**CITY OF BIRCHWOOD VILLAGE**

**REGULAR CITY COUNCIL MEETING**

**November 8, 2011**

**MINUTES**

**MEMBERS PRESENT: Mayor Alan Mitchell; Council Members Barb Carson, Jane Harper, Mark Peterson, and Tony Sampair.**

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

**OTHERS PRESENT: Katie Cavanor, Steve Dean, John Lund, Erica Peterson, and Cynthia Tomlinson.**

**Mitchell** called the regular meeting to order @ 8:00pm, and the Pledge of Allegiance was recited.

**AGENDA APPROVAL: *Mitchell/Peterson unanimous to approve the agenda for the November 8, 2011 Regular Meeting, amended to remove Item # 1 (Approval of the Minutes of the October 25, 2011 Regular Meeting) and Item # 3 (Approval of revised contract with TSE, Inc. calling for a $0.25 per hour increase for cleaning help) from the Consent Calendar, to be considered under the Regular Order of business, and to add Item #8A (Cain Garage Rental) to Regular Order.***

**COMMUNITY EVENTS AND ANNOUNCEMENTS: Mitchell** noted that tomorrow (November 9) is the first Nationwide Emergency Alert Test at 1:00pm, and noted that all federal agencies are involved in the test.

**E. Peterson and Tomlinson** wanted to thanks the many volunteers who assisted with the Nordling Park improvements: *Alice Anderson, Andy Sorenson, Annie Vail, Barb Brenny, Barb Carson, Barb Stangl, Bea Krinke, Brian Hurden, Bruce Sheldon, Bryan McGinniss, Carol Knutson, Chad Carson, Charlie Moore, Cynthia Tomlinson, Dawn Kucskynski, Dawn Husnik, Erica Peterson, Gene Bowar, Gene Ruehle, Greg Donovan, Gretchen Johnson, Jackie Felt, Jay Brunner, John Lund, John McCormick, Karin McGinniss, Katie Cavanor, Kelsey Burns, Lauren Tomlinson, Laurie Hanson, Lori Klimp, Mary Sternal, Mary WIngfield, Matt Burns, Ron Sternal, Ron Steward, Sandy Bowar, Sandy McTavish, Suzanne Donnell, Tom Stangl, Tony Sampair, and Trevor Simning.* **E. Peterson** noted that the invasive species have been removed, allowing for more native species to return; that the rain gardens installed should help the water quality and serve as an example for residents that may want to redo their backyards.

**OPEN PUBLIC FORUM:**  No residents came forward to address the Council.

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

1. ***Approval of the Disbursements Register as prepared by the City Treasurer and presented to the City Council on November 8, 2011, including Check #’s 26825-26862 and Electronic Funds Transfers TRN101711, TRNS101711, EFT101811, and PERA093011.***
2. ***Approval of the hiring of Johnny Dow as a seasonal hockey rink attendant at a wage of $8.00 per hour.***

**APPROVAL OF THE MINUTES OF THE OCTOBER 25, 2011 REGULAR MEETING: Mitchell** requested that this item be removed from the consent calendar to clarify the motions pertaining to the Council’s approval of the dock permit was portrayed, and noted that he worked with Powers on this matter and revisions are before you at the table. **Mitchell** said he was fine with the revisions and recommends approval of the revised minutes.

***Mitchell/Carson unanimous to approve the minutes of the October 25, 2011 as amended.***

**APPROVAL OF REVISED CONTRACT WITH TSE, INC. CALLING FOR A $0.25 PER HOUR INCREASE FOR CLEANING HELP: Mitchell** stated that he had requested that this item be removed from the consent calendar due to some concerns he has with some of the clauses in the contract relating to the purpose statement, the supervisor/subordinate relationship, and indemnification.

***Harper/Peterson 4-1 (Sampair) to approve an increase to $9.75 per hour plus applicable sales taxes, and to issue the contract upon the Clerk and the Mayor satisfactorily revising it with TSE, Inc.***

**PUBLIC HEARING: CERTIFICATION OF DELINQUENT UTILITY ACCOUNTS: Powers** advised the Council of the statutory authority to certify delinquent utility bills as special assessments. **Powers** added that a resolution certifying the delinquent utility bills was not prepared, since the Council approved the certification last year by a simple motion; however, the Mayor prepared Resolution 2011-20 which is before you at the Council table for consideration.

