

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

**MINUTES OF THE CITY COUNCIL MEETING  
June 11, 2024, 6:45 P.M.**

**MEMBERS:**

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

**STAFF:**

Rebecca Kellen	City Administrator
Alan Kantrud	City Attorney

Minutes prepared by Rebecca Kellen from a video recording.

**1. CALL TO ORDER**

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

**2. APPROVE AGENDA**

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

A. The following changes were made to the agenda:

- a. Councilmember McCarthy removed item U, School Bus Drivers Signed Wanted in Birchwood.
- b. Councilmember McCarthy added 160 Cedar status update.
- c. Councilmember Hankins added Ordinance 2024-06-03 Inserting Lot Merge Requirements in chapter 301, Zoning Codes General Provisions.

**3. PUBLIC FORUM (0:02:19)**

**Barton Winters, 1 Five Oaks Lane** said that he is concerned with Tighe-Schmidt Park and the parks committee indication in the open forum that the park is frequently flooded to which he disagrees. He hopes that the park remains intact for future generations.

**Mary Wingfield on behalf of David and Rachel Drew, 180 Cedar St** talked about drainage in the town and said that the city does not have a drainage system so there is potential problems and it is important to make sure that drainage is a consideration. She said that at the end of Oakridge people are running their sump pumps all the time. She said we have a comprehensive code to avoid drainage issues. She suggested that people look at 364 Hall Ave where no drainage is being proposed which will affect the neighbors who are unaware of this. She said that Drew's property is being affected by 160 Cedar St. and there is no drainage plan which will cause a problem for the Drews because their basement is 5 ft below where they are draining to. She showed a picture of a survey at 160 Cedar and reviewed the drainage. She indicated that no soil borings have been taken so we do not know the infiltration rate. She said that in the Engineers analysis he is relying on a garage that had been there previously for impervious surface calculations. She mentioned that Scott Howe would be taking on additional water as well. She said the comprehensive code needs to be followed. She spoke about a drainage study that could be completed for \$5000 by our engineer that she said was not necessary as it is part of the permitting process. She said this this is a solvable problem that should be addressed. She said that she is representing the Drews as a lawyer.

#### **4. ANNOUNCEMENTS (0:9:59)**

- A. The August city council meeting will take place on August 6<sup>th</sup> instead of August 13<sup>th</sup> due to elections.

#### **5. CONSENT AGENDA (0:10:22)**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve the consent agenda items A,B,C,and E. All in favor. Motion carried.**

- A. Item D – Approve Endorsing the Constitutional Amendment to Continue Funding Natural Resources
  - a. Councilmember Hankins asked for clarification.
  - b. Administrator Kellen reviewed the memo.

**On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve the consent agenda D, Approve Endorsing the Constitutional Amendment to Continue Funding Natural Resources and direct the city administrator to provide a report on applying for a grant on these funds. All in favor. Motion carried.**

- B. Item F - Approve Resolution 2024-25 Approving 4<sup>th</sup> of July Parade Activity
  - a. Councilmember Hankins expressed concerns about community club requesting donations via the city newsletter mailing and asked Attorney Kantrud for input.
  - b. Attorney Kantrud said that it is not in the best interest of the city to solicit community club donations as it is a private group, through a city mailer, using city resources.

- c. Mayor Ford asked if it was better done as a separate mailer through the community club directly to which Attorney Kantrud said that yes, it would be.
- d. Councilmember McCarthy asked about community club insurance or coverage for the parade.
- e. Councilmember Weier said that last year the community club got an opinion from the city attorney who said that the parade would be covered under city insurance if the city endorsed it and the community club is asking that the event be endorsed by the city to which Attorney Kantrud said that what is on the resolution would be covered.
- f. Councilmember Hankins asked about the set up of the community club and Councilmember Weier said that it is an LLC and listed the board members. Councilmember Hankins said that the Office of the State Auditor's office guidance says that no city council member should serve on the board of the community club to which councilmember Weier said that she is a volunteer and not elected to it.
- g. Councilmember McCarthy suggested that the parade is called a city sponsored event for this year and moving forward the community club get their own insurance

