**CITY OF BIRCHWOOD VILLAGE**

**REGULAR CITY COUNCIL MEETING**

**November 10, 2015**

**MINUTES**

**MEMBERS PRESENT: Mayor Mary Wingfield; Council members: Bill Hullsiek, Kevin Woolstencroft, Mark Anderson and Randy LaFoy**

**STAFF PRESENT: Mike Anderson, City Administrator and Tobin Lay, City Treasurer**

**OTHERS PRESENT: Don Madore, Bryan McGinnis, Alan Mitchell, Larry Walker**

**Mayor Wingfield** called the regular meeting to order at 7:00 p.m. The Pledge of Allegiance was recited*.*

**AGENDA APPROVAL:**

**Mayor Wingfield:** added update with the sheriff’s department.

**MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER LAFOY TO APROVE THE AGENDA AS PRESENTED. ALL AYES. MOTION PASSED.**

**OPEN PUBLIC FORUM:**

**Don Madore:** Discussed proposed amendment to structure height ordinance because he will be absent at December’s council meeting.

**Bryan McGinnis:** Commented on structure height ordinance and document that was presented to council members during October council meeting, entitled “Promises of Birchwood.”

**ANNOUNCEMENTS:**  Mayor Wingfield mentioned completion of flag display for Veteran’s Day and leaf pick up. Council member LaFoy introduced discussion about Christmas Party.

**CITY BUSINESS – CONSENT AGENDA**

1. Approval of Regular Meeting October 13, 2015 Minutes

**MOTION WAS MADE TO APPROVE OCTOBER MINUTES BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK. ALL AYES. MOTION PASSED.**

**CITY BUSINESS - REGULAR AGENDA**

**A. Approval of Treasurer’s Report**

Mayor Wingfield proposed that costs for the newly planted trees be paid for from the Dock fund.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE TREASURERS REPORT WITH THE PROPOSED CHANGE. ALL AYES. MOTION PASSED.**

**B: Second Reading of Tree Preservation Language to City Code**

**Mayor Wingfield:** Proposed proceeding with the public hearing on this topic but to defer deliberation and vote until the December council meeting due to the absence of the city attorney at this meeting.

**Resident Alan Mitchell:** Discussed his approval for having an ordinance on this topic but expressed several concerns regarding its current language. As proposed, the ordinance offers no explanation of terms used, such as “woodland” or of the motivation behind the ordinance. Also, the language requires a permit to cut down a tree but offers no explanation of that permit process, etc. He suggests that the planning commission be included on this ordinance as well as several other organizations; namely: the League of Minnesota Cities, City of Gem Lake and the Pollution Control Agency’s “Green Step Cities Program.” He also proposed that a city fund be created for replacing dead trees. Finally, he recommended that the ordinance format and grammar be cleaned up.

**Resident Larry Walker:** Discussed his concerns about the natural effects on the trees, such as droughts. During drought years, trees suffer and need to be watered. Residents should be encouraged to care for the trees rather than being penalized with high water bills.

**Resident Bryan McGinnis:** He opposes this ordinance as written and recommends it not be enacted in this format. The current language does not match Birchwood’s situation and is difficult to understand. He recommends the planning commission be included on the issue and that the problem be addressed in an existing Land Use ordinance, such as 302.060 – Vegetative Alterations, rather than creating a standalone ordinance. Any changes should reward residents rather than punish them.

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.**

**Mayor Wingfield:** Explained the motivation behind the Tree Preservation ordinance.

**Council Member LaFoy:** Agreed that the language was difficult to understand but applauded the Mayor’s efforts in writing the ordinance.

**Mayor Wingfield:** Suggested that City Administrator Anderson and City Attorney Kantrud compare the language of the ordinance with similar ordinances passed by neighboring cities.

**Council Member LaFoy:** Liked the proposition of rewarding residents. He mentioned that he could not find the “Green Step Cities Program” that was referred to by resident Alan Mitchell. He suggested discussing this with the planning commission during the council’s December meeting with the commission.

**Mayor Wingfield:** Asked for other council members thoughts on discussing this at the next planning commission meeting.

**Council Member Anderson:** Agreed that this topic could be included in the next planning commission meeting.

**Council Member Hullsiek:** Concurred with Council Member Anderson. He also agreed with resident Bryan McGinnis’ suggestion of incorporating the language into an existing ordinance.

**Council Member Woolstencroft:** His understanding of the problem is that new residents want to demolish the existing house and clear cut the lot for new construction.

**Mayor Wingfield:** Asked City Administrator Anderson to search for alternative language and present those options at the January council meeting.