**Mitchell** noted that he checked with the League of Minnesota Cities about this matter; the League uses another statutory citation and recommends a resolution be used to approve the certification. **M. Peterson**  asked what criteria was used to determine which accounts to certify as delinquent; **Powers** responded that accounts that were over 6 months delinquent over $100.00 was used as a basis to develop the initial certification list. **Sampair** asked if any of these accounts asked for consideration due to extenuating circumstances; **Powers** said none of the responsible parties called. **Harper** wanted to know if these totals are for this year only, seeing as some of the delinquent amounts seem high; **Powers** stated that these amounts are for this year, as when the previous year’s totals are certified to the County that they come off the City’s books as the County becomes the billing agent and pays the amount of the delinquent account to the City when it is received.

**Mitchell** opened the public hearing at 8:31pm. Seeing that no one in attendance wished to be heard on this matter, **Mitchell** closed the public hearing at 8:32pm.

***Peterson/Harper unanimous to approve Resolution 2011-20.***

**REVIEW OF TREE INSPECTION REPORT AND APPROVAL OF COSTS FOR REMOVAL OF DISEASED TREES AND BROKEN TREE BRANCHES: Powers** reviewed the staff memo on this item and noted that an inspection report is required by City Code Section 403.060. City Forester Steve Dean provided a tree inspection report and also provided estimates for removal of diseased trees from City property as well as 2 estimates for treatment of a hollow limb on the Ash easement. **Peterson** asked whether the city was experiencing a lot of oak wilt disease; **Dean** responded that there isn’t a lot of oak wilt at the present time, but the chestnut borer is slowly working its way here. **Harper** asked about the differences in the 2 estimates for the hollow limb; **Dean** responded that the higher cost is for removal of the limb and the lower cost is for trimming it back to remove the immediate danger.

***Harper/Peterson unanimous to accept the tree inspection report, to accept the bid of $792.73 for removal of the diseased trees (8 elms and 1 oak) on city property, and to accept the lower bid of $257.10 for trimming the limb on the Ash easement.***

**Carson** asked whether residents are notified if there are diseased trees on their property; **Dean** responded that in the past former Clerk Kathy Weber would take care of that, but more recently he has personally contacted the property owners during the winter.

**TIGHE-SCHMITZ WARMING HOUSE: PROPOSED OUTDOOR RECREATION GRANT PROGRAM APPLICATION – REQUEST FOR CITY DUPPORT FOR PROJECT: Cavanor**, of the Parks Committee, presented the information to the Council on the proposed construction of a permanent warming house at Tighe-Schmitz Park, and noted that the project appears to qualify for grant funding through the Department of Natural Resources (DNR) Outdoor Recreation Grant Program, and noted that the Committee is interested in pursuing this grant opportunity to be used for renovation of the ice rink area which includes construction of a new warming house. **Cavanor** stated that the anticipated cost of the renovations is $40,000.00, and the grant requires a 50% local match, which can be either in dollars or “in-kind” contributions. **Cavanor** concluded by saying the Parks Committee would be responsible for writing the grant; however, this takes times and the Committee wants direction from the Council on whether there is interest from the Council on this matter.

**Mitchell** stated that the question before the Council is whether it should authorize the Parks Committee to pursue this opportunity. To reiterate, **Mitchell** said that the City is responsible for $20,000.00 which can be cash, “in-kind”, or a combination of the two. **Mitchell** concluded by saying that the report indicates that the City would be applying for the grant in March 2012 and the work would be done in 2013 at the earliest; **Cavanor** concurred with that assessment and said that the earliest the grant would be awarded would be Fall 2012, and doesn’t anticipate any construction starting yet that year. Additionally, **Cavanor** noted that DNR requires a public hearing on the proposed grant application and a resolution approved by the City Council stating that the City has the financial capability of meeting its obligation to match the grant.

**Mitchell** asked whether there is a sense of support in the community for this project. **Sampair** noted that he believes there is strong support in the Tighe-Schmitz neighborhood for the proposed improvements, and **Cavanor** noted that the Committee wants to hold an informal community meeting to solicit ideas on what the public wants to see at the park that can be incorporated into the grant application.

**Harper** asked whether the $40,000 is an accurate figure and how this will be bid out, commenting that the usual process is to first determine the need, then drafting design plans that are the basis for knowing what the cost will be for the project and also for development of bid documents. **Harper** further stated this appears to be jumping to the financial commitment without knowing for certain whether this proposal meets the needs of the community and what the precise dollar commitment will be. **Cavanor** responded that the Committee has proceeded with the proposal and received cost estimates based on what is before you on a piece basis as well as factoring $10,000.00 for “in-kind” labor. **Harper** asked about what would be the financial impact if the project was expanded in response to community interest to include a structure that could be used beyond the winter season - for example, Music In The Park; **Cavanor** responded that the proposal could be expanded based on community interests, but there are restraints based on the City’s desired financial commitment.

