

**CITY OF BIRCHWOOD VILLAGE  
SPECIAL CITY COUNCIL MEETING  
September 9<sup>th</sup>, 2020**

**MINUTES**

**MEMBERS PRESENT: Mayor Mary Wingfield; Council Members: Randy LaFoy, Kevin Woolstencroft, & Jonathan Fleck. Absent: Councilmember Jessi Aakre.**

**MEMBERS ABSENT: Jessi Aakre**

**STAFF PRESENT: Tobin Lay, City Administrator; Alan Kantrud, City Attorney.**

**OTHERS PRESENT: Cathy Wandmacher (415 Wildwood Avenue), Rick & Janet Cristan (221 Wildwood Avenue)**

Mayor Wingfield called the regular meeting to order at 7:03pm. City Administrator Lay explained the reason for the meeting being conducted virtually via the Zoom platform as is permitted by Minnesota State Statute. The pledge of allegiance was recited.

**AGENDA APPROVAL**

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE AGENDA. ROLL CALL VOTE: WOOLSTENCROFT; AYE, LAFOY; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.**

**CITY BUSINESS – REGULAR AGENDA**

- A. Variance Case No. 20-02-VB for 415 Wildwood Avenue
  - a. Council Deliberation and Approval
    - i. **Administrator Lay:** Summarized variance request to City code 302.050. Property owner requesting variance due to stone patio that had been installed.
    - ii. **City Attorney:** Advised that the Mayor & Council could declare the variance request incomplete and request it be completed before making a final decision.
    - iii. **Mayor & Council:** Directed City Administrator Lay to inform property owner by mail of request to complete variance request and that a decision will be made upon said completion.
  
- B. Variance Case No. 20-05-VB for 221 Wildwood Avenue
  - a. Council Deliberation and Approval
    - i. **Administrator Lay:** Summarized property owner requesting a variance to the sideyard setback and also requesting the Mayor & Council declare the prevailing municipal street setback for this property to allow for a 20 foot setback as has been recommended by the planning commission.

- ii. **Rick Cristan (221 Wildwood Avenue):** Summarized steps taken to alter the property before coming to decision to apply for variance request and resolution of 5 non-conformities. Detailed constraints due to undersized lot.
- iii. **Dick Galena (217 Wildwood Avenue):** Clarified being the adjacent property owner and requested confirmation on variance being 4 feet, resulting in a 6-foot side setback. Expressed personal consent to both setback variance request and the municipal street setback of 20 feet.
- iv. **Mayor & Council:** Deliberated opinions on variance requests

**MOTION WAS MADE BY COUNCILMEMBER FLECK TO DENY BOTH VARIANCE REQUESTS. MOTION WAS RESCINDED BY COUNCILMEMBER FLECK.**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO DENY VARIANCE CASE NO. 20-05-VB DUE TO THE CONDITIONS RESULTING IN NEED FOR VARIANCE WERE CREATED BY THE DESIGN SOLUTION AND THAT STRICT ADHERENCE TO THE ORDINANCE IS POSSIBLE. ROLL CALL VOTE: LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO TABLE THE CONVERSATION OF A PREVAILING MUNICIPAL STREET SETBACK TO THE SPECIAL COUNCIL MEETING SCHEDULED FOR SEPTEMBER 16 2020 TO ALLOW TIME FOR FURTHER INVESTIGATION. ROLL CALL VOTE: LAFOY: NAY, WOOLSTENCROFT; AYE, FLECK; ABSTAIN, WINGFIELD; AYE. MOTION PASSED.**  
(01:38:00)

#### **ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADJOURN THE MEETING. ROLL CALL VOTE: LAFOY; AYE, WOOLSTENCROFT; AYE, FLECK; ABSTAIN, WINGFIELD; AYE. MOTION PASSED. MEETING ADJOURNED AT 08:39 PM.**

ATTEST:

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Mary Wingfield  
Mayor

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Tobin Lay  
City Administrator - Clerk