

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

**MINUTES OF THE CITY COUNCIL MEETING
September 10, 2024, 6:45 P.M.**

MEMBERS:

Margaret Ford	Mayor
Mark Foster	Councilmember
Ryan Hankins	Councilmember
Kathy Weier	Councilmember
Justin McCarthy	Councilmember (not present for the meeting)

STAFF:

H. Alan Kantrud	City Attorney
Marsha Olson	Treasurer
Rebecca Kellen	City Administrator
Marcus Johnson	City Engineer
Jack Kramer	City Building Official
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 Foster, 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. Mayor Ford added Tech Conversion Update and Approve Resolution 2024-40 to Administrator updates, d and e.

3. PUBLIC FORUM (0:06:10)

Mayor Ford opened the public forum.

Randy Lafoy, 200 Wildwood, is the representative for the Cable Commission and informed the council and public that SCCTV is having an open house October 3rd to see their brand-new facilities and truck. He asked that an eblast be sent out.

Jennifer Arsenault, 432 Birchwood Ct. praised the council for their decision to have the parks professionally mowed.

Barton Winter, 1 Five Oaks Lane, expressed concerns about the growth in the hockey rink affecting Music in the Park that he has cleaned up previously. He also expressed concerns with the cost of mowing compared to what the city spends on rink maintenance. He said he would like to see the rink maintained well and that he would pay the water costs for flooding. He also expressed concerns with the length of time it has taken to fill the potholes.

Steve Shad, Cedar St, said that he is not convinced the deer hunt is effective and that there is not a lot of data to support it. He asked a number of questions that he did not believe we have the data for, including, how many deer are in Birchwood now? How many deer are too many? What is the number we are shooting for? How is the number 30 arrived at the maximum number of deer that can be culled? How much damage has been caused by the deer to private property and how much property damage has been prevented because of the deer hunt? He asked if any of this has been studied or quantified. He also asked about the involvement with surrounding communities in the deer hunt as he said it takes a large area of land to be able to impact their numbers. He said that there is danger involved with children and people being around and is not convinced the deer hunt has any effect on the deer population in Birchwood. He referred to an email he sent to the city council (attached).

Ron Malles, 420 Wildwood, discussed DNR support of the culling, at the time it was originally put in place. He said that last year there were 8 deer killed during the hunt. He said that Grand Rapids is doing the same type of study to determine what is the best way to reduce the deer population. He said that his cost is over \$1000 per year for yard damage. He said that they are trying to maintain the deer population and he has not seen a better solution. He said all hunters are certified for bow for the hunt.

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

4. ANNOUNCEMENTS (0:19:20)

- A. Birchwood Dock Association Fall Meeting is September 14th at 10AM
- B. Fall Clean Up Day is October 12th from 10AM – 12PM.
- C. Deer Hunt Dates for this year are September 27-28, October 17-18, November 1-2, November 21-22, and December 13-14 (if needed).
- D. November and December Planning Commission meetings have been rescheduled due to the holidays. The rescheduled meeting will be on November 20th and December 19th.

5. CONSENT AGENDA (0:20:30)

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve the consent agenda items except for D., F.1 and F.2. All in favor. Motion carried.

- A. Item D - Approve August 6, 2024, Meeting Minutes

- a. On page 50 of the agenda packet, the motion to approve, as an advisory vote, the 20-mph speed limit, should be changed to read that it was tabled until the September meeting, or will be reconsidered in the September meeting.

On a motion made by Councilmember Hankins, seconded by Councilmember Foster, it was resolved to approve consent item D, August 6th meeting minutes, as amended. All in favor. Motion carried.

B. Item F1 and F2 – Approve Deer Hunt Resolutions

- a. Councilmember Hankins said that the deer hunt has become more controversial and surrounding communities are not participating. He recommended a town hall with some expertise for residents to understand the deer hunt better.
- b. Councilmember Weier said that Mahtomedi wanted to participate this year, but the paperwork was not completed on time, and they hope to participate next year. She said she has received support from the community and over 20 residents have signed up to allow their land to be used, and others wanted to but could not participate because of their property location, so they were not approved.
- c. Mayor Ford said that a town hall would be appropriate before a new contract is signed.
- d. The council discussed pushing the first hunt date out and decided against it.
- e. Council member Foster said that he is in favor because deer are a traffic hazard and a safety issue.

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve Consent Agenda Items F1, Resolution 2024-36 Suspending City Ordinance Section 609.020 for Special Bow Hunt. Mayor Ford and Councilmember Foster and Weier in favor. Councilmember Hankins opposed. Motion carried.

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve Consent Agenda Items F2, Resolution 2024-37 Authorizing the Dates of the 2024 Deer Hunt. Mayor Ford and Councilmember Foster and Weier in favor. Councilmember Hankins opposed. Motion carried.

