

**CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
BIRCHWOOD, MINNESOTA**

**MINUTES OF THE CITY COUNCIL MEETING
SEPTEMBER 12, 2023, 6:45 P.M.**

MEMBERS:

Margaret Ford	Mayor
Mark Foster	Councilmember
Ryan Hankins	Councilmember (via teleconference)
Justin McCarthy	Councilmember
Katherine Weier	Councilmember

STAFF:

H. Alan Kantrud	City Attorney
Rebecca Kellen	City Administrator
Mary Cahill	City Treasurer (until 9:00 p.m.)
Marcus Johnson	City Engineer, Bolton & Menk (until 8:00 p.m.)

GUESTS:

Dan Starry Sheriff, Washington County Police Department (until 7:07 p.m.)

Minutes prepared by Anh Nguyen of Minutes Solutions Inc. from a video recording.

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:45 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA (0:00:41)

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve the agenda as amended. All in favor; motion carried.

Council requested that the following amendments be made to the agenda:

- Add 184 Cedar Street
- Add an announcement regarding the Community Club
- Add Payment Plan for Overdue Water Bills
- Defer Section 8, Item H, Subsections B and c
- Remove Section 8, Item K

4. SHERIFF'S PRESENTATION ON 2024 POLICE SERVICES CONTRACT (0:03:43)

Sheriff Dan Starry introduced Chief Deputy Doug Anschutz, Patrol Commander Tim Harris, and Deputy Sheriff Ryan Corneha.

The Washington County Sheriff's Office has been contracting police services with Birchwood since 2014. The 2024 police services contract includes an additional deputy to meet resident expectations, provide safer and quicker responses, and allows more time to be proactive and avoid time being reactive.

Sheriff Dan Starry noted he is cognizant of the additional cost for the additional deputy but reported that the additional deputy is necessary given the increase in crisis calls, year after year, which requires time and staff to adequately address a person's needs. These calls, in addition to traffic and traffic accident calls, are time-consuming and take away from residents' expectations for traffic patrol. Based on an analysis of the calls for service data, the afternoon is the busiest for calls for service, and the additional deputy would be assigned to this time period.

Sheriff Dan Starry reported approximately 60 accidents in 2021, 72 accidents in 2022, and 84 accidents in 2023, and is expected to grow. There has also been an increase in mental health crisis calls throughout the state and the nation, and an increase in medical calls due to the aging population.

Sheriff Dan Starry provided a report of service calls for various cities in the county and reported 713 service calls in Birchwood for 2021, and 587 service calls in Birchwood in 2022, including 84 mental health crisis calls. Sheriff Dan Starry noted he is also advocating for the safety of the deputies on patrol, given the rise in the loss of law enforcement officers in the area.

Councilmember Hankins noted that the budget is allocated based on city populations; however, the number of service calls received based on the report provided by Sheriff Dan Starry does not correlate with the populations. Sheriff Dan Starry reported that the police services contract was initially delivered per capita, and then service calls were considered; however, he noted that the Washington County Police Department had no role in negotiations for the contract, which was between the four cities.

Councilmember McCarthy queried whether there is a trend of service calls over the last five years for Birchwood. Sheriff Dan Starry confirmed that, since 2019, there has been approximately the same number of service calls; however, the types of calls have changed. Before 2019, there were fewer two-person deputy calls. Currently, the focus of service calls is de-escalation and responding efficiently without force, which uses more resources than in the past.

Sheriff Dan Starry noted that all deputies undergo crisis response training, and the contract includes a crisis response team, a therapy dog, and a social worker who also goes out to the calls.

Councilmember Foster suggested re-implementing the monthly patrol reports in the meeting packets. Becky Kellen noted that the reports are available on the Birchwood website but were removed from the packet as per the previous mayor's request. Sheriff Dan Starry reported that the police department has a Public Information Officer who can customize the monthly reports to reflect what the Council or residents want to see.

Councilmember Weier requested a breakdown of how much time deputies spend in Birchwood. Sheriff Dan Starry was unable to provide the requested data but assured the Council that deputies are patrolling the city and making an effort to attend community events. Sheriff Dan Starry noted that deputy patrols are likely during the day and at night due to the large service call load in the afternoon.

5. **OPEN PUBLIC FORUM (0:22:00)**

Mayor Ford opened the floor to comments from the public.

