

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

**MINUTES OF THE CITY COUNCIL MEETING
October 8, 2024, 6:45 P.M.**

MEMBERS:

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

STAFF:

H. Alan Kantrud	City Attorney
Rebecca Kellen	City Administrator
Marcus Johnson	City Engineer
Ben Wickstrom	City Planner

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 Approve John Waller Reappointment to the RCWD.
- b. Councilmember Hankins removed item G, Resolution 2024-43 James Nelson Apology.

3. PUBLIC FORUM (0:05:16)

Mayor Ford opened the public forum.

Ruth Jensen, 701 Hall Ave expressed concerns with an anonymous letter that was received by Birchwood residents. She said it is the anonymity of the letter that concerns her and she thinks that Birchwood should denounce the activity. She asked that council go on record denouncing the use of such types of letters and encourage transparent factual communications. She discussed her concerns with the details of the letter. She said she had

submitted a data request that was initially not fulfilled but later it was and she found that information had been requested from the City. She said she hopes that the council does something to be more forthright in the future.

Mayor Ford explained that the letter did not come from the City and that the City is not connected to the letter whatsoever.

Nick Leeves, 3 Oakview Ct, said that the anonymity of the letter is of concern and he thinks it is not a nice way of doing things.

Administrator Kellen explained that no email addresses or physical addresses were given out by the City and attorney Kantrud added that this information was not given out because it is considered private data.

Councilmember McCarthy said that you can get information like addresses off the MN Secretary of State website and the Washington County website so to say that the source of the addresses had to be the City is inaccurate.

Ryan Eisele, 421 Birchwood Ct, thanked the council for their service and said he has enjoyed watching the meetings. He said that regarding the letter and its contents, his opinion is that a simple mistake was made that should be acknowledged, and then move on.

Kathy Leeves, said that the anonymous nature of the letter bothered her and that it was cowardly. She said that she now feels like there is someone in the community she cannot trust but she does not know who. She said it has not helped her attitude about living in the neighborhood and she felt it was a nasty thing to do.

Art Arsenault, 432 Birchwood Ct, said that he has noted that people are upset about the anonymity of the letter, however no one has questioned the factual nature of the letter.

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 (0:17:04)

- A. Truth in Taxation Hearing on December 10th at 6:45 PM at City Hall.
- B. Fall Clean Up Day is October 12th from 10AM – 12PM.
- C. Canoes and Kayaks need to be off the racks by 10/31/24.
- D. Upcoming Deer Hunt Dates: October 17-18, November 1-2, November 21-22, and December 13-14 (if needed).
- E. November and December Planning Commission meetings have been rescheduled due to the holidays. The rescheduled meeting will be on November 20th and December 19th.
- F. Northeast Youth and Family Services, NYSF, will be having an open house on October 24th from 4:30PM – 6PM, launching their Domestic Violence and Sexual Assault advocacy and therapeutic services. For more information go to nysf.org.

5. CONSENT AGENDA (0:18:50)

On a motion made by Councilmember Hankins, seconded by Councilmember Foster, it was resolved to approve the consent agenda items except for F. All in favor. Motion carried.

A. Item F - Approve Resolution 2024-42 Approving the Purchase of Adobe

- a. Councilmember Weier noted that the name of the resolution needs to be corrected, to which councilmember Hankins suggested that it be named as it is listed in the agenda.

On a motion made by Councilmember Weier, seconded by Councilmember McCarthy, it was resolved to change the title of Resolution 2024-42 to Approve the Purchase of Adobe and approve consent item F, Approving the Purchase of Adobe, as amended. All in favor. Motion carried.

6. CITY BUSINESS (0:21:17)

A. Appeal Regarding Approval of the Building Permit at 160 Cedar

- a. Mayor Ford explained that this was discussed in the previous meeting, however the public forum was missed so it is being done today.

Mayor Ford provided an opportunity for citizens to address the council and opened the public record.

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

- b. Attorney Kantrud explained that the Council does not have to revote unless there is something that came up that would have caused them to alter their decision.

