

**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
September 8, 2015**

**MINUTES**

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

**STAFF PRESENT:** Mike Anderson, City Administrator

**OTHERS PRESENT:** John Lund, Mary Sue Simmons, Alan Mitchell, Jenifer Sorenson DNR

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

**AGENDA APPROVAL:**

**Mayor Wingfield:** added discussion on 407 Lake Ave to agenda.

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

**OPEN PUBLIC FORUM:**

**John Lund:** Discussed the deer population in Birchwood. Mr. Lund gave an overview of the size of the community and the amount of deer within. He gave some solutions that were presented by the DNR, no feeding below 5ft from the ground, change the ordinance to allow archery hunting with permit, or hire Metro Bo Hunters.

**Council Member Hullsiek:** Would like to see a committee formed and the deer population managed.

**Mayor Wingfield:** Would like the community to get involved, educate residents on the issue, and see a committee formed with reports every other month to the council.

**Alan Mitchell:** Gave a report on the 2015 Music in the Park Series. Mr. Mitchell noted it was a very successful year and thanked the council for their support.

**ANNOUNCEMENTS:** Mayor Wingfield mentioned the Dock Association meeting on September 12 at City Hall and the Plant Exchange at City Hall on September 19.

Mayor Wingfield informed the residents that Leaf Collection will begin on October 5 and will continue on every Monday in October.

Mayor Wingfield expressed her gratitude to council member Anderson for putting out the pedestrian "slow" signs on crosswalks in Birchwood. Birchwood has received many compliments from residents on this matter.

## **CITY BUSINESS – CONSENT AGENDA**

### **A. Approval of Regular Meeting August 5, 2015 Minutes**

**Minutes were pulled from the agenda for changes and will be presented at the October 13 meeting.**

## **CITY BUSINESS - REGULAR AGENDA**

### **A. Resolution 2015-19, establishing the Preliminary Levy Certification for the City's 2016 General Fund at \$326,299.00.**

**MOTION WAS MADE TO APPROVE PRELIMINARY BUDGET BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER HULLSIEK. ALL AYES. MOTION PASSED.**

### **B. Resolution 2015-20, Authorizing a Transfer of \$45,000 to Capital Projects – Public Works**

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT SECONDED BY COUNCILMEMBER HULLSIEK TO APPROVE THE TRANSFER OF \$45,000 TO CAPITAL PROJECTS. ALL AYES. MOTION PASSED.**

### **C. Amend Resolution 2015-11, Approving the Request of CenturyLink Franchising Policies & Procedures**

**City Attorney Kantrud:** Informed the council that the wording back in the June council packet was incorrect and stated the policies and procedures for Century Links Franchising in Birchwood. Based on his knowledge of these policies and procedures, he recommended council move forward with accepting the terms and conditions.

**MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK SECONDED BY COUNCILMEMBER ANDERSON TO APPROVE CENTURY LINK POLICIES AND PROCEDURES GOVERNING APPLICATION, REVIEW AND RECOMMENDATIONS REGARDING GRANT OF COMPETITIVE CABLE FRANCHISES. ALL AYES. MOTION PASSED.**

### **D. Approval of Treasurer's Report**

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

### **E: Kay Beach Permit: Designate a Representative**

**Mayor Wingfield:** Nominated Council Member Hullsiek to be the representative for the city.

**MOTION WAS MADE BY MAYOR WINGFIELD SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO DESIGNATE COUNCIL MEMBER HULLSIEK AS THE KAY BEACH REPRESENTATIVE. ALL AYES. MOTION PASSED**

## **F: First Reading of Tree Preservation Language to City Code**

**City Attorney Kantrud:** Recommended changing the wording from City Forester to Designee appointed by the City of Birchwood.