**On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve the consent agenda item F, Approve Resolution 2024-25 Approving 4<sup>th</sup> of July Parade Activity, that the city will sponsor the parade this year as run by the community club, as volunteers for the city, and that going forward we no longer solicit donations for the community club through the city newsletter mailer. Councilmembers Foster, McCarthy, Hankins, and Mayor Ford in favor. Councilmember Weier opposed. Motion carried.**

## **6. CITY BUSINESS (0:21:17)**

### **A. 160 Cedar St.**

- a. **Marcus Johnson, City Engineer**, said that he met with the Drews twice. Additionally 2 responses have been given. He said he met with Avery Morse and Rachel Drew on site initially to go through the drainage plan and after that there was a council meeting and another meeting set up to meet which was cancelled and another meeting was requested and that did happen today.
- b. Councilmember McCarthy asked if Engineer Johnson has seen anything that would suggest that the decision to give the building permit was incorrect to which Engineer Johnson said that he thought the building permit should be issued.
- c. Councilmember McCarthy said that he thinks this needs some closure and that section 400 of the code says that if someone is not

happy with a decision then they need to go through the appeals process and bring the appeal to council for consideration. He said that he thinks enough city time and money has been spent on this and at this point it needs to be moved to the formal appeals process.

- d. Councilmember Hankins asked about the time that Engineer Johnson has spent on this to which Engineer Johnson replied about \$5000 in time. Councilmember Hankins said that the council allocated 1 hour to this so this has been exceeded.
- e. Attorney Kantrud explained that the city had an obligation to respond to resident complaints and that there are costs associated with that and that he believes this has been processed in the most efficient manner as possible due to the nature of the complaint.
- f. Engineer Johnson said that he believes that one hour had been allocated to the meeting, which was about how long the meeting went.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to have attorney Kantrud send a letter to the Drews and their attorney Mary Wingfield saying that the city believes that the requirements for the permit at 160 Cedar have been met and if they wish to appeal the decision they can do that through the appeals process in the city code and with appeals process they have 30 days from the date of that letter to appeal and that all communicates on this go through the city Attorney Alan Kantrud. All in favor. Motion carried.**

B. Xcel Gas Project – Michael Wilhelmi (0:32:04)

- a. **Michael Wilhelmi, Xcel Energy Community Relations Manager**, presented along with Travis Densel, representing the gas engineering department. He explained that Xcel Energy would like to replace the gas mains in the city that are aging and in need of replacement. We currently has steel gas lines which were common in the 60s and 70s and there are better options today. The work has been separated into 5 projects that would take place over 5 separate construction periods. They would like to minimize disruptions with these projects and would like to get started next year. They wanted to contact us early so they could align the work with the city. He said that the order of the projects can be adjusted and this is a starting point. He explained that there will not be any costs to residents and that outages should be minimal.
- b. Mayor Ford said that she had met with Michael earlier and they the projects are being aligned with city road work as much as possible. She said that the area of the initial road projects are not affected by this work.

- c. Councilmember McCarthy asked if they would be ripping up street to which Michael said they would. He asked Engineer Johnson if they could align with road work to make both projects cost effective and efficient to which Engineer Johnson said those conversations are already in the works.

