

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

**MINUTES OF THE CITY COUNCIL MEETING  
SEPTEMBER 13, 2022, 7:00 P.M.**

**MEMBERS:**

Mary Wingfield	Mayor
Jon Fleck	Councilmember
Mark Foster	Councilmember
Justin McCarthy	Councilmember
Kevin Woolstencroft	Councilmember

**STAFF:**

Becky Kellen	City Administrator
H. Alan Kantrud	City Attorney

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

**1. CALL TO ORDER**

Mayor Wingfield called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

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

Mayor Wingfield requested the addition of the following items to the agenda:

- Section F: Diseased Tree Task Force Update
- Administrator Updates: Impervious Surface DNR Code Status
- City Hall Updates: Woodpecker

Councilmember McCarthy requested the addition of the following item to the agenda:

- Status Update on Recording Feistner Beach with the County

Becky Kellen requested the following changes to the agenda:

- Administrator Updates: Designating 2022 Canvassing Board Dates
- Removal of Regular Agenda Item B

**4. OPEN PUBLIC FORUM**

**Barton Winter, 1 Five Oaks Lane,** offered to replace the loose corner boards at the hockey rink and skating rink, expressing concern regarding the flooding of the rinks.

**James Nelson, 256 Wildwood Avenue**, expressed concern regarding the Council's conduct, the Council's reportedly selective approval of permits, and the city's strict approach to the diseased tree policy.

**5. ANNOUNCEMENTS**

- A. League of Women Voters:** The White Bear Lake Area League of Women Voters will hold a Candidate Forum on October 3, 2022, from 6:00 p.m. to 9:00 p.m. The forum will be open to the public.
- B. Birchwood Dock Association (BDA):** The BDA's annual fall meeting will be held on September 17, 2022, from 9:30 a.m. to 10:30 a.m. The meeting will be open to the public.
- C. Bookkeeper:** Birchwood Village is hiring a bookkeeper. The application deadline is September 23, 2022.

**6. CITY BUSINESS – CONSENT AGENDA**

**On a motion made by Councilmember Fleck, seconded by Councilmember Foster, it was resolved to approve the consent agenda as presented. All in favor; motion carried.**

- A. Approval of the Treasurer's Report:** The Treasurer's report for the period ending September 5, 2022, was provided for the Council's review and approval.
- B. Approval of the July Council Meeting Minutes:** The minutes of the Council meeting held on July 12, 2022, was provided for the Council's review and approval.
- C. Approval of the August Council Meeting Minutes:** The minutes of the Council meeting held on August 16, 2022, was provided for the Council's review and approval.
- D. Approval of the City Attorney Contract:** The contract for legal services between the city of Birchwood Village and H. Alan Kantrud effective September 13, 2022, was provided for the Council's review and approval.
- E. Approval of Resolution 2022-12 – Approving State of Minnesota Joint Powers Agreement with the City of Birchwood Village on behalf of its City Attorney**
- F. Approval of Birchwood Prosecuting Attorney Joint Powers Agreement**
- G. Approval of Birchwood Prosecuting Attorney Court Amendment**
- H. Approval of 2022 Deer Hunt Contract**

7. **CITY BUSINESS – REGULAR AGENDA**

A. **Third Reading Ordinance 2022-07-01, Amending Section 617**

a. **Public Hearing:**

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

There were no comments.

b. **Council Deliberation and Approval:**

**On a motion made by Councilmember Fleck, seconded by Councilmember McCarthy, it was resolved to approve Ordinance 2022-07-01, Amending Section 617 subject to changing (4) to state “fish house” instead of “house”, and changing (5) to state, “The Dock Association shall place a number on all lifts and provide a list of all owners...” All in favor; motion carried.**

c. **Approval of Summary Publication for Ordinance 2022-07-01, Amending Section 617:**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the summary publication for Ordinance 2022-07-01, Amending Section 617 as presented. All in favor; motion carried.**

B. **City Hall Updates**

a. **Riprap Added to East Side:**

**On a motion made by Councilmember Fleck, seconded by Councilmember Foster, it was resolved to approve Pelco Construction to fortify the east side with cement at a cost not to exceed \$3,000. All in favor; motion carried.**

Mayor Wingfield reported erosion issues on the east side of City Hall. Pelco Construction will cement the area by the stairs on the east side to prevent further flooding concerns. A quote is pending.

b. **Seal Flashing on Storm Windows: *ACTION – Mayor Wingfield will request that Pelco Construction seal all storm windows at City Hall with flashing in conjunction with the riprap added to the east side at a bulk cost not to exceed \$3,000.***

The storm windows at City Hall require flashing to prevent water intrusion from the lip of the windows.

c. **Woodpecker: *ACTION – Mayor Wingfield will obtain a recommendation from Pelco Construction regarding the woodpecker at City Hall.***

**C. Special Parks Fund**

**On a motion made by Mayor Wingfield, seconded by Councilmember Woolstencroft, it was resolved to transfer the \$15,000 to the general fund from the 210 – Special Revenue fund. All in favor; motion carried.**

The Council has expended \$15,000 from the special revenue fund to address various issues throughout the city, including wood chipping and signage.