**COUNCIL MEMBER ANDERSON MADE A MOTION TO APPROVE FIRST READING SECONDED BY COUNCIL MEMBER HULLSIEK. ALL AYES. MOTION PASSED**

## **F2: 407 Lake Ave Discussion (addition to agenda) in terms of Structure Height Building Code**

**City Administrator Anderson:** Gave an overview of recent history regarding the process of 407 Lake Ave building permit process. Explained that the process was “lost” and building permit materials were not located.

**Mayor Wingfield:** Discussed sitting down and discussing 407 Lake with Planning Commission Members and City Administrator. At that time the house was over 3 feet above city code maximum height average of 25 feet. Mayor Wingfield described the code language for average structure height and how it could be hard to interpret.

**Jen Sorenson DNR:** Jen stated that City of Birchwood that structure height language was approved in 1993 with the DNR. The DNR Shoreline ordinance is to be approved by the DNR when adopted. The language adopted in 2000 by Birchwood was not adopted by the DNR.

**Mayor Wingfield:** Stated that discussing 407 Lake Ave was to inform the council and residents that the current code language is not helpful in terms of calculating average structure height.

**Jen Sorenson DNR:** Mentioned she questioned the process of the application. Jen discussed the possibility of a variance request if 407 Lake was above the structure height. She also recommended the city having a thorough process for future applications.

**Council Member Hullsiek:** Recommended having a process in place for review, possibly having the Planning Commission review all building plans moving forward.

**Mayor Wingfield:** Stated that she would like to invite Len Pratt (builder of 407 Lake Ave) and Jack Kraemer to inform the council on what happened at 407 Lake Ave.

**Council Member Anderson:** Informed the council that he would like to see a check list in place for the process of the building permit application.

**Mayor Wingfield:** Informed the council that the current structure height code 302.045 should be revoked and Birchwood would go back to current language from 2000.

**City Attorney Kantrud:** Informed the council they needed a separate or special meeting under state law in order to do so.

**MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT SECONDED BY COUNCIL MEMBER ANDERSON TO ESTABLISH A SPECIAL MEETING TO REVOKE CODE LANGUAGE 302.045 AS IT IS CURRENTLY WRITTEN. ALL AYES. MOTION PASSED**

**G: Second Reading of Ordinance 2015-07-01, Amending Section 607 of City Code**

**COUNCIL MEMBER WOOLSTENCROFT MADE A MOTION TO APPROVE SECOND READING SECONDED BY COUNCIL MEMBER HULLSIEK. ALL AYES. MOTION PASSED**

**H: City Administrators Report**

**City Administrator Anderson:** Announced Fall Leaf Collection to begin on Monday, October 5 and run every Monday in October. He informed residents that they are responsible for making the call and the collection company is in charge of billing.

**COUNCIL MEMBER ANDERSON MADE A MOTION TO APPROVE FALL LEAF COLLECTION CONTRACT SECONDED BY COUNCIL MEMBER WOOLSTENCROFT. ALL AYES. MOTION PASSED**

**City Administrator Anderson:** Informed the council that Birch INC. will be doing snow removal this winter season at the same rate as 2014/15. The city Administrator will negotiate with Birch INC. about a two year contract option.

**COUNCIL MEMBER WOOLSTENCROFT MADE A MOTION TO APPROVE SNOW PLOW CONTRACT SECONDED BY COUNCIL MEMBER HULLSIEK. ALL AYES. MOTION PASSED**

**City Administrator Anderson:** Stated that he met with the Planning Commission to discuss structure height code 302.045. Anderson stated that the Planning Commission would like to have a joint meeting to discuss the code language.

**Mayor Wingfield:** Would like to hold off on this issue until the planning commission prepares a report of their discussions.

**I: City Attorney Report**

The meeting was closed as permitted by attorney-client privilege (section 13D.05).

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT, SECONDED BY COUNCIL MEMBER HULLSIEK TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:30 P.M.**

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Mary Wingfield  
Mayor

ATTEST:

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Mike Anderson  
City Administrator-Clerk