**Council Member Woolstencroft:** Showed his appreciation for having members of the community attend the meeting and provide feedback.

**C: First Reading of Ordinance 2015-06-02, Prohibiting Feeding of Deer in Birchwood**

**Mayor Wingfield:** Opened the floor to public hearing on this subject.

**Resident Alan Mitchell:** The language of the ordinance is too complicated. This language will open up different interpretations and legal debates over its meaning. Keep it simple. Also, this bill will do little in curbing the deer population.

**Council Member Woolstencroft:** This bill will at least reduce the food sources that are attracting the deer to Birchwood and disperse the population over other areas.

**Resident Alan Mitchell:**  Disagrees that any feeding is attracting deer from other areas into Birchwood. He believes that any deer in Birchwood are already resident in Birchwood regardless of any feeding.

**Council Member Woolstencroft:** The deer populations are moving in from Mahtomedi and other cities.

**Resident Larry Walker:** Pointed out the public health risks associated with deer ticks. Several residents have contracted Lyme Disease, including his wife this past summer. His wife loved the deer until she suffered from Lyme Disease. These diseases are not to be taken lightly. He feels it would be worthwhile to find out how many residents have contracted these diseases. He believes, however, that the deer will come regardless of residents feeding them; they love to eat the vegetation.

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.**

**Mayor Wingfield:** Borrowing ordinance language from neighboring communities is common practice. The ordinance to prohibit deer feeding is in response to residents' concerns over safety, whether it be reducing the chances of people running over deer or picking up deer ticks. To reduce these risks, residents need to be diligent and that is what this bill will establish.

**Council Member Woolstencroft:** Asked council members if they wanted to simplify the language or keep it as is.

**Council Member Anderson:** The language should not be simplified because deer are attracted by non-feed items as well, such as saltlicks. The language should cover all possibilities.

**Mayor Wingfield:** She doesn't believe that the language of the ordinance is very complicated. Although the ordinance may not change the world, council members have an obligation to set the right tone by passing the ordinance now.

**MOTION WAS MADE BY MAYOR WINGFIELD SECONDED BY COUNCIL MEMBER HULLSIEK TO PASS THE ORDINANCE PROHIBITING THE FEEDING OF DEER AS WRITTEN.**

**Council Member LaFoy:** Agrees with Council Member Anderson that the problem addressed in this ordinance is larger than just the feeding of deer and includes other forms of encouragement, such as saltlicks.

**Council Member Woolstencroft:** Informed the group that other communities, such as Hugo, will allow residents to use saltlicks except during open deer hunting season. Saltlicks are a good thing to include in this ordinance.

**VOTE WAS TAKEN TO PASS THE ORDINANCE: ALL AYES. MOTION PASSED.**

**D. Certification of the Delinquent Utility Accounts to the County**

**Mayor Wingfield:**  Opened the floor for public hearing. No residents stood to speak.

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY MAYOR WINGFIELD TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.**

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO PASS RESOLUTION 2015-22 TO CERTIFY THE DELINQUENT UTILITY ACCOUNTS AND FORWARD ON TO COUNTY FOR COLLECTION.**

**Mayor Wingfield:** Asked City Administrator Anderson to check with Kristi Haan from Washington County whether the City Council must provisionally require any added surcharges be posted with the delinquent utility fees or if those are already included by the County administratively.

**Council Member LaFoy:** Accepted Mayor Wingfield's suggestion to add appropriate surcharges to delinquent utility accounts as a friendly amendment.

**VOTE WAS TAKEN TO PASS THE RESOLUTION: ALL AYES. MOTION PASSED.**

**E: Halls Marsh Discussion**

**Mayor Wingfield:** Explained that one of the drainage pipes for Halls Marsh is plugged. Reports have been submitted to Rice Creek Watershed District but without response. Her understanding is that in the drought years the tree roots have been exposed and the soil has clogged the pipes. Water continues to drain into the marsh from Priebe Lake and other sources but cannot drain from Halls Marsh through the pipe. She is uncertain how the costs of maintaining Halls Marsh are shared between the several jurisdictions that overflow into the marsh. For example, Priebe Lake is in the City of White Bear Lake and in Ramsey County. She hoped that the Council could determine how to approach this problem.

**Council Member LaFoy:** Explained that the drainage gates might be in Mahtomedi's

jurisdiction.

**Council Member Woolstencroft:** Confirmed that the drainage gates actually are in Mahtomedi.

**Mayor Wingfield:** Explained that although the gates are in Mahtomedi, the problem is impacting Birchwood's marsh.

**Council Member Woolstencroft:** Explained that although the culvert is clogged, the water has eroded the soil and is exiting between and under the culverts.

