

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

**MINUTES OF THE CITY COUNCIL MEETING
FEBRUARY 11, 2025, 6:45 P.M.**

MEMBERS:

Jennifer Arsenault	Mayor
Ryan Eisele	Councilmember
Ryan Hankins	Councilmember
Bridget Sperl	Councilmember
Katherine Weier	Councilmember

STAFF:

Alan Kantrud	City Attorney
Marcus Johnson	City Engineer

Minutes prepared by Anh Nguyen of Minutes Solutions from a video recording.

1. CALL TO ORDER

Mayor Arsenault called the meeting to order at 6:45 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA (0:04:00)

On a motion made by Councilmember Hankins, seconded by Councilmember Sperl, it was resolved to approve the agenda as presented. All in favor. Motion carried.

4. OPEN PUBLIC FORUM (0:05:00)

Mayor Arsenault opened the public forum.

Jasper Hankins-White, 3 Wildwood Avenue, requested that Council strongly consider the Mahtomedi Youth Soccer Association's request to rent the Tighe-Schmitz Park Field, noting that the field would be more accessible for families than driving to the current field in Hugo. He reported that 20% of the Mahtomedi Youth Soccer Association members live in Birchwood Village.

Mayor Arsenault closed the public forum.

5. ANNOUNCEMENTS (0:07:45)

The City of Birchwood wished to announce the resignation of City Administrator Rebecca Kellen effective January 28, 2025.

6. CITY BUSINESS (0:08:00)

6.1 Presentation by Metropolitan Council's Dr. Gail Cederberg (0:08:30)

Dr. Gail Cederberg, the Metropolitan Council Representative for District 11, introduced herself.

She reported that she would be acting as the Chair of the Environment Committee effective March 3, 2025. She also represented the Metropolitan Council on the Clean Water Council, which is a statewide organization committed to achieving clean water in Minnesota.

Dr. Gail Cederberg discussed the roles of the Metropolitan Council District 11 staff and highlighted some partner work groups.

Dr. Gail Cederberg reviewed the history of the Metropolitan Council, which was created in 1967 as a solution to regional problems such as water quality concerns and wastewater treatment.

Minnesota statute requires a regional development guide to be established every 10 years, which includes system plans for land use, parks, water resources, and transportation. Dr. Gail Cederberg reviewed the vision statement for the current regional plan, Imagine 2025, as follows: a prosperous, equitable, and resilient region with abundant opportunities for all to live, work, play, and thrive. The 2050 regional development plan was slated for adoption on February 12, 2025.

Dr. Gail Cederberg discussed long-range planning and services, including land use planning, community development, environment services, water supply planning, and transportation planning and services. She also reviewed 2050 land use designations, the City's 2040 land use plan, and regional water resource management. She emphasized that the Metropolitan Council worked closely with Washington County to obtain funding for regional parks.

Dr. Gail Cederberg reported on the Metropolitan Council's recent accomplishments and upcoming activities. Residents were encouraged to go to council.org, where committee meetings could be livestreamed.

6.2 Presentation by Commissioner Stan Karwoski (0:26:50)

Commissioner Karwoski reviewed the services provided by Washington County.

Commissioner Karwoski reviewed the Century Avenue Turnback and Reconstruction project. He noted that Washington and Ramsey Counties are anticipated to take over jurisdiction of state Highway 120, north of Interstate 694. The project received positive community feedback and was in the final design phase. Construction was targeted for 2027.

Commissioner Karwoski reviewed the key features of the new North Environmental Center. He anticipated that 40,000 customers will use the facility to dispose of hazardous waste.

Commissioner Karwoski discussed the Food Scraps Pickup program, which is a free, voluntary recycling initiative for Washington and Ramsey County residents. The program was available to all Birchwood residents as of October 2024. He noted that 75% of trash must be recycled or converted into energy by 2030, and currently only 10% of Birchwood residents were enrolled in the program.

The Central Service and License Center in Woodbury was under construction with a projected opening of Fall 2025.

Commissioner Karwoski discussed the Land and Water Legacy program, which was funding a big marine park reserve expansion. The expansion was 25% funded by the Land and Water Legacy program and 75% funded by the Metropolitan Council.

Commissioner Karwoski reviewed the improvements to the swim pond play area at Lake Elmo Park Reserve.