6. CITY BUSINESS (0:30:23)

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

- a. Councilmember Hankins explained that the residents of 180 cedar St have filed an appeal regarding permits that were approved at 160 Cedar. One issue was relating to whether the plan was approved by a certified engineer. The second is that storm water will harm their property. Staff reviewed the appeal, and the planning commission reviewed and denied the appeal. He recommended that each issue

is reviewed individually, the appellants present their appeal, then hear from city staff, and then hear from Mr. Morse, 160 Cedar.

- b. Mayor Ford asked if the appellant or a representative were there to which no one responded. She then asked that Engineer Johnson address the council.
- c. Councilmember Hankins asked Marcus Johnson, city engineer, about the survey to which he said there was not a design submitted that would require a certified engineer signature according to MPCA requirements, and that a surveyor's signature is required. He said he is a licensed, professional, civil engineer and that the plans that were submitted were no different than if he had drawn them up, with the exception of the signature.
- d. Engineer Johnson said there was no conditional use permit pulled, and the impervious surface was at 7% so the criteria required for 25% was not involved and there was no additional work asked of the owners at 160. He said he has reviewed the drainage on the property and does not have any concerns.
- e. Jack Kramer, building official, said he has inspected the silt fencing, and he sees that everything has been contained and that the soil is rocky and the perc rate on the soil is rapid so there would be very little retention.
- f. Avery Morse, 160 Cedar, said that in working with the city officials and staff he feels confident the permit was issued appropriately and in ordinance with the city code. He said that he thinks the property is draining well.
- g. Councilmember Hankins explained that the planning commission reviewed the appeal and city responses and determined that the intent of the code was not violated in approving the plans without a certified engineer's signature and as a result did not harm Mr. and Mrs. Drew. Therefore, the planning commission denied the appeal.
- h. Councilmember Weier said that this year has been very wet so if there is not water there now there probably will not be and also that she is confident that our staff will be reviewing everything needed along the way in the process.
- i. Councilmember Foster said that he is confident in what staff approved initially and the recent reviews and the planning commission recommendation.

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- j. Councilmember Hankins said that while he understands the concerns of the Drews he is with Kathy and Mark in terms of the merits of the appeal.

On a motion made by Councilmember Weier, seconded by Councilmember Foster, it was resolved to deny the appeal, 1, Birchwood Code 301.055(7) Stormwater and erosion control plans requiring a licensed professional engineer's signature. All in favor. Motion carried.

- k. Engineer Johnson discussed item 2a (on page 110 of the agenda packet), Birchwood City Code 302.050, referring to a survey with drainage that he completed. He said that the drainage does not cross the property line. He said the silt fence is not very permeable and holds up well.
- l. Mayor Ford asked about item 2b, Birchwood Code 302.055.2.a.1, to which Engineer Johnson said that the impervious surface seems good. He said that the back infiltration and the front is a gentle slope to the street so there will be some infiltration to the street but the alternative of having people's property lower than the street is not a good idea. He said any new build will have somewhat of a slope to the street but they are trying to minimize it.
- m. Engineer Johnson said that the drainage patterns from what was there previously are generally the same now. He said that the new house is going to have less impervious surface than the previous house, and when the neighboring houses go up they will need to review impervious surface for those properties.
- n. Engineer Johnson said that city code 306.030.a.6 (2c) is a conditional use section of the code so it does not apply. He also said that if a conditional use permit would have been required the storm sewer situation would have been looked at more in depth. He said that this would not have changed the permits that were issued.
- o. Engineer Johnson addressed 306.030.b, (2d) saying that he does not believe the work will adversely affect the appellants.

On a motion made by Councilmember Hankins, seconded by Councilmember Foster, it was resolved to deny the appeal, 2, regarding Birchwood City Code 301. All in favor. Motion carried.

On a motion made by Councilmember Hankins, seconded by Mayor Ford, it was resolved to have staff send a letter to the appellants regarding the outcome of the appeal. All in favor. Motion carried.

