

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
October 13, 2015**

MINUTES

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

STAFF PRESENT: Mike Anderson, City Administrator

OTHERS PRESENT: Len Pratt, Doug Danks, Mary Sue Simmons, Alan Mitchell, Joanne Haus, Mike Evangelist, Ellen Maas Pratt, Jibby Maas

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

AGENDA APPROVAL:

Mayor Wingfield: added Lift Station 3, Kay Easement Agreement, and Parking Signs on Wildwood.

MOTION WAS MADE BY COUNCILMEMBER ANDERSON AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE AGENDA AS PRESENTED. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM:

Alan Mitchell: Discussed open meeting law concerns and the policies and procedures of city council.

ANNOUNCEMENTS: Mayor Wingfield mentioned leaf pick up on Mondays in October.

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting August 5 & September 8, 2015 Minutes

MOTION WAS MADE TO APPROVE AUGUST 5 & SEPTEMBER 8 MINUTES BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER HULLSIEK. FOUR AYES. MOTION PASSED

- B. Approval of Special Meeting September 26 Minutes
Minutes were pulled for review for October 13 Council Meeting.

CITY BUSINESS - REGULAR AGENDA

A.1. Len Pratt 407 Lake Ave

Mayor Wingfield: asked to hear about the compliance problems of 407 Lake Ave from the builder's perspective.

Council Member Hullsiek: Wants to focus on the timeline that was presented so council was all on the same page.

Len Pratt: Presented council with a packet of materials that included a start to finish recap of the process of 407 Lake Ave. Documents outline the steps that were taken in the process. Informed the council he has been building homes for 43 years and served on the Planning Commission for ten years. Len then went on to describe the process that took place from start to finish of the project. Len explained that the structure was built to code and proper steps were taken.

Mayor Wingfield: Explained that the city received complaints not on the looks of the structure, but the height. The city then looked into this matter and determined that the height was not in compliance and that a new process needs to be in place. Mayor Wingfield also mentioned a staff transition took place during the peak of this project.

Len Pratt: Stated that the structure never changed. The roof line used to determine structure height was used from the start of the project. He went on to say that when he found out the city didn't have the final plans and only the preliminary plans he brought copies into city hall. Modifications have been made to the grade plan to bring the structure into zoning code height compliance.

Mayor Wingfield: Asked Len to discuss his proposed process suggestions to the council.

Len Pratt: Brought to the council a plan with three steps to improve Birchwood's process. He would like to see a third party involved in the building process. Len then went to suggest adding the need to require illustrations and a height calculation worksheet.

Len Pratt: Went into discussing the previous meeting where statements were made and expressed his displeasure of them. He asked the council to look at "The Promises of Birchwood" which were handed to all council members. He finished with stating his time serving was coming to an end but after a proper process is in place.

Council Member Hullsiek: Asked when the signed copy of the site plan was given to City Hall.

Administrator Anderson: Plans were submitted end of August.

Council Member Hullsiek: Would like to see the timeline amended with the date the signed building plans were submitted to city hall.

Mayor Wingfield: Agreed that the city needs to have a process in place with proper procedures. Mayor discussed having someone come in and oversee the zoning aspects of building plans.

Mayor Wingfield: Discussed the issues that we have with our structure height code and reviewing our policies to find a solution to solve the problem. She then stated that it would be best to remove the zoning from Building Inspector Jack Kramer's plate and follow the process in Birchwood's zoning code with the help of Planning Commission member Doug Danks.

Planning Commission Member Danks: Mr. Danks said he would be happy to help with reviewing future plans on an interim basis until a proper procedure was in place.

Mayor Wingfield: would like to know who is qualified for zoning review. She mentioned that collectively we will find a way to solve this issue.

Building Official Kramer: Kramer said the best outcome would come with hiring a planner to be the checks and balances system Birchwood is looking for. He stated that the other cities he works with use that process.

A.2. Open Meeting Law

Resident Alan Mitchell: Advised that during the last meeting, in his opinion, there was a violation of the open meeting law that needs to be addressed in the future.

City Attorney Kantrud: Stated that the open meeting law is case by case basis and getting the most information out as possible would be best. He says when there is a last minute discussion to close the meeting it is hard to post notice, when you know ahead of time it is easy to place it on the agenda.

B. Council Member Hullsiek: Birchwood Dock Association

Council Member Hullsiek: Stated that the Dock meeting went well. He continued that some residents will be off the list in 2016 and new additions will be added. He asked council to remove the city fee of \$400 for the Dock Association.

Mayor Wingfield: Asked Dock Association member Mike Evangelist to put the money generated by the Dock Association towards new docks and installation. Adding that some incentive for volunteers to install/remove the docks would be helpful.

Dock Association Member Mike Evangelist: Stated that the dock association does not have the budget to pay for professional serviced to put in the docks, lifts, and have them removed.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE REMOVAL OF THE \$400 FEE. ALL AYES. MOTION PASSED.

C. Kay Beach Dock Application

Council Member Hullsiek: Discussed the lengthening of Kay Beach dock to 100 feet.

Council Member Woolstencroft: Mentioned that the Kay Beach dock in its current state should be returned to 100 feet. He stated that there is no view on either side of the dock and only straight across the lake. He continued that it isn't fair for the entire community to have the dock at a shorter length than the two docks on each side.

Council Member Hullsiek: Placed a photo of the current dock placement and the obstructed view that is being caused by the dock being shorter than neighboring docks.

