



AGENDA OF THE REGULAR MEETING OF  
THE PARKS AND NATURAL RESOURCES COMMITTEE  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
DECEMBER 21, 2023  
6:30 P.M.

**CALL TO ORDER**

**APPROVE AGENDA**

**OPEN PUBLIC FORUM**

**APPROVE MINUTES FROM PREVIOUS MEETING**

A. November 16, 2023 Meeting Minutes\* (p. 3-6)

**COMMITTEE BUSINESS - REGULAR AGENDA**

B. Discussion Items Carried Over from Previous Meeting(s)

- a. Conservation Initiatives
- b. Planning for Tighe-Schmitz Park\* (p. 7)
- c. Community Outreach (i.e., newsletter)
- d. Public Signs on City Beaches
- e. Visual Mitigation of the Lift Station Generator
- f. General Maintenance
  - a. Volunteer Initiatives
  - b. Management of ice/flooding at the hockey rink
  - c. Beach Easements
- g. Update on Hall's Marsh MOA

C. Confirm Next Month's Meeting and Identify Agenda Topics

**ADJOURN**

\* denotes an attachment in the agenda packet

## **ATTACHMENTS**

**PARKS AND NATURAL RESOURCES COMMITTEE MEETING**  
**November 16, 2023**  
**MINUTES**

The November 16, 2023, meeting of the Parks and Natural Resources Committee was called to order in city hall at 6:30 p.m.

**Attendees:** Council Member Justin McCarthy, Council Member Kathy Weier, Committee Members Zachary Michalk, Mary Sue Simmons, Jennifer Arsenault, and Alan Mitchell.

**Others:** Barton Winter

**Public Forum.** The meeting began with a Public Forum. Barton Winter stated that his chief complaint about the hockey rink was with the flooding. Winter went on to describe his suggestions for how the rink should be flooded and maintained. He said that he was at the rink nearly every day in the winter, and he volunteered to help with the flooding. Winter mentioned that there is a drain in the parking lot and that it was important to not allow the drain to be covered. Winter pointed out that there are some downed trees outside the rink that need to be removed. He commented about the pleasure rink and wondered whether a concrete slab was feasible, physically or financially. Winter said that maybe a grant was possible to fund improvements in the pleasure rink, and the committee asked if he would look into the possibility of a grant. Winter was provided with the email address for the Parks Committee.

**Agenda.** The agenda was adopted unanimously.

**Minutes.** Winter requested a couple of changes in the draft Minutes. He said the Minutes should state that Curt Feistner was a graduate of West Point and did not serve in the Air Force as the draft Minutes stated. He also asked that the Minutes be changed to clarify that his comments about the rink not being level related to the pleasure rink, not the hockey rink. Mitchell said that he thought the draft Minutes should be revised to attach copies of several documents that were identified in the draft so that readers can readily find the referenced documents. The Minutes, with these changes, were unanimously approved.

**Special Revenue Fund.** Council Member McCarthy stated that the Council discussed this matter at the November Council meeting and requested that going forward, the city staff should provide more detailed information regarding receipts and expenditures with this Fund. The Committee then discussed the status of the

Fund, using the 11/7/2023 Treasurer's Report that was in the agenda packet for the November Council meeting. The receipts included payments from the Birchwood Dock Association, and the 2023 expenditures were for Fireworks (\$200), Music in the Park (\$3,159.99), the Owl Street handrail – supplies (\$2,487.65) and labor (\$2500). The present balance is \$10,823.05. The Committee agreed that reporting specific information regarding the Fund would be helpful.

**Community Outreach.** Chair Michalk asked if members had suggestions for the next City Newsletter. Topics suggested included announcements about the hockey rink opening, that snowmobiles are not permitted on the beaches, and that residents should consider the potential environmental impacts of spreading salt on the ice in the winter. The Committee also discussed that in future Newsletter issues the Committee might want to include information about water usage and mowing and leaf mulching. The Committee also discussed that next Saturday (November 18) was a cleanup day in Birchwood and wondered how broadly the community had been advised of the volunteer opportunity

**Conservation Initiatives.** This matter was postponed until the December meeting.

**Planning for Tighe-Schmitz Park.** There was nothing further to report regarding plans for Tighe-Schmitz Park. McCarthy and Weier mentioned that the City has undertaken efforts to address the various maintenance items the Committee had identified earlier. The Committee agreed that Lori Tella of the Washington Conservation District should be invited to one of its meetings in February or March as the Committee prepared for a public forum in the spring.