Barton Winter, 1 Five Oaks Lane, previously expressed concerns about potholes on Cedar Street, Hall Avenue, and Birchwood Road in June 2023. Two significant areas were filled, but some areas still require attention, and he requested that the remaining areas be filled. He stated that he was told that boards would be put up at the rink but reported that the work has not been done, and offered to help with replacing the boards and to pay for the cost of some boards.

Mayor Ford confirmed that two rounds of patchwork were carried out due to the difficult winter. The Council decided to address the more severe potholes as the city does not have the funds to repair all the potholes.

Councilmember Weier reported that the city maintenance worker's priority is to remove tree debris from the storm but confirmed that the replacement of the rink boards is in the works.

On a motion by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to close the public forum. All in favor; motion carried.

6. **ANNOUNCEMENTS (00:29:10)**

- A. **2024 Deer Hunt Dates:** October 12, 2023, October 13, 2023, October 29, 2023, October 30, 2023, November 20, 2023, November 21, 2023, December 6, 2023, and December 7, 2023.
- B. **Birchwood Dock Association:** The annual fall meeting will be held on September 16, 2023, at 10:00 a.m. at City Hall.
- C. **Parks Committee:** The Parks Committee is seeking a volunteer to fill a vacant position. A final decision will be made at the October 2023 City Council meeting.
- D. **Permitting Software:** The new permitting software was launched on September 1, 2023.
- E. **Resignation of City Treasurer:** Mary Cahill, the City Treasurer, has resigned but has offered to help with the transition period.
- F. **City Newsletter and Community Club:** The City's fall newsletter is available on the city's website. The Community Club is trying to gauge interest in a city-wide garage sale on September 29, 2023, and September 30, 2023.

Interested residents are asked to send an e-mail to communityclubbirchwood@gmail.com.

7. **CONSENT AGENDA (00:31:40)**

On a motion made by Councilmember Weier, seconded by Councilmember Foster, it was resolved to approve Consent Agenda items B, C, and D, as presented. All in favor; motion carried.

- A. **July 2023 Meeting Minutes (Consent Agenda Item A) (00:32:33):** The following changes were requested to the minutes of the meeting held on July 11, 2023:

- Section 8, subsection a: The reasons listed are inaccurate, and “there was strong opposition from the neighbors” should be removed as a reason for denial of the variance application. It was noted that going forward, any reasons for denial of a variance application listed in the meeting minutes should reflect the same as the reasons listed in the letter sent to the respective homeowner(s).
- Section 9, subsection d: The motion was approved as amended; however, there is no reference as to what the amendment(s) were.

The approval of the minutes of the Council meeting held on July 11, 2023, was deferred to the next Council meeting pending amendments.

B. Approve Owl Path Handrail Install (Consent Agenda Item E) (0:35:22):

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve the installation of a handrail at Owl Path by employee Ron Koehnle at a cost not to exceed \$2,500 for materials, and at a rate of \$25 per hour for a maximum of 100 hours, as amended. All in favor; motion carried.

The proposal should state “100 hours”, not “10 hours”, at \$25 per hour. The cost of materials is based on an estimate from the Parks Department.

Councilmember Foster expressed concern regarding the city’s limited funds given the overspending on several items; however, it was noted that the Birchwood Dock Association has approximately \$15,000 that is solely designated for spending on parks. Councilmember Foster reiterated that the handrail should be installed prior to the winter season, as the city’s snow removal process entails relocating snow to Owl Path.

C. Approve Treasurer’s Report (Consent Agenda Item F) (00:39:20):

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve the Treasurer’s report, as amended. All in favor; motion carried.

It was noted that \$6,750 from the water fund should be allocated towards check No. 32575 in the amount of \$8,000 to Asphalt Restoration Co. Inc., as previously approved by the Council.

8. CITY BUSINESS – OLD BUSINESS

A. City Street Project Update (00:57:55):

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve holding a public forum to obtain resident feedback on the city street project and the Wildwood lift station project. All in favor; motion carried.

ACTION – Becky Kellen will post a notice on the city’s website and send an e-mail blast to residents advising that the Council conducted a road survey and is seeking resident feedback on the city street project at a special meeting to be held in September 2023, and to be attended by Marcus Johnson.

ACTION – Marcus Johnson will explore grant opportunities for the water main and any other grants related to the city street project and will review the water main breaks to determine the services that would be impacted.

Marcus Johnson recommended replacing the water main pipes since they are four inches and the standard is now eight inches, and reconstructing the split on Wildwood Avenue, except for the sanitation sewer, after the completion of the lift station project. The project for Wildwood Avenue will cost approximately \$800,000; however, some of the construction costs will already be included in the lift station project, which would provide some cost savings.

