

Parks Committee Meeting Agenda for March 30, 6pm City Hall.

1. Introductions (open discussion)
2. Approve Agenda (open discussion)
3. Choose Chairperson and Secretary (open discussion)
4. Set regular meeting time (open discussion)
5. Review and Discussion of Bylaws (page 2)
6. Potential for a Request for funding – Do we want to request an operating budget? (open discussion)
7. Open Meeting Law Primer (Al Mitchel) (page 6)
8. Discussion of Kay Beach Handicap Parking (page 7)
9. Discussion of procedure for reviewing the Park Rules and Signage (page 8)
10. Discussion of how to proceed re: Tighe Schmidt & Hockey Rink (page 9)

## **PARKS AND NATURAL RESOURCES COMMITTEE**

### **BYLAWS**

#### **I. NAME OF THE COMMITTEE**

The name of the committee shall be the Parks and Natural Resources Committee.

#### **II. PURPOSE OF THE COMMITTEE**

The purpose of the Parks and Natural Resources Committee is to advise the City Council on the parks and open spaces within the city limits of Birchwood, including advising on maintenance, upgrades, and repair of these facilities and the funding of all such work.

#### **III. COMMITTEE MEMBERSHIP**

- A. Members.** The committee shall consist of up to seven members appointed by the City Council, with two members being City Council members.
- B. Terms.** The terms of each member shall be for two years. A person may be reappointed to the committee by the Council and serve more than one term. Terms shall run from February to February. Any new member appointed in months other than February shall end his/her term two years after her/his appointed month.
- C. Resignation.** Any member of the committee may resign before his or her term expires by providing written notice of such intent to the City Council. The resignation shall be effective upon receipt of the written notification, unless the member identifies a later date.
- D. Removal.** The City Council may remove any member from the committee prior to expiration of the member's term with a majority vote.
- E. Vacancy.** In the event of a vacancy through resignation or vacancy through removal, the City Council shall appoint a person to serve the remainder of the term of the person who resigned or was removed. The person appointed to fill a vacancy may be appointed to a full two year term upon expiration of the filled term.
- F. Council Liaison.** Two members of the City Council shall serve as the liaison to the committee. The Council liaisons shall be voting members of the committee and may participate in committee functions as well as vote on all matters before the Council involving the committee.
- G. List of Members.** The City Clerk shall maintain a list of the members of the committee and the date of each member's term and shall post the same information on the City webpage.

#### **IV. COMMITTEE OFFICERS**

- A. Chair.** The committee shall elect a Chair of the committee. The Chair shall be elected for a one year term. The term shall run from February to February. The Chair may serve up to three consecutive terms.
- B. Secretary.** The committee shall also elect a Secretary. The term shall run from February to February. The Secretary may serve up to three consecutive terms.
- C. Majority Vote.** All officers shall be elected by a simple majority vote.
- D. Resignation.** Any officer may resign his or her position by providing written notice of the resignation to the City Clerk and the Mayor. The resignation shall be effective upon receipt of the notice or upon such later date, not to exceed three months, that the officer designates. The officer may resign only their officer position, but not their position on the committee, or they may resign both their officer position and their position on the committee.
- E. Vacancy.** Upon a vacancy in the position of one of the officers, the committee shall elect another member to serve the remainder of the vacated term.

**V. COMMITTEE MEETINGS**

- A. Scheduling.** The committee shall meet on a regularly set time monthly. The Chair of the committee may call for a special meeting of the committee. Three committee members may call for a special meeting.
- B. Open Meeting and Notice.** All meetings of the Parks and Natural Resources Committee shall be open to the public. Notice of all committee meetings shall be given at least three days in advance by posting notice on the City's webpage and by posting a notice on the bulletin board outside city hall, along with a draft agenda.