Council Member Anderson: Said that there are two sections that had to be added with a temporary plank just to bring access from shore with the lake level dropping. He asked that people be aware that bringing the dock back to 100 feet doesn't necessarily mean it will be extended into the lake but just to connect the dock to the shoreline for easier access.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK SECONDED BY COUNCILMEMBER ANDERSON TO APPROVE THE DOCK APPLICATION BE SUBMITTED WRITTEN. ALL AYES. MOTION PASSED

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT SECONDED BY COUNCILMEMBER ANDERSON TO APPROVE TO EXTEND KAY BEACH DOCK BACK TO 100 FEET. ALL AYES. MOTION PASSED

D. Approval of Treasurer's Report

MOTION WAS MADE BY COUNCIL MEMBER LAFOY SECONDED BY COUNCILMEMBER ANDERSON TO APPROVE THE TREASURERS REPORT. ALL AYES. MOTION PASSED.

E: Second Reading of Tree Preservation Language to City Code

Mayor Wingfield: Discussed changing some of the language in the proposed ordinance in terms of shore land and wetlands.

Council Member Anderson: Asked about adding Halls Marsh into code language.

Council Member Woolstencroft: Suggested that council wait to make changes until there was a public hearing at the next council meeting for public input.

Resident Alan Mitchell: Would like to see more information in the packets to clarify what the council is voting on. Stated he appreciated the background information on this ordinance but moving forward would like to see resolutions and clauses included.

City Attorney Kantrud: Stated that if Birchwood has it in their policies and procedures, then it should have a public hearing in order to pass an ordinance.

MOTION WAS MADE BY MAYOR WINGFIELD SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO MOVE THIS ITEM TO THE NOVEMBER COUNCIL MEETING AND HOLD A PUBLIC HEARING AND POST NOTICE. ALL AYES. MOTION PASSED

F: Resolution 2015-07: Hiring and Appointing Tobin Lay to Serve as City Treasurer

City Administrator Anderson: Recommended the hiring of Tobin Lay based on his interview with him.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO HIRE TOBIN LAY AS TREASURER. ALL AYES. MOTION PASSED

G: Second Reading of Ordinance 2015-8-01, Amending Section 302.045 of City Code

Mayor Wingfield: Discussed the issue of language in code that needs to be addressed. This was on for the September special meeting but was deferred due to lack of quorum.

City Attorney Kantrud: The purpose of the special meeting was to get this process started. The DNR liked what the previous code read in terms of calculating structure height.

Council Member Anderson: Would like to have a joint meeting with Planning Commission in December to review the code.

Mayor Wingfield: Suggested Council and Planning Commission have a joint meeting on Tuesday, December 1 at 7pm.

MOTION WAS MADE BY MAYOR WINGFIELD SECONDED BY COUNCIL MEMBER LAFOY TO HOLD A JOINT MEETING WITH THE PLANNING COMMISSION ON DECEMBER 1. ALL AYES. MOTION PASSED

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

Mayor Wingfield: Stated that since this is an ongoing problem the city would like to take action on this matter.

Council Member Woolstencroft: Explained that the deer come through his property all day long and there are people who feed them which draw more deer in.

Mayor Wingfield: Mentioned that adding a purpose to the proposed language to fit in with how the city wants to act.

Resident Joanne Haus: Told the council that the deer are running wild through the city and she has seen many deer in her yard. Also that she acquired a deer tick recently.

Resident Alan Mitchell: Stated that he would like to see the council follow policies and procedures in adopting the proposed ordinance.

Council Member Anderson: Would like to wait on taking action on this ordinance until the November meeting after holding a public hearing.

COUNCIL MEMBER ANDERSON MADE A MOTION TO APPROVE MOVING THE DEER ORINANCE TO NOVEMBER COUNCIL MEETING SECONDED BY COUNCIL MEMBER WOOLSTENCROFT. ALL AYES. MOTION PASSED

I: City Administrators Report

City Administrator Anderson: Stated there will be elections held at city hall on Tuesday, November 3.

City Administrator Anderson: He went on to inform the council that the snowplowing contract has been extended to 2 years and the ending date pushed out to May.

COUNCIL MEMBER ANDERSON MADE A MOTION TO APPROVE THE SNOW PLOWING CONTRACT SECONDED BY COUNCIL MEMBER HULLSIEK. ALL AYES. MOTION PASSED

City Administrator Anderson: Gave an update on the lift stations. The process has begun to bring the lift station to controls to grade and estimated to be finished by November council meeting.

J: City Attorney Report

City Attorney Kantrud: Stated that there is no more controversy on the Kay Beach easement.

K: Lift Station 3

City Administrator Anderson: Informed the council that the signal from lift station 3 is being blocked and the receiver pole needs to be moved. He went on to inform the council that he met with White Bear Township to discuss a solution.

Council Member Hullsiek: Discussed an alternative to running a hard wire from the lift station to city hall to try and save money.

Mayor Wingfield: Discussed having Roseville run our hard wires but the cost was too high to consider.

M: Signs at Wildwood Regarding Parking

Council Member Anderson: Recommended putting one sign on each end of the park and attach it to the existing signs.

Council Member Lafoy: Said he would go to the neighbors and talk with them regarding the parking.

Council Member Woolstencroft: Would like to see the parking enforced and to do that Birchwood would need to put up a sign.

Mayor Wingfield: Stated that Council Members Hullsiek and Anderson will work together on coming up with a solution for the parking signs for November meeting.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY, SECONDED BY COUNCIL MEMBER HULLSIEK TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:45 P.M.

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk