

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

**MINUTES OF THE CITY COUNCIL MEETING
NOVEMBER 14, 2023, 6:45 P.M.**

MEMBERS:

Margaret Ford	Mayor
Mark Foster	Councilmember
Ryan Hankins	Councilmember
Justin McCarthy	Councilmember
Katherine Weier	Councilmember

STAFF:

Rebecca Kellen	City Administrator
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Minutes prepared by Angela Fracassi of Minutes Solutions from a video recording.

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:45 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA (0:00:42)

On a motion made by Councilmember Weier, seconded by Councilmember McCarthy, it was resolved to approve the agenda as amended. All in favor; motion carried.

The following item was removed from the agenda:

- Item H: Approve JPA for South Shore Boulevard Trail Management

The following items were added to the agenda:

- The Planning Commission Minutes
- 312 Wildwood Avenue
- Update on audio equipment

4. OPEN PUBLIC FORUM (0:02:12)

Ron Malles noted that a setback change was recently made, and expressed concern that residents were not aware of the changes being made. He explained that these changes would negatively affect his property, as his neighbor taking advantage of these changes would result in the death of several of his trees. He recommended that Council take additional steps to engage the public and use more conditional use permits.

Council clarified that the setback change was not a material change, but was instead a clarification, and asked for more information. It was noted that nearby communities have similar

setback rules, and the recent task force recently found that this change was requested by the public. They also agreed that more effort should be made to make the public aware of the change.

5. **ANNOUNCEMENTS (14:45)**

- a. **Truth in Taxation Hearing:** The Hearing will take place on December 12, 2023, at 6:45 p.m. at City Hall.
- b. **Delinquent Utility Bills:** The letters were distributed to residents on October 16, 2023, and payments are due on November 17, 2023.
- c. **City Cleanup:** The City Cleanup will take place on November 18, 2023, at 10:00 a.m. The meeting place is City Hall.
- d. **Joint Council and Planning Commission Workshop:** The workshop was scheduled on November 30, 2023, at 7:00 p.m.
- e. **Vacant Home Registration:** Registration was completed for 184 Cedar Street.
- f. **Music in the Park:** An update regarding was provided in the meeting package for the Council's review.
- g. **Audio Update:** One television has been purchased and installed. Another was purchased but has not yet been installed. The audio has been adjusted and has improved. The technical improvements were paid for with grant funds.

6. **CONSENT AGENDA (18:25)**

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve consent agenda items A, F, and G. All in favor; motion carried.

a. **Treasurer's Report (Consent Agenda Item B) (19:33):**

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve the Treasurer's Report, subject to clarification of the two charges to Manship Plumbing. Four in favor; Councilmember Hankins abstained. Motion carried.

Councilmember suggested that yearly accounting be sent to the Dock Association. Council requested clarification regarding a charges from Manship Plumbing and Heating in the amounts of \$840 and \$1,190.

Councilmember Hankins declared a conflict of interest regarding all of the Amazon charges, as he has a professional relationship with Amazon. As a result, he abstained from approving the Treasurer's Report.

b. **Approve Resolution 2023-44, Approving Summary Publication for Ordinance 2023-06-01, Solar Panels (Consent Agenda Item C) (28:09):**

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve Resolution 2023-44 and Summary Publication for Ordinance 2023-06-01, as amended. All in favor; motion carried.

Councilmember Hankins noted that the ordinance was approved on October 10, 2023.

c. Council Meeting Schedule and Official Holidays (Consent Agenda Item D) (30:09):

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve the Council Meeting and Official Holiday schedules as presented. Motion carried.

The Council noted that GOP primary voting affects the Council meeting schedule. Council agreed to discuss changing city staff's office hours at the next meeting.

d. Approve Washington County All-Hazard Mitigation Plan (Consent Agenda Item E) (35:49):

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve the Washington County All-Hazard Mitigation Plan, pending more information regarding the redacted sections. All in favor; motion carried.

Council noted that some of the mitigation strategies for Birchwood Village were redacted. It was noted that Attorney Kantrud recommended approval of the plan. The deadline to approve the plan is November 22, 2023, and it was advised that the City would lose FEMA funding if the plan is not approved by the deadline.

7. CITY BUSINESS (36:26)

a. Second Reading of Ordinance 2023-09-01 (607) City Parks Systems (36:27):

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to table the approval of ordinance 2023-09-01 (607), subject to the removal of 607.401.a. All in favor; motion carried.

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve Resolution 2023-42 approving Summary Publication Ordinance 2023-09-01. All in favor; motion carried.

Mayor Ford opened the hearing to members of the public.

Mary Sue Simmons, 418 Birchwood Court, explained that she is a member of the Parks and Natural Resources Committee. She noted that the Committee had discussed Kay Beach at length, and wanted to make sure that the beach remained safe. The Committee was unanimous in thinking that fishing should not be permitted on the docks or the water. The other four docks were still available for fishing. The debris left behind by fishing presented a safety concern.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to close the public hearing. Motion carried.

Council discussed the fact that there were changes made between the first and second meetings, and the version that was approved at the previous meeting did not include all the changes. City Attorney Alan Kantrud recommended that Council approve the correct version of the ordinance.

Council noted that the version of the ordinance before them was again the incorrect version, and agreed to table the discussion to a future meeting.

b. First Reading of Ordinance 2023-11-01 Repealing 617 Sections Regarding City Parks System (46:58):

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve Ordinance 2023-11-01 Repealing 617 Sections Regarding City Parks System. All in favor; motion carried.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to order a second reading and public hearing of Ordinance 2023-22-01. All in favor; motion carried.

c. Approve Ordinance 2023-07-01 (302.045) Language (48:50):

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve ordinance 2023-07-01 (302.045) as amended. All in favor; motion carried.

Mayor Ford provided a summary of the ordinance. Council obtained a Word document copy of the draft ordinance and made clarifications and language changes directly in the document.

d. 2024 Budget Review (1:06:25): Mayor Ford inquired if any members of Council or the public had questions or comments regarding the budget. Hearing none, the further review and final approval of the 2024 budget was tabled until the meeting to be held in December of 2023.

e. EPA Grant and Lift Station Update (1:06:46): Council agreed to have a monthly update at each Board meeting. The soil boring work for the Wildwood lift station was completed on October 27, 2023, by Haugo Geotechnical. The geotechnical report and billing were pending. Environmental Engineer Seth Peterson worked on the design enough to submit the work plan to the EPA in order to begin their review. The plan should be submitted to the EPA in November of 2023. There should be plans for Council review available prior to the next Council meeting; however, it was noted that the price estimates would likely not be available prior to the upcoming budget deadline.

f. City of Birchwood State Bonding Appropriation, Lake Links Trail (1:11:57):

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to start a taskforce to work on the Lake Links Trail and to appoint Mayor Ford as the taskforce liaison. All in favor; motion carried.

Mayor Ford noted that only paved bicycle paths would be eligible for grant funding. A gravel trail, although significantly less expensive, would not be eligible.

g. First Reading, Fee Schedule Updates (1:17:54):

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve the first reading of the portions of the fee schedule that pertain to services that require the use of a city planner, and to revisit the fee schedule updates at the second reading. All in favor; motion carried.

Councilmember Hankins presented a summary of the proposed fee schedule changes included in the meeting package. Some of the increased fees included dog permits, small craft permits, conditional use permits, interim use permits, street vacation applications, variance applications,

certificates of occupancy, and building permit fees. It was explained that the fee schedule changes were intended to be used to pay for a portion of the city planner.

Council discussed that the planner, inspector, and engineering fees should only be applied to permit applications that require these professional services. Mayor Ford and Councilmember Weier volunteered to prepare a revised draft for a second reading.

- h. **Ordinance 2023-11-2, Side Setbacks (1:52:11):** Council agreed to the table further discussion of the ordinance to the next Council meeting, so that Council has the opportunity to confer with the Planning Commission.

- i. **Planning Commission Meetings (2:02:27):**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the Planning Commission's request for a special meeting on November 30, 2023. All in favor; motion carried.

Council noted that two Planning Commission terms were about to expire. Council discussed that the positions must be advertised so that interested members of the public may come forward. Council also discussed potentially reappointing the two current Planning Commission members should they consent, and should no members of the public come forward. They advised City staff to draft a resolution for the next Council meeting.

- j. **312 Wildwood Avenue (2:09:05):** Council agreed to invite the owner of 312 Wildwood to the next Council meeting or ask for a detailed update regarding the status of the property.

Councilmember Hankins reported that the property has not yet been vacated, nor cleaned.

- 8. **MEETING CLOSE (2:12:00)**

On a motion duly made by Councilmember McCarthy, seconded by Councilmember Hankins. it was agreed that there was no further business of the Council to transact in an open session; the meeting was closed to the public at 8:57 p.m.

DISCLAIMER

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting. This document shall not be considered a verbatim copy of every word spoken at the meeting.


Mayor Margaret Ford

12-12-23
Date


City Administrator Becky Kellen

12-12-23
Date