

**CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
BIRCHWOOD, MINNESOTA**

**MINUTES OF THE CITY COUNCIL MEETING
MAY 10, 2022, 7:00 P.M.**

MEMBERS:

Mary Wingfield	Mayor
Jon Fleck	Councilmember
Mark Foster	Councilmember
Justin McCarthy	Councilmember
Kevin Woolstencroft	Councilmember

STAFF:

Andy Gonyou	City Administrator
Becky Kellen	Incoming City Administrator
H. Alan Kantrud	City Attorney

GUESTS:

Stan Karowski	Washington County Commissioner
Kevin Peterson	Project Manager, Public Works Department

Minutes prepared by Anh Nguyen of Minutes Solutions Inc. from a video recording.

1. CALL TO ORDER

Mayor Wingfield called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the agenda, as amended. All in favor; motion carried.

Mayor Wingfield requested the addition of the following items to the agenda:

- Road Closure
- Birchwood Beach Dock
- Park Benches at Tennis Court
- Thursday Office Hours
- Signs Entering Birchwood
- Streetlight Update

Councilmember McCarthy requested the addition of the following item to the agenda:

- Discuss the Treasurer's Report

4. **OPEN PUBLIC FORUM**

Mary Sue Simmons, 418 Birchwood Court, reported that the tree removal service provider noticed more than one tree infected with beetles. Four infected trees will be removed including trees that may not belong to the resident. Mayor Wingfield advised that a survey of the trees can be arranged through the city.

Randy Elroy, 200 Wildwood Avenue, reported new hires for the Cable Commission including a tech specialist, consultant, and designer for the facility. The Cable Commission will be upgrading the truck and equipment.

Dana Klimp, appealed to the Council to reconsider the urgency of moving the Birchwood Beach dock 15 to 20 feet and suggested devising a plan over summer 2022 for implementation in fall 2022.

Lynn Hanson, 700 Hall Avenue, supported Dana Klimp's sentiments.

Trilby White, 3 Oakridge Drive, expressed concern regarding the road issues with Highway 244. The resident reported that the road serves as sidewalk for residents, and the road detours are posing safety concerns. The resident also noted that access to the water at Birchwood Beach is underused, and requests to convert the beach to a more accessible swimming beach have been made for several years.

Barton Winter, 1 Five Oaks Lane, expressed concern regarding the maintenance of the corner boards of the ice rink. The resident recommended white paint in the center of the rink to deflect sunlight and to provide a resident with access to flood and level the figure skating rink to ensure the longevity of rink.

James Nelson, 256 Wildwood Avenue, reported that he has not received a response or an apology from Council. The resident expressed concern regarding the regulation of his sign and requested that the city cover the cost to have the charges removed from his record citing concerns with cross border patrol when entering Canada.

5. **ANNOUNCEMENTS**

A. **Social Media:** Follow Birchwood Village on Facebook @BirchwoodCityHall or on Twitter @CityofBirchwood.

B. **Road Closure at Old Highway 244:** Mayor Wingfield reported that the road closure is causing hardship to the city. The City Commissioner and the Public Works Department are in attendance to help provide solutions.

C. **New City Administrator:** Becky Kellen will be the new City Administrator as of May 18, 2022.

6. **ADMINISTRATIVE PRESENTATION**

A. **Sheriff Report:** A report of law enforcement incidents and citations for April, 2022, was provided for the Council's review.

- B. **Planning Commission Regular Meeting Minutes:** The minutes of the March 24, 2022, Planning Commission meeting was provided for the Council's review.

7. **CITY BUSINESS – CONSENT AGENDA**

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve the consent agenda as amended. All in favor; motion carried.