Councilmember Hankins asked if county services could be provided to Birchwood residents through Village Hall or Wildwood Library. Commissioner Kaworski noted that more county services were available online after the COVID-19 pandemic, and there was also a grant for a community service vehicle to bring more services to cities. He suggested that Council follow up with Community Services to gauge resident needs and agreed to continue to explore opportunities to support the City.

Councilmember Sperl asked if there were examples of cities doing a great job of communicating the services offered by the county to their residents or best practices to share. Commissioner Kaworski noted that county staff make a concerted effort to reach out to cities and to residents, especially regarding mental health services. A quarterly newsletter that lists all county services is also distributed to residents. Dr. Gail Cederberg reported working with city staff, planning staff, and the city administrator for smaller cities, who then relay information to their respective councils and elected officials. She encouraged cities to provide a link to the county website on their city website.

6.3 Update by White Bear Conservation District (0:57:50)

Shari Salzman-Hankins provided the following updates from the White Bear Conservation District:

- The White Bear Conservation District will be reimbursing different cities around the lake for each leak treatment.
- Residents were encouraged to attend the annual cleanup day on the second Saturday of March.
- The White Bear Conservation District started research and development of an action plan for prevention and early detection of starry stonewort, an invasive species found in three lakes in upper Minnesota that was starting to travel to the White Bear district.
- The White Bear Conservation District contracted with Blue Water Science for an assessment of the Eurasian milfoil.
- The results of the 2024 lake use study should be available to the Council in one month.
- The White Bear Conservation District contracted with the Ramsey County sheriff for extra enforcement on the boats and buoys.
- Articles from the White Bear Conservation District are included in *The Laker*, which is distributed quarterly.

6.4 Tighe-Schmitz Park Field Rental Agreement for Soccer (1:02:55)

On a motion made by Councilmember Sperl, seconded by Councilmember Weier, it was resolved to approve the Tighe-Schmitz Park Field Rental Agreement between Mahtomedi Youth Soccer Association and the City of Birchwood Village, effective May 1, 2025, to July 15, 2025.

In favor: Mayor Arsenault, Councilmembers Eisele, Sperl and Weier.

Abstained: Councilmember Hankins.

Motion carried.

Councilmember Hankins abstained from making comments due to a conflict of interest.

Mayor Arsenault noted that the rental agreement was revised to reflect a \$2,000 rental fee for use of the Tighe-Schmitz Park field; however, it was not confirmed \$2,000 would be sufficient to cover the City's mowing costs, as discussed at the last Council meeting.

Council agreed to approve the rental agreement for the spring/summer season. The rental agreement will be revisited for the fall season pending confirmation of the Mahtomedi Youth Soccer Association's Fall schedule.

7. CONSENT AGENDA (1:07:00)

On a motion made by Councilmember Hankins, seconded by Councilmember Sperl, it was resolved to approve the consent agenda, except for Items L, M and N, as presented. All in favor. Motion carried.

7.1 Resolution 2025-15: Approve the Estimate from Bolton-Menk for Lift Station Repairs (1:08:30)

On a motion made by Councilmember Sperl, seconded by Councilmember Weier, it was resolved to approve Resolution 2025-15. All in favor. Motion carried.

Engineer Johnson clarified that the cost of construction inspection comprised the majority of the estimate, and an inspection was required to ensure that contractors are on-site, following the plans, and meeting the scope of work and expectations of the project. Construction administration was required to ensure that the City is meeting all grant requirements.

Councilmember Hankins asked whether additional funds would need to be paid to Bolton-Menk to complete and submit the US Environmental Protection Agency grant. Engineer Johnson confirmed that the estimate includes the cost for the grant.

Councilmember Hankins asked if there were any additional recommendations for managing the lift station project. Engineer Johnson confirmed his opinion that all items for managing the lift station project were covered as needed.

Councilmember Hankins asked if Engineer Johnson recommended street reconstruction. Engineer Johnson confirmed that street reconstruction should be revisited in the next few months, and it would be reviewed as part of the capital projects plan.

Councilmember Weier asked if the crosswalk previously approved as part of the lift station project was included in the estimate. Engineer Johnson confirmed it was included in the original bid.

7.2 Resolution 2025-16: Approve to Post City Administrator Opening (1:16:20)

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve Resolution 2025-16. All in favor. Motion carried.

ACTION – Mayor Arsenault will obtain feedback from City staff regarding gaps in City staff responsibilities.

ACTION – Councilmembers will send their suggestions regarding the City Administrator role to Therese Bellinger.

