**CITY OF BIRCHWOOD VILLAGE**

**REGULAR CITY COUNCIL MEETING**

**November 13, 2012**

**MINUTES**

**MEMBERS PRESENT: Mayor Alan Mitchell; Council Members Barb Carson, Jane Harper, Bill Hullsiek (until 7:15pm), Tony Sampair (@7:25pm), and Kevin Woolstencroft (upon his swearing in @7:15pm)**

**STAFF PRESENT: City Engineer Kristie Elfering, City Clerk Dale Powers, and City Attorney Kevin Sandstrom**

**OTHERS PRESENT: Katie Cavanor and John Lund**

**Mitchell** called the regular meeting to order @ 7:09pm, and the Pledge of Allegiance was recited.

**SWEARING IN OF NEW COUNCIL MEMBER: Mitchell** announced that Kevin Woolstencroft, having been elected to fill the unexpired term of Mark Peterson, will be sworn in and seated as Peterson’s replacement, succeeding Hullsiek.

**AGENDA APPROVAL: Mitchell** mentioned that he wanted the Council to discuss scheduling public hearings for the revised complaints ordinance and penalties and enforcement ordinance, and thought placing it as the first item of business after the consent calendar, or when Council Member Sampair arrived, would be appropriate. **Mitchell** also wanted to discuss the White Bear Lake Conservation District’s formation of a Lake Level Restoration Committee, which if created as presently proposed will have 2 Birchwood residents on it, and to have the City Clerk advertise letters of interest to serve on this Committee; **Harper** thought that was better discussed under Council Reports.

***Harper/Carson 4-0 (Sampair absent) to approve the agenda for the September 11, 2012 Regular Meeting, as amended to include discussion on scheduling a public hearing for the revised complaints and penalties ordinances for the December Council meeting, and also to discuss the Lake Level Restoration Committee under “Council Reports” .***

**COMMUNITY EVENTS AND ANNOUNCEMENTS: Mitchell** mentioned that on Thursday, November 15th, at 6:30, the Isaak Walton League is sponsoring a program at the Wildwood Library in Mahtomedi, featuring Perry Jones of the United States Geological Survey, to talk about the lake levels on White Bear Lake. **Mitchell** also noted that Saturday, December 8th is the date of the Birchwood Community Club’s annual Christmas Party. **Carson** wanted to thank the many volunteers, such as Brian Lind (and fellow veteran Paul), Ron & Kathy Malles, Bob Carson, Brad Kunkler, and others who helped clear out two huge trailers full of buckthorn at the Curt Feistner easement.

**OPEN PUBLIC FORUM**: No one wished to address the Council at this time.

**CONSENT CALENDAR: *Harper/Carson unanimous to approve the following consent calendar items:***

1. ***Approval of the Minutes of the October 9, 2012 Regular Meeting***
2. ***Acceptance of the Financial Report and Disbursements Register as prepared by the City Treasurer and presented to the City Council on November 13, 2012 in the amount of $27,683.12, including Check #’s 27477-27497, and Electronic Funds Transfers FED102012, MN2012, and PERA103112***
3. ***Approval of RESOLUTION 2012-28 Adopting the Washington County All-Hazard Mitigation Plan***
4. ***Approval of RESOLUTION 2012-29 Authorizing the Council Liaison to Parks to Sign Time Cards for Seasonal Rink Attendants***
5. ***Approval of hiring Maya Comfort, Nick Hovland, Caitlin Howe, and Johnny Dow as Ice Rink/Warming House Attendants, contingent on Howe and Dow passing background checks)***
6. **RESOLUTION 2012-30> CERTIFICATION OF DELINQUENT UTILITY BILLS: Powers** reviewed the process of certifying delinquent bills, and noted that City staff in October sent out notices to residents who are over 2 billing cycles late on utility bill payments with an amount owing of over $200.00, alerting them that the Council will consider certifying the delinquencies in November. **Powers** noted that this level of communication resulted in reducing the number of utility bills to be certified to six, with a payment received today. **Powers** concluded by saying that even after certification, the City traditionally has given residents until 2 weeks before the deadline for final levy certification to pay the late utility bill and avoid having that bill certified. **Mitchell** said that he has before him a new draft from what was in the agenda packet that removes from certification the property for which the homeowner made the payment today and clarifies that certification of the delinquent utility bills will not be done until after December 14.

**Mitchell** opened the public hearing at 7:23pm and, after noting no members of the audience wished to address the Council on this matter, closed the public hearing.