**Mayor Wingfield:** She asked Council Member Woolstencroft if he has seen this recently.

**Council Member Woolstencroft:** He answered that he witnessed this two years ago.

**Mayor Wingfield:** She thought that the Council should get Mahtomedi involved as well then. She recalled that Birchwood had shared the costs with the City of White Bear Lake during a similar problem on the Cedar Avenue border between the two cities. Accordingly, it would be appropriate to get the several jurisdictions to cost share in this case. She suggested that because the problem includes so many jurisdictions, maybe Rice Creek Watershed District should spearhead the project.

**Council Member LaFoy:** Stated that for sure the problem is multi-jurisdictional.

**Resident Bryan McGinnis:** He was living in Birchwood when Rice Creek Watershed District installed the outflow. He believes that because they installed the outflow, Rice Creek should have some responsibility in this matter but Mahtomedi should also be included.

**Council Member LaFoy:** Suggested that City Administrator Anderson write a letter to Rice Creek Watershed District and copy in Mahtomedi so that they know what is happening.

**Mayor Wingfield:**  Stated that the City of White Bear Lake also be included in this letter.

**City Administrator Anderson:** He answered that he would have an update for the Council on this matter by the December Council meeting.

**F: City Administrator's Report**

**City Administrator Anderson:** He stated that as of last Friday, November 6, the controls for all three lift stations have been brought up to grade. The normal expense prior to the upgrade should have been $600 range but actual expenses have been in the $1000 range. Although he has not received a current bill yet, he noticed that the last bill had dropped to the normal $600 range. He expects future expenses to drop to the $300 range.

City Administrator Anderson also informed the Council that during this past September, the city experienced communication fails from lift station 3 to White Bear Lake township. He discussed this problem with Council Member Anderson and contacted Larry Laneaux, who works with Bob Connelly, about possibly moving the pole. He discovered that the pole had already recently been moved without our knowledge in an effort to find a clear signal across the lake to White Bear township. Dale Reed, from White Bear township, informed City Administrator Anderson that there has been zero communication fails since the pole had been moved. Accordingly, he hopes he will have good news to report to the Council after receiving future bills.

**Council Member LaFoy:** He asked City Administrator where the pole had been moved to.

**City Administrator Anderson:** He answered that the pole had been moved about 20 feet closer to the lake; down the easement.

**Council Member Woolstencroft:** He commented that the pole should have been placed in that spot originally.

**G: Agenda Add-on: Update with the Sheriff's Department**

**Mayor Wingfield:** She explained that the Sheriff called her that day to ask if Birchwood was receiving the level of services expected of them. She told the sheriff that we want a police presence in Birchwood but that we had not seen that recently. She explained to Council Members that according to the monthly reports the city receives from the sheriff's department, only one citation has been issued in Birchwood since April and that was for possession of marijuana in a motor vehicle. Additionally, the pedestrian signs within Birchwood have been taking a beating and she can't imagine how that can be happening if traffic is going to posted 25 mph speed limit. We just don't know what is going on out there.

Mayor Wingfield will be meeting with the Commander and Sheriff Bill Hutton regarding this matter accordingly. Anybody interested in attending the meeting with Mayor Wingfield or having her convey a message to them is invited to let her know. She stated that Sheriff Hutton is listening to us and is extremely responsive; it was he that initiated this contact on his own. She admires that the buck always stops with Sheriff Hutton.

**Council Member LaFoy:** He asked Mayor Wingfield when she would be meeting with the sheriff because he would like to attend.

**Mayor Wingfield:** She answered Council Member LaFoy that she didn't know when the meeting would take place yet.

**H: Last Minute Agenda Add-on: Update on Signs at Wildwood Regarding Parking**

**Council Member LaFoy:** He asked Council Members to provide an update on the Wildwood Parking sign matter discussed in October's Council meeting.

**Council Member Anderson:** He answered Council Member LaFoy that he had taken pictures of both ends of Wildwood but has not gotten them superimposed yet from the sign shop. He said that maybe he will have them ready for the December Council meeting.

**Council Member LaFoy:** He explained that parallel parking would not be desirable because then people will park in them all the time. He has noticed someone parking on the whole thing again for some party.

**Mayor Wingfield:** She asked Council Member LaFoy "they are?"

**Council Member LaFoy:** He answered that it happened during Halloween.

**Mayor Wingfield:** She stated that she will include that topic in her meeting with the sheriff.

**ADJOURN**

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY MAYOR WINGFIELD TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED.** **MEETING ADJOURNED AT 7:50 P.M.**

***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

Mary Wingfield

Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mike Anderson

City Administrator-Clerk