Marcus Johnson confirmed there is no immediate need to reconstruct any of the Birchwood roads, but the city may want to consider reconstruction based on the condition of the water main breaks. Marcus Johnson reviewed the road report, and noted that some of the priority roads could be deferred to 2024.

The city is considering implementing a bike lane on the shoulder, but the Lake Links Association requires that the bike lane must be paved and striped and that a design be submitted in advance. There is \$70,000 available, but Marcus Johnson has not yet confirmed how much the project would cost. It was suggested to also obtain public input on the bike lane at the special meeting.

The county is seeking the city's interest in joining a crack-filling project with other neighboring cities to have the roads crack-filled for a lump sum each year. A plan would have to be submitted to the county by October 20, 2023. There is no upfront cost for the application, but the Council would have to decide on the budget and inform the county. Marcus Johnson noted that joining the crack-filling project would save on mobilization costs and provide cost savings. Further discussion was deferred to the special meeting to be scheduled in September 2023.

- B. Wildwood Lift Station Update (00:40:45): ACTION – Marcus Johnson will confirm whether the Environmental Protection Agency (EPA) requires that the city show the funds for the lift station project are available before the EPA provides a cheque for \$480,000, or whether the cheque will not be written until the project is complete.**

ACTION – The Council will hold a special meeting in September 2023 to discuss the Wildwood lift station and determine its location and will invite Steven Thatcher, the previous city engineer, to the meeting for clarification.

Marcus Johnson met with Steven Thatcher for a review of the project and a status update and will be meeting with the Environmental Protection Agency (EPA) and the Rice Creek Watershed District (RCWD) to discuss funding.

The RCWD requires that a plan and specs be submitted by October 2025 for construction in 2026. The EPA requires that a location be determined, an environmental review be conducted (which will take a few months), and that a work plan including the site, scope, and cost assessment be submitted. The EPA also requires 20% profit match to their estimate of \$480,000, which is for construction only and does not cover the design process.

It was noted that funding needs to be secured prior to bidding, and Marcus Johnson is still trying to determine where the \$480,000 estimate has originated. Marcus Johnson noted that, based on the previous city engineer's plans, the project would cost \$1,000,000 due to the plans being very deep, which drives construction costs up; however, Bolton & Menk may be able to narrow the scope to a project cost of \$600,000 to \$700,000.

Councilmember McCarthy expressed concern that Steven Thatcher, the previous city engineer, was paid \$100,000 for the drawings and plan, and the city will have to pay an additional \$30,000 for Bolton & Menk to draft new drawings and a plan. It was also noted that Steven Thatcher was

aware of the city's budget of \$600,000 to \$800,000, yet drafted a plan for a project that is estimated to cost \$1,000,000.

Marcus Johnson confirmed that if the Council proceeds with the original plan and it is signed by Steven Thatcher, Bolton & Menk can carry out the construction only, and the city will not incur the additional \$30,000 cost. Mary Cahill confirmed that the city has been paying invoices to Steven Thatcher since 2022 for the lift station project.

C. Parks and Natural Resources (1:15:28):

- a. **Tighe-Schmitz Update:** *ACTION – Becky Kellen will add the basketball hoop to the city's maintenance schedule, along with items from the inspection of the playground at Tighe-Schmitz Park.*

A memo was presented that includes ideas for maintenance and improvements to Tighe-Schmitz Park from the public forum held by the Parks Committee. An additional public forum will be held in spring 2024. The Parks Committee is currently exploring potential grants for any of the recommended improvements.

- b. **Parks and Natural Resources Committee Representatives:** This item was not discussed.

c. **First Reading of Ordinance 2023-09-01 (607) City Parks Systems:**

i) **First Reading and Council Deliberation:**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the first reading of Ordinance 2023-09-01. All in favor, motion carried.

The following amendments were requested:

- Section 607.201, add "with a valid boat slip permit" between "access a boat" and "on a city-licensed dock".
- Section 607.510, add "if any" after "machinery".
- Section 607.300, remove "any person so authorized by the City Council" and incorporate into Section A to include "during flood times".

ii) **Order Second Reading and Public Hearing:**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the order of a second reading and public hearing for Ordinance 2023-09-01. All in favor, motion carried.

