**CITY OF BIRCHWOOD VILLAGE**

**REGULAR CITY COUNCIL MEETING**

**March 8, 2011**

**MINUTES**

**MEMBERS PRESENT: Mayor Alan Mitchell; Council Members Barb Carson, Jane Harper, Mark Peterson, and Tony Sampair (@ 7:05pm)**

**STAFF PRESENT: City Engineer Kristie Elfering and City Clerk Dale Powers**

**OTHERS PRESENT: Mike Evangelist, Jim Greeley, John Lund, Gerald Moore, and Mary Sue Simmons**

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

**AGENDA APPROVAL: *Peterson/Harper 4-0 (Sampair absent) to approve the agenda for the February 22, 2011 Regular Meeting.***

**CONSENT AGENDA: *Harper/Peterson 4-0 (Sampair absent) to approve the following consent agenda items:***

***\*Minutes of the February 8, 2011 Regular Meeting***

***\*Minutes of the February 22, 2011 Workshop & Regular Meeting***

***\*Resolution 2011-07: Authorizing the reimbursement of a previously abated amount of an unpaid utility bill, certified to Washington County erroneously as delinquent and paid to the City by Washington County, with City funds.***

**RESOLUTION 2011- 07**

**CITY OF BIRCHWOOD VILLAGE**

**WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF A PREVIOUSLY ABATED AMOUNT OF AN UNPAID UTILITY BILL, CERTIFIED TO WASHINGTON COUNTY ERRONEOUSLY AS DELINQUENT AND PAID TO THE CITY BY WASHINGTON COUNTY, WITH CITY FUNDS**

WHEREAS, the City Council has recognized that certain delinquent utility bills were certified twice to Washington County as delinquent; and

WHEREAS, when these situations are identified to the City, the City Council by resolution abates the erroneous amount of the delinquent utility bill and forwards said resolution to Washington County; and

WHEREAS, the City Council adopted Resolution 2011-02 authorizing certain abatements and forwarded said resolution to Washington County; and

WHEREAS, Washington County indicated to the City that the request for abatement for one of the properties indicated in Resolution 2011-02 has been denied due to the fact that the County has already paid the City the amount of the requested abatement; and

WHEREAS, it is now the City’s responsibility to reimburse the impacted property owner.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Birchwood Village that the following dollar amount, representing the erroneous amount of the certified delinquent utility bills and previously authorized for abatement by Resolution 2011-02, be hereby reimbursed to the following property owner, identified herein by PID number, by City bank draft:

**PID 30.030.21.42.0057 (297 Jay Street): $1,008.49**

I certify that the City of Birchwood Village adopted the above Resolution on this 8th day of March, 2011.

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Alan Mitchell, Mayor

ATTEST:

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Dale Powers

City Clerk

**COMMUNITY EVENTS AND ANNOUNCEMENTS: Mitchell** noted that next Sunday is when Daylight Savings Time starts, and reminded residents to turn their clocks ahead one hour; and also that Arbor Day is April 29 and watch for announcements about events in the City in conjunction with Arbor Day.

**Sampair** arrived at the meeting.

In addition, **Mitchell** mentioned that the Birchwood Dock Association will be meeting on Saturday, April 2nd at 9:30 at City Hall; advised City residents that the reason the water and sewer bills seem to be low is that the sewer rate is for only 2 months, not 3 and that the water charge calculation has been changed to a flat charge plus consumption**.**

**Peterson** shared with the Council his favorable impression with the Newly Elected Official workshop held by the League of Minnesota Cities, and thought it was very helpful.

**OPEN PUBLIC FORUM:** No comments were made by the public.

**APPROVAL OF DISBURSEMENTS:** The Council reviewed the list of disbursements as prepared by the City Treasurer.

***Harper/Peterson unanimous to approve the disbursements as presented on the disbursement register dated March 8, 2011 which includes checks and electronic payments.***

**REQUEST BY THE PARKS COMMITTEE FOR REIMBURSEMENT OF $75.29 TO THE MOUNDS VIEW SCHOOL DISTRICT FOR PROVIDING REFRESHMENTS FOR HOCKEY DAY MINNESOTA: Lund** discussed with the Council the nature of this expense, and stated that usually this is reimbursed by the Community Club, but that is not the case this year.

***Carson/Sampair unanimous to reimburse Deb Harrod in the amount of $75.29 as indicated on the attached invoice.***

**REQUEST FOR THE DISBURSEMENT OF $1,803.00 OF PREVIOUSLY BUDGETED FUNDS FOR THE PURCHASE OF 2 DESKTOP COMPUTERS AND NETWORKING HARDWARE:**  **Powers** shared with the Council the nature of this request by stating that the computer of the City Treasurer is over 10 years old, and the computer of the City Clerk is a laptop with a desktop monitor. Further, the computers are not networked. The City received cost estimates from Compar and Best Buy.