B. Roads Committee Proposals (0:22:45)

a. 20 MPH Speed Limit throughout Birchwood

1. The Council and Attorney Kantrud discussed the requirements to change the speed limits to 20 MPH and whether those requirements had been met.
2. **Cora Hankins, 165 Wildwood Ave**, said that she looked at St. Anthony Village and Mahtomedi policies and that she thought St. Anthony Village's were more relevant to Birchwood. She referred to the resolution in the packet and said she was not sure they needed to go through all the requirements to change

the speed limit. She expressed frustration with the process and said there are sidewalks and limited sightlines in Birchwood and lowering the speed limits will increase safety.

3. Mayor Ford expressed gratitude for the work that Cora and the group have done and asked Attorney Kantrud for his opinion on what is needed next to which he responded that Birchwood will need to conduct their own study and analysis with regard to MN Statue 169.14.5h.
4. Mayor Ford asked Mrs. Hankins to work with Attorney Kantrud and Engineer Johnson to get the required documents.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve Attorney Kantrud and Engineer Johnson to work with the Road Safety Committee to get the required documents in place to reduce the speed limit to 20 MPH throughout Birchwood Village. All in favor. Motion carried.

b. Two new crosswalks on Wildwood Ave at Birch Beach/Owl and Grotto (0:32:35)

1. Councilmember Weier said she supports the proposal but that she wants the one at Owl put in after the lift station goes in. She also suggested an additional sign further up on Wildwood to notify people that there is a crosswalk.

On a motion made by Councilmember Weier, seconded by councilmember Foster, it was resolved to approve 2 crosswalks pending the completion of the lift station for the one at Owl, and the second one at Grotto as soon as possible, with crosswalk signage. All in favor. Motion carried.

c. Addition of a stop sign on Wildwood Ave at 368 Wildwood Ave., going east (0:34:55)

1. Councilmember Foster said he does not think there is a huge demand for this.
2. Councilmember McCarthy said that he thinks that additional signage is needed saying that traffic from Lake does not stop.

On a motion made by Mayor Ford, seconded by councilmember McCarthy, it was resolved to approve the addition of a stop sign on Wildwood Ave at 368 Wildwood Ave., going east, with an additional sign saying that traffic coming up the hill on Lake does not stop. Councilmembers McCarthy, Hankins, and Weier and Mayor Ford in favor. Councilmember Foster opposed. Motion carried.

- d. Solar powered radar speed signs (0:38:23)
 - 1. The Council discussed the cost, the shade issue in Birchwood, and the possibility of future grant money.
 - 2. Mayor Ford said that the Lake Links Trail Task Force may be able to use some of the grant money for this.

On a motion made by Mayor Ford, seconded by councilmember McCarthy, it was resolved to approve tabling the solar powered radar sign resolution and to do further study on obtaining grants. All in favor. Motion carried.

C. Soccer at Tighe-Schmidt (0:39:56)

- a. **Wade Jackson and Dustin Crastinal, Mahtomedi Soccer Board Representatives** expressed interest in using Tighe-Schmidt for the use of soccer practice for youth soccer 11U-13U in the fall and spring/summer (Memorial Day through 4th of July) seasons for a 9 v 9 field. He said that many of the kids on the team live locally and they are looking for a partnership with Birchwood and the Association. They said that the only car parked during practices would be the coach's. They said that they would rent the field, and right now they are renting in Hugo so it would be nice to have practice closer.
- b. Councilmember Weier discussed a grant for \$85,000 that will be used to address drainage issues at the park in 2025/26. She said this may affect the surface of the park.
- c. Councilmember McCarthy said he is in support of the idea, however the park can get quite wet.
- d. Mr. Jackson said they would be looking to use the park in 2025 and that time would be needed to make sure the goal locations and layout of the park are acceptable. He also said he would like to meet with Zach, the parks Committee Chair, and then bring some additional information to the next City Council meeting.
- e. Councilmember Weier invited the representatives to the Parks Committee meeting.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve staff to work with Mahtomedi Soccer Board Associates to set up an agreement for soccer practice in 2025 that would be approved at a future meeting. All in favor. Motion carried.