D. 2024 Final Preliminary Budget Discussion and Approval (1:29:55):

- a. **Council Discussion:** H. Alan Kantrud reported that the police services contract is a supplemental contract, and the Sheriff is in charge of policing the county. If the Council is not in favor of the additional deputy, the apportionment would be divided by the other cities, or the other cities will have to determine how to supplement the difference within their internal financing.

Councilmember McCarthy emphasized that once a preliminary budget is approved, the budget can decrease but cannot increase; therefore, he recommended erring on the side of caution and

approving the police services contract, pending confirmation of the city's obligation to the contract. H. Alan Kantrud agreed with this recommendation.

Councilmember McCarthy recommended a budget of \$50,000 or \$100,000 to address two or three roads annually with a mill and overlay as an interim solution, citing concerns with justifying the cost of \$800,000 to reconstruct the roads.

Councilmember Foster noted that a budget increase from the previous \$30,000 to a proposed \$100,000 to address cul-de-sacs that are used by a small portion of the community may not be as warranted as an increase to \$100,000 to address Wildwood Avenue, which is used heavily by the community.

Mary Cahill confirmed that \$30,000 is included in the budget annually to be transferred to capital projects, and is historically used for road repairs. The transfer for 2023 still needs to be made. The Council agreed to budget \$100,000 for the roads, pending more information and feedback from residents at the special meeting.

Councilmember Hankins stated that, given the city's budget and taxpayers' time spent on discussing Council pay, he is also willing to forego his council salary for 2024, along with Mayor Ford and Councilmember McCarthy. The Council agreed to increase the council salary budget to \$4,500 to accommodate potential replacements or resignations.

Mary Cahill confirmed that any expenses for the lift station have been allocated to the sewer budget and are not from the general budget. Mary Cahill recommended monitoring the funds for sewer and water to determine whether surcharges are required to help offset the costs.

Mary Cahill noted that the city planner is being paid a contract price of \$1,600 per month; therefore, the expenses are not being allocated back to residents as part of permitting fees and queried how the city will recuperate the cost.

Councilmember Hankins reported his intention to amend the fee schedule so that expenses for the city planner come out of the planning and zoning budget to fund the city planner through the city's permits. The Council agreed to budget \$5,000 in permitting fees to cover the City Planner.

Mary Cahill noted that the city treasurer' budget is currently \$10 per hour, which will be a challenge to find a replacement, and suggested increasing the budget. Mary Cahill recommended a rate of \$30 per hour for 20 hours per month; however, she strongly encouraged cross-coverage, which would require more hours, and that the city consider hiring two individuals to manage the accounting and bookkeeping. The budget also does not account for PERACare. The Council agreed to budget \$15,100 for the treasurer and deputy clerk budget.

- b. **Council Approval of Preliminary Budget:** The approval of the preliminary budget was deferred to a special meeting to be held in September 2023.
- E. **Second Reading of Ordinance 2023-05-01: Repealing and Replacing 302.050 Impervious Surfaces in the City Code (2:18:50):**
 - a. **Public Hearing:** The public hearing was opened, and there were no comments.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to close the public hearing. All in favor; motion carried.

b. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve Ordinance 2023-05-01. All in favor; motion carried.

ACTION – Becky Kellen will send the approved city code to the Department of Natural Resources (DNR) within their 10-day deadline.

c. Approve Resolution 2023-38 Approving Summary Publication Ordinance 2023-05-01:

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve Resolution 2023-38 for Ordinance 2023-05-01. All in favor; motion carried.

F. Second Reading of Ordinance 2023-05-02: Amending 302.020 Land Use in the City Code (2:21:18)

a. Public Hearing: The public hearing was opened, and there were no comments.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to close the public hearing. All in favor; motion carried.

b. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve Ordinance 2023-05-02. All in favor; motion carried.

H. Alan Kantrud confirmed that only the portion of the section that has been changed will be published and does not require a summary.

G. Second Reading of Ordinance 2023-05-03: Amending the Fee Schedule (2:22:25):

a. Public Hearing: The public hearing was opened, and there were no comments.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to close the public hearing. All in favor; motion carried.

b. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve Ordinance 2023-05-03. All in favor; motion carried.

H. Alan Kantrud confirmed that only the portion of the changed fee schedule will be published and does not require a summary.

H. Second Reading of Ordinance 2023-06-01: Solar Panels (2:23:51)

a. Public Hearing: The public hearing was opened, and there were no comments.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to close the public hearing. All in favor; motion carried.

b. **Council Deliberation and Approval:** The Council agreed that roof-mounted solar panels could be approved; however, there were concerns regarding the ground-mounted solar panels. Further discussion was deferred to a workshop to be scheduled.

