

City of Birchwood Village
207 Birchwood Avenue
White Bear Lake, MN 55110

March 9, 2010
Regular Council Meeting

Members Present: Mary Wingfield, Barb Carson, Jane Harper, Jay Brunner, Nino Nardecchia (newly appointed)

Others Present: City Engineer Kristi Elfering, City Attorney Kevin Sandstrom, Interim City Clerk Cindie J Reiter, Mike McKenzie, Tony Sampair, Mary Sue Simmons, Richard Galena, Gene Ruehle, Jim Greeley, John Lund, Karen Holmen, Officer Rob Flick, Mark Peterson.

Call to Order: by Mayor Wingfield at 7:00 p.m.

Pledge of Allegiance was said.

Approve Agenda

Councilmember Harper wants to add a discussion about final wages for Mary Tomnitz under Disbursements, 8A. Mayor Wingfield also wants to move Open Public Forum to be first order of business after approval of the agenda. Councilmember Harper wants to move approval of minutes for February council meetings to next month's council meeting due to their late arrival in packet.

Motion #1 (M/Carson, S/Harper) to approve an amended agenda with changes as above. 4 ayes (Nardeccia not yet appointed), PASSED.

Open Public Forum – no one wished to address the council.

Council Member Appointment

Applicants

Nino Nardecchia (710 Hall Ave.) and Mike McKenzie (509 Lake Ave.) both gave brief statements orally to the council. Their statements reflected their actual written letters of interest that were included in the council packet.

Councilmember Harper asked two questions of each candidate: Do you plan to run for the position in the upcoming November election? What do you bring to the table that will help the city accomplish its business?

McKenzie: Stated he has not decided whether he will run for the council position in November or not. He could help negotiate contracts, he is not afraid of hard work and would work to understand what work is required of a council member.

Nardecchia: Stated he has no interest in running for the position in November. He stated that he has deep experience with organizational structure and business processes, procedural analysis, and knowledge of computers and data bases. Believes his experience and knowledge will assist the Clerk/Treasurer to help give the council a stable platform for operations.

Mayor stated that there are two excellent candidates for the open position and thanked them for applying. Her preference is for someone who could be prepared to start active council work immediately; Mr. Nardecchia has experience with the city's office procedures and knows the equipment in the office. Given his background and experience, she will vote for him. Some councilmembers were concerned about geographic representation on the council.

Motion #2 (M/Wingfield, S/Carson) to appoint Nino Nardecchia to fill the council seat left vacant by David Jann resignation. Roll call vote: Harper – nay; Carson – yea; Brunner – nay, Wingfield-aye. Motion fails due to a tie vote.

Harper asked if another motion could be entertained for the other candidate. City Attorney Sandstrom stated that in the event of a tie vote, the mayor can then make the decision. Councilmember Brunner asked for the citation of authority and it was offered by Mayor Wingfield. On advice from Attorney Sandstrom, Mayor Wingfield appointed Nino Nardecchia to the council position. The oath of office was then administered by Clerk Reiter and Mr. Nardecchia assumed his seat at the dais.

Consent Agenda – no items on this agenda.

City Reports

Cable Operations – Greg Donovan's report was moved to April 9 council meeting.

New Business

Disbursements – Council reviewed a list of checks printed since last council meeting. Harper reported that former city clerk, Mary Tomnitz, submitted an invoice for her work since December and was asking for \$18 per hour. In October 2009, the city council approved \$15 per hour for all future hours, assuming that she would be working as an assistant to a city clerk. Her invoice is for the hours that were substantially completed in December and January when acting as the city's main staff person. Therefore, Harper feels that it is appropriate to approve

the pay at \$18 per hour. Mary Tomnitz has turned in her office key and will no longer be working for the city.

Motion #3 (M/Harper, S/Nardecchia) to pay temporary assistant clerk Mary Tomnitz \$18 per hour. All aye, PASSED.

Regarding the checks for disbursement, Nardecchia pointed out that the “memo” field is currently vacant. Clerk Reiter stated that a better description field of what each check is for will be done next month.

Motion #4 (M/Brunner, S/ Wingfield) to authorize payment of the city’s bills. All aye, PASSED.

Harper inquired about a check to Councilmember Carson for \$300. Carson stated the city paid \$500 and she paid \$300 for an \$800 vendor bill. Harper stated that council members should not be paying vendors from their private accounts and Brunner concurred. Wingfield clarified that Carson paid the bill due to a bad combination of circumstances that resulted in a long delay in the vendor being paid.

Harper stated that the report format for checks written should eventually shift to a better format and tracking system. Brunner queried a check for \$619 to Washington County and Mayor Wingfield said it was for sand/salt.

