

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

**MINUTES OF THE CITY COUNCIL MEETING
November 12, 2024, 6:45 P.M.**

MEMBERS:

Margaret Ford	Mayor
Ryan Eisele	Councilmember
Ryan Hankins	Councilmember
Kathy Weier	Councilmember
Justin McCarthy	Councilmember

STAFF:

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 6:46PM.

2. APPROVE AGENDA

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

3. PUBLIC FORUM (0:20:03)

Mayor Ford opened the public forum.

Barton Winter, 1 Five Oaks Lane, expressed concerns about the leveling of the pleasure rink, trees existing near the rink, and suggested and discussed ideas about a white surface on the rink. He also expressed concerns about parking at 160 Cedar during construction.

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

4. ANNOUNCEMENTS (0:24:15)

A. Truth in Taxation Hearing on December 10th at 6:45 PM at City Hall.

- B. Upcoming Deer Hunt Dates: November 21-22, and December 13-14 (if needed).
- C. November and December Planning Commission meetings have been rescheduled due to the holidays. The rescheduled meeting will be on November 20th and December 19th.
- D. Yoga will be held at City Hall on Tuesday mornings from 9-10AM beginning November 12th. Donations are accepted for the use of the Village Hall.

5. CONSENT AGENDA (0:25:02)

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

- A. Item C - Approve Council Meeting Schedule & Official Holidays 2025
 - a. The council discussed needing the approval on this at this meeting and they decided to accept the calendar and amend it in the future if needed.

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve consent item C, Approving Council Meeting Schedule & Official Holidays 2025. All in favor. Motion carried.

6. CITY BUSINESS (0:26:49)

- A. Accept Councilmember Resignation / Appoint Interim Councilmember

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve Resolution 2024-43 Accepting Mark Foster Resignation. All in favor. Motion carried.

- a. Mayor Ford expressed gratitude to Mark Foster for his service to the City of Birchwood Village.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve Resolution 2024-45 – Resolution Appointing New Council Member, Ryan Eisele. All in favor. Motion carried.

- b. Councilmember Ryan Eisele read and signed the Oath and was welcomed to the council.

- B. Engineering Updates – Marcus Johnson (0:29:24)

- a. Liftstation Update

1. **Engineer Johnson** said that contractors are looking at the specs and plans and they are answering questions and that will close on the 4th of December. The bids will be brought to the December meeting to decide on a contractor. He said that bidding is closed until the end date and they will review the bids, draft a summary to be in the agenda, and make a recommendation which will most likely be the lowest bid as long as it meets the contract requirements. He said they are working through the KSP pumps issue to ensure they are US supplied..

b. Oakridge Dr. Drainage Issues / 2025 Payment Improvements Process (0:34:28)

1. Engineer Johnson said that a boring was considered at the low point for an infiltration system and he said that Bolten and Menk does not recommend this as a long term fix as it can fail rapidly.
2. The council discussed costs and benefits of the options. Engineer Johnson said the \$130,000 is the worst-case scenario. He said to consider adjusting the CIP, Roads Plan. He said that the driveway and road need to be adjusted. He said the grade of the road is the same but the water is being retained at that low spot because the road is smoother. Engineer Johnson said he thinks a survey prior to the rework would reduce future problems. Construction cost would be about \$100,000 and the survey another \$30,000. Engineer Johnson said that about \$5-10,000 is due to rework and the rest is reshuffling. They talked about possible additional costs to repair other driveways. Engineer Johnsons suggested a contract and a bond and a survey going forward and possibly an open house.
3. Councilmember Weier asked about a temporary solution and Engineer Johnson said the boring would need to be done right away because contractors are ending work for the season and Engineer Johnson asked about the possibility of maintenance dig a ditch. The council discussed the timing due to the ground freezing.
4. **Andrew Jackola, 15 Oakridge Dr,** said that for the immediate term what he wants is to get the water away from the driveway. He said he is OK with cutting a ditch in his yard as a temporary solution as long as it is handled in for the longer term in the spring.
5. Councilmember McCarthy suggested that if Maintenance cannot do it then maybe Steve Dean can and should be completed this week if possible.

On a motion made by Councilmember McCarthy, seconded by councilmember Weier, it was resolved to direct staff to implement a temporary fix with a ditch and

authorize Engineer Johnson to do the survey to put in a long-term solution. All in favor. Motion carried.

c. Mahtomedi Lost Lake Improvements (0:57:38)

1. Engineer Johnson said he attended an open house on the project and there was a lot of opposition to it and so City staff was going to revisit the plans and consider revisions. They also sent him the hydro cad modeling and said it is not worth looking at until they have a solution proposed. Engineer Johnson showed the map of the area and the council discussed. He said that more information will come once they propose a new plan.