I. **First Reading of Ordinance 2023-07-01: Zoning Code Requirement and Performance Standards (2:30:45)**

a. **Public Hearing:** The public hearing was opened, and there were no comments.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to close the public hearing. All in favor; motion carried.

b. **Council Deliberation and Approval:**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the first reading of Ordinance 2023-07-01. All in favor, motion carried.

ACTION – Councilmember Hankins will include a definition of “break line” in Ordinance 2023-07-01 and will include his illustration as part of the ordinance.

The Council discussed whether to increase the height that the tallest point cannot exceed and agreed to keep it at 35 feet as most structures do not reach 35 feet. The Council also discussed how 35 feet is measured if the tallest point of a structure is not on the same façade as the lowest point of the structure. The Council agreed to include Councilmember Hankins’ illustration as part of the ordinance for clarity.

c. **Order Second Reading and Public Hearing:**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the order of a second reading and public hearing for Ordinance 2023-07-01. All in favor, motion carried.

J. **Second Reading of Ordinance 2023-08-01: Cannabis Ban in Public Spaces (2:42:25):**

a. **Public Hearing:** The public hearing was opened, and there were no comments.

On a motion made by Mayor Ford, seconded by Councilmember Weier, it was resolved to close the public hearing.

b. **Council Deliberation and Approval:**

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve the second reading of Ordinance 2023-08-01. All in favor, motion carried.

The ordinance needs to be amended to align with the tobacco ordinance update in April 2023 to include cannabis, cannabis products, low-potency edibles, and hemp-derived consumer products.

Councilmember Hankins noted that the League of Minnesota Cities states that the use of tobacco and cannabis products can only be a petty misdemeanor; however, it would currently be deemed

as a misdemeanor under the city's penalties. In addition, "cannabis flower" is missing in the list of items not permissible for smoking as per state statute.

K. **Second Reading of Ordinance 2023-08-02:** This item was removed from the agenda.

9. **CITY BUSINESS – NEW BUSINESS**

A. **Lawn Mower Claim (2:49:05):**

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve taking no action on the lawn mower claim.

The damage claim for the lawn mower was submitted to the city's insurance provider and was denied, as the responsibility is on the operator to inspect the area being mowed prior to use. The insurance provider has confirmed that the city was not negligent.

B. **Website Vendor Discussion (2:50:05):**

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve a one-year extension of the contract with Catalis for website hosting services at a cost of \$1,000. All in favor; motion carried.

ACTION – Mayor Ford will spearhead a task force for the redesign of the city's website.

Becky Kellen reported that Catalis purchased GovOffice, which had been providing the city's website services since 2001. The city is currently paying \$570 with GovOffice; however, the price will increase to \$1,995 for Year 1 with Catalis, and will increase incrementally, for a four-year contract, that includes a website redesign in Year 1 and Year 4. Alternatively, the city can remain on a one-year contract for \$1,000. It was noted that the contract expired in June 2023.

Councilmember McCarthy noted that HostGator offers a premium package at a cost of \$6 per month; however, he queried whether the city owns the rights to its website in order to migrate the website data over to HostGator.

The Council discussed whether to change the provider for website services. It was noted that the city does not have the funds for a website redesign, but there may be capable residents who are willing to provide their service. The Council agreed to proceed with a one-year extension to allow time to explore alternative options and to create a task force for the website redesign.

C. **First Reading of Ordinance 2023-09-02 Setback Changes (2:59:55)**

i) **First Reading and Council Deliberation:**

On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to approve the first reading of Ordinance 2023-09-02. All in favor, motion carried.

Councilmember McCarthy reported that the consensus from discussions with several parties, including the Planning Commission, is that the city's setback rule of 40 feet is unreasonably strict. There is also ambiguity over "lot line" and whether setbacks should be measured from the road rather than the lot line, since the prevailing setback in the

surrounding communities is 30 feet, and it has been misinterpreted through the years as 40 feet from the lot line.

The proposed changes include clarification on lot line, changing the setback from 40 feet to 30 feet, fencing and landscaping barriers based on feedback from the Planning Commission, a 25 feet setback instead of 30 feet setback on the non-address side of corner lots, and a fence update which was to be discussed at the next Planning Commission meeting but was canceled.

ii) Order Second Reading and Public Hearing:

On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to approve the order of a second reading and public hearing for Ordinance 2023-09-02. All in favor, motion carried.