B. Roads Committee Proposals and Public Forum (1:06:09)

- a. Mayor Ford said that she has enjoyed working with the Road Safety task force that has been looking at public safety on the roads including Ron Malles, Cora Hankins and Art Arsenault and that they have come up with some recommendations. She asked the Road Safety Task Force to provide an overview of the proposals.
- b. **Art Arsenault, 432 Birchwood Court** said that road safety was in consideration while coming up with the proposals. He said the committee has received a lot of input from community members that has varied. He said they have received a lot of feedback regarding traffic law enforcement. He said that they have police support for these proposals. He said the first proposal is to have a 20-mph speed limit throughout Birchwood, unless otherwise specified.
- c. **Cora Hankins, 165 Wildwood Ave**, said that resolution #2 is to add 2 new crosswalks with signage at Birch/Owl and Grotto. She said the walkway between Owl and the easement affected their decision to place it there and also there is a school bus stop there. She said that they would like signs put up. She said the walkway at Grotto is unmarked so they would like another crosswalk for safety.
- d. **Art Arsenault, 432 Birchwood Court** said that resolution #3 is the addition of 1 stop sign on Wildwood Ave at 368 Wildwood. The stop sign would be stopping the southeastern bound traffic in an attempt to slow that traffic as it goes over a blind hill so there is a more orderly flow of traffic. This area is near where one of the speed studies was done and showed there are a lot of violations in this area. It was an area of a near miss for an accident earlier this year.
- e. **Ron Malles, 420 Wildwood**, said that #4 is adding solar speed limit signs and these are fairly expensive, but they seem to be effective and that this would need to go into the budget for next year. He said that the proposals are in the order of importance with 1-3 being equal and 4 being less important.
- f. Councilmember Weier asked about the public forum process and Mr. Malles said that they did not have dissent during the public forum as well as having support of their recommendations by the Washington County Police. He suggested that Birchwood ask that Washington County spend time monthly in Birchwood to help with speed reduction.
- g. Councilmember Weier asked about which roads would change to 25 mph, and Mr. Malles explained that this would affect 9 roads in Birchwood.

- h. Administrator Kellen mentioned that there are 2 additional emails that were received. The council received copies of them, and they will be included with the public record in the meeting minutes.
- i. Mayor Ford opened the public forum.
- j. **Bryan McGinnis, 194 Wildwood**, said that they live near where the crosswalk is being proposed and they are in support of it and he recommends a warning sign before the crosswalk so that people are prepared. He is also in support of the 20-mph speed limit and the stop sign at Grotto. He said he is on the lake links committee, and they have also discussed the solar speed signs, and he thinks they would be good for safety. He expressed concerns with ATVs and golf carts being used in the parks and trails, as well as concerns with children on electric scooters.
- k. **Barton Winter, 1 Five Oaks Lane**, said that he is not in favor of the 20 mph for thoroughfares. He said there has been a calming of traffic since he moved there, with the addition of new stop signs. He expressed concerns about the potholes. He said for the stop sign at 368 Wildwood, above the hockey rink, there is already a stop sign the other way. He expressed concerns with the lack of brush being removed from around stop signs. He said there are other areas that should have a stop sign.

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

- l. Cora Hankins said that at the previous meeting it was requested that she provide copies of other cited policies. She said she followed what Mahtomedi did and she would like for staff to add this to the rules for the 20 mph speed limit. Mayor Ford asked that she read it and councilmember Hankins said that he would prefer that it be included in a packet so it can be reviewed by council before the vote. Mayor Ford suggested that the vote be held off until next meeting when the document can be added to the packet for council and public review. Mayor Ford said that Mn statute requires that we have regulations regarding traffic before we change speed limits. Mrs. Hankins asked that staff tailor the document to Birchwood to which administrator Kellen requested it be sent electronically.
- m. The council decided to table to decisions about the proposal until the next meeting.

C. Lift Station Update (1:34:22)

- a. Engineer Marcus Johnson said that the plans and specs need to be submitted to the MPCA for notification purposes. He said next week the EPA will be sent the final plans and specs. He said the approval should come in October and then bids will be done over the next month and then in the December meeting the bids would be decided upon. In October the plans and specs will be approved and approved for going out for bids.
- b. Councilmember Hankins asked that Administrator Kellen send out an eblast to the community with a timeline, when we expect construction. Mayor Ford said that she would work with administrator Kellen on an eblast. Engineer Johnson said he would get exact dates for that update.
- c. Engineer Johnson said that once they turn in the plans and specs next week to the EPA, it will take about a week for them to review them. He said that he believes the bids need to be posted for 5 weeks, they will be reviewed in the December meeting. He said that as of now there will not be any additional engineering expense for the design portion.

D. Second Reading of Ordinance 2024-08-01, Variance Application Criteria (1:40:37)

- a. Councilmember Hankins said that this ordinance makes a number of revisions, clarifications, and expansions to the existing ordinance to try to make the variance application requirements easier to understand.
- b. Mayor Ford Opened the public hearing.

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

- c. Planner Wickstrom said that he has not had a lot of involvement in these revisions but gave an example of a case where the application criteria can cause a lot of expense for the applicant to which Councilmember Hankins said that a review of the idea in a preapplication meeting with the planning commission prior to beginning the project could be a good solution for this.
- d. Councilmember Weier said that she thinks it is good to have a list or variance application criteria.
- e. Councilmember Hankins said that he is looking at revising the Variance Application.