**City Code Review.** McCarthy and Weier advised that the Council adopted the final version of the code amendments at its November meeting and that a no fishing restriction on Kay Beach was not part of the amendments.

**Public Signs on City Beaches.** The Committee agreed that with the adoption of the amendments to chapter 607 of the City Code, the language for new signs could be finalized. Arsenault will prepare language consistent with the new code provisions and bring those proposals to the December meeting. The Committee agreed that new signs should be prepared for other city parks as well, not just for the beaches. Simmons reported that she had talked to one sign manufacturer and learned that the cost of five new signs (18 x 24 inch size) for the beaches would run about \$183. Simmons will check with other businesses that prepare signs about the cost. Simmons also reminded that the Washington County Sheriff wants to review our sign proposals before they are prepared to ensure that law

enforcement can enforce the restrictions. The Committee also discussed that in the spring the Committee should address the need for buoys at Kay Beach.

**Visual Mitigation of the Lift Station Generator.** Weier advised the Committee that her daughter's Girl Scout Troop was considering taking on this project and will decide quickly whether they will do so. Weier added that if the Troop does take it on, they will meet with the neighbors and residents before finalizing any plans.

**Volunteer Initiatives.** It was mentioned that this coming Saturday (November 18) – a city wide cleanup day – was one such volunteer opportunity. Arsenault stated that she could prepare a spreadsheet that listed projects that volunteers might want to undertake and this spreadsheet could be provided to any person who might be interested in learning of such opportunities. The Committee thought this was a great idea and agreed that she should go ahead and do that. The Committee wondered whether late November was a good time to be trimming trees in case volunteers on Saturday intended to do that. Barton Winter pointed out that the trimming that had been done on the cedar trees near the hockey rink had left some sharp edges where branches had been cut and that the City might want to check on this because kids sometimes recovered hockey pucks that had flown into the trees.

**Management of Ice Flooding at the Hockey Rink.** Weier reported that she had spoken to the person in Minnetonka (Todd) who is in charge of that city's outdoor hockey rinks. Minnetonka has 21 total outdoor rinks, five of which are on blacktop and the rest are on dirt. Weier described the flooding process that Minnetonka uses. She added that Minnetonka has tried plastic liners on some rinks but the city experienced problems with rips in the liner and with the ice being bad. Weier said that the Minnetonka person was impressed with the fact that Birchwood had a warming house with the hose inside and wished that Minnetonka had such facilities since that would make flooding easier for them because they presently use a water truck to do all their flooding. Weier said that Minnetonka recognizes that volunteers need to be trained on flooding outdoor rinks or they are likely to use way too much water, and that is expensive. The Committee discussed the issue of how much water is required to flood a hockey rink and keep the ice in good condition. Only rough estimates were possible, but the Committee agreed that flooding can result in significant costs and that efforts must be taken to minimize water usage. Barton Winter added that he had never heard that there might be budget issues over the use of water on the rinks. No specific action was taken but

it was agreed that a policy describing how the rinks would be flooded and maintained would be helpful.

**Beach Easements.** In response to the comments from Randy LaFoy at the October meeting, Arsenault said that she inspected Birch Beach. She was uncertain what would be gained by clearing trees by the runoff from the rain garden.

