

MEETING MINUTES (Final)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 3/23/2023

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: — Andy Sorenson - Chairman, Joe Evans, Michelle Maiers-Atakpu, Michael McKenzie, Michael Kraemer

COMMISSIONERS ABSENT: None

OTHERS PRESENT: Nadja Gale 419 Wildwood Ave, Doug Coel – friend of Nadja Gale

TO ORDER Meeting called to order by Chairman Andy Sorenson at 7:00 PM.

1. PUBLIC FORUM
2. APPROVE AGENDA
 - a. McKenzie moved, 2nd by Evans, to approve the agenda as presented. Vote: Yes – 5, No – 0. Motion to approve agenda passed.
3. REGULAR AGENDA
 - a. Item A – Review/Approve January 26, 2023, Meeting Minutes
 - i. Motion by Maiers-Atakpu, 2nd by Evans to correct spelling of Michael Kraemer’s name and approve the amended minutes. Vote: Yes – 5, No – 0, Motion to approve the corrected minutes passed.
 - b. Item B – 419B Wildwood Ave Sewer and Water Discuss Options – Nadja Gale.
 - i. Nadja Gale addressed the Planning Commission seeking input on ideas of how to resolve a sanitary sewer service issue serving her property. She indicated that her property and the adjacent property were served by a common sewer riser while City code requires each property to be served by their own individual riser and sanitary service.
 - ii. Ms Gale indicated she was having trouble locating a responsive contractor she suspects due in part to the perceived depth of excavation needed to install a new riser and service line to serve her property. (She was not sure of the actual city sewer main depth.)
 - iii. Planning Commission suggested she work with City Engineer Steve Thatcher to identify the as-built depth to the mainline sewer so contractors can accurately respond to the potential scope of work needed.
 - iv. Commission suggested Ms. Gale work with the City Administrator to identify any alternative options to the one house/one service policy in fact the excavation depth needed to hookup is excessive and may create an undue hardship.
 - c. Item C – Ordinance 2023-02-01 Removing Solar Panels from CUP Code

- i. Discussion:
 - 1. The Commission reviewed the Minnesota Solar Model Ordinance provided in the packet.
 - 2. The Commission reviewed the proposed Ordinance 2023-02-01 amending Section 301.070 Conditional Uses to eliminate the need for CUP for solar systems which are attached to the roof and are within the bounds of the roof surface.
 - ii. ***Commission Action:*** Advisory motion by McKenzie and 2nd by Sorenson to support the proposed modification to City Code 301.070 CONDITIONAL USES, as presented, **provided** the City Code 306.060 SOLAR ENERGY SYSTEMS - Item 2 is simultaneously modified to add an Item c. stating: *“The basis of the Birchwood SOLAR ENERGY SYSTEMS Code shall be tied by reference to the Minnesota Solar Model Ordinance”.*
 - 1. The Commission felt that by blanket exempting the roof mounted systems from the CUP process (without referencing the Minnesota Solar Model Ordinance) the City Code does not go far enough to address best practices such as matching roof slopes and other esthetic considerations. Advisory Vote on the motion Yes – 5, No—0. Motion passed.
- d. Item D – Variance Application (Form) Discussion
- i. ***Commission Action:*** It was determined that the sample document included in the packet did not include any new edits for consideration as was indicated in the packet agenda.
 - ii. Advisory motion by Maiers-Atakpu and 2nd by Evans to table the discussion until the proposed revisions and edits are identified in the document. Advisory vote: Yes – 5 No – 0 Motion to table the item passed.
- e. Item E – Code Item 208A: Right of Way Code Revision Discussion
- i. Item 1 - Discuss Proposed Ordinance regarding fee schedule.
 - 1. ***Commission Action:***
 - a. Advisory motion by Maiers-Atakpu, 2nd by Soreson to support the Fee Schedule as presented **with the recommended addition** of a fee item under RIGHT OF WAY FEES table, entitled Right of Way Degradation Escrow in the amount of \$3000.
 - i. Right of Way Degradation is identified in the proposed changes to Right of Way Code 208A under Section 208A and specifically section 208A.130 PERMIT FEES -1. Excavation Permit Fees, Item b. Degradation costs if applicable.
 - ii. It is opinion of Commission that adding this fee item 208A.130.1.b warrants consideration since

damage can occur to pavement and/or right of way due to actions of equipment even if there is no Excavation occurring.

- iii. Advisory motion vote to support the proposed fee schedule and the addition of the Right of Way Degradation Escrow in the amount of \$3000. Vote: Yes- 5, No – 0 Motion passed.

ii. Item 2 – Discuss Proposed Ordinance RE: City Code 615

- 1. The repeal of Chapter 309 removes the prohibition of roll-off or portable, on=demand storage containers in streets. It is felt that the prohibition is still in the best interest of the City and suggest adding this prohibition to Chapter 615 of City Code.

2. **Commission Action:**

- a. Advisory motion by McKenzie, 2nd by Evans to supporting the addition of Item 615.060 TEMPORARY OUTDOOR STORAGE CONTAINERS prohibition as presented. Vote: Yes – 5, No – 0.

iii. Item 3 - Discuss Proposed Ordinance RE: Enacting City Code 208A

- 1. Discussion: Repeal Chapters 208 and 309 of the City Code and replace them with a new Chapter 208A dealing with right of way activity permitting, in particular as it relates to installation and maintenance of public utilities and communication systems.

- a. This new Chapter 208A being proposed is modeled to better reflect Minnesota Statutes 237 (the “Act”) and is proposed to be interpreted consistently with Minn. R. 7819.0050=7819.9950 and Minn. R., ch 7560.

2. **Commission Action:**

- a. Advisory motion by Sorenson, 2nd by Maiers-Atakpu to support adoption of Chapter 208A as proposed. Advisory Vote: Yes – 5, No – 0 Motion passed.

4. 302.045 Structural Height Restrictions – City Code Revision

a. **Commission Action:**

- i. After considerable discussion the Commission felt more clarity was needed to properly understand what was being proposed as methods of determining allowable building height limitations based on roof slope and suggested the topic be tabled until the next meeting.

- ii. Motion to table by Sorenson, 2nd by Maiers-Atakpu. Vote: Yes 0 – 5. No – 0. Motion to table passed.

5. 304.035 Variances

a. **Commission Action:**

- i.* Advisory motion by Sorenson, 2nd by Maiers-Atakpu to support the adoption of the proposed ordinance amending the existing variance ordinance section 304.035 Revocation and Termination of Variances to allow for a potential one-year extension of variance duration. Vote: Yes – 5, No – 0. Motion passed.

6. ADJOURN 9:10 PM

- a.** Motion by Sorenson, 2nd by Evans to adjourn meeting. Vote: Yes – 5, No – 0. Motion passed.