D. City Removal of Diseased Trees and Replacement – Grant Discussion (3:04:55): Mayor Ford and Councilmember Weier are working on public grants from the DNR for diseased trees. The first grant application deadline is September 18, 2023, and would include a full city tree inventory to help determine when trees need to be treated in advance. A second grant allows for the injection of emerald ash borers to be included. Mayor Ford and Councilmember Weier are looking into whether the grants can be spread out throughout the community or only used for public trees.

E. Treasurer Replacement (3:07:10): ACTION – Mayor Ford will speak with neighboring cities to determine partnership opportunities for a City Treasurer and the associated cost.

ACTION – Mayor Ford and Becky Kellen will create a job description for the Treasurer's replacement to be posted online and in the press.

ACTION – Councilmember McCarthy will send Mayor Ford a list of some neighboring cities and their treasurer arrangements.

The Council extended their gratitude to Mary Cahill for her years of service to the city.

F. Fall Street Sweeping (3:12:00): ACTION – Becky Kellen will request a specific date for the fall street sweeping by T.A. Schifsky and will reiterate that better service is required given the poor service during the spring street sweeping.

The Council discussed whether to obtain an additional proposal from a second contractor due to concerns with the poor performance of T.A. Schifsky during the spring street sweeping, including the contractor's failure to return to complete the street sweeping after their street sweeper was repaired. Becky Kellen reported that the fall street sweeping is included in the contract with T.A. Schifsky and is already paid for. The contractor recommended fall street sweeping in early November 2023 after the leaves have fallen.

G. City Garage Damage (3:14:30): Mayor Ford confirmed that a claim was filed for the damage to the city garage from a fallen tree on July 6, 2023, and a cheque was received. Jim Rydeen, the city maintenance worker, is scheduled to repair the garage.

H. Wildwood Lift Station Update: This item was discussed under the City Engineer's updates.

I. 2024 Technology Services (3:15:45):

On a motion by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the appointment of Councilmember Hankins to the Board for Metro-INET as a representative of Birchwood. All in favor; motion carried.

ACTION – Councilmember Hankins and H. Alan Kantrud will review and discuss the city's contract with Metro-INET.

Metro-INET is asking \$6,000 for IT services compared to a quotation of approximately \$3,000 from Techie Dudes. It was noted that Techie Dudes offers support and security software, and in addition, Microsoft also includes satisfactory security software in their standard Windows program.

Councilmember Hankins reported that Metro-INET was established under the MN Joint Exercise of Powers Act, and there is a director position that can be filled as a city council that could serve the community by having a representative for Birchwood.

J. Payment Plan for Overdue Water Bills (1:48:38):

On a motion made by Mayor Ford, seconded by Councilmember Foster, it was resolved not to approve payment plans for overdue utilities. Councilmember McCarthy opposed. Motion carried.

Mary Cahill reported receiving a request from a resident for a payment plan for an overdue water bill balance of \$1,075. The resident has not made payment since January 2023, and does not believe that the balance can be paid off by October 2023, before the city stops its collection process and turns balances over to the county to be included on property taxes.

The Council discussed concerns regarding setting a precedent for payment plans. It was noted that deferring the outstanding balance to the county to be put on property taxes will provide the resident with more time to pay off the balance by May 2024.

K. 184 Cedar Street (2:15:43):

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to authorize H. Alan Kantrud to send a legal letter to the property management company that owns 184 Cedar Street requesting maintenance of the property to bring it into compliance, and to register with the city as a vacant building. All in favor; motion carried.

ACTION – H. Alan Kantrud will send a letter to the property management company that owns 184 Cedar Street advising that the property needs maintenance to be in compliance, and to include a copy of the city's vacant building ordinance.

The property at 184 Cedar Street has been vacant for some time. A resident reported damage to the property and their own property from an oak tree at 184 Cedar Street. During research, the same resident determined that the property is owned by a property management company in Texas; however, the property is not being maintained. Councilmember McCarthy referred to the city's vacant building ordinance, which requires buildings that are vacant more than 30 days to register with the city and pay a fee, which has not been done.

10. ADJOURNMENT

On a motion made by Mayor Ford, seconded by Councilmember McCarthy and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 10:09 p.m.

DISCLAIMER

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting. This document shall not be considered a verbatim copy of every word spoken at the meeting.



Mayor Margaret Ford

10-10-23
Date



City Administrator Becky Kellen

10-10-23
Date