- f. Mayor Ford Opened the public hearing.

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

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to pass Ordinance 2024-08-01. All in favor. Motion carried.

E. 2025 Final Budget Discussion and Approval – (1:57:37)

- a. Mayor Ford asked Engineer Johnson whether he thinks that enough has been allocated for street repairs in 2025. The council discussed item T on page 163 of the agenda packet, regarding how much money to allocate to road repairs. Engineer Johnson recommended adding a line item for water main break road damage repair to which councilmember Hankins responded that this is paid through the water fund. The council discussed if the additional \$17,000 that was allocated to roads, in addition to street repair and potholes is enough. They also noted that the overall budget number that is landed on at the meeting cannot be increased.
- b. Councilmember Hankins asked Treasurer Marsh Olson how many months in reserves should be held and she said 18 months is typical and that we are currently at the amount needed for reserves.
- c. Councilmember Hankins asked about the intertransfer of funds to the Capital Improvement Fund of \$30,000 on page 161 of the agenda packet. He said that this is what used to be used for the roads but now they are being budgeted separately. Councilmember Foster said he thought removing this is a good recommendation and both councilmember Hankins and Foster said that they were certain that this transfer was used to support road work so it can be removed since roads are now being budgeted separately. Treasurer Marsha Olson recommended that the internal transfer be reduced to \$30,000 (transfer amount) less the amount of the additional amount that was added for the roads, \$17,386, would be about \$12,614. She said this would bring it to a 7.78% increase. The council decided to change the "Internal Transfers – Capital Improvement Fund" under "Other Financing Uses: Transfer to Enterprise Funds" to \$12,614.
- d. Councilmember Weier discussed her concerns about the price of fire and police.

On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve the 2025 preliminary budget at \$618,134 with "Internal Transfers – Capital Improvement Fund" under "Other Financing Uses: Transfer to Enterprise Funds" changed from \$30,000 to \$12,614. All in favor. Motion carried.

F. Second Reading Ordinance 2024-08-02, Animal Fencing (2:17:34).

- a. Mayor Ford explained that she and Ryan worked on this ordinance having to do with deer fencing.
- b. Councilmember Hankins said that he added "For this Section" to 623.020, Definitions, as a change from last time, based on councilmember McCarthy's feedback.
- c. Mayor Ford Opened the public hearing.

On a motion made by Councilmember Foster, 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 Weier, it was resolved to approve ordinance 2024-08-02. All in favor. Motion carried.

G. Review and Discuss FOTH Revisions (2:18:58)

- a. Administrator Kellen explained that FOTH combined our section 401 and 402 into one solid waste and recycling ordinance. It is in draft form and there is still some editing needed. She asked if the council had feedback on the document.
- b. Councilmember Hankins said he liked the document, and it needs to be more tailored to Birchwood. He suggested that instead of going through it during the meeting he could give feedback offline.
- c. Councilmember Weier said yard waste and compost are separated out in the document but with their trash hauler it is one bin, so this needs to be edited.
- d. Administrator Kellen said she would send the document to the council for their edits.

H. Birchwood Reclassification (2:24:00)

- a. Mayor Ford said that the city was notified by our Metropolitan Council representative, Gail Cederberg, that Birchwood has been reclassified in their Regional Development Guide, Imagine 2050 for public comment. In that, Birchwood was proposed to be urban edge rather than suburban and the implication of that is that the minimum average

net density would increase from 5 units per acre to 14 units per acre. She said that Gail believes this was a mistake. She recommended rejecting this in the public comments.

- b. The council discussed options on how to provide objections.
- c. Attorney Kantrud recommended the city declare by resolution that the city is not that designation.

On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to object to the reclassification of Birchwood village from suburban to urban edge in the Draft 2050 Policy Land Use Plan from the Metropolitan Council, that we retain the suburban classification, and that we participate in the public comment period. All in favor. Motion carried.

I. Maintenance Help – Mark Foster – (2:27:33)

- a. Councilmember Foster expressed concerns with the amount of maintenance help we have in the city and said that he has heard from folks that city maintenance is not where it should be. He said the pathways are a mess and the maintenance list is long.
- b. Administrator Kellen said that previously there was a lengthy timeframe for turn around on the maintenance issues but she has seen an improvement in the last month since maintenance man Ron has started assisting.
- c. Councilmember Weier said that many tasks require 2 people.