C. 540 Hall Ave Request to Purchase City Land – Seth Carlton (0:37:19)

- a. **Seth Carlton, 540 Hall**, explained that they closed on their house in April and that they learned about the planned path on public land on the southeast side of the house and then realized how big that slice of land is and they are wondering if it is possible for the to purchase that land from the city. He said their main goals was to open a dialogue.
- b. Councilmember McCarthy asked Attorney Kantrud about the legal requirements on the easement to which he replied he was uncertain and that he would like to see the title work that the purchasers have.
- c. Mayor Ford asked Mr. Carlton to send the title work to Attorney Kantrud and he said that he would do so. Attorney Kantrud said that it is hard to have this conversation without all the information on the easement.
- d. Mr. Carlton said that they learned of the proposed path the week that they closed on the property to which Councilmember McCarthy said that he believes the realtor had knowledge of this prior to that time. Mr. Carlton said that it was a hectic closing process.
- e. Councilmember McCarthy said that if the path runs through their driveway it could be a dangerous situation. Also, selling city property is a high bar for him.
- f. Mayor Ford explained that the creation of a path was passed in Dec of 2022.
- g. Attorney Kantrud said that it may be possible for the city to abandon the road to which Councilmember Weier suggested that there may be restrictions on its use.
- h. Engineer Johnson said that it will be important to make sure there are not utilities in that area.
- i. Councilmember McCarthy suggested this be revisited when the title work is obtained by the attorney to which the council agreed.

D. 310/312 Wildwood – Resolution 2024-27 (0:44:03)

- a. Councilmember Hankins explained that these properties changed ownership recently and that he believed that the new owner would be at the meeting but was not, and that this item is meant to get these properties in compliance with the code due to their run down nature.
- b. Administrator Kellen said that the new owner has not registered them as vacant and councilmember McCarthy said that vacant building registration was required, upon sale.

**On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to go forward with having Attorney Kantrud site them to get in compliance with our code and approve Resolution 2024-27. The motion was modified by Councilmember McCarthy and accepted by Councilmember Hankins adding that every two weeks after the initial violation constitutes an additional violation and should be cited as such by Attorney Kantrud. All in favor. Motion carried.**

E. 131 Wildwood – Resolution 2024-28 – (0:50:10)

- a. Councilmember Hankins asked Administrator Kellen if the property had been registered as vacant to which she replied that it had not. She went on to say that she spoke with Scott Berg last week and that he was working with Len Pratt on bids to demolish the property and that they had received one bid back at that point and that he was notified of the July 9<sup>th</sup> date on the resolution to which if the property had not been registered there would be a citation.
- b. The council said that that seemed fine and that it would be revisited at the next meeting.
- c. Councilmember Hankins suggested Inspector Jack Kramer visit the property to see about the possible rodent problem.
- d. Administrator Kellen said that Inspector Jack Kramer had been out to the property but not inside and that a letter had been sent but did not get to the owners due to them moving to Florida and not having that address.
- e. Attorney Kantrud said that he had sent a letter as well.

- f. Councilmember McCarthy said that one of the reasons for the vacant property registration is so that we can locate the owners if necessary. He asked that something is put in the newsletter about vacant property registration to which Councilmember Weier said that was doable and that they would have to be paying for utilities to receive the newsletter.
- g. The council decided to revisit the topic next month.

F. Road Safety Task Force Presentation – Cora Hankins– (0:54:58)

- a. **Cora Hankins, Road Safety Task Force Chair**, said she had been working with the road safety task force and that they have come to some decisions after their public forum however she has found out that there is more that needs to be done. She gave a handout to the council members. (See attached). She said they are hoping to reduce the speed limit throughout Birchwood to 20 mph for safety and to make all of the roads universal with respect to speed limits. She explained that to reduce a speed limit to 20 mph you need to have procedures set up to show that this is increasing safety and show some engineering efforts behind it and some traffic analysis. She said there have been unsafe incidents in Birchwood and that there was a June 6<sup>th</sup> public forum with 10 people and 2 police officers and people did not seem opposed to reducing the speed limit to 20 mph. She said that a traffic study had been completed in October and that there is another one going on now on Hall and Wildwood near Grotto. She reviewed the results of the previous speed study with the city council saying that the results indicated that the speed limit had been exceeded.
- b. Cora Hankins said that she found that stop signs do not help so much but speed bumps and elevated cross walks do.
- c. Councilmember McCarthy referred to “Mike on Traffic” as a reference who talks about a temporary round about with cones or barrels with signs. He said that to lower speeds you need to have drivers moving laterally and to consider those as options to try out.
- d. Councilmember Hankins said that he understands that narrowing roads may help and he agrees that just lowering the speed limits may not help unless traffic movement is considered. He said that if we can break up the roadway like with a lake links trail that may be helpful and that a meeting with lake links to discuss may be helpful.
- e. Councilmember Hankins referred to Engineer Johnson about getting quotes to look more into road safety who said that he may be able to provide quotes for assistance to the road safety committee. Engineer Johnson said that engineering may be required to justify the changes

as the way the roads are currently set up with speed limits are standard. Engineer Johnson said that enforcement is the most important because changing the speed limit does not work too well unless it is enforced.