***Harper/Woolstencroft 4-0 (Sampair absent) to approve Resolution 2012-30 as amended.***

1. **REVISED COST ESTIMATE> RIVIERA DRIVE STORMWATER POND CLEANOUT: Elfering** went over the memo she provided for the agenda packet, noting that at the time the Council voted to pay 2/9th’s of the cost of the cleanout, it had been provided only a basic idea of the pond’s drainage area from the City of White Bear Lake and no information from Ramsey County. **Elfering** noted that since that time, Ramsey County has agreed to participate in the cost of the pond; however, their level of participation is based on a drainage area map obtained from Washington County. **Elfering** said that the revised participation percentages indicate that Birchwood’s share of the cost will go up slightly, from 2/9th’s (22.2%) to 24%, resulting in an additional cost of $151.12 to the City that brings the total cost of the City’s share of the pond cleanout to $2,040.00.

**Mitchell** noted that the Star Tribune published an article about stormwater ponds in general and featured the Riviera Drive pond, and said the article mentioned that there was very little contamination of the pond.

***Harper/Woolstencroft 4-0 (Sampair absent) to authorize the additional $151.12 payment and the total cost of the City’s share of the pond cleanout to $2,040.00.***

*Sampair arrived @ 7:25pm.*

**5a. CONSIDERATION OF HOLDING A PUBLIC HEARING ON THE PROPOSED COMPLAINTS ORDINANCE 618 AND THE PROPOSED PENALTIES & ENFORCEMENT ORDINANCE 619: Mitchell** noted that with a full Council present, he wanted to talk about scheduling a public hearing on the proposed Ordinance 618 regarding complaints and the proposed Ordinance 619 regarding penalties and enforcement of the City ordinances, and recommended scheduling these public hearings for the December Council meeting. **Harper** asked about the areas of agreement and any remaining differences; **Sampair** said that the only remaining area of difference has to do with administrative penalties, which can be discussed at the December meeting.

***Sampair/Mitchell unanimous to schedule public hearings on the proposed Ordinances 618 and 619 at the December 11th Council meeting.***

**8a. DRAFT REVISIONS TO THE PARKS COMMITTEE BY-LAWS TO INCLUDE A PER DIEM POLICY: Harper** brought this matter to the Council’s attention, noting that the Planning Commission currently gets a $99 annual per diem and that she believes the Parks Committee should receive a $10.00 per meeting per diem for the work they do at Committee meetings. **Harper** commented that the current City budgets allows for a Parks per diem, but there isn’t any policy for the actual payment of the per diem, and believes placing the policy in the by-laws would be appropriate. **Harper** noted that Parks Committee members would not be paid for attending work sessions, only the monthly Committee meetings. **Harper** concluded by saying that the City’s 2012 budget has a $1,560.00 line item for per diems, and the Planning Commission’s per diem takes up $495.00 of that amount, leaving $1,065.00 to pay Parks Committee per diems; **Harper** added that with 9 Parks Committee members and 12 meetings per year, the amount to be paid if all members attended the meetings would be $1,080.00, slightly above the amount budgeted for non-Planning Commission per diems. **Harper** said that not all members attend monthly meetings.

**Harper** referred to a proposed amendment to the draft calling for an accounting of attendance in July, stating that the time to account for attendance should be in December at the end of the fiscal year; **Mitchell** said that the amendment was his, but was concerned about an accounting in December since there may be a meeting in December that would be missed. **Powers** noted that traditionally the Parks Committee does not meet in December, which should make for an accurate accounting on December 1. **Harper** also commented on language in the new draft directing the City Treasurer to pay the annual per diem amount within ten days of certification of attendance and said that should not be included because it may not always be possible to comply with that requirement.

 **Harper** noted that her proposal is to pay the per diems retroactive to the beginning of 2012, and said that it would be best to have two motions – one motion for adoption of the revision to the by-laws and a second motion to make the payments retroactive to January 2012.

***Harper/Sampair unanimous to approve the change in the Parks Committee by-laws to pay a $10 per diem to each member for each meeting attended and to call for the Committee chair to certify to the City Treasurer by December 1st of each year the number of meetings attended by each member.***

***Harper/Sampair unanimous to make the Parks per diem payments retroactive to January 2012.***

**8b. REVIEW OF PARKS COMMITTEE 2013 BUDGET AND WORK PLAN: Lund** and **Cavanor** discussed with the Council the Committee’s proposed 2013 work plan and each line item of the budget, and noted that the funds dedicated for capital improvements in the Parks Special Revenue Fund will be reserved for future application to the proposed warming house at Tighe-Schmitz Park. **Cavanor** expressed a concern that the $14,000 budget assigned to Parks covers only a minimal amount of park services and $1,800.00 for maintenance and repair, and does not account for updating deteriorating facilities such as the tennis court and walking path for which the City has made substantial investments. **Harper** clarified with Cavanor that in the preliminary budget the City set $14,000.00 in levy and $9,900.00 in the Parks Special Revenue Fund, yet the Committee came in with a budget of $14,000 and you (Cavanor) are saying that there is additional work that needs to be done. **Cavanor** said that the Committee was not sure the $9,900.00 was available to the Parks Committee, and advised the Council that the Committee would like to take an inventory of the parks equipment and facilities and come up with a maintenance plan and schedule. **Cavanor** asked whether the Parks Special Revenue Fund can be used for that purpose. **Harper** noted that the Council defined what the Fund can be used for and the definition is broad and not limited to capital, but can’t be used for supplies. **Cavanor** said the Committee will come up with a maintenance schedule and come back to the Council for authority to spend money on that schedule. **Harper** asked that the Committee’s revised budget – including activities paid from the Parks Special Revenue Fund – be presented at the December meeting so it can be incorporated into the final budget approved by the Council at the December meeting.