J. Administrator Updates– (2:32:42)

- a. EAB Grant Update – Administrator Kellen said that the money has been received from this grant and it is now closed out.
- b. Tree Inspection Update – Administrator Kellen said that she is working through the data, meeting with the inspector. She asked for a representative from the council to help advise on this, to which Mayor Ford agreed.
- c. Tech Conversion Update –
 - 1. Administrator Kellen said that she needed to get internet and that it can be obtained through Century Link, but SCCTV money cannot be used so an ACH will need to be set up. She said that resolution 2024-40 approves the ACH for the payment.
 - 2. Administrator Kellen said one line of Microsoft team Phones has been purchased and she asked about how the line would be ported to which Councilmember Hankins said that she should get 2 new lines, and the old phone number would be assigned

to one of the lines, and then that phone number rings both lines but the second line also has its own phone number. He said that we need to get a letter of authorization from metro INET, and he offered to be copied on that email, and he said it could also be configured with the Microsoft team's people.

3. Councilmember Hankins asked if our systems are connected to Metro INET to which administrator Kellen said that Techie Dudes said that the next steps to migrating away from Metro INET are adding internet and phone.

On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to approve Resolution 2024-40, Authorizing an EFT to Century Link for internet services. Motion carried.

7. MEETING CLOSE (2:40:20)

On a motion duly made by Mayor Ford, 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 9:20 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

10-8-24
Date



City Administrator Becky Kellen

10-8-24
Date

Fw: Birchwood Village Deer Hunt: Opposed

Ryan Hankins <Ryan.Hankins@cityofbirchwood.com>

Wed 9/11/2024 11:21 AM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

From: Steve Schad <seschad@gmail.com>

Sent: Friday, September 6, 2024 6:01 PM

To: Margaret Ford <Margaret.Ford@cityofbirchwood.com>; Mark Foster <mark.foster@cityofbirchwood.com>; Justin McCarthy

<justin.mccarthy@cityofbirchwood.com>; Ryan Hankins <Ryan.Hankins@cityofbirchwood.com>; Kathy Weier <Kathy.Weier@cityofbirchwood.com>

Subject: Birchwood Village Deer Hunt: Opposed

Dear Mayor and Council Members,

I am writing in opposition to the deer hunt being planned for our community this fall. I have opposed the hunt from the very beginning on the grounds that it is the wrong solution to an unquantifiable problem with no evidence from any actual successful use cases that this effort will result in a reduction in the number of deer in our community. Therefore, I respectfully request that the council refrain from voting to suspend the restriction to allow hunting within the city limits and to refrain from voting to approve any dates for conducting the hunt, now or in the future. I am opposed to these actions based on the following rationale. I'll start from the beginning.

- 1. What is the problem to be solved?** My understanding is that people are frustrated by damage to garden plants. Some have suggested there is a traffic safety concern. A council member serving at the beginning of the current culling contract stated she felt threatened by one deer she encountered while walking. The logic employed by the council at the time the contract was signed was that deer overpopulation was the root cause of the problem of vegetation damage, vehicle safety, and some vague, perceived threat to pedestrians.
- 2. What is the significance of this problem from a public policy standpoint?** Many people in town have communicated frustration about damage to their vegetation, including in a public forum several years back. Neither the extent nor the monetary cost of this damage has been quantified, so no ROI can be determined. To my knowledge, there has been no evidence that there has been vehicle damage due to collisions involving deer. If one drives the posted speed limit of 25 mph and employs standard safe driving practices, the likelihood of a collision with a deer is almost zero. Similarly, aside from the one council member who was frightened by a deer, there is no evidence that any individual has been physically harmed by a deer encounter.
- 3. How was deer overpopulation identified as the root cause of the problem?** Citizen reporting or anecdotal evidence. Residents state the deer population is "larger than it has been in the past". In particular, complaints about observed damage to garden plantings have been discussed, and it is stated that the damage has increased and anecdotally ascribed to "overpopulation". This has not been scientifically studied. DNR representatives stated the population has increased in the general area based on random counts, but they could not state definitively that the population in Birchwood is larger than in the past because their methodology does not support such precise calculations. So, in short, the logic goes: "We see lots of deer and my plants are getting damaged."