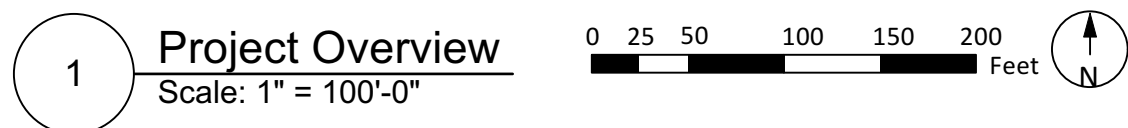
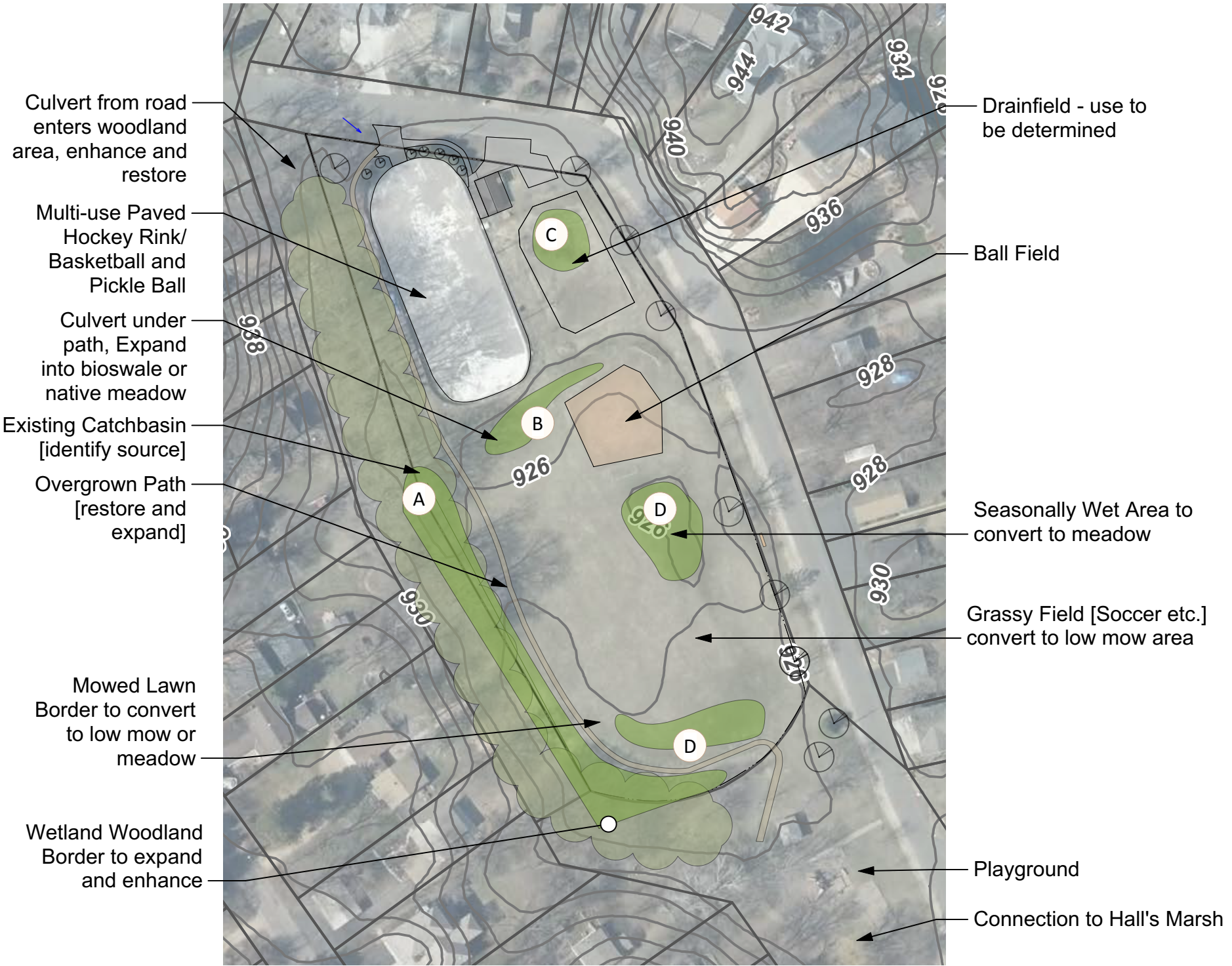
**Update on Hall's Marsh MOA.** McCarthy advised that the City is still negotiating with the Rice Creek Watershed District and other parties over the terms of a Memorandum of Understanding regarding the draining of Priebe Lake. McCarthy said that there is a question over whether Rice Creek has any easements that allow for such action.

**Next Meeting.** The Committee discussed whether the date of the December meeting should be changed from December 21 (the third Thursday) to some other day. It was decided that the regular December meeting would remain on Thursday December 21. The Committee discussed whether the regular meeting date should be changed from the third Thursday but no action was taken to do that right now.

**Adjourn.** 8:22 p.m.

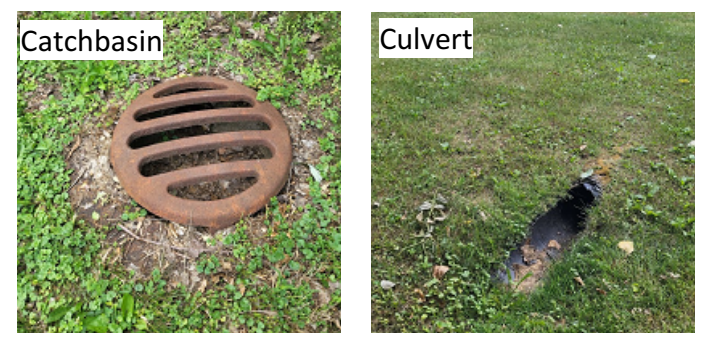
Respectfully submitted,

Alan Mitchell  
Secretary



**PROJECT OVERVIEW:**  
Goals for this project include reducing maintenance, provide native habitat, filter stormwater runoff, and increase public enjoyment of the space. Challenges to this park are the tendency for saturated soils, uneven establishment of grass, underutilized park features. This project proposal intends to convert areas that tend to hold water to native plantings and propose additional amenities that may enhance use.