C. Halls' Marsh Maintenance Discussion – Kathy Weier (1:01:36)

1. Councilmember Weier said that a letter was received from residents Jensen's regarding some drainage issues with Halls Marsh so they need to reach out to RCWD and they also just sent a response to the PLOP. Engineer Johnson said he will look into this and draft a response.
2. Councilmember McCarthy said there were some objections from people on Priebe lake from drawing down Priebe lake so there is less urgency in addressing our concerns. He said they met with them in April and were trying to add Halls Marsh to their maintenance agreement and that response just came back from RCWD. He said he is uncertain as to how many issues were address. He said another issue is that the outlet to the Marsh is plugged and he said that this repair can happen in the winter.
3. **Ruth Jensen, 701 Hall Ave**, said that the pipe is not clogged but there is junk in front of it. She expressed concerns with the curb not functioning as it should be. She said a few days ago water was flowing in from Priebe but nothing was leaving.

D. 20 MPH Speed Limit throughout Birchwood (1:09:20)

- a. Mayor Ford said that Engineer Johnson looked into the need for a traffic study. Councilmember Hankins discussed the risks involved with moving forward without a study that were documented by Bolten and Menk, namely that traffic tickets are hard to uphold and there is a risk of losing access to state funding.
- b. Mayor Ford asked about the project being citizen led and discussed this being a possibility. Councilmember McCarthy said that as long as the policies are in place and meet the statue then a citizen led group could be utilized and review the requirements.

- c. Councilmember McCarthy said that all roads should be considered.
- d. Mayor Ford said that the Road Safety Committee is no longer meeting.
- e. **Cora Hankins, 165 Wildwood Ave**, said that she is going to contact someone from Mahtomedi about how they did it. She talked about a MnDOT study. She said Hall/Cedar could be recommended for this. She said that the Roads Committee thought the amount needed to complete the study was not reasonable so they wanted to reconsider looking at safety through the Lake Links Bike trail group instead of reducing the speed limit.
- f. Mayor Ford said the next challenge would be to get a citizen led group together to do this work to which Cora Hankins said she is not sure what would be needed for that work and if the committee should continue.
- g. Councilmember McCarthy reviewed what the citizen led group would need to accomplish and gave Mrs. Hankins guidance on how to accomplish the requirements.
- h. Cora Hankins said she is interested in continuing the Road Safety Task Force and recruiting new members if needed.
- i. Councilmember Hankins asked that the agenda item be held until the committee has some information to share.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the continuance of the Road Safety Task Force. All in favor. Motion carried.

E. First Reading Ordinance 2024-11-01 (302.055) Run Off Changes (0:50:00)

- a. Councilmember McCarthy said this change clarifies the language and makes it less able to be inaccurately interpreted. He said the point is to avoid flooding so he made that clearer. He said the planning commission reviewed it and approved it with some engineering recommendations noted in his memo.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to move Ordinance 2024-11-01 to a second reading and public hearing. All in favor. Motion carried.

F. First Reading of Ordinance 2024-03-01 (402) Solid and Hazardous Waste Management – (1:28:38)

- a. Administrator Kellen explained that based on past revisions from councilmember Hankins and FOTH ordinance 401 has been combined into 402, making 1 recycling and solid waste ordinance and explained that she made some comments on the copy that the council may want to consider.
- b. Councilmember Hankins said that for 402.030, points 3 and 4, which he said are in contradiction. The council discussed screening. The council suggested getting rid of both 3 and 4.
- c. Councilmember McCarthy expressed frustration in regards to the length of the ordinance and expressed concerns with 402.055, Ownership.
- d. Councilmember Weier discussed adding correct numbering and removing "Charges become a lien" and "throwing litter from vehicles".
- e. Councilmember McCarthy made some suggestions around "carts" and agreed to review the proposed ordinance and make recommendations for the final reading.

On a motion made by Mayor Ford, seconded by Councilmember Weier, it was resolved to order a second reading and public hearing of Ordinance 2024-03-01 (402) Solid and Hazardous Waste Management. All in favor. Motion carried.

Mayor Ford invited resident **Mike Werner, 711 Hall Ave**, to make comments, and he discussed his concerns and some of the history with Halls Marsh, Lost Lake and Mahtomedi.