- C. Quorum and Taking of Actions.** The committee can meet regardless of how many members are in attendance at the meeting. A quorum is not necessary for the committee to hold a meeting. However, a quorum shall be necessary to take action. The committee cannot take any action unless a majority of all the members vote in favor of the action.
- D. Minutes.** The committee shall keep Minutes of all its meetings. The Secretary or other person shall be responsible for keeping the Minutes of each meeting. Upon approval of the Minutes by the committee, the Chair shall forward the approved Minutes to the City Administrator and the Council and the approved Minutes shall be posted on the city webpage.

## **VI. COMMITTEE ACTION**

- A. Recommendations to the City Council.** The committee shall make recommendations to the City Council and the City Administrator on the maintenance, upgrade, repair, and other work on any parks or other open spaces or any facility therein within the city limits of Birchwood. The committee shall also make recommendations regarding the funding of any of the work recommended by the committee. The committee may file both a majority report and a minority report with the Council on any recommendation.
- B. Authority.** The committee shall have no authority to make final decisions with regard to any work other than providing a report to the City Administrator on maintenance issues of any park or open space that needs to be addressed. The City Administrator will either direct City staff to handle the issues, or will bring the issue to the attention of the Council at her discretion. All final decisions shall be made by the Council.
- C. Expenses and Budget.** The committee shall not incur any expenses without the approval of the City Council. The committee may request the City Council to budget funds for the work of the committee. The committee shall submit any budget requests to the Council by October 1 of the year previous to the year for which funding is requested.
- D. Report to the Council.** Upon the request of the City Council, the Chair or another member shall report to the Council on the activities of the committee.

## **VII. COMMITTEE CONTINUATION**

The committee shall continue in existence until terminated by action of the Council.

**VIII. COMPENSATION**

Members of the Parks and Natural Resources Committee shall receive no compensation for their service on the committee.

**IX. AMENDMENT OF BYLAWS**

These bylaws may be amended at any time by action of the City Council. The committee may recommend changes to the Council.

Adopted this \_\_\_\_ day of January, 2023

\_\_\_\_\_  
Margaret Ford, Mayor

Attest

\_\_\_\_\_  
Rebecca Kellen  
City Administrator

# **PARKS COMMITTEE**

## **OPEN MEETING LAW CONSIDERATIONS**

### **I. Open Meeting Law Applies.**

The Minnesota Open Meeting Law is found in Minnesota Statutes chapter 13D. Section 13D.01 essentially says that all meetings of a committee (such as a Parks Committee) of a statutory city (like Birchwood) must be open to the public. Moreover, the City Council has provided in the final bylaws for the Committee that all meetings of the Parks Committee be open to the public.

### **I. Notice of Meetings.**

The Parks Committee must give notice to the public of all its meetings. The Committee should follow the Council's Rules of Procedure and give a minimum of three-days notice of its meetings. The notice should be given by posting notice on the city webpage and posting a written notice on the bulletin board outside city hall. A copy of the proposed agenda should also be provided along with the notice of the meeting.

### **II. Place of Meetings**

The meetings of the Parks Committee must be held in a public place, like city hall. The Committee should not meet in one member's home or other similar private place.

### **III. What Is a Meeting**

A meeting occurs whenever a forum of the Parks Committee is together if the purpose of the gathering is to discuss matters related to the Committee's charge. Committee members can meet in a social gathering as long as Committee matters are not discussed.

### **IV. Serial Meetings.**

A serial meeting occurs when two members meet and one or both of them meets with a third member or with more members. To do so is a violation of the Open Meeting Law.

### **V. Emails**

The Open Meeting Law also restricts how committee members utilize emails. It is a violation of the Open Meeting Law to discuss committee matters through emails. Committee members may exchange information related to a matter but may not conduct discussions by email. It is best to communicate to other members through the city administrator. Committee members should also retain their emails related to Committee business since such emails can be public data.

### **VI. Minutes**

The Parks Committee must keep Minutes of each of its meetings. The Council will require the Parks Committee to do so regardless of what state law requires.

### **VII. More Information**

The League of Minnesota Cities has made available excellent guidance on the Open Meeting Law, which can be found here: <https://www.lmc.org/wp-content/uploads/documents/Meetings-of-City-Councils.pdf> (page 10).

