant execution. Council needs to authorize plans and specifications to be completed to provide to Watershed District. Mayor Wingfield spoke regarding contractors Shifsky and Kevitt.

*Mayor Wingfield moved that a copy of map that lists catch basin to be prepared as well as requests for a bid be sent to the two lowest bidders of previous contract. Mayor Wingfield amended motion to be a resolution. Carson Seconded. Approved unanimously.*

### **Parks Commission-Status report**

Council Carson- listed recommendations for Parks Committee members; Tammy Heart, Craig Rasmussen, Dawn Beccera, Deb Harrod, Gene Ruehle, Cynthia Thomlinson, Scott Saunders, and Cathy Malles. First meeting to be held at the end of June. Mr. Kauffman had also volunteered for position and questioned why he was not chosen and that he had heard of no interviews of candidates. Discussion regarding 9 applicants approved out of 21 applications. Committee members still need to be approved by council. Mr. Kauffman suggests deeper and more through investigation of applicants. Mr. Greeley questioned names regarding association member status. Mayor Wingfield assured Greeley that Park commission will not deal with any issue with regards to docks that it is for parks only. Mr. Greeley requested addresses of committee nominations but that is confidential. Mr. Galena addressed system of choosing committee members by other cities. Harper would like to see names and statements of interest. Harper expressed hope that the committee would be productive and work together. At next special meeting each council could remove and choose from the committee selections. Council will be provided with copy of applications of applicants.

### **Clerk**

Received 3 applications for cleaning of City hall and will get names to council for review. Discussed liability issue regarding employee rather than independent contractor status.

Mayor Wingfield discussed document from Waste Management from May 12, 2008 stating trash service for all parks and beaches as included. Clerk will recover over payment of \$309.68 from Waste Management.

Mayor Wingfield discussed water bill of Mr. Carlson at 183 Wildwood. He has problem with pipe freezing and is asking for compensation for \$313.30 for water used to keep pipes from freezing. Council has to decide what extend they are participating in the responsibility of the freezing pipes. Harper will work with clerk to find old minutes regarding similar situation. Carlson should pay minimal portion until it is investigated.

### **Mayor**

There are approximately 10 applications for city clerk. Discussed interview techniques. Will interview final applicants at special council meeting June 30<sup>th</sup> at 7:00pm. Public notice will be made.

### **Council Members**

**Harper-** 123 Cedar Avenue outdoor storage complaint. Resident has made considerable effort and complied. John McCormick thanks council and the resident for actions regarding his complaint. No additional action is needed.

Harper- Comp Plan. City Engineer Kristie Elfering would look at two versions to determine final version. Cedar St. /Birchwood Ave. patch repair. Council hasn't received update on patch repair yet. Mayor asked council for permission to contact companies to request bids for clerk to choose from.

*Mayor Wingfield moved to give clerk authority to approve bid up to \$3,000 to repair patches on Birchwood Avenue after soliciting bids. Harper seconded, Motion carried unanimously.*

#### **Consent Agenda-**

Discussed bills to pay

*Mayor Wingfield moved to pay bills and have clerk verify contract allowing payment of raking of leaves. If not, remove that portion from compensation. Carson seconded. Motion carried unanimously.*

Discussed tree inspector contract. Harper stated that Mr. Dean is doing a great job at a good price.

*Harper moved to authorize renewal of contract, Mayor Wingfield seconded. Motion carried unanimously.*

#### **New Business-**

Carson requested bids for sealing tennis court and adding backstops. Discussed controversy of back stop in past and need for public notice and comments prior to action. Sealing court is a good idea.

#### **Old Business-**

Letter was read from White Bear Lake Conservation District regarding reimbursement of itch treatment for lakes.

Harper gave update of WBLCD meeting requiring residents to move docks to give Dellwood Dock more room. Mr. Simning-Birchwood resident, gave update on dock issue regarding Lawsuit against City, Conservation District and Dellwood Dock Association. Mr. Greeley commended council for having City Attorney at all regular meetings.

*Carson moved to adjourn meeting. Mayor Wingfield seconded. Motion carried unanimously. Meeting Adjourned.*

Respectfully submitted,

Ry-Chel Gaustad, CMC (on behalf of Temporary city clerk Mary Tomnitz)  
City Clerk