D. Engineering Updates (0:50:00)

- a. 700 Birchwood Lane – Lot Split

1. **Planner Ben Wickstrom** explained that the simple subdivision is in order and from a planning and zoning perspective there is a garage that will need to be moved to meet set back and the applicant will need to work with Mahtomedi on their code requirements. He said that water and sewer is being extended from Birchwood running down the west property line, and there is an access easement there for walking access. He said a low point behind each house will be used which is how it is now. He said he recommends approval.
2. **Bill Hullsiek, 700 Birchwood Lane**, said there is a low spot and all the properties adjacent drain toward there and there is a valley where the water naturally flows. There is a catch basin on one of the adjacent properties but that is not part of the property. He said none of this will be modified. He said he is using the 25-year average.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve the lot split at 700 Birchwood Lane, pending the review and positive recommendation of the City Engineer and compliance with any recommendations made by the City Engineer. All in favor. Motion carried.

b. Engineering Update and Council Approve Lift Station Plans (0:56:07)

1. Engineer Johnson said that we are waiting for the final approval from the EPA and acknowledgment from the MPCA that they have received the material. He referred to the estimated timeline and cost and said that part of the BABBA regulations requires the use of locally sourced materials which means a lot more paperwork. He said he added a 10% contingency.
2. Councilmember McCarthy asked Administrator Kellen post the plans and specs to the website.
3. Engineer Johnson explained that there is a lot of paperwork because of the EPA requirements and said he would like approval on the plans to be able to go out for bids.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve the plans and specs contained in the materials today and proceed to advertise for bids. All in favor. Motion carried.

c. 15 Oakridge Dr. Drainage Issues (1:00:26)

1. Engineer Johnson referred to page 217 of the packet for options. He gave 2 options. The first is to bring the storm sewer from the cul-de-sac at Oakridge Dr down, which is his least favorite option. His favorite options is to modify and adjust the

grades to start moving the road up and getting that low point out of there. He said the grade is the same as before. He said that the cheapest option is to go to the storm sewer, sending a pipe down and there would be a little bit of patchwork on Oakridge Dr. He said the other option is a lot more expensive, like \$150,000-\$200,000 based on the quotes we saw this year. Another option would be to shape a ditch, which could be a temporary solution until a more permanent solution can be found. He discussed shaping the grass where the low points are creating a trench, in the right of way.

2. Councilmember McCarthy asked how it could have gotten worse after the road work, to which Engineer Johnson said that he does not know.
3. Councilmember Weier asked about a survey to which Engineer Johnson said that they looked at the worst areas of roads but did not look into the design of the road. He said that this should be avoided in the future and Engineer Johnson recommended a contract manual for timeline accountability and doing a road survey prior to road work, for future projects.
4. Engineer Johnson recommended getting a survey and redoing the Capital Improvement Plan to incorporate survey costs.
5. **Andrew Jakola, 15 Oakridge Dr.** said that he had previous issues with water pooling, but it was not close to as large as it is now after the road work. He said that when their neighbors use their sprinklers, they get water pooling at the end of their driveway. He said it is about 3 inches deep and takes 48 hours for it to dry. He said it prohibits people from coming to their home without walking on the grass and he has concerns about what will happen in the winter when it freezes.
6. Councilmember McCarthy suggested a catch basis and Engineering Johnson said soil borings will need to be taken to see if that is possible.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve Engineer Johnson to begin the process of getting soil borings to determine if there is an immediate solution and investigate all options for a temporary solution with the understanding that we will work on a longer term solution. All in favor. Motion carried.

d. Mahtomedi Lost Lake Improvements (1:00:26)

1. Councilmember McCarthy said that he thought that Mahtomedi already requested approval on this, and they said no, to which Councilmember Foster said he did not recall that. Councilmember McCarthy said he thought he recalled that the

reasoning was because reducing the level of the lake to fix the engineering mistake of not making that high enough was not something they wanted to do. He also asked about and expressed concerns about the possible effects to Hall's Marsh.

2. Engineer Johnson said he recommends getting hydroplane modeling to be able to check the levels. Councilmember McCarthy said he thinks Mahtomedi should be doing the hydroplane modeling and providing that to us. Engineer Johnson said he has not seen that yet but he thinks it has probably been completed by Mahtomedi based on the approvals they have from the DNR.
3. Engineer Johnson said that this is a short term solution until Mahtomedi and the DNR can agree on a longer term solution.
4. The Council discussed that the City has a small sliver next to Lost Lake so Birchwood is a stakeholder.
5. Engineer Johnson said it would only be lowering the lake in flooding situations.
6. The Council discussed the engineering costs required with "having a seat at the table".
7. Engineer Johnson said that Mahtomedi is requesting a response within 30 days to which the council said they are not comfortable moving forward without the modeling because they are concerned with the effects of Hall's Marsh.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve 3 hours of Engineer Johnson's time to initiate a seat at the table and explore asking Mahtomedi to pay for that time. All in favor. Motion carried.

