

MEETING MINUTES (Final)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 8/22/2024

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: – Andy Sorenson - Chairperson, Michael Kraemer, Casey Muhm, Michael McKenzie

COMMISSIONERS ABSENT: Michelle Maiers-Atakpu

OTHERS PRESENT: Council Member Ryan Hankins, Bill Hullsiek, Avery Morse, Sara Patoua, Jennifer Arsenault, Arthur Arsenault, Kevin Heisdorffer, Ryan Eisele, Shari Salzman, Jack Kramer, Marcus Johnson, Ben Wikstrom – City Planner

1. TO ORDER: Sorenson called meeting to order at 7:01 PM.
2. PUBLIC FORUM
 - a. none
3. APPROVE AGENDA
 - a. Suggestion by Sorenson to switch order of Items B and C. Motion by McKenzie, 2nd by Muhm, 2nd to approve agenda as altered. Vote: Yes -4, No – 0. Motion passed.
4. REGULAR AGENDA
 - a. Item A – Review/Approve July 25, 2024 Planning Commission Meeting Minutes.
 - i. Motion by Muhm, 2nd by McKenzie to approve the minutes. Vote: Yes – 4, No – 0, Motion passed.
 - b. Item C – Appeal Regarding Approval of the Building Permit at 160 Cedar.
 - i. Planning Commission took statements on the review of the July 15, 2024 Appeal letter for 160 Cedar from Jack Kramer – Building Official, Ben Wikstrom – City Planner. Marcus Johnson - consulting City engineer and Avery Morse, Sara Patoua owners of 160 Cedar.
 - ii. **Issue #1** – *“Birchwood Code 301.055 (7) Stormwater and erosion control plans. For a building permit the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. This was not done.”*
 1. **Findings/Recommended Action:** The Planning Commission recommended that the site plan which indicated existing and proposed grading and contours as well as details on silt fence and erosion control locations and details as prepared by registered land surveyor E. G. Rude and Sons met the intent of the code. The resultant opinion of the Planning Commission on motion by Casey, 2nd by Sorenson was that the City did not make a mistake

in the approval of the building permit. Advisory Vote: Did not make a mistake – 4, Did make a mistake – 0.

iii. **Issue #2** – “a. Birchwood Code 302.050 states “to reduce the unwanted harmful effects of stormwater, it is policy of the City of Birchwood Village that each property within the City manage its own stormwater to limit runoff into streets, waterways, and neighboring properties.””b. Birchwood Code 302.055 (2))a) (1) No construction or alteration of new or existing structures or land topography shall be done to increase the rate of storm water runoff from the parcels as compared to the runoff rate before such construction or alteration unless...”

1. **Findings/Recommended Action:** The property owners reiterated that the spoil pile from basement excavation will be not remain in the low area and the contours and dimensions of the pre-existing low area will not be altered and will remain to accept storm water runoff as indicated on the approved site plans. The City Engineer determined that the runoff from the impervious surface created by the new home, and the impact on the capacity and operation of the storm water collection low area is comparable to pre-development conditions. A resultant motion by McKenzie and 2nd by Sorenson - it is the Planning Commission opinion the City did not error on approving the construction permit. Advisory Vote: Did not error – 4. Did error – 0.

Item B – Set dates for November and December, 2024 Planning Commission meetings since the 4th Thursday of each of these month’s conflicts with Thanksgiving and Christmas holidays.

- iv. **Action Taken:** Suggest the City Administrator review the calendar and determine which dates the City Hall is available for the Planning Commission meeting while avoiding the holiday dates as much as possible.

ADJOURN 8:29 PM

- c. Motion by Motion by McKenzie, 2nd by Muhm to adjourn meeting. Vote: Yes - 4, No – 0. Motion passed.