

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

**MINUTES OF THE CITY COUNCIL MEETING
MAY 9, 2023, 6:45 P.M.**

MEMBERS:

Margaret Ford	Mayor
Mark Foster	Councilmember
Ryan Hankins	Councilmember
Justin McCarthy	Councilmember
Katherine Weier	Councilmember

STAFF:

H. Alan Kantrud	City Attorney
Mary Cahill	Treasurer

GUESTS:

Minutes prepared by Angela Fracassi of Minutes Solutions Inc. from a video recording.

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:45 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

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

- New Business: Bear Update

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

- New Business: Small Tree Update

4. OPEN PUBLIC FORUM (0:01:53)

Barton Winter, 150 Oaks Lane: The resident stated that he recently had a bear in his backyard that broke two birdfeeder poles. He contacted the city clerk, who informed him that residents were notified; however he stated that in his conversations, his neighbors claimed they had not received the notification. He also stated that hockey rink maintenance was unsatisfactory, and questioned whether the Mayor was spending significant time outside of the community.

Jim Nelson, 256 Wildwood: The resident noted that some areas of the neighborhood needed cleaning. He suggested some City sponsored cleanup days. He also recommended the resolving the council pay issue.

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to close the open public forum. All in favor; motion carried.

5. BIRCHWOOD VILLAGE FINANCIAL CONTROLS (0:06:50)

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved direct staff to assemble an RFP for a CPA review of the financial controls, to be reviewed by Council at the next meeting. All in favor; motion carried.

Mary Cahill explained that the Councilmembers received updated copies of the financial controls, which have not been updated since 2010. The City of Birchwood Village sets forth financial internal control procedures to establish financial processes, separation of duties, ensure continuity, and define City Council oversight. She gave an overview of the team who worked to draft the updated document for Council's review and eventual approval.

She noted that the section regarding petty cash had been deleted, as most purchasing now takes place online or using credit cards. She also noted that the updated document emphasized that two people would always be responsible for overseeing finances as opposed to just one.

Upon review of the documents, Council made the following recommendations:

- The Council questioned the use of the mayor's signature stamp as stated under the Disbursements section, and suggested more clarification regarding the phrase "as directed by the mayor" by adding a phrase to the effect of "for a particular authorized payment."
- That the document be reviewed by an independent CPA prior to approval.
- Edit the language to more clearly state that any future changes to the financial control must be presented to Council for approval.
- A change in language to clarify that City Administrator is an exempt salaried employee, and that exempt employees do not have to submit timecards.
- Disbursements, 4, Expense Reimbursement Form, should say "staff" instead of "personnel" for clarification reasons.
- Disbursements, 24, should include that state statute allows the Council to sign off on expenses between meeting if a majority of Councilmembers approve.

The Council agreed to review the updated draft at a subsequent Board meeting.

6. CITY BUSINESS – CONSENT AGENDA (0:45:00)

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve Consent Agenda items A, C, D, E, F, and I. All in favor; motion carried.

a. Resolution 2023-31 Authorizing the Suspension of Rules (0:49:50):

On a motion made by Councilmember Foster, seconded by Councilmember Hankins, it was resolved to approve Resolution 2023-31 as amended. All in favor; motion carried.

b. April Meeting Minutes (1:07:05): The following change was made to the minutes of the meeting held on April 11, 2023:

- Councilmember Weier was present at the meeting.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the minutes of the meeting held on April 11, 2023, as amended. All in favor; motion carried.

c. Schifsky Road Maintenance Bid (1:09:30):

On a motion made by Councilmember Foster, seconded by Councilmember McCarthy, it was resolved to approve the quote for road maintenance from Schifsky, at a cost of \$50,315. Motion carried.

It was noted that the bid was significantly overbudget at \$50,315, when the amount budgeted was \$14,000. Last year's contract totaled \$33,787. Council noted the need to budget more for street repair in the future, and verified whether the funds were available prior to approval.

d. Annual \$200 Contribution to White Bear Lakes Fireworks Fund (1:22:50):

On a motion made by Councilmember Hankins, seconded by Councilmember Foster, it was resolved to approve a one-time \$200 contribution to White Bear Lakes Fireworks Fund. All in favor; motion carried.

e. Permitting Fee (1:23:45): The Council agreed to defer discussion to a later date.

f. Approve City Tree Inspection Invitation to Bid (1:29:00):

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve the city tree inspection RFB as presented. All in favor; motion carried.

Council made the following suggestions to the contract:

- Gender neutral language be used.
- An insurance requirement be added.
- A clause be added to prohibit going onto private property.
- That regular mail be used rather than registered mail for notices.

g. Resolution 2023-30 Authorizing the Adjustment of Fund Balances (1:36:58):

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve resolution 2023-30 authorizing the adjustment of fund balances. Motion carried.

7. CITY BUSINESS – OLD BUSINESS

A. Variance 2023-03-VB, 529 Lake Ave (0:50:36)

a. Public Hearing:

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to close the public hearing.

b. Review and Discussion:

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve variance 302.055 ss2a4, subject to the conditions established by the Planning Commission. All in favor; motion carried.