ACTION – Councilmember Sperl will draft a SurveyMonkey for the purpose of obtaining resident feedback on the current operation of the City's administration and suggestions for operation moving forward.

Mayor Arsenault acknowledged the work and assistance of City Clerk Therese Bellinger during the transitionary staffing period following the resignation of the City Administrator.

Mayor Arsenault suggested that feedback be obtained on the division of responsibilities between City staff and what residents would like to see from the City's administration prior to posting an opening for the City Administrator role. She expressed a preference for not rushing into filling the vacancy, noting the importance of due diligence to ensure that quality service is provided to meet the needs of residents.

Councilmember Hankins noted that it could take two to three months to fill the position, and additional time would be required for training. He expressed concern regarding potential delays to the City's projects and a lack of qualified candidates based on the City's current pay rate for a City Administrator.

It was noted that the City Administrator job opening would likely not be posted until March 2025 to allow for efforts to obtain feedback from City staff, Council, and residents. In the interim, Councilmember Hankins agreed to draft the meeting agendas and Mayor Arsenault agreed to undertake clerical duties.

7.3 Resolution 2025-17: Approve City Administrator Final Pay (1:31:30)

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve final payment to City Administrator Rebecca Kellen through to her tendered date of resignation of February 7, 2025, in the amount of \$10,415.56, including 2024 carry-over benefits for vacation, sick time, and ESST, plus 2025 earned benefits for same. All in favor. Motion carried.

Rebecca Kellen submitted, in writing on January 28, 2025, that she was invoking her 60-day notice of resignation as the City Administrator. A letter from the City was sent to Rebecca Kellen, advising that the City would honor the 60-day notice; however, Rebecca Kellen was removed from her duties effective immediately and did not have to return to work. This decision was driven by security concerns regarding access to the City's records. Rebecca Kellen sent a follow-up letter to the City on February 7, 2025, stating that she resigned effective immediately.

Attorney Kantrud confirmed that the City's contract included a 60-day termination clause, which Rebecca Kellen invoked. He also confirmed that it was not uncommon to relieve an executive employee of any duties effective immediately and to honor the 60-day period plus cumulative vacation and sick time.

Councilmember Hankins expressed concern that Rebecca Kellen's resignation letter was not binding since he believed it should have been an action taken by Council to relieve the City Administrator of her duties. He referred to the doctrine of public purpose, noting that any expenditures made by the City should serve a public purpose, and he opined that paying the City Administrator 60 days beyond her immediate resignation on February 7, 2025, did not align with the public purpose doctrine. He referenced two Attorney General opinions from the League of Minnesota Cities that state "a bonus for past services is considered a gratuity and is not valid unless there is an agreement or other understanding." He suggested that the pay under discussion was a bonus, particularly because there was no consideration provided by Rebecca Kellen for the bonus. He also expressed that Rebecca Kellen was in breach of her contract with the City by tendering her resignation effective immediately despite the 60-day termination clause in the contract. He questioned why the City would pay Rebecca Kellen beyond the date of her tendered resignation, especially since there had been discussion that Rebecca Kellen was approaching for-cause termination that would have been an immediate dismissal of her duties to the City. He noted that the City Administrator contract states that Rebecca Kellen's employment was at will and could be terminated at any time by the City. He suggested that insurance be used for the pay instead of additional contractual payouts. He further referenced Minnesota Statute 465.721, which states that "no city, township or other government shall implement a plan for payment of severance pay pursuant to Section 465.72 until a plan provided for full funding has been developed by the governing body," and Minnesota Statute 465.72, which states that "severance pay must be paid in a matter mutually agreeable to the employee and the employer." He thus expressed that any payments made to Rebecca Kellen would need to be made with approval from both Rebecca Kellen and Council, of which neither was obtained. He suggested moving forward with payment through to February 7, 2025, including vacation and sick time, but not earned sick and safe time (ESST).

He explained that Rebecca Kellen's contract preceded the state law for ESST, which took effect on January 1, 2024. In December 2023, Council reviewed the City Administrator's contract and determined that the City will not pay additional ESST and the City Administrator's pay will not be affected by ESST.

Council reviewed the payout considerations for Rebecca Kellen and agreed to move forward with payout through to February 7, 2025, including vacation, sick time and ESST.

8. MEETING CLOSE (1:56:25)

On a motion made by Councilmember Weier, seconded by Councilmember Eisele, 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.

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 Jennifer Arsenault

City Administrator

Date

Date