G. First Reading Ordinance 2024-03-02 (401) Scavenging of Recycled Materials Prohibited. (1:46:00)

- a. Councilmember Hankins said that 401 is being merged into 402 because there was a lot of outdated information in there.

On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to order a second reading and public hearing of Ordinance 2024-03-02 (401) Scavenging of Recycled Materials. All in favor. Motion carried.

H. 2025 Budget Discussion (1:49:50)

- a. Mayor Ford explained that she likes to include the budget so any changes can be made and/or recommended by council or the public can make comments, to which there were none.

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.

I. Planner Salary Discussion – Ben Wickstrom– (1:50:31)

- a. Planner Ben Wickstrom said he was hired in April 2023 and understood that he was to revisit his salary after a year. He said that the previous engineer did planning services as well and so there was some assumptions made during negotiating salary that he would like revisited. He thought that the timing was appropriate since it has been over a year, the budget is being finalized, and a new council is coming in. His proposal is to go back to his original contract amount. He mentioned his memo and his accounting of hours spent.
- b. Mayor Ford asked about billed back time to which Planner Wickstrom discussed how he has been tracking billing back and various situations where it has or has not applied.
- c. Councilmember McCarthy said that he is not sure that being on retainer is working as hoped and he prefers billing the homeowner directly and having an hourly rate. The council and planner discussed using an hourly rate as opposed to a monthly fee. Planner Wickstrom discussed his fees in other communities ranging from \$85 to \$140. He said \$120 to \$135 range would be acceptable.
- d. Councilmember Weier reminded the council that time will need to be charged for attending meetings. The council and planner Wickstrom discussed meeting time.
- e. Councilmember Hankins asked questions about fees in other cities to which Planner Wickstrom said there are some fees that are lower in Birchwood and the two decided to follow up on what makes sense for Birchwood.
- f. The council discussed time spent on appeals and considering an appeal fee.
- g. The council discussed the ½ hour consultation time and billing practices. Councilmember McCarthy said they Planner Wickstrom should be sure to bill the resident after ½ hour. Planner Wickstrom explained how other communities he works with does billing.
- h. Councilmember Hankins said that the timing is difficult due to the budget not being able to be increased and the council discussed

options that would work without increasing the budget. Councilmember McCarthy said that billing needs to be implemented after ½ of planners time. Councilmember Hankins discussed increasing the amount residents are charged after the ½ hour free time to subsidize the first 30 minutes of use. He said the ½ hour is covered by the monthly fee and then the extra time, after 30 minutes is passed back through to the planner.

- i. Councilmember Eisele asked about condensed version of the code that could be easier for residents to understand, and the council suggested "Building in Birchwood Village" is a pamphlet provided online and could be put next to the planners name on the website.
- j. The council discussed keeping the retainer and then do the bill through to residents for after ½ of time, tracking it per property, and not providing services to realtors.
- k. \$130 was decided upon for the planner rate to bill back for property consultations after ½ hour..
- l. Mayor Ford said she would work with Attorney Kantrud on updating the contract for Planner Wickstrom.
- m. Councilmember McCarthy asked that Administrator Kellen come up with a proposal for an appeal fee. Councilmember Hankins said he would look into if/what other cities charge for appeals. Administrator Kellen discussed the timing of the appeals in the code. The council discussed complaints versus appeals.

On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to have Mayor Ford work with Attorney Kantrud to update the contract for Planner Wickstrom and update it to an hourly rate of \$130 with the retainer being the same as it is now. All in favor. Motion carried.

J. Administrator Updates – (2:48:58)

- a. City Attorney Resignation, effective 11/20/24. The council discussed options and Mayor Ford said she would reach out to Attorney Kantrud to see if he would be willing to stay for a couple of months to ensure a smooth transition. They asked Administrator Kellen to do an RFP if Attorney Kantrud cannot stay on. The council discussed the possibility of the LMC or their resources being able to provide temporary assistance, or other city's resources.

- b. Technology Conversion Update. November 19th is the day the city will be porting to their new phone system.
- c. Delinquent Utility Bills will be certified to property taxes after approved at the next council meeting.
- d. Tree Inspection Results Update – City is waiting on the estimate to remove the 13 hazardous trees and the results were received back from the U of M that the tree at Ash Beach does not have Oak Wilt.
- e. Recycling Grant Update – Ordinance updates are in process and other grant deliverables on track.

7. MEETING CLOSE (2:57:56)

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 9:24 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

12-10-24

 Date

12-10-24

 Date

