

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

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

MEMBERS:

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

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 McCarthy, seconded by Councilmember Weier, 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 added 425 Lake Variance Discussion.

3. PUBLIC FORUM (0:01:44)

Mayor Ford opened the public forum.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to close the public forum. All in favor; motion carried.

4. ANNOUNCEMENTS (0:2:06)

- A. Candidacy filing period is in effect and the end date is 8/13/24.
- B. Kathy Weier said she has started working with volunteers for the deer hunt this year and she is open to adding volunteers. She said she will include an agenda item on this for the September meeting.

5. CONSENT AGENDA (0:3:09)

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

A. Item A – Treasurers Report

- a. Councilmember McCarthy asked about 6 payroll checks on page 25 of the packet to which Councilmember Weier explained that the checks were written for 2 pay periods.
- b. Councilmember McCarthy confirmed with Marsha Olson, Treasurer, that claim 33060* for \$237 will be billed back to the resident for the "Engineering Plan Review".
- c. Councilmember Hankins asked about the cost of the hose to which Mayor Ford explained that the hose required needed to be attached to a fire hydrant to water the newly planted trees in Polly's Park.
- d. The council decided to wait to approve the treasurer's report until next month when they receive clarification on the 6 payroll checks.

6. CITY BUSINESS (0:8:32)

A. Road Safety Task Force Presentation

- a. **Cora Hankins, 165 Wildwood Ave, Ron Malles, 420 Wildwood, and Art Arsenault, 432 Birchwood Court, presented on behalf of the Road Safety Task Force.**
- b. Cora Hankins, 165 Wildwood Ave, said that she discussed the resolutions with the Engineer and made some changes after that conversation. She also said they had a public forum and people were in support of the resolutions. She said she put the recommendations from the police officers that attended the forum in the resolutions as well.
- c. Cora Hankins went through the resolutions
 1. Resolution #1 – The task force proposed that the speed limit for Birchwood should be reduced to 20 mph throughout for safety and uniformity. Ron and Art would volunteer to replace the signs.
 - a. Councilmember McCarthy asked about a state requirement, State Statue 169.14 sub.5h requiring traffic policies to which Ms. Hankins responded that she has guidance from Blaine for consideration. Councilmember McCarthy said that these policies should be in place prior to changing the speed limit.

- b. Mayor Ford proposed that the council wait to vote on this until these policies are in place and that the task force look into what policies are required.
- c. Councilmember Hankins recommended inviting residents to the next council meeting to become informed about the changing speed limit to which the council agreed.

On a motion made by Mayor Ford, seconded by Councilmember Weier, it was resolved to approve revisiting the 20 mph proposal in the September meeting. All in favor. Motion carried.

- 2. Resolution #2 – The task force is proposing the addition of 2 new crosswalks with signage on Wildwood Ave, at Birch Beach/Owl and Grotto.
 - a. Mrs. Hankins discussed safety concerns in these areas. She said they are also requesting center signs be added at the crosswalks. Art Arsenault referred to neighboring cities protocols and the sheriff's suggestions regarding the center signage. The council discussed the location of the signs.
 - b. Councilmember McCarthy said the estimate for signs seems high and recommended we purchase from where the city has previously, unless these are considered a special type of sign.
 - c. Mrs. Hankins said that Engineer Johnson was in support of this proposal and has reviewed it, and that some of this work may be included with some of the roadwork.
 - d. Art Arsenault explained that the concrete slab in discussion would be offset to one side of Owl.

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve 2 new crosswalks and signage, pending staff finding reasonably priced signs, on Wildwood at Birch Beach/Owl and at Grotto. All in favor. Motion carried.

- 3. Resolution #3 – Propose the addition of a stop sign on Wildwood Ave at 368 Wildwood.
 - a. Mr. Malles discussed the near miss that occurred at that location and how the stop sign would assist in reducing these occurrences in the future. Mrs. Hankins said that this is an area that has hidden driveways.

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve discussing adding a stop sign on Wildwood at 368 Wildwood, during the town hall in the September meeting. All in favor. Motion carried.