4. **How was culling identified as a solution?** Residents, including council members, were encouraged by the DNR to consider killing deer to control overpopulation. The logic goes: we have too many deer, therefore we should kill deer to reduce herd size.
5. **How big is the population of deer we need to address?** We don't know. Home ranges for deer are thought to be from 269 to 559 acres, a little less than a square mile ([https://www.northamericanwhitetail.com/editorial/everything-need-know-whitetail-home-ranges/262555?fbclid=IwY2xjawFIZ7FleHRuA2FibQlXMAABHfm4TaiDSKPdYZm8nfPYOyF3ZLBEgg2EBPRkWuBvwHwZ99jAb3NqklcRA_aem_zVphKjXsyZt6An86rw61xg#:~:text=Defining%20Home%20Range&text=Home%20ranges%20of%20whitetail%20bucks,square%20mile%20\(640%20acres\)\)](https://www.northamericanwhitetail.com/editorial/everything-need-know-whitetail-home-ranges/262555?fbclid=IwY2xjawFIZ7FleHRuA2FibQlXMAABHfm4TaiDSKPdYZm8nfPYOyF3ZLBEgg2EBPRkWuBvwHwZ99jAb3NqklcRA_aem_zVphKjXsyZt6An86rw61xg#:~:text=Defining%20Home%20Range&text=Home%20ranges%20of%20whitetail%20bucks,square%20mile%20(640%20acres)))). During rut (the mating season), that area increases to up to 853 acres, roughly 1 1/3 square miles ([https://www.esf.edu/aec/adks/mammals/wtd.php?fbclid=IwY2xjawFIZ9ZleHRuA2FibQlXMAABHfm4LchP79NyUIRQKWbiWhXgBGU32paWVG1js3BKH5PLKKNc1vI_uVi6Q_aem_aAlcYUd7rGBrvT1gjAfevA#:~:text=The%20average%20size%20of%20the,range%20in%20the%20breeding%20season\).](https://www.esf.edu/aec/adks/mammals/wtd.php?fbclid=IwY2xjawFIZ9ZleHRuA2FibQlXMAABHfm4LchP79NyUIRQKWbiWhXgBGU32paWVG1js3BKH5PLKKNc1vI_uVi6Q_aem_aAlcYUd7rGBrvT1gjAfevA#:~:text=The%20average%20size%20of%20the,range%20in%20the%20breeding%20season).) However, this is the not the limit of their mobility. They can "disperse" as much as 100 miles in areas with low forest coverage because it provides thermal cover, escape shelter and food resources ([https://www.deeranddeerhunting.com/content/articles/deer-news/time-to-roam-what-to-know-about-whitetail-buck-dispersal?fbclid=IwY2xjawFIZ_JleHRuA2FibQlXMAABHfm4TaiDSKPdYZm8nfPYOyF3ZLBEgg2EBPRkWuBvwHwZ99jAb3NqklcRA_aem_zVphKjXsyZt6An86rw61xg#:~:text=non%20migratory%20bucks,-Average%20dispersal%20distances%20ranged%20from%201.9%20miles%20to%2023.6%20miles,distance%20C%20sometimes%20exceeding%20100%20miles\).](https://www.deeranddeerhunting.com/content/articles/deer-news/time-to-roam-what-to-know-about-whitetail-buck-dispersal?fbclid=IwY2xjawFIZ_JleHRuA2FibQlXMAABHfm4TaiDSKPdYZm8nfPYOyF3ZLBEgg2EBPRkWuBvwHwZ99jAb3NqklcRA_aem_zVphKjXsyZt6An86rw61xg#:~:text=non%20migratory%20bucks,-Average%20dispersal%20distances%20ranged%20from%201.9%20miles%20to%2023.6%20miles,distance%20C%20sometimes%20exceeding%20100%20miles).) So, because deer roam in search of food, safety, and procreation, to understand which deer are entering the city limits of Birchwood, you need to draw a circle with a radius of 100+ miles from the center of Birchwood Village to understand which deer might come into the city limits. That is an area of 31,714.785 square miles.
6. **Will killing deer in Birchwood reduce the number of deer in Birchwood?** As already pointed out, with a deer population that can range over an area of up to 31,714.785 square miles, killing the deer we see browsing in our backyard will not eliminate the problem. If, by chance, neighboring deer within that area of 31,714.785 square miles do not migrate into our town, the "rebound effect" will take hold. The abundance of food resulting from reduced competition will result in compensatory reproduction through an increase in births of multiples (this site is admittedly biased, but has links to multiple original source academic and hunting industry articles: [https://www.deerfriendly.com/deer-population-control/Effect-of-Hunting-on-Deer-Reproduction?fbclid=IwY2xjawFiaAtleHRuA2FibQlXMAABHVMVn8f9DTxJdN_HKLE9kGvXwMzYQV2t13xJuY5qGQsqwiwv4G_f7ETug_aem_I0TO1WDKlg7lh6WPqg2VHg\).](https://www.deerfriendly.com/deer-population-control/Effect-of-Hunting-on-Deer-Reproduction?fbclid=IwY2xjawFiaAtleHRuA2FibQlXMAABHVMVn8f9DTxJdN_HKLE9kGvXwMzYQV2t13xJuY5qGQsqwiwv4G_f7ETug_aem_I0TO1WDKlg7lh6WPqg2VHg).) The rate of twinning is 2.5 times greater in hunted herds vs. nonhunted herds (https://www.jstor.org/stable/3801380?seq=1&fbclid=IwY2xjawFiaI9leHRuA2FibQlXMAABHWb9AJYcQUblqbjynDCFH2DYf_yxgL4qu11eGllH8tiSoZUjub7jOe_qA_aem_iYQUeBwG_YQmH3b9kf8ah1Q#page_scan_tab_contents). Further, the survival rate of fawns born in these area increase and sexual maturity onset occurs at earlier ages. There is NOT ONE case of a municipality successfully killing its way out of a deer overpopulations problem. In fact, those that try it realize they are doing more harm than good ([https://www.kvrr.com/2021/06/22/ordinance-could-repeal-fargos-wildlife-management-program/?fbclid=IwY2xjawFiaK1leHRuA2FibQlXMAABHQMwMmZJtLJAys3ysy6qknCarllw1L_u2B9fF-JUHLowAX_5Fop61qIX5g_aem_5043wioUN9XKdxDMJV6s2A\).](https://www.kvrr.com/2021/06/22/ordinance-could-repeal-fargos-wildlife-management-program/?fbclid=IwY2xjawFiaK1leHRuA2FibQlXMAABHQMwMmZJtLJAys3ysy6qknCarllw1L_u2B9fF-JUHLowAX_5Fop61qIX5g_aem_5043wioUN9XKdxDMJV6s2A).) Anecdotal (because that seems to have counted when it comes to Birchwood public policy), I've had two twin births on my property each of the past three years. One would argue that hunting at scale could have a noticeable impact on deer herd size – this seems to be the rationale for Birchwood soliciting Mahtomedi and White Bear Township to partner on killing at a larger scale, which is ridiculous when you consider the possible herd range described above relative

