

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

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
VIA TELECONFERENCE
DECEMBER 27, 2021, 7:00 P.M.**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Justin McCarthy	Councilmember
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STAFF:

Andy Gonyou	City Administrator
H. Alan Kantrud	City Attorney

GUESTS:

Kyle Hunt	CEO and President, Kyle Hunt & Partners
Brent Stevens	Project Manager, Kyle Hunt & Partners
David Snyder	Attorney, Johnson and Turner
Michael Sharratt	Sharratt Design & Company

1. CALL TO ORDER

In light of the status of the ongoing COVID-19 health pandemic, the City of Birchwood Village is conducting its December 2021, meeting using interactive web-based technology. Pursuant to *Minnesota Statutes, Chapter 13D.021 Subdivision 1(1)*, the City of Birchwood Village is declaring that, "an in-person meeting or a meeting conducted under *section 13D.02* is not practical or prudent because of a health pandemic...".

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

2. CITY BUSINESS – REGULAR AGENDA

A. Variance Case 21-06-VB

- a. **Mayor Wingfield:** Summarized prior updates to Variance Case 21-06-VB (469 Lake Avenue) and the purpose of the Special Meeting to determine next steps in considering this variance application.
- b. **City Council & City Attorney:** Deliberated the status of the variance application and options for further decision making.

On a motion made by Councilmember Fleck, seconded by Councilmember Woolstencroft, it was resolved to deny Variance Application 21-06-VB. AYES: WINGFIELD, FLECK, WOOLSTENCROFT; NAYES: FOSTER. Motion carried.

- i. **Michael Sharrat, David Snyder (Applicant Representatives):** Summarized prior updates to Variance Case 21-06-VB.
- ii. **Dr. Jim Barthel (Applicant):** Explained the purpose of the proposed project.

On a motion made by Mayor Wingfield, seconded by Councilmember Woolstencroft, it was resolved to amend the previously adopted motion with the following information to detail the City Council's rationale for denying Variance Application 21-06-VB. AYES: WINGFIELD, FLECK, WOOLSTENCROFT; NAYES: FOSTER. Motion carried.

- i. The basis for the denial is:
 - 1. That the City Engineer reviewed the submitted plans, and the submitted plans do not allow for mitigating of the impervious surface as proposed, and that is because the water table is near the surface seeing as the house is near the lake, and this does not allow sufficient retention of water.
 - 2. The basis that the City Council had to act expeditiously at this point because the matter had been tabled in October, but based on their attorneys' actions in December, it became clear that the matter as no longer being asked to be tabled by the applicant.

3. ADJOURNMENT

On a motion made by Councilmember Fleck, seconded by Councilmember Woolstencroft and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 7:53 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

City Administrator Andy Gonyou

Date

Date