4. Resolution #4 – Put up some solar powered radar speed signs.

- a. Mrs. Hankins said that in a MN study this was one of the things that really slowed traffic, to have radar speed signs. This is more costly and more of a long term goal.
- b. Councilmember McCarthy wondered if there is grant money that can be used. He also suggested looking into blinking signs to which Mrs. Hankins said that they can price that out. Mrs. Hankins said that she asked Engineer, Marcus Johnson to keep an eye out for grants.
- c. Councilmember Weier asked about solar reliability due to the wooded area to which Mr. Malles said that it is trickier to use solar power which is why their location is still in consideration.
- d. Councilmember Weier discussed the residents in the area and how the flashing lights may affect them.
- e. Councilmember Hankins suggested budgeting for one for next year.
- f. Mr. Malles said that Mahtomedi has used the flashing lights and for 2 it costs \$7800, which is why they avoided them to which Councilmember McCarthy suggested they do some shopping around.
- g. The council decided to budget for one solar powered radar speed sign for Birchwood in 2025.
- h. Councilmember McCarthy asked about the intersection of White Pine and Hall and if they have looked at it because he has experienced issues at that location. He said he previously took a video of people not stopping, to which Mr. Arsenault said that they expressed concerns about this area, and the stop sign at Jay with the police officers that attended the public forum and they said they would increase their patrols in those areas. He discussed a speed table in this area which would force people to slow down.
- i. Councilmember Foster discussed issues with law enforcement of traffic laws in Birchwood.

B. 425 Lake Variance Discussion (1:00:13)

- a. Councilmember McCarthy explained that the variances presented at the previous council meeting were not all inclusive and not called out by city staff which made the process problematic and asked Planner Ben Wickstrom to address these concerns.
- b. **Ben Wickstrom, Planner**, said that the process became convoluted because there were changes to the plan. He said he watched the meeting and reviewed the minutes and addressed the variances that were missing and recommended. He said the variance regarding the stairs and landing does not apply. He discussed the variance for the impervious surface and Councilmember Hankins said that previously retaining walls have been included in the impervious surface calculations. Planner Wickstrom asked for guidance on how to handle impervious surface requirements with boulder retaining walls. He said that this could be added as a variance application. Planner Wickstrom discussed the 16 ½ foot setback buffet strip and no grading within 20 feet of the OHWL. He said that when one is getting an OHWL variance all of these things are considered as part of the project. Councilmember Hankins said that he thought each variance needs to be laid out and included. He said if the variance is there, conditions can be added. Council member McCarthy liked the idea of adding conditions and asked that planner Wickstrom add them as needed during his reviews.
- c. Planner Wickstrom discussed approval resolutions and their possible use. Councilmember Hankins supported their use.
- d. Planner Wickstrom discussed the lot split and if this is a requirement because the stature reads that it should be enforced for properties in development or for sale. He said it is probably good to do in practice and the applicants agree with doing it, however he does not believe it applies.
- e. Planner Wickstrom discussed required documents, such as structural calculations for the wall and rain garden plant designs, which he said does not seem too closely related to approving a variance for a retaining wall. Councilmember McCarthy said that he was requesting this information to see about run off management. Councilmember Hankins talked about the change in the wall height which required additional variance.
- f. Councilmember Hankins said that a concept review with the planning commission can be used to identify required variances prior to application.

- g. The council discussed waiving the fees on the new variance application that is submitted.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve waving the application fee for the additional variances application for 425 Lake. All in favor. Motion carried.

C. First Reading of Ordinance 2024-08-01, Variance Application Criteria

- a. Councilmember Hankins said the planning commission went through this in July and he refined it a little bit so that it aligns with the planning commission needs. He said if something is waived, then a note can be made and said that he can reword this section so it is clearer.
- b. Planner Wickstrom asked about the approval of other entities requirements and the councilmembers discussed this. Councilmember McCarthy said that the applicant is responsible for knowing who they need to get approval from. Councilmember Hankins said that he should use his best judgement when determining if approval of other entities is required prior to the city's approval.
- c. The council discussed suggested changes to the ordinance to be in effect for the second reading.

On a motion made by Councilmember Hankins, seconded by Mayor Ford, it was resolved to pass ordinance 2024-08-01 as a first reading. 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 2024-08-01. All in favor. Motion carried.

