

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

**MINUTES OF THE CITY COUNCIL MEETING
JANUARY 14, 2025, 6:45 P.M.**

MEMBERS:

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

STAFF:

Rebecca Kellen	City Administrator
Alan Kantrud	City Attorney

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. SWEARING IN

Jennifer Arsenault was sworn in as Mayor of the City of Birchwood Village.

Bridget Sperl was sworn in as Councilmember of the City of Birchwood Village.

4. LEGISLATIVE UPDATE FROM MINNESOTA HOUSE REP. BRION CURRAN

This item was not included in the video recording.

5. APPROVAL OF AGENDA

The following items were added to the Administrator's Update:

- Tree Update
- Recycling Update

6. OPEN PUBLIC FORUM (0:00:00)

Mayor Arsenault opened the public forum.

Cable Commission Representatives reported on their efforts to liaise between the City's residents and Comcast.

Mayor Arsenault closed the public forum.

7. ANNOUNCEMENTS (0:02:32)

7.1 City Council Workshop

The next workshop is scheduled for January 27, 2025, at 7:00 p.m.

7.2 2025 City Council Meeting Schedule

The schedule is available on the City's website and notice boards.

8. CONSENT AGENDA (0:03:00)

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve consent agenda items B to G, as presented. All in favor. Motion carried.

8.1 Treasurer's Report (0:03:50)

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve the Treasurer's Report for the period ending December 31, 2024. All in favor. Motion carried.

ACTION – The City Administrator will confirm the labor cost for the Ash Path fencing and whether it can be included in the Special Revenue Fund.

ACTION – The City Administrator will confirm the authorization for check No. 33240.

ACTION – The City Administrator will confirm the details of check No. 33251.

Councilmember Hankins suggested charging the supplies for the Ash Path fencing to the Special Revenue Fund and proposed passing a resolution at the next Council meeting to transfer the associated expenses from the General Fund to the Special Revenue Fund.

Councilmember Hankins also inquired about the authorization for check No. 33240 in the amount of \$4,028.66, payable to White Bear Township.

Councilmember Weier asked why check No. 33251, in the amount of \$3,354 for the Lift Station Lift Reconstruction, payable to Bolton & Menk, was included in the Treasurer's Report if the expense dated back to September, 2023.

8.2 City Planner Contract (0:21:30)

On a motion made by Councilmember Hankins, seconded by Councilmember Sperl, it was resolved to defer action on the city planner contract to the next Council meeting. All in favor. Motion carried.

ACTION – Councilmember Hankins will review the city planner contract and confirm billable hours with City Planner Ben Wickstrom before the next Council meeting.

Councilmember Hankins clarified that the City Planner was seeking fee adjustments in the contract, particularly a salary increase. However, the modified city planner contract included in the agenda was not the version originally approved by the Council. The correct contract was only provided to Council a few hours before the meeting.

Councilmember Hankins noted the City Planner initially requested \$2,000 per month, which was negotiated down to \$1,600 per month, totaling an annual salary of \$19,200. Council had budgeted \$5,000 for the City Planner's services, anticipating that some of those expenses would be recouped through billable hours to residents. However, the City Planner now wanted the billable hour funds to go directly to him in addition to the \$19,200 salary, which would be significantly impact the City's budget. Councilmember Hankins requested an analysis of the City Planner's billable hours over the past six months before moving forward with the contract.

9. CITY BUSINESS (10:13)

9.1 Tighe-Schmitz Park Field Rental Agreement for Soccer (0:11:30)

ACTION – The City Administrator will follow up with the Mahtomedi Soccer Association regarding the City's preferred method of payment for the Tighe-Schmitz Park Field Rental Agreement for soccer.

ACTION – The City Administrator will confirm with Top Green whether \$2,000 is sufficient to cover the City's mowing costs.

Dustin Crescent, Mahtomedi Soccer Association (MSA) Board member, introduced himself.

Councilmember Weier clarified that the \$2,000 rental fee for the Tighe-Schmitz Park field was proposed to cover the City's mowing costs. He requested confirmation from the City's landscaper that the \$2,000 would be enough to cover the cost of mowing its parks. Councilmember Weier also reported that the Parks Committee plans to address some water issues at Tighe-Schmitz Park, which should not interfere with the proposed use of the field. Additionally, Councilmember Weier recommended a correction to the rental agreement, proposing that the payment receipt date be set to be April 1, 2025, one month prior to the start of the field's use. This would ensure mowing costs are covered beforehand and give the Mahtomedi Soccer Association time to stripe the field.

Councilmember Sperl asked whether a schedule would be posted to inform residents of the field's designated use. Dustin Crescent also noted that a spring schedule will be established after final registration is confirmed. An MSA Board meeting is scheduled for January 16, 2025, at which time historical data on field usage will be available.

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

Councilmember Eisele asked for clarification on the \$2,000 rental fee, noting that the large space had been unused for some time. Councilmember Eisele expressed a preference for seeing the space used at a minimal cost to the MSA.

Dustin Crescent explained that the MSA currently has a rental agreement for a field in Hugo, which presents a challenging commute for some families. Therefore, the MSA is looking for a closer field. Dustin Crescent confirmed that, for the age group, parents typically drop off and pick up their children from the field. Dustin Crescent also requested confirmation on the City's preferred method of payment.

Further discussion was deferred to the next Council meeting, pending confirmation of the City's mowing costs and the proposed field usage schedule.

9.2 Second Reading Ordinance 2024-12-01, Fee Schedule Changes for Sewer and Utility Fee Changes (0:28:45)

9.2.1 Public Hearing

Mayor Arsenault opened the public hearing. There were no comments from the public, and the hearing was then closed.

9.2.2 Council Deliberation and Approval

On a motion made by Councilmember Weier, seconded by Councilmember Sperl, it was resolved to approve Ordinance 2024-12-01, Fee Schedule Changes for Sewer and Utility Fee Changes subject to amending the lift station replacement fee to \$20 per quarter for three quarters, no retroactive billing to residents, and amending Section 2 to state, "This ordinance becomes effective on March 1, 2025." All in favor. Motion carried.

ACTION – Councilmember Weier will include a notice in the next newsletter stating that the \$20 per quarter lift station replacement fee applies only for the next three quarters in 2025 and is not an ongoing fee.

Councilmember Sperl noted a 12% increase and inquired about the reason for such a large increase.

Mayor Arsenault noted Shelly Rueckert, St. Anthony's Village Finance Director, had mentioned at the previous Council meeting that White Bear Lake had raised their rates, and the fee increase was a cost pass-through to the City. Administrator Kellen clarified that Shelly Rueckert had provided additional information in a packet circulated during the first reading of Ordinance 2024-12-01.

Councilmember Weier recommended that Councilmember Sperl review the recording of the previous Council meeting for additional insight on the fee changes.

Councilmember Hankins requested that Section 2 state, "This ordinance becomes effective on March 1, 2025," to avoid retroactive charges for residents. Additionally, Councilmember Hankins proposed changing the lift station replacement fee from \$14.50 over four quarters to \$20 per quarter over three quarters. Council agreed and noted that residents need to be notified of the fee changes.

9.2.3 Authorization of Summary Publication by Resolution 2025-06 (1:51:55)

On a motion made by Councilmember Hankins, seconded by Councilmember Eisele, it was resolved to approve the addition of Resolution 2025-06 and the corresponding Summary Publication to the agenda under Item 9.2.3. All in favor. Motion carried.

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve Resolution 2025-06, Approving the Summary Publication of Ordinance for Publication. All in favor. Motion carried.

9.3 Administrative Appeals (0:53:55)

9.3.1 Discuss Administrative Appeal Fee

Council discussed whether to distinguish between appeals made for one's own property versus appeals related to complaints about another person's property. Councilmember

Hankins noted that state statute defines separate processes for complaints and appeals. Attorney Kantrud suggested limiting the appeal process to complaints involving other people's property.

Councilmember Sperl supported the appeal fee and requested that the process be simplified for residents. Councilmember Eisele also expressed support but recommended a lower fee for appeals involving one's own property to ease the burden on residents appealing permit denials. Council noted that appeals, whether based on permit denials or complaints, require the same amount of administrative time from City staff. Mayor Arsenault supported the fee, highlighting the administrative burden associated with the appeal process.

Attorney Kantrud emphasized the importance of the appeal process in maintaining a record of Council decisions in the event of litigation.

9.3.2 First Reading of Ordinance 2025-01-01, An Ordinance Amending Ordinance No. 310 and Titled "Administrative Appeals"

i) First Reading and Council Deliberation

On a motion made by Councilmember Weier, seconded by Councilmember Eisele, it was resolved to approve the first reading of Ordinance 2025-01-01, An Ordinance Amending Ordinance No. 310 and Titled "Administrative Appeals" and to order a second reading and public hearing. All in favor. Motion carried.

Further discussion was deferred to the Council workshop.

ii) Order Second Reading and Public Hearing

9.3.3 First Reading of Ordinance 2025-01-02, An Ordinance Amending the City Fee Schedule

i) First Reading and Council Deliberation

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve the first reading of Ordinance 2025-01-02, An Ordinance Amending the City Fee Schedule and to order a second reading and public hearing. All in favor. Motion carried.

ii) Order Second Reading and Public Hearing

9.4 Discuss and Approve Appeal of Administrative Decision Form (1:36:00)

Councilmember Hankins suggested removing this item, as he did not believe forms should be approved by Council. There were no objections from Council.

9.5 Council Liaison Designations (1:36:15)

Mayor Arsenault noted Council also discussed appointing a Deputy Mayor and designating a liaison to the Dock Association.

9.5.1 Planning Commission

Council agreed to designate Councilmember Hankins to the Planning Commission.