**Cavanor** next addressed the matter of left over dollars in the Parks budget, and requested that any unspent dollars be put in the Parks Special Revenue Fund. **Harper** responded by saying that the Council would need to take action for the requested direction of unspent dollars at a subsequent meeting.

**Harper** also wanted to clarify the line item for weed control, stating that she conferred with the City Treasurer that weed control in the City’s budget for parks is for milfoil eradication at the beaches. **Harper** noticed that there is no line item in the Parks budget for non-milfoil weed control. **Cavanor** said that the Committee was left with the impression that weed control was to be paid for out of non-Parks funds, and said that the revised Parks budget will incorporate non-milfoil weed control.

**Mitchell** commented that he believes the Council would like to see a work plan document that details a multi-year plan with some narrative to it.

1. **REVIEW AND CONSIDERATION OF ADJUSTING THE HOURLY WAGE OF THE CABLECASTER: Powers** advised the Council that the City’s cablecaster has requested a salary adjustment from his current $14.00 per hour. **Powers** said the cablecaster is proposing a salary adjustment to $19.00 per hour, plus 2 hours for setup and shutdown work at $22.50 per hour. **Powers** informed the Council that he surveyed the other cities covered under the Ramsey Washington Suburban Cable Commission and found that Birchwood’s pay rate was at the low end of the scale; Mahtomedi’s was the highest paying at $22.50 per hour. **Powers** went over his memo on the subject, noting that Birchwood receives $2,000.00 each year to pay for cablecasting services, and that any unused dollars are lost. **Powers** recommended that the salary of the cablecaster be adjusted to $22.50 per hour, stating that for a four hour meeting each month, the City would pay the cablecaster $1,080.00 per year, which would be 100% reimbursed by the Cable Commission.

***Sampair/Carson 4-0 (Harper absent) to adjust the hourly pay of the cablecaster to $22.50 per hour, effective November 13, 2012.***

**10. COUNCIL REPORTS: Mitchell** mentioned that he would like to have a workshop with the present and new Mayor and Council members as a transition, and requested that Councilmembers check their calendars for availability. **Mitchell** also noted that he met with the White Bear Lake area mayors and learned that the White Bear Lake Conservation District is likely to create a Lake Level Restoration Committee and that the proposal calls for 2 representatives from each of the 5 communities and wants the Clerk to get notice out to the public about these openings. **Harper** said that it wasn’t clear if the Committee would be populated by Board members or public members, and mentioned that Suzanne Donnell, who along with Harper represents Birchwood on the Conservation District Board, expressed interest in serving on the Committee. **Mitchell** indicated that the draft resolution being circulated among the mayor called for a 12-member committee with 2 public members from each community and 2 members from the existing Board.

**10a. CITY ENGINEER REPORT: Elfering** stated that it has been her pleasure to serve as the City’s engineer for the past 12 years, and that with regret Elfering and Associates will be ending its association with the City effective December 31, 2012. Elfering provided the Council with a letter of resignation. The Council, also with regrets, accepted the news and praised Kristie for the service she has provided the City.

**11. NEXT MEETING> DECEMBER 11, 2012 – TOPICS: Mitchell** mentioned the following topics to be discussed at the December 11, 2012 Council meeting: final levy and budget for 2013; consider paying $500.00 for the White Bear Lake lake level study and $1,000.00 for the Washington County Historical Society with 2012 dollars; Ordinances 618 and 619 regarding complaints and penalties & enforcement; O’Loughlin CUP and variance request; naming lake level restoration committee members; and a Christmas social at 6:30pm. **Harper** asked that staff prepare draft resolutions for Council review pertaining to moving any unspent dollars in the Parks budget to the Parks Special Revenue Fund, and that the $3,000.00 designated in the general fund for set aside for street sign replacement be placed in a special account for that purpose. **Mitchell** would also like to get the old/new Council member workshop set up.

**12. ADJOURN:** ***Harper/Carson unanimous to adjourn the meeting @ 8:30pm.***

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Dale Powers

City Clerk