- f. Cora Hankins discussed the possibility of a crosswalk at Wildwood Ave between Owl Street and Birch Beach because it seems unsafe there. She said that people were not that excited about stop signs at the public forum and referred to a photo of a crosswalk and sign. (see attached).
- g. The council discussed costs and balancing that with safety and effectiveness.

G. City Planner \$300 Escrow Discussion– (1:12:20)

- a. Mayor Ford explained that Planner Ben Wickstrom is paid a monthly retainer and that some residents use his services frequently and others minimally. She is hoping to be able to balance this with the \$300 escrow and determine how to handle this.
- b. **Ben Wickstrom, City Planner** said that he receives a variety of requests that range from very short emails to lengthy correspondence and is hoping to get clarity on how to handle this. Some are permit applicants and there are others that are not.
- c. Councilmember Hankins suggested sending some of the lengthier cases to the planning commission.
- d. The council agreed that about ½ hour of time should be allowed and then after that Planner Wickstrom should begin charging and we should implement the \$300 escrow to which Planner Wickstrom said that he thinks that makes sense.
- e. Councilmember Hankins refers to the “Building in the City of Birchwood Village” document and asked Planner Wickstrom to review it and add to it as needed to which he said he would.

H. Review Planning Commission Variance Findings Form Edits – (1:20:25)

- a. Administrator Kellen explained that the Planning Commission requested review of the form as edited for approval.
- b. The council discussed the purpose of the form and the edits.



**On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve the edits to the Variance Findings Form and implement the new form. All in favor. Motion carried.**

I. Variance Application Standards (1:25:45)

- a. Councilmember Hankins explained that the previous variance reviewed at the Planning Commission was frustrating because the application documents did not seem to be complete, and he suggested that a complete list be put together.
- b. Planner Wickstrom said that the lists tend to be over consuming whereas he looks at it as what is needed for him to make a decision.
- c. Councilmember McCarthy said that he thought Planner Wickstrom did a good job making a decision with what was provided and said he was open to making changes to the code and asked that Planner Wickstrom work with him on that and also that we stick to the current code until it is changed so that the city is covered legally.
- d. Planner Wickstrom said there are generally 6-8 things that are necessary to process a variance and of course we should have the option of requesting additional information.
- e. Planner Wickstrom said that there is a balancing act with clients on how much to spend on application materials/process before getting approval.
- f. Councilmember Hankins said he would send some code revisions to Planner Wickstrom and they can work with the planning commission to refine the process.
- g. Engineer Johnson said he would also like to give some suggestions on the revisions to code 302 and Councilmember Hankins asked that he email or call him.

J. Lead Service Inventory – ESRI Reimbursement (1:36:52)

- a. Engineer Johnson said that the contract through the Department of Health asked the city to start a GIS website and the fees are listed in the invoice. A signed copy must be sent to him with an invoice if approved. The first year is reimbursed but he believes that it is possible that the Department of Health may continue to pay the fee and that the Lead Service Inventory must be completed by the July 15 due date.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve ESRI Lead Service Inventory reimbursement. All in favor. Motion carried.**

K. Lift Station Cultural Review Submission (1:39:03)

- a. Engineer Johnson said that this is included for informational purposes and that there is a timeline included in the packet.
- b. Councilmember Hankins expressed gratitude for the memos and updates on the lift station.

L. Resolution 2024-26, Additional Summer Maintenance Help (1:32:16)

- a. Councilmember McCarthy said that the results of the public forum are listed in the memo in the packet and there is no plan to sell the property. He said that park maintenance was a topic of concern during the public forum and Tighe-Schmidt needs better mowing. He said that he would like quotes for mowing and that staff should look to both individuals and businesses for quotes.
- b. Councilmember Foster asked about what other maintenance work there is and the council and administrator explained that we are overstretched with maintenance

**On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve resolution 2024-26, modified to include asking businesses and individuals for quotes. All in favor. Motion carried.**

M. Ordinance 2024-06-01 (621) Storage of Personal Property (1:46:02)

- a. Councilmember McCarthy said that this ordinance is meant to avoid residents storing personal property on city land and trails and that a specific ordinance would help with enforcement. This applies to personal property kept on city property over a 24 hour period. This does not apply to people who share their toys at the beach, and he agreed to amend the ordinance to make sure it is not included as not allowed.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve ordering a second reading for Ordinance 2024-06-01 (621) Storage of Personal Property including the amendment excluding personal property left for the use of all residents. All in favor. Motion carried.**

N. Ordinance 2024-06-02 (622) Solicitors (1:48:49)

- a. Councilmember McCarthy said that he is frustrated with pest control solicitors that are coming from out of town and coming to his door so he would like a do not knock list and also charge solicitors a fee and require them to have a license to be able to solicit in the city. He said that noncommercial solicitation is not included in the ordinance.
- b. Administrator Kellen was asked to consider what fee may be appropriate for this.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve ordering a second reading for Ordinance 2024-06-02 (622) Solicitors. Councilmembers McCarthy, Hankins, and Mayor Ford in favor. Councilmembers Foster and Weier opposed. Motion carried.**

O. MS4: Storm Water Pollution Prevention Program Review (1:50:20)

- a. Mayor Ford explained that this is needed annually, and the plan is included in the packet.

**Councilmember McCarthy moved to open the public hearing, seconded by councilmember Weier. There was no one present for the public hearing. Mayor Ford closed the public hearing.**

P. Jon Manship Monthly Retainer Increase Request (1:57:23)

- a. Water Superintendent Jon Manship said that his workload has increased drastically for the City of Birchwood especially in terms of phone calls that he has been receiving and it eats up a lot of time and he suggested that his hourly or monthly retainer is increased. He said that his preference is to increase the monthly retainer when asked by council.

**On a motion made by Mayor Ford, seconded by Councilmember Weier, it was resolved to approve increasing Jon Manship's monthly retainer from \$700 to \$800. All in favor. Motion carried.**

Q. Sewer and Water Permit Fees (2:03:53)

- a. Mayor Ford explained that the fee schedule is missing this fee and a flat fee of \$150 plus \$1 surcharge has been proposed to which Water Superintendent Jon Manship said that he agrees that this makes sense.
- b. Councilmember Hankins suggested that this be passed by ordinance and Attorney Kantrud said that it should be done as an independent ordinance.

- c. The council decided that next month they will move forward with this fee of \$150 and \$1 surcharge for water and sewer permits being implemented on the fee schedule by ordinance.

R. Replacement for City Website (2:07:36)

- a. Councilmember Hankins said he is putting together a new city website which will provide substantial cost saving.

**On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve the motion on page 140 of the agenda packet authorizing \$300 for web hosting and domain name registration for one year and authorizing Councilmember Hankins to work with Metro-INET and Techie Dudes to migrate the domain from the current providers to the new provider. All in favor. Motion carried.**

S. Fence Along Ash Path (2:10:01)

- a. Councilmember Hankins requested that the city get quotes and send this item to the parks committee.
- b. The council discussed the type of fence.
- c. Councilmember Hankins suggested contacting Ron Kohlke and another contractor for the bids.

**On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve the motion on page 141 of the agenda packet authorizing staff to obtain two price quotes for the July city council meeting for privacy fences along the marked section of Ash Path, each quote including privacy fences at the height of 4 feet and 6 feet; motion amended to add getting quotes for a split rail as well and it will be moved to the parks committee after quotes are obtained. All in favor. Motion carried.**

T. 2024 Swimmer's Itch Treatment for Kay Beach (2:12:33)

- a. Councilmember McCarthy said to send this to the Park Committee for review.

U. Deer Fencing (2:12:36)

- a. Mayor Ford said that deer fencing does exist in Birchwood but the code does not address this. She agreed to write the code for this and present it to the council, with the assistance of Ryan Hankins.

V. WBLCD Board Representatives (2:13:43)

- a. Mayor Ford said that there are 2 openings.
- b. Attorney Kantrud said that one expires at the end of July and the other expires at the end of August and one is a vacancy and the other position is up.

**On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve advertising 2 opening for the WBLCD Board Representatives that are reviewed in the July meeting. All in favor. Motion carried.**

W. Joint Powers Agreement for South Shore Boulevard Trail Management (2:16:01)

- a. Attorney Kantrud said language was inserted that is going to the executive board at White Bear Township and it will come to Birchwood city council after that.

X. Discuss New Streaming Platform (2:16:40)

- a. **Videographer Cris Stolzman** explained that Facebook is difficult from a technician standpoint and he recommends that we move to YouTube.

**On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve moving to YouTube as our streaming platform in place of Facebook. All in favor. Motion carried.**

Y. Ordinance 2024-06-03 (2:19:15)

- a. Councilmember Hankins handed out the ordinance (see attached) and said that it is an ordinance inserting 302.017 “Lot Merge Required” Into Chapter 301 “Zoning Code General Provisions”. He said this aligns with state requirements that require people to merge lots that are too small.
- b. Mayor Ford asked how many lots this would apply to, to which Councilmember Hankins listed out a number of lots that would be affected.
- c. Attorney Kantrud said that he would like more time to review it and that he would consider it offline.
- d. The council asked questions about the ordinance and attorney Kantrud suggested that Councilmember Hankins provide some examples for the next meeting to help clarify the ordinance provisions.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve sending Ordinance 2024-06-03 to the planning commission for review, the review in this meeting being a first reading, and moving to a second reading in the July meeting. All in favor. Motion carried.

**7. MEETING CLOSE (2:26:40)**

On a motion duly made by Councilmember McCarthy, seconded by Councilmember Weier, 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 9:11 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

  
\_\_\_\_\_  
City Administrator Becky Kellen

7-9-24  
Date

7-9-24  
Date



## Road safety proposals for Birchwood

To set speed limits, the city will develop procedures based on safety, engineering, and traffic analysis. Birchwood may establish speed limits under the city's jurisdiction due to concerns about safety, access speed, and safety of pedestrians and bicyclists.

A traffic study was completed by the Washington County Police Department between October 18 and October 25, 2023.

For the period of 10/18 to 10/23:

953 vehicles passed below 19 mph.

1564 passed between 19 and 27 mph

33 passed between 28 and 36 miles.

For the period of 10/23 to 10/25:

419 vehicles passed below 19 mph

676 vehicles passed between 19 to 27 mph.

15 vehicles passed between 28 to 36 mph.

Concerning a small community such as Birchwood, the speeds between 19 and 36 mph are not acceptable.

Currently, Birchwood has two different speed limits, one 20 mph and another 25 mph.

Speed limits may not influence drivers, but changes to the roadway and its environment can be helpful. The suggestion by the road safety committee is to install two elevated crosswalks at Wildwood Avenue and Owl Street, and White Pine and Hall Avenue. In studies this has shown to effectively decrease volume and speed, hopefully increasing safety.

Properly established speed limits are essential for law-enforcement to identify XS speeds and curb unreasonable behavior. Currently our residents have reported drivers also failing to stop for

stop signs. We have asked Washington County Sheriffs to pay close attention to these streets: Cedar and Birchwood Avenue and Pine and Hall Avenue.