- A. **Approval of the LBAE Meeting Minutes:** The meeting minutes of the April 12, 2022, LBAE meeting was provided for the Council's review and approval.
- B. **Approval of the Council Meeting Minutes:** The meeting minutes of the April 18, 2022, special Council meeting was provided for the Council's review and approval.
- C. **Approval of the Council Meeting Minutes:** The meeting minutes of the April 25, 2022, special Council meeting was provided for the Council's review and approval.
- D. **Approval of the Treasurer's Report:**

On a motion made by Councilmember Fleck, seconded by Councilmember Woolstencroft, it was resolved to approve the Treasurer's Report for the period ending May 5, 2022. All in favor; motion carried.

ACTION – Mayor Wingfield will review the funds taken out of the special revenue projects fund with Mary Cahill, the Treasurer, and provide an update to Councilmember McCarthy via e-mail.

Councilmember McCarthy reported funds taken out of the special revenue projects fund for fireworks, electric service upgrades for City Hall, and the fence for the water tower. Councilmember McCarthy queried whether the items were allocated to the correct fund.

- E. **Approval of Resolution 2022-08, Workers Compensation Coverage**

8. **CITY BUSINESS – REGULAR AGENDA**

- A. **Road Closure:**

On a motion made by Councilmember Fleck, seconded by Councilmember Foster, it was resolved to approve a hard road closure at Hall Avenue and Jay Street effective May 13, 2022, with adequate signage at the four entrances on the west end leading to the road closure. Councilmember Woolstencroft and Councilmember McCarthy opposed. Motion carried.

ACTION – Public Works will inform the Mahtomedi and White Bear Lake school districts and bus companies of the road closure at Hall Avenue and Jay Street which will affect the school bus route.

ACTION – Kevin Peterson will prepare a detailed mapped plan for the road closures and provide it to the Council.

ACTION – Andy Gonyou and Becky Kellen will issue multiple e-mail blasts to residents regarding the upcoming road closures.

Mayor Wingfield reported concerns of careless driving at Highway 244 including no regard for pedestrians, running stop signs, and speeding. She noted that additional police patrol has not been effective with only one police officer on site. Mayor Wingfield reported that several residents volunteered to open and close the barricades during the road closures to accommodate school buses.

Trilby White, 3 Oakridge Drive, appealed that a detour be arranged to mitigate the heavy traffic or to install speed bumps to deter vehicles from passing through to Mahtomedi. The resident reiterated that Highway 244 is a pedestrian thoroughfare.

Lisa Reitveld, address unknown, echoed the same concerns as Trilby White.

Stan Karowski reported there was no intention to have alternative routes through Birchwood Village. The City Commissioner had a meeting with Wayne Sandberg, the Public Works Director, on May 10, 2022, to discuss options to address the traffic including closing the road, signage, speed bumps or speed trailers.

The City Commissioner noted that he would not oppose a road closure with volunteers opening and closing barricades in the morning and afternoon for school buses; however, the county cannot provide staff to monitor the barricades, and it would be the city's responsibility to obtain volunteers. The Commissioner noted that school buses using the assigned detour road would be better for the integrity of the project and to prevent other motorists from trying to pass the barricades. The sheriff's office agreed to additional patrolling and suggested robust signage.

Kevin Peterson reported that the intended detour was Highway 120 Century Avenue to Highway 694 to Highway 36 and back up Hilton Trail. He noted that Road Closed Ahead signs will be placed at Birchwood Avenue, Wildwood Avenue, and Cedar Avenue. He expressed concerns regarding opening and closing barricades as it confuses motorists and will pose an enforcement challenge for police officers. He noted that the barricades would consist of sandbags and be placed on the east side of the intersection of Hall Avenue and Jay Street. He reiterated that traffic is usually increased for the first two weeks of a project and then subsides.

Councilmember McCarthy queried whether the project manager considered closing Ash Street to local traffic only. Kevin Peterson reported that it was intentional to close the road at Coney Highway 12, east of Birchwood Road and west of Lincoln Town to encourage motorists to go south; however, motorists are not following that route. He confirmed that the City of Mahtomedi does not support closing Birchwood Road.