the area covered by these small suburban communities. This argument can no longer be made since these neighboring communities no longer participate. Birchwood alone is going to solve the deer "crisis" by killing 5-10 deer each year.

7. Why is Birchwood so committed to killing deer? Because people are frustrated and because the DNR told a large group of these upset neighbors that hunting is the best way out of the problem. Our city officials succumbed to emotion and community pressure rather than leading with facts and science. The DNR, as good as it is, is a hammer looking for nails to pound. The entire history of their big game management program has been to use killing to manage the state's herd. At the scale of statewide or regional wildlife management, there is no other alternative. Complaints came in, the city asks the experts, the experts speak, the city takes action. Deference to experts in a big instance of confirmation bias. One notable official, now retired from the city council, continues to assert that the city has an obligation to continue the hunt because that's what an "overwhelming" majority of the community wants. I would argue that what the majority wants is for deer to stop eating their ornamental plants.

8. Is the deer hunt making a difference? We have no way of knowing. There was no scientific study to determine the nature and scope of the problem and no data generated to determine whether the population was reduced and no quantitative analysis to determine whether property (plants) damage was reduced. We are at least four years into the hunt, and there is no objective benchmark to say whether we have achieved the goal or not. Because there is no objective goal. And because there are no benchmarks or data, there will be no way of knowing whether we should stop. So it will keep going.

We are here because a vocal group of upset people found leaders on the council who had a solution looking for a problem. They organized a meeting in which they received support and reinforcement from an agency that is in the business of managing a statewide deer herd through annual hunts. They told a receptive audience what they wanted to hear – confidence in a solution. And, our city officials have not wanted to lead by applying logic, facts, and science to challenge outdated, uninformed "common sense".

It's the job of elected officials to first question the nature, scope and severity of the problem we wish to solve. Assuming the problem is worthy of public expenditure of time, energy and money to solve it, then we review and analyze the various approaches to solving it, including facing the hard truth about the viability of those solutions by fully understanding them. Without asking any questions or conducting any research into the efficacy of the plan put forward by the DNR to cheers from local gardeners, the city chose to commit, year after year, to silently killing our wildlife within feet of our playing children.

It's time to put an end to the failed experiment. I look forward to and appreciate your support.

Respectfully,

Steve Schad
130 Cedar Street
651-587-0588

Bloomquist park tennis courts and road safety

MARY CAHILL <mmnj@comcast.net>

Sun 9/8/2024 1:08 PM

To: City of Birchwood Village <info@cityofbirchwood.com>

 1 attachments (5 MB)
20240903_175944.jpg;

I wanted to bring to your attention that the nets and concrete holding the net for one of the courts has broken. The nets have holes in numerous areas and now the broken concrete is dangerous for players near the net. Perhaps some of the funds for the parks could be used for the repairs. A few of us have been trying to help maintain the courts by trimming vegetation along the fence and picking up trash others have left behind. It appears that maintenance for the courts has been ignored.