Birchwood is a community with intersections frequently used by pedestrian and bicycle traffic. Birchwood has streets that are not conducive to access speed. Birchwood has no sidewalks, is a residential community and currently has many young children playing on streets. Reducing the speed limit could provide safety for these children by slowing cars down

The intersection at Wildwood Avenue and Owl Street is a dangerous situation for children and people parking on Owl street to walk to Birch Beach. A corner precedes the intersection, which makes the area difficult to see from vehicles.

Buses from both Mahtomedi and White bear lake schools stop numerous times in the morning and in the afternoon to drop off and pick up children. The intersection has been a near accident for children crossing the street, and cars not stopping for the bus or the bus red lights. To maintain safety at this intersection an elevated crosswalk is needed.

In settings, speed limits these are best practices to use;

1. document existing conditions; examples given of dangerous situations
2. survey residence and elected officials; A Public forum was held on June 6 with 10 residents and two police officers. Reducing the speed limit to 20MPH was approved
3. analyze your data; Speed studies show excess speed in Birchwood, a significant and ? unsafe volume also exists of traffic, dangerous incidents have increased to all residents.
4. Partner with law-enforcement; they attended the forum on June 6th
5. Evaluate alternative approaches/make a decision. Stop signs do not appear to be affective. Changes in the road structure have proven to be effective in reducing traffic volume, increasing safety, and reducing speed.
6. prepare a policy statement: ask the engineering firm Bolten & Menk to amend and approve this document as needed
7. develop a plan to implement
8. Conduct a follow up assessment



Road proposals from the task force include:

1. Adapting a 20 mile per hour speed limit in all of Birchwood
2. Adding two additional crosswalks with signage on Wildwood Avenue at Birch Beach/Owl and at Grotto.
3. Paint crosswalk on the pavement, and repaint other crosswalks in the village that are becoming difficult to read. Make the crosswalks at owl and pine Street elevator crosswalks to slow traffic and reduce traffic and provide safety.
4. Install signs at crosswalks such as stop for peds crossing
5. Install a stop sign at Wildwood and Lake Avenue as this has been a site of near accidents
6. Install two solar powered radar speed signs
7. Install possible speed pumps



**ORDINANCE NO. 2024-06-03**

**AN ORDINANCE INSERTING § 302.017 “LOT MERGE REQUIRED” INTO CHAPTER 301 “ZONING CODE GENERAL PROVISIONS”**

**Findings and Purpose:**

*Our ordinances require certain minimum lot sizes and street frontages for properties. It is common that, among multiple contiguous properties under the same ownership, this standard is not met. It is in the interest of those in the village for these standards to be applied where lots are being sold or before development.*

*Pursuant to Minn. Stat. § 462.357, “A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety.” The city finds that it can best protect the public welfare, health and safety of our residents and those nearby by reducing water use and protecting shoreland, managing limited stormwater infrastructure and maintaining public waters by limiting improvement and expansions on certain lots. The case is especially strong within the White Bear Lake drainage basin due to the frequent low lake levels resulting from groundwater use.*

*Those prerogatives are reasonably exercised through limits on the expansion, sale and improvement of certain lots and uninhabitable non-conforming structures.*

**The City Council of The City of Birchwood, Minnesota ordains:**

**Section 1. City Code § 302.017 is hereby inserted to read:**

302.017. LOT MERGE REQUIRED. Notwithstanding § 302.015 and § 301.050, any lot which, on any date after the date of adoption of this ordinance:

1. is or was contiguous with any other lot under common ownership; and
2. is or was less than the minimum lot size and/or frontage requirement in § 302.010; and
3. had no occupancy within the past year, or does or did not contain a habitable dwelling; and
4. to which § 301.050(b) does not apply,

must be merged with the contiguous lot before sale, development or expansion. No permits may be issued for development, expansion or use of any such lot, nor of any applicable contiguous lot, which has not yet been merged. No person may sell any lot to which this section applies, before it is merged.

Section 2. **Effective date.** This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of The City of Birchwood, Minnesota this 9<sup>th</sup> day of July, 2024.

\_\_\_\_\_  
Mayor

Attested:

\_\_\_\_\_  
City Clerk