e. Tighe-Schmidt Drainage Improvements (1:19:08)

1. Engineer Johnson mentioned the soccer planning and the construction could be flexible and he thinks it would not take too much time. He said that as long as council is OK with it, Lori Tella is asking Bolten and Menk to help with the design to create rain gardens in the park to help catch the drainage. It would be focused around the ice rink and head towards the park. The low area is holding water so it will make that area look better and be more useable. He said he believes his fees will be covered by grant money.

f. 2024 Road Improvements (1:21:34)

1. Engineer Johnson said the missed potholes were done this past week. He said for next year he recommends a contract manual and getting a survey so issues can be planned for. He welcomed additional feedback.
2. Councilmember Weier asked which road is on the schedule for next year to which Engineer Johnson said that Birchwood Ave, mill and overlay, is included but this could be adjusted to fit within budget. He said he would make sure the crosswalk is included in the lift station plans. He said the road work invoice amount is what was approved in April. He said a proposal could be presented next month to begin those conversations for next year's road work.

E. Approve Review of the Water Improvement Project Plans for Tighe-Schmidt by the City Engineer – (1:25:52)

- a. Councilmember Weier said that they received \$75,000 and \$10,000 grant to be used for water management at Tighe-Schmidt and the parks committee recommends that the Washington Conservation team help build the plan and construction details and they asked that Marcus be consulted to tie ins in the infrastructure in the park as an engineer resource. She said she is waiting to hear if engineering fees can be covered in the grant and once confirmed they will report back.

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve allowing Washington County Conservation District to consult with Marcus after the plan has been developed for the water management grant use in Tighe-Schmidt park. All in favor. Motion carried.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to authorize \$7500 from the special revenue fund to be used if necessary to get this project rolling if the grant money cannot be used to cover it. All in favor. Motion carried.

F. 2025 Budget Discussion

- a. Mayor Ford explained that the budget cannot be increased but it can be lowered prior to the December final certification. She asked if there were any questions and hearing none, she said the item will be tabled until next meeting.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to table the 2025 Budget discussion until next council meeting. All in favor. Motion carried.

G. Reappointment of John Waller– (1:30:55)

- a. Councilmember McCarthy said he talked to John Waller and he asked if they had heard anything from RCWD about Hall's Marsh which is receiving White Bear Lake stormwater from Priebe lake. He said there had been some progress with a meeting that was held where a maintenance plan was to be put in place and that has not yet happened. He said John called about that and said he would follow up and also mentioned that he was up for reappointment and a letter of recommendation from Birchwood would be nice. Councilmember McCarthy said he drafted a letter recommending his reappointment and he is asking the council to approve it on behalf of the council to be sent to the Washington County Board of Commissioners. (see attachment)

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve the letter recommending the reappointment of John Waller on behalf of the City Council and have Administrator Kellen send it to the Washington County Commissioners. All in favor. Motion carried.

H. Ash Path Fence Update – (1:32:43)

- a. Attorney Kantrud explained that there was some damage to the fence that the City was attempting to put up at Ash Path and he is in the process of completing a criminal complaint. He discussed an email inquiry from a resident asking why the fence was necessary.
- b. Administrator Kellen requested confirmation from the City Council regarding resuming work.
- c. Mayor Ford said that the project should be resumed to which the council agreed.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve continuation of the fence installation at Ash Path. All in favor. Motion carried.

- d. Councilmember Hankins asked about the personal property that remains on the City property. He said there is some landscaping materials, a pallet, flat patio stones, that could be removed by the City. Attorney Kantrud said he would review the letter that the City had previously sent to the property owner to see if it was sufficient to cover the current personal property on City property and he said that it makes sense to give sufficient notice to remove it and if it is not removed, then the City should remove it.
- e. Councilmember Foster said that the whole purpose of the fence is to avoid these types of conflicts so that the line is delineated. The council went on to discuss the fence.