9.5.2 Parks and Natural Resources Committee

Council agreed to designate Councilmembers Sperl and Weier to the Parks and Natural Resources Committee.

9.5.3 Personnel Committee

Council agreed to designate Mayor Arsenault and Councilmember Eisele to the Personnel Committee.

9.5.4 Lake Links Task Force

Council agreed to designate Councilmember Sperl to the Lake Links Task Force.

9.5.5 Deputy Mayor

Council agreed to designate Councilmember Weier as Deputy Mayor.

9.5.6 Dock Association

Council agreed to designate Mayor Arsenault to the Dock Association.

9.6 Parks Committee Term Renewals (1:40:50)

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve the reappointment of Zack and Amy to the Parks Committee for a two-year term and to request applicants to fill the vacancy on the Parks Committee. All in favor. Motion carried.

It was noted that Zach and Amy's terms will expire in February, 2025, and Councilmember Weier requested that Council move forward with their re-appointment to the Parks Committee for a two-year term each. It was also noted that there is a vacancy on the Parks Committee that was previously held by Mayor Arsenault.

9.7 Hockey Rink Board Replacement (0:41:50)

On a motion made by Councilmember Sperl, seconded by Councilmember Weier, it was resolved to approve Resolution 2025-04, Approving Acceptance of Gift. All in favor. Motion carried.

On a motion made by Councilmember Eisele, seconded by Councilmember Weier, it was resolved to approve Resolution 2025-05, Approving Purchase of Replacement Boards for Ice Rink as amended. All in favor. Motion carried.

ACTION – Attorney Kantrud will draft a letter for the City Administrator to send to Barton Winters.

Councilmember Weier reported that boards were replaced at the ice rink in January, 2025, following approval at the Council meeting in January, 2024. However, receipts for the work were not submitted. Barton Winters replaced additional boards at the rink in November, 2024. The total cost for the board replacements in January, 2024, and November, 2024, was \$1,120.

The donation for the replacement boards was \$460, for a total of \$560, including a previously passed resolution to accept a \$100 donation. The resolution to approve the board purchase

was for \$400, as Council had previously approved a separate \$160 expenditure for replacement boards.

Barton Winters, 1 Five Oaks Lane, clarified that he replaced six boards in January, 2024, and 17 boards in November, 2024. He reported deteriorating bolts at the ice rink that should be addressed as a maintenance issue.

Mayor Arsenault thanked Barton Winters for his donation and noted that the Parks Committee will address the ice rink during the summer. Councilmember Weier clarified that the fence post for the net will be installed in the spring through the Parks Committee. Councilmember Weier also noted that the number of boards to be replaced in Resolution 2025-05 should be amended from five to 17.

Councilmember Hankins referred to an incident in the Sheriff's report in which Barton Winters called the Sheriff on City staff Jim Rydeen on December 25, 2024, due to concerns about the ice rink's condition. Councilmember Hankins advised that the City would be issuing a letter to Barton Winters regarding his conduct on that date.

Councilmember Hankins further recommended that all donations be formally accepted by the Council before installation at the ice rink. Councilmember Hankins thanked Barton Winters for the donation and for the resident's work, and emphasized the importance of residents maintaining a respectful environment for City staff.

9.8 Key Metrics (1:43:00)

Council reviewed a key metrics document provided by Councilmember Sperl. Further discussion was deferred to the Council workshop.

9.9 Administrator Updates (1:46:20)

9.9.1 Lift Station Update

Administrator Kellen reported that the lift station contract has been signed. City Engineer Marcus Johnson will attend the next Council meeting to discuss the costs that Bolten & Menk will charge the City for support with the lift station project. Administrator Kellen also advised that Bolten & Menk's assistance will be needed for the grant.

9.9.2 Tree Update

Administrator Kellen reported that the Washington Conservation District tree inspector has assessed the City's public spaces and identified 12 to 15 trees that are considered dangerous or hazardous if they were to fall. Administrator Kellen noted that Steve Deen has offered to assist but will need help identifying the trees. Mayor Arsenault suggested issuing a Request for Proposals for the required tree work, given the number of trees involved. Additionally, Mayor Arsenault suggested that the Council draft a tree plan during the upcoming Council workshop.

9.9.3 Recycling Grant Update

ACTION – Councilmembers will send any suggested recycling projects to the City Administrator.

Administrator Kellen reported that the recycling report was submitted on January 13, 2025. Four projects were completed for the recycling grant, as follows:

- Three bins were added to the parks with clearer stickers.
- Two ordinances were combined into one, and the waste recycling product ordinance was revised.
- Communication through newsletters and Facebook.
- A mattress recycling program, which will be offered again for 2025.

The grant application must be submitted by February 28, 2025. Administrator Kellen requested that Council provide any additional suggested projects to include in the application. If no further projects are suggested, Administrator Kellen will proceed with submitting the grant based on the base amount.

10. MEETING CLOSE (2:04:25)

On a motion made by Councilmember Hankins, 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 Becky Kellen

Date

Date