

## **BIRCHWOOD VILLAGE CITY COUNCIL**

Meeting Minutes  
November 10, 2009

### **Call to Order:**

The regular meeting of the Birchwood City Council was called to order at 7:00 p.m. on November 10, 2009 at the Birchwood City Hall by Mayor, Mary Wingfield.

### **Roll Call:**

Present: Mayor Wingfield, Councilmembers Jann, Carson, Brunner, and Harper

### **A. Approval of Agenda**

The agenda was unanimously approved as amended. Motion Harper, second Carson, motion carried unanimously.

#### Public Hearing for Delinquent Utilities

- a. Mayor Wingfield opened the public hearing at 7:20 P.M. No comments were made and the hearing was closed. At 7:21 P.M.
- b. The clerk informed the council that two properties had paid in full and should be removed from the certification process. Six remaining properties were approved for certification to the county as delinquent accounts. Motion Wingfield, second Carson. Carried unanimously.
- c. Council discussed imposing an interest rate of 4% per year on accounts certified starting as of this date. Motion Wingfield, Second Carson. Carried unanimously.

The clerk will notify the county recorder's office of the council's actions.

### **B. Approval of Minutes for:**

(1) May 12, 2009 City Council Meeting Minutes; these were stricken as they were not available at the time of the meeting

(2) June 9, 2009 City Council Meeting Minutes; these were stricken as they were not available at the time of the meeting

(3) October 13, 2009 City Council Meeting Minutes (first half of agenda only)—tabled until January.

- (4) November 10, 2009 City Council Meeting Minutes: Councilmembers Jann and Harper noted corrections, Mayor Wingfield stated she would

send number of changes to the clerk to avoid additional meeting time on the issue. No council action taken.

- (5) November 17, 2009 City Council Meeting Minutes: Councilmembers Jann and Harper noted corrections. Motion: Harper, Second Brunner, motion carried to accept November 17, 2009 as amended. Wingfield abstained as draft was received 24 hours prior to the meeting and she had no time to review the 18-page draft. Wingfield noted that the contractor needed better direction to avoid lengthy minutes. Clerk informed council that original text was 36 pages and she pared it down. She also noted the city was only charged for the 18 pages.

### **C. Approval of November 2009 Disbursements**

The monthly disbursements were approved. Motion Wingfield, Second Carson, motion carried unanimously.

### **D. Public Forum**

- (1) **James Nelson, 256 Wildwood** – Expressed his disappointment that Councilmember Harper didn't disclose that the Assessor hired by the City was a County employee and she is a county employee; what recourse does a citizen have to get an independent appraisal.
- (2) **Jim Greeley, 407 Lake Ave.** - Boat Hoist(s) at Dellwood appears to look rotten and would like them removed. Why are there still boat lifts/hoists on the easement?

Legal Counsel states that there is a civil matter pending/waive attorney client privileges.

Councilmember Jann respectfully disagrees with legal counsel. It's an ordinance and should be enforced.

- (3) **Richard Oni, 152 Wildwood**, water in house last week, removal of water took 48 hours. Called WBL City Hall and discovered the numbers listed were not helpful. Miles Capra of Capra Company – 6 p.m.; Manship arrived 7 p.m.
- (4) **Bob Nicholson, 433 Lake Ave.:** The letter indicating meeting on Nov. 17, 2008 was ambiguous in nature and needs to be more detailed in the future.

**Volunteer recognition: the clerk recognized volunteers for their help in the office this past month.**

### **E Parks Committee**

**Budget Proposal for:** Tree maintenance by Steve Dean on Ash walkway for a total of \$1800. M/S/C. (Brunner/Harper).

**Ice Rink Attendant:** Approved @ \$8.00 per hr. This position shall not exceed the number of hours specified for the following months: Jan. 2010 – 200 hrs.; Feb. 2010 – 150 hrs.; Nov. 2010 – 50 hrs.; and Dec. 2010 – 210 hrs.

**Duties include:** flood ice rink, maintain, care, shape, and condition ice throughout the season.

Councilmember Harper noted a concern about temporary employment and not paying unemployment. Carson stated unemployment not offered to FT students. Other applicants are under 18 – Can they enter into contract? Is there a liability waiver for volunteers? Or would the same apply for contacted employees?

**Tomlinson** – requested direction to either have volunteer (Mr. Carlson, Scott Howe & 2 students or hire ice rink attendee.

**Greeley** – recommended they rehire Jeff Lutz for this position, as he has previous experience; residence has been located next to the ice rink for 28 years, familiar with equipment, good relationship with the children and their parents. He stated 100 families signed a petition to keep Mr. Lutz in this role.

**Bob Nicholson:** Also would like to recommend Mr. Lutz and note that he does a terrific job monitoring ice rink as well.

**Council discussed** – Councilmember Harper stated the Council should hire an ice rink attendant.

**Schedule shall be posted on the warming house door.** Weekday hours staffed: 5:00 – 9:00; Weekend Hours: 3 – 9.

Council discussed ice rink management and suggest Councilmember Carson shall bring recommendations to Council on Nov. 17, 2009 regarding: Rink Hrs., Rink Attendance status, Rink Mgr. – Contract.

**Tomlinson:** Investigated Park cost from 2000 and prioritized parks project list. She presented information for the Parks budget.

(2) **John Lund (Parks Committee):** Discussed tennis court rehabilitation. Quotes received are around \$40,000, although the final price could fluctuate slightly either way. The Committee will provide more specific numbers at the December City Council Mtg.