Tennis Court Update

Mayor Wingfield pointed out that there money set aside by the council for resurfacing the tennis courts. John Lund, member of the Parks Committee, made a presentation involving two bids for installation of a synthetic surface on the current tennis courts.

Lund – two bids were received: Flex Court - \$34,489, 15-year warranty
Versa Court - \$37,000

Both prices include fill/seal current cracks and weak spots on courts. The samples of synthetic interlocking tiles were shown and he stated that these float on the foundation and won’t pop up.

He has seen these in operation in Eagan and had heard that a resident’s parents had played on this kind of surface in Florida and liked it. Brunner asked is they might be

slippery. Lund did not think so. A council member asked if the surface would hold up in Minnesota winters.

Mayor inquired about maintenance and Lund said the surface would need blowing/vacuuming to remove debris. Surface was expected to hold up during winter months. Brunner suggested the committee take a field trip to view the surface in Eagan. Lund said a black top resurfacing would cost \$39,000 including a 2 inch overlay with possible resurfacing needed in 3-5 years.

Lund reported that the Parks Committee is awaiting word on a \$12,000 grant (Tennis in the Parks) toward the cost of resurfacing and the grant required that tennis instruction be included for residents and non-residents. Harper said council was unaware of any grant application and wondered what the city would be obligated to provide. She queried about whether or not tennis instructors should be hired by the Parks Committee and possibly be considered city staff. Stated that the council needs to be involved in any grant agreement. Further comments by Harper and Nardecchia about whether the courts would have to meet ADA requirements and what would happen with the grant should the city default in some manner. Harper stated that a youth tennis program through the City of White Bear Lake might take away court time from residents.

Mayor Winfield suggested that someone should hold a conversation with White Bear Community Education people about partnering on such a project with the city.

Action – John Lund is to come to the April or May council meeting with more information.

Additional discussion regarding the warming house – Lund suggested the city wait to replace the warming house until the tennis courts were taken care of. Costs for the current warming house were discussed including electric bills, rental and set up of the temporary structure.

Action –John Lund to come to a future council meeting with actual costs for a warming house and a cost comparison to renting the portable unit.

Special Assessment Letter (Attorney Sandstrom) – special assessments related to the city's sewer lining project

Attorney Sandstrom handed out a draft copy of this letter to each councilmember. He pointed out that the city has two options: defer assessments until 2011 and have Washington County collect for two years or the city can collect the 2010 assessments on its own. Discussion as to best date for collecting the assessment followed.

Harper stated that the assessment records of the city are not current and a great deal of staff time would be needed to get ready to prepared individual balances for residents, send a letter and collect the checks. Various points were raised about whether or not residents knew an assessment was coming, did individuals have the funds in their mortgage escrow accounts, had some already paid, etc. Harper suggested that the letter not include the balance owed; that it just include a statement directing people to call city hall if they want to pay off their entire balance. This would reduce the amount of work that the clerk needs to do prior to sending the bill.

Motion #5 (M/Wingfield, S/Brunner) to have the assessment letter mailed to households by June 1, payments due by July 5. Attorney is to re-draft the assessment letter to include these dates.

All aye, PASSED.

Nardecchia will work with Clerk Reiter to coordinate the data (recipient information) for sending the letters using the mail merge function.

Harper noted that interest is already included in the assessment payment due. All property taxes are due October 15 but full payment of special assessments can be paid in full up to November 15, 2010 per statute.

RFP of bids for Park/Grounds Maintenance (Carson) - Tabled

Carson stated she is working on the RFP and will have more information for the April council meeting. Mayor pointed out that Brian Lauzon may be contacting Carson.

Water main breaks - comment by Mayor Wingfield

Regarding water main breaks – if someone calls in a suspected break, Engineer Elfering is to come and inspect the site, locate the break and contact Water Superintendent Capra to repair. Elfering offered to do this with no charge but Wingfield said she should be paid at her regular hourly rate. The engineer said it should take less than an hour for this work and would be at her hourly rate.

Motion #6 (M/Wingfield, S/Nardecchia) to pay the city engineering at her hourly rate for inspecting possible water main breaks. All aye, PASSED.

Unfinished Business

City Staffing & Employment

Handyman contract – revised information given to council members. There is one applicant who would do cleaning of the hall and various city jobs for \$12.50 hour. He would be an employee as he would not be able to secure bonding on his own. Harper questioned whether or not this should be a contract job or a city employee. She also asked that a job description be prepared so the council knows what this person's duties are. This topic will be discussed at the council workshop later this month.

Harper raised the concern about the status of the current city hall cleaning person. Where is the job description, who is her supervisor, is she an employee, has she signed any employment papers or a contract? Since the hall has not been cleaned and no contact has been made with current cleaner since December, there was discussion about whether she should be terminated, warned or contacted for further information

Motion #7 (M/Nardecchia, S/Carson) to terminate the current cleaning person for failure to perform her duties. (Motion withdrawn after further discussion by council.)

