

City of Birchwood Village

September 8, 2009 City Council Meeting

Mayor Wingfield called to order the September 8, 2009 Regular City Council meeting at 7:00 pm. Council-members present: Barb Carson, David Jann, and Jay Brunner. Absent: Jane Harper City Staff present: Clerk Gaustad, Attorney Sandstrom, Engineer Elfering.

1. Pledge of Allegiance
2. Approval of Agenda

Jann requested the amicus curiae be moved up on the agenda since he needs to leave the meeting early.

Council voiced concern moving up on the agenda the closed, executive session and causing volunteers to wait to give scheduled reports.

Budget Chair Larry Walker noted his willingness to wait on the budget report, if needed.

3. Consent Agenda
 - a. Approval of April 14, 2009 Minutes
 - b. Approval of July 14, 2009 Minutes
 - c. Approval of Bills

Minutes of April 14, 2009; Minutes of July 14, 2009; and Approval of the Bills were removed for discussion.

Councilmember Jann requested additions be added to the April 14, 2009 Minutes to reflect details in a discussion. Furthermore, what measures will the City take to ensure minutes are turned around in a reasonable amount of time?

MOTION by Jann, seconded by Carson to have meeting minutes complete within 30 days after a meeting. Motion carried.

MOTION by Mayor Wingfield, seconded by Carson to approve the April 14, 2009 minutes as submitted. Motion failed.

MOTION by Jann, seconded by Brunner to approve the April 14, 2009 minutes with noted revisions. Motion failed.

MOTION by Mayor Wingfield, seconded by Carson to have Council meeting minutes available at next Council meeting for approval. All voted in favor. Motion carried.

Jann requested the Clerk to give an update on the status of unapproved minutes since April 1, 2009. Also compile a list of Council meetings since April 1, 2009 and have both items on the October Agenda.

July 14, 2009 Council meeting minutes will be considered at the October 10, 2009 Council meeting.

Approval of the Bills.

Council discussed an invoice from B.F. Lauzon Enterprise in the amount of \$53/hour for pulling weeds at the volleyball court.

MOTION by Mayor Wingfield, seconded by Carson to direct the Clerk to authorize all work done by Mr. Lauzon prior to initiation except an emergency.

Jann suggested only contracted work should be provided, anything outside of the contract should have prior Council approval. Brunner suggested limit Lauzon to specific tasks.

MOTION amendment by Jann to limit Clerks authority to \$500 for work initiated by Lauzon and any job costing over \$500 will need to be conveyed to the Council prior to initiating the work that is not included in the current contract.

MOTIONS carried.

4. Consider bids for the final inspection of the Sewer Re-hab project estimated cost of \$8500

Jann established the city invested over \$300,000 for an improvement and a final inspection of a visual sewer inspection is \$4,396.00 which confirms the full value of the work. The City Engineer confirmed that a one year warranty extension that may cost \$10,000 to \$20,000.

Mayor Wingfield discussed similar situations with the Met Council and typically they do not televise a year after the system is placed. The city's sewer lining project was reviewed by camera last year after completion of the project. Nothing wrong was found. Met council stated a second review one year later will not show additional failures as such the engineer described take many years (5-10) to develop.

MOTION by Jann, seconded by Carson to approve the line is televised as presented in the quote, from the Engineer.

Mayor Wingfield confirmed with the Engineer the project will not exceed the quoted amount.

Councilmember Brunner noted a 1.34 % of total cost of project to confirm quality construction is a good use of tax funds.

Jann – Aye , Carson – Aye, Brunner - Aye. Mayor Wingfield – Nay. MOTION carried.

5. Review Hall Ave & Cedar Street Repair

Brunner reported back to the Council regarding Hall Avenue and Cedar Street. Currently the road has no problems, but since the County turned that section of the road over to the City perhaps the road section should be placed in the Capital Improvement plan. The City may consider obtaining soil borings to determine the base quality and what type of road reconstruction is needed and when. The road may need crack sealing, overlays or nothing. Contacting the City of Mahtomedi to consider a joint project for repairs and/or reconstruction, may reduce future project cost.