D. 2024 Budget – Marsha Olson, Treasurer (1:41:46)

- a. **Marsha Olson, Treasurer**, presented the working draft of the 2025 budget. She said that in the past only the levy items were included in the budget but this new method allows the council to see both sides of the balance sheet and also will allow us to put it in CTAS and the council can have a month by month progress report on how we are doing compared to budget.
- b. Mrs. Olson explained that in the income area, there is \$90,000 income projected from building permits while it is offset by the payments to the building official, etc. Intergovernmental revenues,

item D, includes the gas tax, EPA grant, and RCWD grant which is offset by the lift station upgrades on the bottom. The net will be \$20,000 that the city will have to pay for. She said that \$23,000 is the estimated gas tax. She said she does not believe there is a requirement on what it can be used for. Mrs. Olson said that interest earnings was decreased slightly because interest rates are on the decline. She talked about escrow deposits at \$30,000 which is offset below by escrow refunds. Her projected total General Fund receipts came to \$1,371,839.

- c. Mrs. Olson reviewed the disbursements projections. She explained that the city council salaries were estimated assuming that everyone takes their pay. She said she calculated a 4% increase for staff that will have been year over 1 year. Next year the only fee for elections is for maintenance. Assessor fee for 2025 is the same as 2024. Legal was higher previously because of lawsuits. Grants were \$2100 for NYFS to which Mayor Ford asked that a note be made about what that is for. The council decided to put in \$5000 income for revenues from planner escrow deposits. (1.53.39) She said she put \$1200 for animal control based on the monthly rate. \$14,500 was put for engineer based on what we paid so far this year. She said that police is a solid number and that Administrator Kellen is looking into other options for police contracts. The council discussed the budget for fire and police and experience with these organizations. Mrs. Olson and the council discussed highways, streets, and roads budget for 2025. Mrs. Olson said that the 2025 roads budget are based on the road project projections put together by the city engineer. The council considered adding to the roads budget and decided to up it to \$100,000. Mrs. Olson said that tree inspector is budgeted at \$5000 and tree removal was budgeted at \$10,000. Street lighting budgeted at \$17000. The council discussed ice and snow removal budgeting and what this number should look like for 2024 and agreed that \$40,000 should do it. The council discussed tree removal and the appropriate budget for 2025 and decided to up it to \$15,000. Mrs. Olson reviewed the 2025 projections for recycling, parks, and city maintenance. Councilmember Weier mentioned that the parks committee will need \$8000 budgeted in 2025 for the Tighe-Schmidt project grant match to which the council decided to up repairs and maintenance up to \$3000 from \$1000. The council decided to up "repairs and maintenance". The council determined that an line item for lawn care contracted services should be added for that projected amount. Mrs. Olson talked about the escrow refunds projected at \$30,000 and that \$30,000 is projected to move to the capital fund, which is currently at a balance of \$75,000. The council discussed what the appropriate amount to have in the capital fund is. Mrs. Olson said that usually 9 months of expenses are recommended to keep in reserve. The council asked Mrs. Olson to determine what is 9 months of reserves for us so that we can use that as a target amount. The council discussed communication fees and engineering fees, keeping in mind the engineering fees with respect to lift station should be

separated out. Mrs. Olson reviewed the notes page and said that the 2025 proposed levy is currently at \$583,947 (without revisions), which is a %1.82 change from 2024. The council asked that she remove the disbursements amount on the notes page since the data is skewed due to the change in the way we are laying out the budget for next year.

- d. The council expressed gratitude to Mrs. Olson for this new format.
- e. Mrs. Olson said that part of our internal controls require 2 council members to review the bank reconciliations, to which Mayor Ford and Councilmember Hankins agreed to complete, and Mrs. Olson said she would set up a meeting for them to do this.

E. Second Reading of Ordinance 2024-07-01, Water and Sewer Permit on Fee Schedule (2:24:07)

- a. The council discussed removing the parts of the ordinance referring to previous Ordinance 2024-01-02 (fee schedule)
- b. Mayor Ford opened the public hearing. No one was present.

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

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to pass ordinance 2024-07-01 with the change referenced in a. above. All in favor. Motion carried.