Motion #8 (M/Harper, S/Nardecchia) to have the city attorney work with the city clerk to contact the cleaning person and take action and then report back to the council at the April council meeting. (see amendment below)

Council members agreed that some investigation needs to occur before any further personnel action is taken. Need to retrieve the key to the hall from this person and investigate what the situation actually is regarding the performance of her duties.

Original motion was withdrawn and replaced with the following:

(M/Harper, S/Nardecchia) to direct the clerk and the city attorney to write a letter to the cleaning person, investigate the situation and propose action to be considered at the April council meeting. All aye, PASSED.

Office Staffing Proposal (Harper, document in council packet)

Harper questioned why a job announcement for a new treasurer was underway when the council had not directed that this job announcement be posted. She recalled that at the February council meeting, the council had deferred action on the treasurer position until it could be discussed at the staffing workshop to be held later in the month.

Mayor stated that she was following through with just the initial steps in the process to be prepared for taking action after the workshop. Harper stated she wants involvement in the hiring process since she is director of Personnel.

Councilmember Brunner volunteered to read resumes and participate in interviews for the clerk position.

Harper reviewed her amended staffing plan so that council would have a couple weeks to think about the proposal before the workshop. Short term goal is to have 2 city employees in the office by April 1 so that the city has the requisite separation of financial duties to avoid needing a 2010 audit. Staff assistance is also needed to help the current interim clerk until a new clerk is hired. The long term goal is to maintain continuity in office staffing and functioning so that a stable office environment is in place by the end of 2010.

She proposed that a clerk could be hired by the May council meeting. The current temporary clerk's hours could be extended to May 31. The attorney was directed to draft a letter extending Reiter's contract to be reviewed at the March workshop. Harper also proposed hiring a temporary office assistant for 12-16 hours per week to help with financial and clerical duties.

The council discussed the migration of financial data from QuickBooks to CTAS, finalizing the chart of accounts, paying the bills for 2010.

No action taken but topic is to be on the agenda for the March council workshop.

Resident Jim Greeley questioned the need for 2 employees.

Extensive discussion by Wingfield and Harper about the needs for separation of treasurer and clerk responsibilities. Mayor Wingfield has a person who could be hired

now to be the treasurer so council could examine her resume and interview her at the workshop. She stated there is \$7000 set aside for this position. The person could do the bookkeeping, financial reports, payroll and billing. She has spoken with the League of Cities regarding need for two separate positions.

Harper had talked with the State Auditor's Office and they said what is needed is a separation of the duties and this does not necessarily mean two separate positions or two people with different titles.

Wingfield stressed the need for urgency to get someone on board now to free up the clerk's time to finish the 2009 audit. Further brief discussion about whether current clerk Reiter could also serve as treasurer or just retain some financial duties.

Motion #9 (M/Harper, S/Brunner) to have a council workshop to discuss city staffing and to table the discussion regarding hiring a treasurer until such workshop. All aye, PASSED.

Motion #10 (M/Wingfield, S/Nardecchia) to hold a council workshop on March 22, 2010 at 7 p.m. followed by a Special Council meeting to act on immediate staffing decisions. All, aye, PASSED.

The workshop will involve developing a staffing plan, resolving the clerk/treasurer issue, creating job descriptions and plan the next set of hiring activities. Clerk Reiter is to post a notice of this meeting on the hall front door and website. Notice should go out to those on the list for requested notification of special meetings. Clerk Reiter noted that the current posting for a part time city clerk is posted on the League of Minnesota Cities web site inaccurately. The hours are 24-30 per week, not full time as posted.

Contract for Council Minutes

Mayor noted that one resident applied to take minutes as a result of the notice in the spring newsletter. She also contacted Time Savers to get their price on doing minutes. It would be about \$300 with a 5-day turnaround. Resident applied to do the work for \$200 per council meeting. Discussion followed as to clerk Reiter's role in the minutes and it was decided that the council's approval of minutes took care of attesting to their accuracy. Harper stressed the need to make progress on approvals of

accumulating minutes. Councilmember Brunner expressed concern over the increased staffing costs and he sees a need for the council to start saving money for the city rather than adding additional staff and costs.

Motion #11 (M/Wingfield, S/Nardecchia) to appoint Mary Sue Simmons as the temporary taker of minutes. Minutes in draft form are due to council members for review and comment 7 days prior to the council meeting. If corrections are sent to her, these are to be incorporated and returned to the council 4 days prior to the meeting. Harper, Carson, Wingfield, Nardecchia aye; Brunner, nay. Motion PASSED.