To: Parks Committee  
From: Justin McCarthy  
RE: Kay Beach Disabled Parking

Kay Beach is a beach in Birchwood dedicated to swimming and non-motorized boats such as kayaks. Right now, a disabled parking space is located in the center of the parcel, about half-way down.

In talking with nearby residents and in my own observations, this disabled space is rarely used for disabled parking. Unfortunately, by removing the chain gate, it allows cars to (illegally) drive right down on the beach and to the water's edge. This has been happening with increasing frequency. Cars have frequently been observed backing all the way to the waterfront to launch watercraft such as kayaks and canoes and to dump substances into the lake.

Because this traffic is well past the parking spot, this conduct is in violation of City Ordinance 607.810 which states "No person shall park, drive or operate a motor vehicle within any Open Space Site except upon roadways, parking areas, parkways, or other areas designated for such use ..."

In addition to being a violation of City Ordinances, such conduct is dangerous as Kay Beach has become a very popular destination for beach-goers. Small children often play in the shallow and sandy beaches there and are often less attentive to traffic and their surroundings whilst there. Having traffic mixed with that usage is a recipe for disaster.

In addition to being a violation of Ordinances and dangerous, such usage threatens the health of White Bear Lake. Motor vehicles that are not properly maintained and in good working order may leak fluids such as motor oil and gasoline onto the sand and into the Lake.

This past summer I personally observed a woman who repeatedly and regularly launched her Kayak into the lake by backing her car right up to the shore. I also witnessed a man and his son back up their car to the lake to dump some unknown muddy substances from a large fish-tank into the lake. It was only due to my intervention that the man and his son left without dumping the contents.

Finally, because the gate is open, a large path has been worn on the beach from vehicular traffic where the grass is no longer growing and there is nothing but dirt.

The Parks and Natural Resources committee was directed by the Council to consider whether the City Council should close the chain gate and move the disabled parking spot at Kay Beach, leave it as-is, or make some other change.

To: Parks Committee,  
From: Justin McCarthy  
RE: Park Rules and Park Rule Signage

Committee,

The previous City Council removed the park rules signs that were present in all our Parks. The argument was that people didn't follow the rules anyway and the signs represented visual clutter. The problem with this argument is that adequate signage is necessary to inform the public of the park rules and ordinances. Without signage, we cannot hope to enforce any of our ordinances with respect to these spaces.

The current City Council tasked the Parks Committee with reviewing our ordinances and rules as they relate to the Parks and Open Spaces. I believe that some cleanup is in order. For example, I think section 607 relating to Parks and Open Spaces can be merged with Section 617 related to Lake Tracts. The Lake Tracts are also Parks and Open Spaces, so having two separate code sections is at best confusing and at worst could be problematic if contradictory rules are present in each.

Once the rules are in order, we were also tasked with proposing selected rules to put on new signs to be posted in our Parks.

In our first meeting, I would like to discuss how we would like to tackle this issue rather than any substantive comments about the code (although if you have substantive comments, those would be appreciated as well).

Thanks  
Justin



To: Parks Committee  
From: Justin McCarthy  
RE: Tighe Schmidt Park and Hockey Rink

Committee,

Despite being one of the largest open spaces in the City, Tighe Schmidt park is underutilized. This may be due to a number of factors, including the fact that it often is swampy and the fact that the park is mostly empty. In addition, the Hockey Rink on the north end could use some love and care.

We were tasked by the City Council with evaluating ways of increasing usage of Tighe Schmidt park. I would encourage us to be creative in our thinking. For example, I would encourage the Committee to consider obstacle courses, bicycle courses, etc in addition to the classic usage as a sports field. One component of this effort should be to survey City residents on how they would use that space. I would recommend that the Parks Committee gather ideas, come up with a few plans, then present those plans to the Council and the public for consideration.

One component to consider is refurbishing or restoring the hockey rink.

Thanks  
Justin