**EXISTING CONDITIONS**



Washington Conservation District  
455 Hayward Ave N  
Oakdale, MN 55128  
(651) 330-8220  
www.mnwcd.org

plan created by:

|  |                                  |          |          |
|--|----------------------------------|----------|----------|
| Project Address<br>410 Lake Avenue,<br>Birchwood, MN | Drawn                            | Reviewed | Revision |
| Project Manager<br>Lori Tella                        | Washington Conservation District |          |          |

**RCWD**  
RICE CREEK WATERSHED DISTRICT

4325 Pheasant Ridge Drive, Suite 611 - Blaine, MN 55449  
(763) 398-3070  
www.ricecreek.org

Project Title  
**Tighe-Schmitz Park**

Sheet Title  
**Project Overview**

CAO File Name: P:\A\Tighe-Schmitz WIP.mxd

Date  
9/25/23

**L1**  
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7

To: Parks Committee  
From: Councilmember McCarthy

Parks Committee,

It's been several months since the City sent our proposal to the Rice Creek Watershed District regarding the MOA governing the PLOP project. We have yet to hear back from RCWD other than they were dissatisfied with our initial terms. Their attorneys had contacted Alan Kantrud, our attorney, and insinuated they had an easement or some other legal authorization to deposit their stormwater runoff into Hall's Marsh. We do not believe this is the case, but have asked them for a copy of said easement or other authority. They have not responded to that request.

In order to get this process moving and to make sure we fully understand our rights and their rights, I am proposing that the parks committee discuss whether the City should utilize the Minnesota Data Practices Act to force RCWD to provide a copy of any easement or any other authority authorizing any aspect of the PLOP over any property, including Birchwood Village's property over Hall's Marsh.

If RCWD has an easement, it's important that the City understand what their legal rights over Hall's Marsh is. If RCWD does not have an easement, RCWD should not be suggesting they have such an easement.

Should the Parks Committee agree to recommend this approach, I have prepared a draft of a resolution we could send to the council to consider that I would also like the Parks Committee to review and discuss (e.g., to propose any changes). I would like any such action to be taken in January if at all possible.

Thanks  
Councilmember McCarthy



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION DIRECTING THE CITY ATTORNEY TO DRAFT  
AND FILE A MINNESOTA DATA PRACTICES ACT REQUEST  
TO REQUEST CERTAIN GOVERNMENT DATA OF RICE  
CREEK WATERSHED DISTRICT**

**WHEREAS**, Rice Creek Watershed District (RCWD) built and maintains a Priebe Lake Outfall Project (PLOP) which drains, into Hall's Marsh, the overflow street runoff that accumulates in Priebe Lake originating from streets of White Bear Lake.

**WHEREAS**, Hall's Marsh is owned partially by the City of Birchwood Village and the City desires to have Hall's Marsh maintained in a healthy state,

**WHEREAS**, RCWD promised, when the PLOP was built, to maintain Hall's Marsh. The City is of the opinion that RCWD has not satisfactorily maintained Hall's Marsh.

**WHEREAS**, the City of Birchwood Village has no record that RCWD ever obtained an easement to deposit runoff pollution into Halls Marsh

**WHEREAS**, certain statements made by attorneys representing RCWD to the City Attorney suggest they have a copy of an easement or other legal documents purporting to give RCWD legal authority for the PLOP

**WHEREAS**, upon request by our City Attorney, they have not provided said documents to the City of Birchwood Village.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Birchwood Village that the City of Birchwood Village hereby directs the City Attorney to draft and serve upon RCWD, a data practices act request for any easement or other authority relied upon by RCWD to support the drainage of water into Hall's Marsh and for the use of the land on which the pipe runs.

I certify that the City of Birchwood Village adopted the above Resolution

on this \_\_\_\_ day of January, 2024

ATTEST:

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Mayor

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City Administrator-Clerk