F. Second Reading of Ordinance 2024-07-02, Solicitors on Fee Schedule. (2:26:42)

- a. Mayor Ford opened the public hearing. No one was present.

On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to close the public hearing. All in favor. Motion carried.

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to pass ordinance 2024-07-02. All in favor. Motion carried.

G. First Reading Ordinance 2024-08-02, Animal Barriers (2:27:42).

- a. Mayor Ford explained that this is regarding deer fencing and that she and councilmember Hankins worked together on this.

- b. Councilmember Hankins said that there were areas on the ordinance that needed to get changed from 6XX to 623.
- c. Council member McCarthy suggested adding, to 623.020, just prior to "shall mean", a clause indicating that "Height Above Grade" refers to chapter 623 only.

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to pass ordinance 2024-08-02 as a first reading and send it to a second reading next meeting. All in favor. Motion carried.

H. South Shore Trail Joint Powers Agreement (2:29:53)

- a. Mayor Ford explained that she and administrator Kelen met with White Bear Township and that said it is difficult for them to forecast what the expenses will be in our tiny portion. They would like to continue a good relationship with us and they will be careful that we are only being charged for our small portion. They would like to use the version of the contract that does not include the need to forecast. She recommended that the council approve the agreement. She said that she does not think White Bear Township has bad intentions with the contract.
- b. Councilmember Hankins asked about this being a "gentleman's agreement" and Councilmember McCarthy talked about liabilities.
- c. Mayor Ford explained that the alternative is that we will need to take care of that portion ourselves which does not make sense and they White Bear maintains this area very proactively and we may have more liabilities if we take this on, rather than having White Bear Township own the maintenance there.

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve the South Shore Trail Joint Powers Agreement. Councilmember Foster, Hankins, and Weier, and Mayor Ford in favor. Councilmember McCarthy opposed. Motion carried.

I. Ash Path Split Rail Fence Quotes (2:33:48)

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve the quote for the Ash Path Fence. All in favor. Motion carried.

J. Vacant Properties – (2:34:55)

- a. Councilmember Hankins said that there have been a few vacant properties over the past few months including 310/312 Wildwood and that it had been requested that citations were issued to the properties in June and July and currently no citation has been issued. He said that he wanted to discuss this with Attorney Kantrud.
- b. Mayor Ford suggested that she and Councilmember Hankins meet with Attorney Kantrud to discuss the status of the citations.
- c. Councilmember Hankins also asked that the Sheriff be invited to the September meeting to discuss the citations.
- d. Councilmember Hankins requested an update for the special assessment for the vacant building fee.

K. Hunt Electric Claim from July Treasurer's Report– (2:38:21)

- a. Mayor Ford said that she looked into this and she recommends that the council approve the claim and that she has talked with Therese about the process.

On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to approve the Hunt Electric Claim from the July Treasurer's Report. All in favor. Motion carried.

L. Administrator Updates - Lift Station Update (2:39:21).

- a. Mayor Ford explained that there was a recent meeting with the new EPA Region 5 Representative and that the cultural review is still in process. However, at the next meeting with the EPA she hopes to invoke a sense of urgency with moving forward.

M. Administrator Updates - Update on Recycling Grant (2:39:21).

- a. Mayor Ford said that the council needs to decide on whether they want stickers or metal posts for the recycling labels at the beaches. The council agreed to do stickers instead of metal signs.

On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to approve the use of stickers on the recycling bins instead of metal signs. All in favor. Motion carried.

N. Administrator Updates – Tree Inspection Update– (2:43:01)


- a. Mayor Ford said the tree inspection took place the week of July 22 and we do not have the results yet.
- b. Councilmember Weier said that the Parks Committee will be applying for a tree grant shortly.

7. MEETING CLOSE (2:44:02)

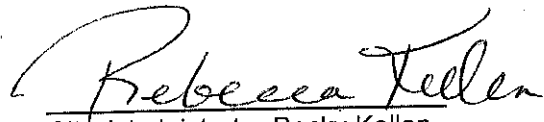
On a motion duly made by Councilmember Hankins, seconded by Councilmember McCarthy, it was agreed that there was no further business of the Council to transact in an open session; the meeting was closed to the public at 9:29 p.m.

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

9-10-24
Date

9-10-24
Date