B. Birchwood Dock Association:

On a motion made by Councilmember Fleck, seconded by Mayor Wingfield, it was resolved to approve the Dock Association moving the dock 10 feet to the west of the previously approved plan by the Conservation District on the condition that the adjoining residents are agreeable to the relocation of the dock. Councilmember McCarthy opposed. Motion carried.

Mayor Wingfield reported that the Dock Association had previously agreed in October, 2021, to move the Birchwood Beach dock 15 to 20 feet to the west to accommodate more swimming space. She noted that the dock is in the middle of a 125-foot easement. The dock has not been moved.

Mayor Wingfield confirmed that the resident on the west side of the dock was receptive to having the silver maple tree on the property trimmed at the trunk to accommodate more space for boats to maneuver. The resident on the other side was also agreeable to moving the deck to the west. H. Alan Kantrud confirmed that if all parties are agreeable, then the Dock Association does not have to obtain approval again from the Conservation District.

The Dock Association expressed concern regarding clear access to the end of the dock and noted that the dock would be below the high-water mark if relocated to the west. The Dock Association noted that it had followed the correct process and procedure for the initial dock application and expressed concern regarding the Council's dismissal of the Dock Association's efforts to follow protocol. The Dock Association recommended that the dock be erected as originally planned and that a plan be devised over summer 2022 for implementation in fall 2022.

Nick Nephew, 20 Birchwood Avenue, stated that he did not feel there is currently inadequate swimming space at Birchwood Beach and noted that an additional 10 feet would ultimately not add much swimming space.

C. First Reading Ordinance 2022-05-01, Section 601

a. First Reading and Council Deliberation:

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the first reading of Ordinance 2022-05-01, Section 601 on the condition that the exceptions listed under Section 601.030 A are eliminated, the total square feet are changed to nine, and the section relating to flags under Section 601.050 is eliminated. All in favor; motion carried.

Councilmember McCarthy reported that the sign ordinance was repealed due to constitutional concerns.

The Council expressed concern regarding a lack of resources to regulate and enforce the sign ordinance. The Council reiterated that the content of signs will not be regulated; however, the proposed ordinance will set parameters on the size of signs.

H. Alan Kantrud reported that sign pollution is a problem and noted that too many signs in Birchwood would lead to concerns regarding decreased property values. He advised that signs should be regulated with set limitations. He was in agreement with statements such as "anything not keeping with this is considered a public nuisance".

b. Order Second Reading and Public Hearing:

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to proceed with a second reading and public hearing for Ordinance 2022-05-01, Replace Section 601 at the next Council meeting in June, 2022. All in favor; motion carried.

E. Councilmember Reports

a. Mayor Wingfield

i) Fee Schedule Amendment:

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to authorize Ryan Hankins, the Vice Chairman of the Planning Commission, to review the fee schedule and work with the city's Treasurer to update the schedule as needed. Motion carried.

Mayor Wingfield reported outdated items on the fee schedule such as seal coating that need to be removed or updated.

ii) Tree Follow-Up:

On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to authorize Steve Thatcher, the City Engineer, to identify the property point lines on the west side of City Hall for demarcation. All in favor; motion carried.

Mayor Wingfield reported questions regarding the city's property lines based on the Washington County assessor's map. Mayor Wingfield noted that confirmation of the property lines should be obtained before proceeding with the planting of the trees at City Hall.

iii) Data Practices Policy:

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to adopt the data practices policy to be included in the city's policy handbook. All in favor; motion carried.

iv) Road Updates:

On a motion made by Councilmember Fleck, seconded by Councilmember Foster, it was resolved to authorize Mayor Wingfield to inform T.A. Schifsky & Sons to proceed with the major repairs of the roads at a cost not to exceed \$45,000. All in favor; motion carried.

Mayor Wingfield reported that T.A. Schifsky & Sons recommended a 0.5-inch overlay or a 1.5-inch overlay for a longer lifespan of the road at a cost of \$36,000.

v) **Water Main Surcharge:**

On a motion made by Councilmember Woolstencroft, seconded by Councilmember Fleck, it was resolved to approve a \$25 surcharge for the water main. All in favor; motion carried.