***Peterson/Harper unanimous to approve the expenditure of $1,803.00 for the purchase of two computers and associated hardware from Compar, and to direct the Clerk to investigate installation and software costs and report back to the Council.***

**RULES OF PROCEDURE – PUBLIC COMMENT: Simmons** mentioned that she like the draft Rules of Procedure, but noted a lack of a “reporting back” mechanism for, say, the White Bear Lake Conservation District.

There were no other comments from the public.

**RULES OF PROCEDURE – COUNCIL DISCUSSION AND ACTION:** Discussion was held amongst Council members on the draft.

***Mitchell/Carson unanimous to approve the draft Rules of Procedure with the following edits: striking the last sentence of Section 5.04 (d); and the change the reference to “this chapter” in Section 5.05 to “these procedures”.***

**BOAT SLIP LOTTERY**: **Powers** conducted a lottery to determine the ranking of 22 applicants for the Boat Slip List, and noted that there are currently 13 names on the list. Consequently, the 22 applicants will be ranked from 14-35 on the list, and **Powers** noted that the Birchwood Dock Association applied for 19 boat slips and 1 shore slip for the 2011 boating season.

**DOCKET 2011-03-01: Draft Resolution 2011-06/Ordinance 2011-01 Amending Chapter 617 of the Birchwood City Code by deleting all references to boat width:** The Council reviewed the draft resolution and ordinance, prepared by Mayor Mitchell, on removing the reference to boat width in the Public Lake Tract Ordinance.

***Sampair/Peterson unanimous to approve the language of the draft resolution and ordinance as to form only, and to schedule a public hearing on this matter for the April 12, 2011 Regular Meeting.***

**DOCKET 2011-03-02: USGS LAKE LEVEL STUDY – FUNDING:** The Council discussed participating in the funding of the USGS lake level study of White Bear Lake, and reviewed the submitted exhibit which goes over the nature of the study.

***Mitchell/Sampair unanimous to pay a proportionate share towards the funding of the USGS lake level study, but not to exceed $4,000.00 in 2012.***

**DNR OUTDOOR RECREATION GRANT PROGRAM – REQUEST AUTHORITY TO APPLY FOR THE GRANT: Lund** addressed the Council on this program, which he said would be a good vehicle to obtain funding for the proposed warming house improvements. Discussion revealed that the Council generally is supportive of this request, but given the short time line for applications for this year’s round of funding, as well as wanting to present a more comprehensive proposal to DNR, **Lund** and the Council agreed to wait until 2012 to apply for this grant.

**REVIEW OF STREET SWEEPING BIDS:** The Council reviewed the one bid for street sweeping services for the City, submitted by KEJ Enterprises. **Harper** questioned why the contract calls for no more than two additional sweeps, and why invoices are to be paid within 20 days when state statute allows for 35 days.

***Mitchell/Sampair unanimous to approve the bid submitted by KEJ Enterprises for street sweeping services, as amended to incorporate Council Member Harper’s recommendations, at $1,850.00 per sweep – one in spring and one in fall , $75.00 per hour for other sweeps, and reimbursement if gas goes over $4.00 per gallon, and to direct the City Clerk to send out the contract for Ken Johnson’s signature.***

**PETTY CASH FUND:** The Council reviewed the draft Petty Cash Fund prepared by Mayor Mitchell. Discussion was centered on restricting who can perform unannounced audits of the Petty Cash Fund to the Mayor or Deputy Mayor.

***Carson/Peterson unanimous to approve the draft Petty Cash Fund as amended to change “Any City Council member” to “The Mayor” on the 2nd line of “OVERSIGHT” and “The Council” to “The Mayor” on the 3rd line of “OVERSIGHT”.***

**CITY CLERK’S REPORT: Powers’** report centered on his unavailability due to attendance at the MCFOA and APA conferences.

**Harper** asked Powers to give a report to the Council on the progress of the 2010 audit. Powers shared with the Council his impression on the matter.

***Harper/Sampair unanimous to amend the agenda to add an additional item relating to additional hours for the City Treasurer to respond to document requests by HLB Tautges Redpath to complete the 2010 audit.***

***Harper/Carson unanimous to authorize up to an additional 20 hours of work for the City Treasurer to assist in the document preparation for the 2010 audit as requested by HLB Tautges Redpath.***

**CITY ENGINEER’S REPORT: Elfering** mentioned that the bid opening for the catch basin project will be March 17, and that the issue that generated the letter from the resident at 161 Wildwood Avenue should be alleviated by this project.

**NEXT MEETING – MARCH 22 – WORKSHOP TOPICS: Mitchell** shared with the public and Council that the 2 workshop topics for March 22 are police & fire, and review of the 2011 Parks Committee work plan and proposed expenditures.

**ADJOURN: *Harper/Carson unanimous to adjourn @ 9:20 pm.***

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Mayor Alan Mitchell

ATTEST:

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Dale Powers

City Clerk