I. Administrator Updates (1:43:49).

a. 160 Cedar St SAC and WAC Charges

1. Administrator Kellen explained that Deputy Clerk Therese Bellinger researched this and the lot that had the existing water and sewer line, 150 Cedar, will be the one to have the SAC and WAC fees waived.

b. Special Assessments

1. Administrator Kellen asked about the unpaid vacant building registration for 131 Wildwood, since it has been demolished to which Attorney Kantrud suggested that this is a mute issue since the structure is now gone.
2. Councilmember Hankins suggested that the vacant building fee for the owner at 310/312, Liz Simning, be waived as well, and the council discussed.
3. Councilmember Foster said that the difference is that 131 Wildwood has been taken care of while 310/312 Wildwood is still a vacant building.

On a motion made by Mayor Ford, seconded by Councilmember Foster, it was resolved to waive the vacant building registration fee for 131 Wildwood. Councilmember Foster, McCarthy, Weier, and Mayor Ford in favor. Councilmember Hankins opposed. Motion carried.

4. Administrator Kellen explained that she received the list of residents who have delinquent utility billing charges and a letter will be sent to them in October giving them 30 days to pay and for those that do not, they will be approved at the December City Council meeting to be certified to the county for a Special Assessment.

c. Technology Update –

1. Administrator Kellen explained that the internet has been brought into the building, but it is not hooked up yet. Techie Dudes was present during the installation. She said that Techie Dudes is working on the LOA to move our current phone number to our new one. She said that the 2 phone lines have been purchased.
2. Councilmember Hankins asked if there are any additional authorizations that are needed to which Administrator Kellen said that she is not aware of any at this time.

- d. Tree Inspection Update – Administrator Kellen said there were 13 trees that were listed as hazardous, and Steve Dean is giving an estimate to remove the 13 trees. She said there is 1 tree on Ash Beach that is suspected to have Oak Wilt and the inspector recommended to have a sample sent to the U of M to have it tested. She also said she is working with a couple of residents on possible reports of Oak Wilt.
- e. 2024 Music in the Park Recap – Administrator Kellen referred to the update provided by Al Mitchell and thanked him for his volunteerism.
- f. Food Scrap Pickup – Administrator Kellen explained that this is a new program that was launched October 1st for Washington County. The Council discussed how the new program works.

J. Mayor Ford thanked Councilmember Foster for his time and contributions to the City Council as he is moving and this will be his last meeting on the City Council.

7. MEETING CLOSE (2:01:15)


On a motion duly made by Councilmember McCarthy, seconded by Councilmember Hankins, 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 8:43 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

11-12-24
 Date


 City Administrator Becky Kellen

11-12-24
 Date



To: Council
From: Justin McCarthy
RE: John Waller Reappointment

All, John Waller's term on the Rice Creek Watershed District (RCWD) is coming to an end soon and he will have to be reappointed by the Washington County Board of Commissioners. John indicated to me by phone that a letter of recommendation would be appreciated. As such, I have taken the liberty of drafting a short letter on behalf of the City Council that I would like the Council to approve.

City Council
Birchwood Village
207 Birchwood Ave
Birchwood Village MN, 55110
10/08/2024

Washington County Board of Commissioners
14949 62nd St. N.,
Stillwater MN, 55082

Dear Washington County Commissioners,

The Birchwood Village City Council writes to strongly recommend the reappointment of John Waller to the Rice Creek Watershed District Board. His tireless advocacy for both Washington County and Birchwood Village has made a significant impact on our community and the preservation of our natural resources.

John has been an unwavering champion for Birchwood Village to Rice Creek Watershed District, consistently advocating for the fulfillment of the Watershed's decades old commitments made to manage and protect Hall's Marsh from the pollution caused by Priebe Lake. His dedication to ensuring that this vital ecosystems receive the attention and care it deserves has been invaluable to our community.

In addition to his work on Hall's Marsh preservation, John has been a trusted voice for all of Washington County, representing our interests with passion and integrity. He understands the unique challenges we face and works collaboratively to find solutions that benefit our residents and the environment alike.

Reappointing John Waller to the Rice Creek Watershed District Board would not only honor his past contributions but would also ensure that our community continues to have strong leadership and advocacy in matters that affect our natural resources. His knowledge, dedication, and commitment to service are qualities that we believe are essential for the role.

Thank you for considering this recommendation. We believe that John's reappointment would be a significant asset to the Rice Creek Watershed District and our community at large.

Sincerely,

City Council
Birchwood Village