It was noted that this action should free the clerk as the minutes will be handled between Simmons and council without pre-review by Clerk Reiter.

Approve minutes of Regular City Council meeting June 9, 2009.

Mayor Wingfield will work with Reiter to make sure the correct sets of June minutes are finalized.

Approve minutes of Special City Council meeting October 20, 2009

Council members noted changes to the draft to clerk Reiter. She will make the changes and bring the minutes back to the April council meeting. It was noted that the July 11, 2009 workshop minutes should also come back before the council.

Approve minutes of January 12, 2010 Regular Council Meeting

Notes from the January 12, 2010 council meeting state that the above minutes have already been approved but with the following changes:

Mayor Wingfield asked that under Salt/Sand Availability (item 4B) that the phrase "being the nature of the beast" be removed as it was not relevant. Also, that the term "accessed" be changed to "requested" in the following sentence. She also asked that under Other Appointment, that the resignation of Mr. Hoffman be stated as "...end of February" versus "the appointment term." Next, she noted that under the Open Forum, Bob Nicholson's comment of "...who was forced out in wrath and duration" be removed as it was not in quotes nor should it have been included in the minutes.

Motion #12 (M/Wingfield, S/Carson) to approve the January 12, 2010 minutes with corrections as noted to the clerk. Wingfield, Carson, Nardecchia aye; Harper, Brunner abstained. Motion PASSED.

Other Business

Minimum Water Fee Practice/Policy – Section 200 of City Code

Councilmember Harper noted that the Finance Committee examined the water fund last fall and would like to look at the water fee. A minimum or infrastructure fee could be charged in order to build up a water fund for repairs and emergencies. Minimum fee currently is \$13.25. Section 200 of the code needs updating to reflect current water pricing practice. It was noted that Little Canada, which prepares Birchwood water bills, needs clarification for billing people who have their water turned off for periods of time the resident is absent from home. Do they still pay a minimum fee? This is addressed in the city code. Clerk Reiter will provide Little Canada with a copy of the code. Harper and the Finance Committee will examine the overall fee structure.

Council/Staff Reports

Councilmember Harper – none at this time

Councilmember Carson – none at this time

Councilmember Nardecchia – none at this time

Councilmember Brunner – none at this time. Described ice rut problem on Oakridge Drive.

Mayor Wingfield

City attorney is to attend council meetings at least through April 2010.

Attorney Sandstrom

He noted that he is not yet prepared to distribute revised dock ordinances to the council. The council would like to see draft of the revisions in advance of an April public hearing (preferably in the next 10 days) to review the changes. Harper suggested that with that timeframe, the council could take action on the ordinances in May. The drafts for the new ordinances will have to be reviewed to see how well it integrates with the beach use regulations.

Clerk/Treasurer Reiter

Filing date for elections is August 3 to August 17. Election judges are needed as Washington County is requesting this information and training is to occur in mid June.

Reiter will call past judges to see how much they were paid. PERA forms are now current for 2009 and the City may get a small refund from PERA. There are computer issues in the office. Minnesota year-end quarterly tax reports are now current. Locks have been changed but safe needs a new combination. There would be a \$100 fee for a locksmith to do this.

Motion #13 (M/Harper, S/Nardecchia) to direct Clerk Reiter (at her discretion) to spend the money necessary to change the combination on the safe. All aye, motion PASSED.

Further discussion about where to store computer passwords and the safe combination. Council decided to give these to the city attorney for safekeeping. Further updates: minutes are now being posted on the city website and notice for all committee meetings should also be posted; new cable equipment has arrived; information about a risk control workshop on April 29 was shared; possible back up for office computers might be Carbonite, an on-line back up service; one resident wants a loaner water meter for his 3 properties to see how his water cycles go. Harper referred the clerk to Code 201 which covers how meters are provided, installed and tested.

Audit status – Clerk reports that her time is being used by emails, voicemail and office greeting so that she cannot attend to the audit. Nardecchia suggested that a temporary agency be contacted if the need is immediate.

Motion #14 (M/Nardecchia, S/Brunner) to have clerk Reiter be authorized to manage the office by securing help at a cost not to exceed \$2000 until council takes action on a staffing plan.

Harper, Carson, Wingfield nay; Nardecchia, Brunner aye – motion FAILED.

Mayor Wingfield said office staffing would be tackled in the March workshop and Harper suggested that clerk Reiter refer to her list of office volunteers for help with office coverage and task. Nardecchia offered his assistance as well.

Adjournment

Motion #15 (M/Wingfield, S/Nardecchia) to adjourn. All aye, motion PASSED.

Mayor Wingfield adjourned the meeting at 10:35 p.m.

Respectfully submitted by, Mary Sue Simmons

Approved