Jann noted the road repair or reconstruction costs are estimated at a million, then perhaps the City should have a plan to spread the cost out over several years. A useful life study may give insight when repairs need to be done.

MOTION by Jann, seconded by Brunner to authorize the Engineer to investigate the road condition at Hall Avenue and Cedar Street, get bids and bring them back to the Council.

MOTION by Jann, seconded by Brunner to authorize the Engineer to conduct soil borings at Hall and Cedar. Report to the Council with recommendations on whether to reconstruct or resurface the road. The Engineer is authorized up to \$1500. to gather information and bring the findings back to the Council.

Mayor Wingfield noted the County may have road information since they maintained it for several years.

Brunner noted concern and suggested delaying the fact finding until the first quarter of 2010 since the 2009 road expenditures report states that \$13,000 of \$35,000 of the budget was spent and not enough monies remain. The 2010 budget has allocated funds and it was suggested the city wait, absent a year to date report, and plan accordingly.

Motion Failed.

6. Adopted Certified 2010 Preliminary Levy

Budget Committee Chair Larry Walker - 420 East County Line Road
Reported this meeting was a continuation of the September 1, 2009 Budget meeting to adopt the 2010 preliminary levy. The certified amount is \$398,712.00 up from \$262,000. The increase reflects changes from the workshop. Some items are a \$1500 increase to transportation. Suggested items may result in an \$80,000 decrease since parks was under spent in 2008 with an additional \$8,000 increase.

Roads increase of \$1500 and salt to \$23,500. Crack sealing was moved to Capital Improvements.

There were no assumptions to draw down the reserves and the Finance Committee is working numbers to bring a recommendation to the Council for the 15 of December final adoption. A report was presented detailing 21 action items in hopes for the Council to undertake prior to year end.

MOTION By Jann, seconded by Brunner to approve the 2010 preliminary budget in the amount of \$398,712.00 Motion carried.

MOTION By Brunner, seconded by Jann to recess the Council meeting at 9:10 p.m. to go into closed session, executive session for the discussion of litigation matters pursuant to the attorney-client privilege in the Nelson v. City of Birchwood Village and to discuss the pursuit of the amicus brief (Sampair) and its affect on litigation strategy in pending litigation. Motion carried. Carson abstained. Carson did not go into closed session.

The City Council went into closed, executive session to discuss the advisability of filing amicus curiae brief in the Sampair Title Registration matter.

Council reconvened the regularly scheduled meeting at 9:48 pm.

MOTION by Jann, seconded by Brunner to authorize the City Attorney to file a request with the Supreme Court and to participate in the amicus curiae brief in the matter of the Sampair Title Registration to certain land as recommended by the Attorney in the amount of \$3500 for a detailed brief and to contact the League of Minnesota Cities to inquire about their interest.

Mayor Wingfield commented \$3500 is a lot of money for just Birchwood to participate in such a high interest case and it seems that more support should come from others, such as the League of Minnesota Cities.

Jann - Aye, Brunner - Aye, Mayor Wingfield – Nay, Carson – abstained.
MOTION carried.

Councilmember Jann left the Council meeting at 9:52 pm.

Eugene Ruehle - 262 Wildwood noted that the City hired a quality City Clerk and he read a nice letter in the White Bear Press about the City.

MOTION by Mayor Wingfield, seconded by Carson to set a special meeting to consider the Dock Permit application on October 20, 2009 at 7:00 p.m.

The Council elected to withdraw the motion and reconsider at the next Council meeting when all Council members are present. Motion withdrawn.

MOTION by Mayor Wingfield, seconded by Brunner to designate Ry-Chel Gaustad, the City's responsible authority under data practices act. Motion carried.

Gaustad requested council packet information be submitted to City Hall by the last day of the month.

Adjournment:

Motion by Mayor Wingfield, seconded by Carson to adjourn at 10:45 p.m.
Motion carried.

Respectfully Submitted,

Ry-Chel Gaustad, CMC
City Clerk