The Council agreed that a \$25 surcharge would allow the city to recuperate water main costs. The surcharge would start in June, 2022, and terminate in December, 2022.

vi) **Park Benches at Tennis Court:**

On a motion made by Councilmember Foster, seconded by Councilmember Woolstencroft, it was resolved to approve the purchase of three park benches at a cost not to exceed \$1,500. All in favor; motion carried.

On a motion made by Councilmember Fleck, seconded by Councilmember McCarthy, it was resolved to authorize Mayor Wingfield to obtain a concrete pad for the bench at Jay Path at a cost not to exceed \$1,500 including bench installation.

Mayor Wingfield reported three broken park benches. She noted that the Rotary may provide benches for the city parks.

Mayor Wingfield reported that the Birchwood Community Club will sponsor the bench at Jay Path and is not included in the three broken park benches. A 5x8-foot concrete pad is needed for the bench.

vii) **Sewer Line Scoping:** Mayor Wingfield reported that the scoping of the sewer line will be conducted on May 11, 2022, at a cost of \$219.

viii) **LMCIT: ACTION – Councilmember McCarthy will speak to the insurance adjuster regarding the city's cyber security coverage.**

Mayor Wingfield reported that the city's insurance needs to be renewed. She had a meeting with an insurance adjuster on May 13, 2022, to review the city's coverage. The insurance adjuster will provide a report to the League of Minnesota Cities Insurance Trust, and the city will receive a bill statement.

The Council queried whether the city has cyber security coverage through its partnership with Metro-INET. H. Alan Kantrud reported that \$250,000 is the standard coverage for cyber security.

ix) **Wildwood Lift Station: ACTION – Mayor Wingfield will confirm whether the White Bear Township lift station is caged.**

Mayor Wingfield reported that the grant applications have been submitted to Representative Betty McCollum's office and Senator Tina Smith's office.

The Wildwood Lift Station project is on hold pending conformation of the city's eligibility for government funding.

Mayor Wingfield expressed concern regarding the generator at the lift station not being caged.

- x) **Drainage at City Hall:** Mayor Wingfield reported that the erosion pit was filled with logs but must be monitored for ongoing erosion.
- xi) **Thursday Office Hours:** The Council agreed to have office hours on Monday, Tuesday, and Thursday. Jacky Smith will continue to work on Mondays, and Becky Kellen will work from 10:30 a.m. to 1:30 p.m. on Tuesdays and Thursdays.
- xii) **Signs Entering Birchwood:** This item was not discussed due to time constraints.
- xiii) **Streetlight Update:** This item was not discussed due to time constraints.

b. Councilmember McCarthy

i) Administrator Transition:

1. Approve Resolution 2022-09, Administrator Training

On a motion made by Councilmember McCarthy, seconded by Mayor Wingfield, it was resolved to approve Becky Kellen's attendance at the League of Minnesota Cities Clerks Academy for the three-day event to be paid by the city. All in favor; motion carried.

2. Approve Resolution 2022-10, Administrator Cellphone

On a motion made by Mayor Winfield, seconded by Councilmember Fleck, it was resolved to authorize Councilmember Woolstencroft to investigate a cellphone plan with Mint Mobile for the City Administrator's use. All in favor; motion carried.

H. City Administrator Update:

- a. **Kayak Racks for Non-Residents:** Andy Gonyou reported that several non-residents have expressed interest in renting a space on the kayak rack. He confirmed that there was space available.

The Council expressed concern regarding increased traffic from non-residents and noted it is a privilege for Birchwood residents. The Council agreed to leave the kayak rack as is for residents only.

9. **ADJOURNMENT**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 10:05 p.m. by Mayor Wingfield.

DISCLAIMER

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting of the members of the Birchwood Village City Council. This document shall not be considered to be a verbatim copy of every word spoken at the meeting.



Mayor Mary Wingfield

8/19/22

Date



City Administrator Rebecca Kellen

8/19/22

Date