**Brunner:** Inquired about 20 year warranty

**F. Finance Committee:** Report submitted. In addition, confirmed year-to-date sewer account balance. Look for Council concurrence to remove debt services and pay debt down. Fund balances need to be determined before doing so.

**Investment Policy:** Mayor encouraged the Council to maximize investment options, suggesting paying balance off now instead of waiting until February, due to interest rate at 4.9% and 5.9% on both bonds. This could ultimately save the City \$500.00/month

Authorize City Clerk to pay 2001 Series Bond, outstanding balance of \$22,000. M/S/C (Harper/Brunner).

Brunner confirmed no prepayment penalty.

Jann left the meeting at this time.

**G. Budget Committee: Update and Approved for 2009.**

**Larry Walker** – Discussed changes to 2010 levy proposal. Proposed levy now reduced to \$328,719 with final modifications regarding handyman to be brought to the December 8, 2009 city council meeting for action.

**Emergency Shut off on lift station--\$3,500.**

**Planning and zoning member:** Council agreed to maintain current status.

Tennis courts: No additional levy required as sufficient funds exist

Catch basins: No additional levy required as the unused levy for 2009 will be carried over.

Parks: Based on discussions with the Parks committee earlier, the budgeted amount will be \$13,000.

Police: Harper will meet with WBL police in December to discuss the contract

Debt Service removal: Per approval of the finance committee, no debt service levy is necessary

Dog license fees: License \$10.00 for 2 years with 3.00 late fee if received after February 15th. Motion M/S/C (Wingfield/Harper).

**H. Miscellaneous.**

**White Bear Lake Emergency Contacts:** Harper spoke to Mr. Birch, White Bear Lake Engineer to develop a contract to cover emergency 24/7 water main breaks for Birchwood. Mr. Birch will be providing a quote for this cost. M/S/C (Harper/Carson/All)

**Snow Plowing Contract:** There was concern as to whether B Lauzon will continue to plow for this year per his contract. The clerk will contact him and confirm. All other contracts with Lauzon have expired.

**Flood Plain:** Harper discussed page 15 of Ordinance, noting that homes within specific zoning that experience 50% damage would not be permitted to be reconstructed. A map will accompany the ordinance synopsis to be made available in December.

Sanitary sewer pipe review: The engineer reported that the sewer rehab project showed no signs of failure however, she would work with the clerk to notify residents who had root growth in the private portion of their pipes.

#### **I. Unfinished Business:**

**Employment Agreement:** Language shall include: Hours worked (over 30 hours requires notice to the council); work shall be done in the office unless pre-approved by the mayor or deputy mayor or if there is an emergency; Attorney shall return with an updated contract that leaves future pay increases to be considered by the Council.

#### **Litigation:**

**Sampair, et al. v. City of Birchwood Village:** Council recommended sending Brunner to represent the City on this matter. M/S/C (Mayor/Carson/All)

**James Nelson v. City of Birchwood**—Appellate court ruled in favor of the city.

**Review of Meeting rules of Procedure:** Brunner volunteered to look into this and report back with recommendations

#### **J. Clerk**

**Update on Accounting:** preliminary report provided to council. More information needs to be included and more report options generated.

**New Office Hours:** Mayor suggested adding an additional day for the office to be open. Clerk noted the closed time allows time to catch up on unfinished work. This item shall be tabled until January 2010 meeting.

#### **K. Mayor**

**Handyman Position:** Mayor noted the handyman proposals can be used to determine next year's budget for a handyman. The budget committee will work on this.

**Request for Proposals for Garbage Collection:** Mayor recommended sending RFPs to the haulers in the region for solid waste services. Brunner confirmed the fee will include all costs. The city shall accept bids until Dec. 2, 2009. M/S/C (Brunner/Wingfield)

**CD Renewal:** Due 11/12/2009. Value is between \$10,000 – \$24,999. Mayor reported Clint suggested to diversify, report indicate the product as follows: 6 mo. CD @ 1.50%; 1 yr. CD @ 2.00%; and 3 yr. CD @ 2.75%. Current rate of interest from UB Bank is .01% Harper suggested inquiring with 3 banks find the best interest rate. Mayor suggested rolling over the CD into a cash account and reinvest the monies later. Finance committee will review this as well as how our money market should be invested—currently it is earning .01% interest

**L. Miscellaneous**

Contracts were approved for the following services:

- Sump Pump Cleanout (Fall 2009) for \$1000 for five sumps by Infratech. M/S/C (Mayor/Carson)
- Road repair (pothole patching). Motion was made to authorize Schifski to contract to fill potholes on Cedar/Hall for \$3960. M/S/C (Mayor/Carson)
- Garage Rental (Kixmueller). Motion was made to authorize the mayor to sign the lease for \$280 for the year ending September 30, 2010. M/S/C (Brunner/Carson)
- M/S/C (Wingfield/Brunner) to authorize the mayor to sign the contract agreement with the accounting firm providing our software programming.

A special thanks to all volunteers and vets who offered their services.

**M. Adjournment**

(1) Meeting was adjourned at 11:49 p.m. by Mayor Wingfield (Brunner Seconded). Carried unanimously.

**Respectfully Submitted,** (Drafted by Carrie Rolling)

**Ry-Chel Gaustad, CMC**  
**City Clerk**