**Harper** also inquired as to the statement that the warming house is only a part of the project and wanted to know what else is included; **Cavanor** replied that the grantor is going to be looking for more of a project and not just the warming house; we are going to design the application to make it clear that the warming house will be part of the project and not the only part of the project. **Harper** asked whether the City was obligated to accept the grant if it was awarded; **Cavanor** stated that it was not.

***Sampair/Carson unanimous to express support to the Parks Committee for preparing the grant application.***

**REVIEW OF PROPOSED 2012 PARKS AND NATURAL RESOURCES COMMITTEE BUDGET: Lund** reviewed with the Council the proposed Committee budget for 2012, which keeps within the $18,000.00 designated by the Council. **Lund** noted that Parks needs a snow thrower to remove snow at the hockey rink; **Powers** advised the Council that there is still money left in this year’s budget that can be used for purchase of a snow thrower. **Carson** thinks the Feistner step project ($3,000.00) and tree removal ($2,300.00) should be removed from the budget. **Harper** advised the Council that the $18,000.00 number was placed by the Council because it didn’t have any definite numbers from the Committee, and that the $5,000.00 in revenue received from Dock Association fees is to be used for park improvements and not operations and maintenance. As for trees, **Harper** is of the opinion that tree maintenance in the parks should be considered park improvements. **Carson** said she agrees with City Treasurer Cindie Reiter that the cost of diseased tree removal should not come out of the Parks budget.

**M. Peterson** wanted clarification that the Council is not approving the Parks Committee budget; **Harper** responded that the Committee by-laws require presentation of the budget at this time, with approval of the budget in December.

**Lund** asked for clarification that the $2,300.00 for tree removal is going to be removed from the Parks budget; **Mitchell** said that is correct, but that doesn’t mean the money can be allocated elsewhere in the Parks budget. **Mitchell** noted that the City is going to incur the expense and that the $2,300.00 will be placed in the general fund. **Harper** concurred, stating that the preliminary levy has been certified and can’t be increased. **Cavanor** asked whether that means the Parks budget will be reduced by the $2,300.00 amount; **M. Peterson** said that would be a correct assumption at this point.

**Harper** asked the Committee to identify which line items would be considered park improvements that could be paid for with dock fees. **Lund** said Line 8 (Materials & Supplies) would be the only other line item. **Sampair** thought Line 43 (snow thrower) might be considered park improvements; **Mitchell** thought Line 32 (sand/pea gravel for play equipment) and Line 35 (tennis court maintenance) might also fall into that category. **Harper** responded that this discussion demonstrates the need for the Council to get a budget to the Council before the preliminary levy is set. **Harper** also noted that the City needs to define what is meant by “park improvements” and that the Parks Committee could proposed a definition for the Council to review and consider.

**CAIN GARAGE RENTAL: Powers** advised the Council that Lori Carter decided not to rent the Cain garage; apparently the space was not what they expected it to be. The remaining bid of $21.00 per month is by John Velin. **Harper** noted that she was abstaining from the vote due to Velin being her husband. **Powers** also noted that staff is getting a new lock and pulleys for the garage door to make it easier to lift, and said the staff was going to install a new garage door that would have been paid for from the $825.00 lease amount from Carter; since she has changed her mind, the lower lease amount from Velin wouldn’t cash flow a door. **Carson** asked what was the price difference between the door and lock/pulley; **Powers** noted that the door cost $308.00 and the lock/pulley around $100.00. **Carson** asked about the amount remaining in this year’s budget for building repair; **Powers** responded that under City Hall – Government Buildings there is $4,853.24 remaining. **Harper** noted that in her discussions with City Treasurer Reiter it was thought that particular account will be in deficit by year’s end and recommended finding another fund for that expenditure.

***Peterson/Carson 4-0 (Harper abstaining) to rent the Cain Garage to John Velin at $21.00 per month, to be available immediately with payment to start in December.***

***Carson/Peterson 4-0 (Harper abstaining) to authorize an expenditure of the Capital Fund not to exceed $450.00 for purchase of a new garage door for the Cain Garage.***

**NEXT MEETING – NOVEMBER 22: Mitchell** said that the next meeting on November 22 will be a budget workshop; if the public has any questions about the levy and budget they should attend. **Mitchell** also requested that a short presentation on how individual property taxes get set be conducted, as well as discussion on the new Homestead Market Value Exclusion, which replaces the Homestead Credit.

**ADJOURN: *Harper/Carson unanimous to adjourn the meeting @10:02pm.***

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Dale Powers

City Clerk