**D. 2023 Budget Proposal**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the 2023 budget of \$502,941. All in favor; motion carried.**

*ACTION – Becky Kellen will submit the Birchwood Village 2023 budget to Washington County.*

Line 74 should reflect a budget of \$37,990 which includes Mary Cahill's salary at 10 hours per month, 90 hours annually for coverage for the bookkeeper, and the part-time bookkeeper position at 30 hours per week at a rate of \$23 per hour.

The Council agreed to allocate \$15,000 from the Special Revenue Fund to line 43 Non-Levy Revenue, a budget of \$10,000 for emerald ash borers to line 232, and a budget of \$2,000 for miscellaneous expenses to line 258.

The Tennis Sanitation trash removal contract has increased to \$17,664 from \$14,500.

**E. Tree Inspection Update**

**a. Public Land:** Mayor Wingfield noted that the removal of emerald ash borers on city property will proceed as planned.

**b. Private Properties:**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to cease the emerald ash borer tree inspections and removal by April 15, 2023, based on community feedback and that communication be sent to residents advising that the tree removal is deferred pending further review. All in favor; motion carried.**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved that John Lund must obtain permission from homeowners to enter private property for tree inspections. All in favor; motion carried.**

*ACTION – Becky Kellen will follow up with John Lund regarding reports of entering private property without consent to conduct tree inspections against the directive of the Council and reiterate that he must obtain consent from homeowners to enter private property for all tree inspections.*

**c. Diseased Tree Task Force Update:**

**On a motion made by Mayor Wingfield, seconded by Councilmember Foster, it was resolved to appoint Alice Anderson to the Tree Task Force. All in favor; motion carried.**

Becky Kellen reported that, as per John Lund's estimate, the cost to remove diseased trees at Polly's Park is \$27,815, and \$45,010 for Elm Beach, Ash Path, Bloomquist Park, and city streets combined.

**Tom Patsy, 1 Hall Court,** reported that state law 18G.186 has been repealed since 2007 and there is no current state law requiring the city to have a diseased tree ordinance. He requested that the ash trees be removed from the tree ordinance and noted concerns regarding the cost of tree removal to residents.

**John Anderson, 2 White Pine Lane,** expressed concern regarding John Lund proposing his company to remove the trees and the conflict of interest it poses. He reiterated that his research found no laws requiring that residents remove diseased ash trees. He noted the amount of city effort and time spent on the removal of ash trees, which have no value and do not require replacement. He noted that treatment of diseased ash trees is an alternative to tree removal.

**Alice Anderson, 2 White Pine Lane,** noted there are several ways to address the emerald ash borer issue without the eradication of the ash trees. She requested that the tree ordinance eliminate the penalty that is proposed to be imposed on residents who do not remove ash trees from their property as marked by the city.

The Council noted that the Tree Task Force must follow open meeting laws, provide notice to the public, and hold meetings that are open to the public. The Council reiterated that the Tree Task Force is to meet to discuss and provide a unified proposal at the next Council meeting giving consideration to recommendations, options, and education.

**F. Fee Schedule Planning and Zoning Fees**

The fee schedule will be approved at the next Council meeting. The changes to codes associated with the fee schedule changes will require public hearings and approval as per Council protocol.

- a. Escrows:** *ACTION – Becky Kellen will remove Section 301.055 subdivision 2 from the city's code.*

The Council confirmed that the \$1,000 escrows for subdivision split lots and building move deposits be removed and the \$10,000 escrows remain.

- b. Zoning:** The Council confirmed there are no rezoning application fees. The fee for zoning permits is \$50 plus the city engineer's review time and materials.

- c. Plat Application Fees:** The Council confirmed that the subdivision preliminary plat application fee and the preliminary plat application fee are duplicates of each other but should remain at the proposed \$1,000. The subdivision final plat fee and

the final plat application fee are also duplicates of each other but should remain at the proposed \$1,000.

- d. **Building Permit Fees:** *ACTION – Becky Kellen will amend the highest total valuation to reflect \$500,001 to infinity.*

**G. Administrator Updates**

- a. **Water Meter Installation Update:** Five water meters have been installed. There are nine water meters also requiring installation.
- b. **Upcoming Workers Compensation Audit:** The workers' compensation audit by Berkley Risk will be held on September 15, 2022.
- c. **Impervious Surface DNR Code Status:** An update will be provided at the next Council meeting.
- d. **Designating 2022 Canvassing Board Dates:**

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember Fleck, it was resolved to approve the Canvassing Board meeting to be held on November 15, 2022, at 7:00 p.m. at City Hall. All in favor; motion carried.**

**H. City Attorney Updates**

- a. **Status Update on Recording Feistner Beach with the County:** *ACTION – H. Alan Kantrud will confirm whether Washington County can conduct a survey of Feistner Beach through the county's public works department.*

H. Alan Kantrud reported that Feistner Beach has not been correctly delineated and requires a survey.

**8. ADJOURNMENT**

**On a motion made by Councilmember Woolstencroft, 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 8:26 p.m. by Mayor Wingfield.**

**DISCLAIMER**

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



\_\_\_\_\_  
Mayor Mary Wingfield



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City Administrator Becky Kellen

10/11/2022  
Date \_\_\_\_\_

10/11/2022  
Date \_\_\_\_\_