I appreciate the road committees effort to make recommendations for improvements. The council must keep in mind the actual cost the improvements will be and if it can fit in the budget. Some of the suggestions were similar to what the Lake Links committee is going to propose and potentially grant money could be applied towards the speed monitoring equipment. Portable would be helpful so if can be moved to where it is considered the most problematic. Right now, our city's crosswalks are in need of paint. If we add more we should ensure they are being maintained. In addition, the vegetation near all the stop signs should be trimmed as it is dangerous for cars and pedestrians. You need to get almost into the intersection before you can see cross traffic. (Birchwood Ave to East County Line is a good example).

Mary Cahill
165 Birchwood Ave

Suggestions for Road Safety meeting Sept 10th

Mary Hapka <hapkam@gmail.com>

Sun 9/8/2024 12:13 PM

To: City of Birchwood Village <info@cityofbirchwood.com>

Road Safety Committee,

Suggestion There have been several accidents at the corner of E County Line rd & county rd f, Wildwood Ave. I think the problem is that it is a 3 way instead of our 4 way stop. There should be a stop sign or at a minimum "slow Blind intersection" for all traffic entering this intersection. There should be a stop sign for traffic coming up from South Shore Blvd coming through intersection to E County Line Road. The traffic coming from Wildwood Ave at this intersection is not able to see traffic coming from South Shore Blvd because the stop sign is set back so far, same goes for traffic on Cty Rd F, bushes, tree growth and the angle of the intersection create blind approaches and thus lead to many accidents.

Suggestion - add bike/path safety reflective posts placed in the middle of path at top of path intersection E county Line Road and corner of Wildwood Ave. Myself and another neighbor witnessed a vehicle driving N on E Cty Line road not realizing South shore Blvd as a one way and drove down the bike path knocking the gray post over at the top of bike/walk path (which still has not been repaired). Luckily no one was walking or they would have been seriously injured or killed. I noticed another incident of this happening at intersection of McKnight and S Shore Blvd someone took left on S Shore and instead of turning onto road thought the bike/walk path was lane for driving and I had to flag them down to correct them back onto road. I think neon/visible post positioned in the middle of bike/walk paths in both of these intersections would be a much needed safety measure.

Thank you for considering these safety measures for Birchwood Village.

Mary Hapka

135 Wildwood Road

651-270-7606

Sent from my iPhone

MEMORANDUM

DATE: 9/6/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Tech Conversion Update



Birchwood Village

Internet

Staff spoke with Cindy Arko at SCCTV and she said that it is not possible to set up billing for our internet service through SCCTV. SCCTV voted last November to end the Municipal Equipment Fund Grant, which was originally suppose to expire in 2019 but had been extended, and the final funds distributed. We will receive an annual check for an undetermined amount depending on the results of their annual audit. However, there is no way to set up billing directly to SCCTV for internet.

Century Link, [Title \(getquantumfiber.com\)](http://getquantumfiber.com), provides 500 megabit internet services with no installation fees and no contract required for \$50/month. According to the representative this can be set up via ACH. **Staff asks for approval to purchase and set up a monthly ACH to Century Link for internet services. See Resolution 2024-40, attached.**

Phone Service

So far, one line of Microsoft Teams Phone with Calling Plan has been purchased. Staff has questions about porting one phone number to 2 line to ask council.

Regards,
Rebecca Kellen
City Clerk
City of Birchwood Village, MN
office: (651) 426-3403
email: rebecca.kellen@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>

RESOLUTION 2024-40

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

A RESOLUTION AUTHORIZING EFT TO “CENTURY LINK”

WHEREAS, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, Century Link is an internet service provider, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City has a relationship with Century Link which is paid through the use of Electronic Funds Transfer (EFT) technology; and

WHEREAS, the City has a Treasurer who actively authorizes these transactions; and

WHEREAS, Minnesota Statute § 471.38 Subdivision 3a authorizes the payment of certain claims through the use of EFT and ACH debits from government accounts provided the City authorizes such activity annually.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. In compliance with State law, Minnesota Statute § 471.38 subdivision 3a, the City’s Treasurer is hereby authorized to approve EFT payments to Century Link that are paid in that manner provided the following policy controls are employed:
 - a). the disbursing bank shall keep on file a certified copy of the delegation of authority;
 - b). the initiator of the electronic transfer shall be identified;
 - c). the initiator shall document the request and obtain an approval from the designated business administrator, or chief financial officer or the officer's designee, before initiating the transfer;
 - d). a written confirmation of the transaction shall be made no later than one business day after the transaction and shall be used in lieu of a check, order check or warrant required to support the transaction;
 - e). a list of all transactions made by electronic funds transfer shall be submitted to the governing body at its next regular meeting after the transaction.
2. This authorization shall be for CY 2024 and shall be renewed by the City at its annual delegation of authority meeting.

Resolution duly seconded and passed this 10th day of September, 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator