

MINUTES
CLOSED COUNCIL MEETING
CITY OF BIRCHWOOD VILLAGE
November 30, 2023
6:45pm

CALL TO ORDER:

Mayor Ford calls the meeting to order at 6:45 PM.

MEMBERS PRESENT: Mayor Margaret Ford, Councilmembers: Mark Foster, Justin McCarthy, Ryan Hankins, Kathy Weier

STAFF PRESENT: City Administrator Rebecca Kellen, Treasurer Mary Cahill

OTHERS PRESENT: City Attorney Alan Kantrud, LMC (League of Minnesota Cities) Attorney Paul Merwin

Mayor Ford moved to hold a closed session of the Birchwood City Council under MN STAT. 13D.05 Subd. 3(b) which permits a meeting to be closed to the public when an attorney-client privileged matter is discussed. The purpose of the meeting was to receive advice from Attorney Paul Merwin regarding active litigation in the Nicklaus v. City of Birchwood case.

Mayor Ford made a motion to close the closed session of the meeting. Council member McCarthy seconded the motion to close the closed session of the meeting. All present approved.

CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
BIRCHWOOD, MINNESOTA

MINUTES OF THE CITY COUNCIL MEETING
NOVEMBER 30, 2023, 7:00 P.M.

MEMBERS:

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

PLANNING COMMISSION:

Andy Sorenson	Commissioner
Michelle Maiers-Atakpu	Commissioner
Michael Kraemer	Commissioner
Michael McKenzie	Commissioner
Joe Evans	Commissioner

STAFF:

Rebecca Kellen	City Administrator
Mary Cahill	Treasurer
Therese Bellinger	Deputy Clerk
Jack Kraemer	Building Official
Ben Wikstrom	Consulting Planner
Marcus Johnson	Consulting Engineer

Minutes prepared by Angela Fracassi of Minutes Solutions from a video recording.

1. APPROVE HIRING OF THE TREASURER (0:00:01)

On a motion by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve resolution 2023-48, with the amendment that the Treasurer would work up to 20 hours per month. All in favor; motion carried.

Mayor Ford explained that Council has agreed to hire a new Treasurer to replace Mary Cahill. Several candidates were interviewed, and Council has decided to offer the position to Kathleen Hanson. Council discussed the hours and salary for the position. Ms. Cahill clarified that to start, the job would likely require 10 to 20 hours per month. Council thanked Ms. Cahill for her years of service.

2. JOINT MEETING WITH CITY COUNCIL AND THE PLANNING COMMISSION (0:06:29)

Mayor Ford explained that the purpose of the joint meeting was to discuss ways to improve processes for City staff and operations.

- a. **Permit Applications (0:7:00):** Ms. Bellinger provided an overview of how the new online permit application software operates. The software first forwards the application to Mr. Kraemer, who then attaches fees and recommends whether Engineering or the City Planner need to be involved. The application is also reviewed by Ms. Kellen prior to being returned to the applicant. Council suggested that these steps and procedures be written down and reviewed by Council, Planning Commission, and Staff. It was noted that permit applications are mainly being submitted online; however, paper applications are occasionally received. Variance applications are still being submitted on paper for the time being.
- b. **Construction and Permit Follow Up, Enforcement, Closeout, and Related Issues (0:22:51):** Mr. Kraemer explained the erosion control process. He also explained that in his inspections, he may check the setbacks and survey stakes. The Planning Commission inquired about landscaping plans that may be on a slope, where the Commission is unsure whether a retaining wall is required. Mr. Kraemer explained that he is sometimes made aware of these, but likely not in every case. He requested that he receive a copy of every variance that he can bring them with him in the field when performing his inspections. City Engineer Mr. Johnson stated that he is typically included in the process when impervious surfaces are involved in the application. The Council, Planning Commission, and staff agreed that the procedures should be explicitly written and reviewed.
- c. **Administration of Variance and CUP Application Processes (0:31:00):** Mr. Kraemer explained that the number and type of inspections depend on the type of job. When a project is completed, Ms. Bellinger receives a copy of the permit with copies of the inspections. Mr.

Wegstrom requested that an alert or notification be sent to him each time a new permit application is filed.

Mr. Johnson then reviewed the process for reviewing impervious surfaces. He explained that his goal when inspecting impervious surfaces is to ensure that the applicant has built according to the specifications on the application. Ms. Cahill noted that in the past, many applicants were confused about timelines and deadlines for submitting materials, and advised that the updated procedures include timelines and deadlines for applicants. It was also noted that notifications to abutters must be distributed within 60 days of the application, along with a newspaper notice. There was some discussion about whether the City Planner should speak to City Council or the Planning Commission rather than the applicant. Mr. Wegstrom responded that he can be available to speak either in person or virtually to contentious applications after his report has been completed.

- d. **Periodic City Code Review Processes and Related Issues (0:50:32):** It was noted that the City had no policy to review code on a regular basis; however, a considerable amount of code had been recently reviewed as a result of feedback from the Commission and the public. City Council welcomed feedback and suggestions from the Planning Commission and City Staff with proposed code changes. Council discussed ways to increase public engagement regarding proposed code changes, such as more email communication and distributing ordinances, and noted the challenges in engaging the public. It was recommended that code be reviewed on a five-year cycle, planned in advance.
- e. **City Policy and Enforcement Protocol Related to Meeting Packets, Agendas, Public Notifications, Supporting Document Submissions (1:02:33):** Ms. Kellen stated that she aims to complete meeting packets on the Thursday prior to the meeting; however, she sometimes receives materials late and must update the package after the deadline. The Planning Commission noted that there have been instances when the agenda is changed and a variance removed but the Applicant was unaware of the change, and inquired whether there is a process for notifying the public of agenda changes. Ms. Kellen explained that the only way to be aware of the change is to check the publicly-posted agenda on the website. Council suggested that abutters could be notified by email if a variance is removed from a meeting agenda.

3. **MEETING CLOSE (1:12:00)**

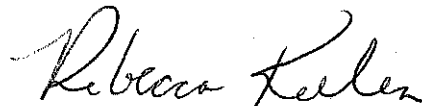
On a motion duly made by Councilmember McCarthy, seconded by Councilmember Wier it was agreed that there was no further business of the Council to transact. The meeting was closed.

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



City Administrator Becky Kellen