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve variance 302.02.04, subject to the conditions established by the Planning Commission. All in favor; motion carried.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve variance 302.050, subject to the conditions established by the Planning Commission. All in favor; motion carried.

B. Second Reading, Ordinance 2023-04-01 (304.035) Variances (1:38:41)

a. Public Hearing:

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to close the public hearing. All in favor; motion carried.

b. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to adopt Ordinance 2023-04-01 (304.035), as presented. All in favor; motion carried.

C. First Reading, Ordinance 2023-04-02 Fee Schedule (1:43:01)

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to forward Ordinance 2023-04-02 Fee Schedule to a second reading and a public hearing, as presented. All in favor; motion carried.

D. First Reading, Ordinance 2023-04-03 (Code 615) Exterior Storage(1:43:13)

a. First Reading and Council Deliberation:

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to forward Ordinance 2023-04-03 (Code 615) to a second reading and a public hearing, as presented. All in favor; motion carried.

E. First Reading, Ordinance 2023-04-04 (208/309) Regulating Public Rights of Way (1:43:49)

a. First Reading and Council Deliberation:

On a motion by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to forward Ordinance 2032-04-02 (208/209) to a second reading and a public hearing, as amended. All in favor; motion carried.

Council made the following suggestions:

- Item 36 should not include water main breaks.
- Page 129, Section 123, Definition of Right of Way: Private property easements need to be clarified.
- Page 135, Permit Requirements: Add the phrase “if applicable.”
- Page 136, Small Wireless: Lower the height from 50 feet.
- Page 136, Number 4, Small Wireless: Add the fee schedule.
- Page 147, Appeal: Impose a time limit on appeals.

F. Ash Path Survey Update (1:55:37)

Alan Kantrud presented a of the survey area map. Council identified the area to be pinned, with the intention of keeping the public off of private property.

8. CITY BUSINESS – NEW BUSINESS

a. Councilmember Weier Updates (2:03:40): Councilmember Weier requested that an arborist attend the next Council meeting to discuss options for tree treatment and maintenance.

b. Councilmember McCarthy Update (2:05:00): Councilmember McCarthy contacted DNR regarding the black bear living in the area. They advised that they no longer relocate bears, and if it gets aggressive to contact the sheriff. Residents are advised to remove birdfeeders and to secure garbage cans. He also researched private options to relocate the bear, but was unsuccessful.

c. Mayor Ford Updates (2:09:34):

- **Birchwood Road Condition Discussion:** Mayor Ford advised that Birchwood Road would be discussed at the next Council meeting. She was in the process of researching federal grants. It is her intention to but a strategic plan in place, and she will create an outline for the next Council meeting.
- **Lake Links Trail Discussion (2:13:00):** Mayor Ford suggested potentially forming a committee or including the trail in the Road Committee’s purview, to be further discussed at the next meeting.
- **South Shore Blvd Construction Update (2:15:00):** Mayor Ford reported that the target date for completion of July 4, 2023.

A. First Reading Ordinance 2023-05-01 Repealing and Replacing Impervious Surfaces in the City Code (302.050) (2:16:09)

Councilmember McCarthy summarized the ordinance.

a. First Reading and Council Deliberation: Council asked for several clarifications. McCarthy emphasized that residents would still be able to obtain a variance under the ordinance.

b. Order Second Reading and Public Hearing:

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to forward ordinance 2023-05-01 to a second reading and a public hearing as presented. All in favor; motion carried.

B. First Reading ORDINANCE 2023-05-02 Amending 302.020 LAND USE IN THE CITY CODE (2:27:41)

a. **First Reading and Council Deliberation:** Councilmember McCarthy provided a summary of the ordinance.

b. **Order Second Reading and Public Hearing:**

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to forward ordinance 2023-05-02 to a second reading. All in favor; motion carried.

C. First Reading Ordinance 2023-05-03 Amending the Fee Schedule (2:28:53)

a. **First Reading and Council Deliberation:** Councilmember McCarthy provided a summary of the ordinance. Council discussed an appropriate fee, and recommended \$100.

b. **Order Second Reading and Public Hearing:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to forward ordinance 2032-05-03 to a second reading as amended. All in favor; motion carried.

D. First Reading Ordinance 2023-02-01: Removing Solar Panels from CUP (2:30:40)

Council agreed to table the discussion of two ordinances regarding solar panels to the next Council meeting.

E. First Reading Ordinance 2023-05-05 (Fee schedule 201/202) Utility Availability (2:31:18)

a. **First Reading and Council Deliberation:** Councilmember Hankins provided a summary of the ordinance.

b. **Order Second Reading and Public Hearing:**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to forward Ordinance 2023-05-05 to a second reading and a public hearing. All in favor; motion carried.

c. **Safe Streets and Roads for All (SS4A) Grant Program (2:37:07):** Mayor Ford noted that that program will be added to her roads proposal.

d. **Administrator Compensation (2:38:53):**

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve a 6% compensation increase for the Council Administrator effective May 1, 2023, and that any further compensation increase would be discussed after completing a performance review. All in favor; motion carried.

9. **ADJOURNMENT**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 9:36 p.m. by Mayor Ford.

DISCLAIMER

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

Mayor Margaret Ford

City Administrator Becky Kellen

Date

Date